

# Canada Revenue Agency

## Status report on access requests in a deemed-refusal situation

### 1. BACKGROUND

Every department reviewed has been assessed against the following grading standard:

% of Deemed Refusals	Comment	Grade
0-5 percent	Ideal compliance	A
5-10 percent	Substantial compliance	B
10-15 percent	Borderline compliance	C
15-20 percent	Below standard compliance	D
More than 20 percent	Red alert	F

This report reviews the continued progress of Canada Revenue Agency (CRA) to attain ideal compliance with the time requirements of the *Access to Information Act*, since the previous report. In addition, this report contains information on the status of the recommendations made in the Status Report of January 2004.

### 2. COMPLIANCE HISTORY

In the 1999 Report Card issued by the Office of the Information Commissioner, CRA's (formerly Canada Customs and Revenue Agency) compliance with the statutory time requirements of the *Access to Information Act* was rated as a red alert grade of "F", with an 85.6 % new request to deemed-refusal ratio.

In January 2000, the statistics showed that from April 1 to November 30, 1999, the deemed refusal ratio for access requests improved to 51.5 %, although still a grade of "F".

In January 2001, for the period of April 1 to November 30, 2000, CRA was reported as having attained a borderline compliance with the Act, for a grade of "C" with a 14.9% ratio.

The January 2002 report saw CRA continuing to make impressive progress in reducing the deemed-refusal situation. For the period of April 1 to November 30, 2001, the Agency achieved a grade of "B" with a 6.8 % new request to deemed-refusal ratio.

For the 2002-2003 reporting period, CRA made further strides in improving its performance having attained a 3.5%, or a grade of "A" deemed-refusal ratio, with that performance slipping marginally to 5.2% for the full fiscal year, or a grade of "B".

In the 2004 Status Report, it was noted that CRA had attained a grade of "B" for the period April 1 to November 30, 2003, denoting substantial compliance in meeting the

time requirements of the *Access to Information Act*. The new request to deemed-refusal ratio for the period was 6.5%.

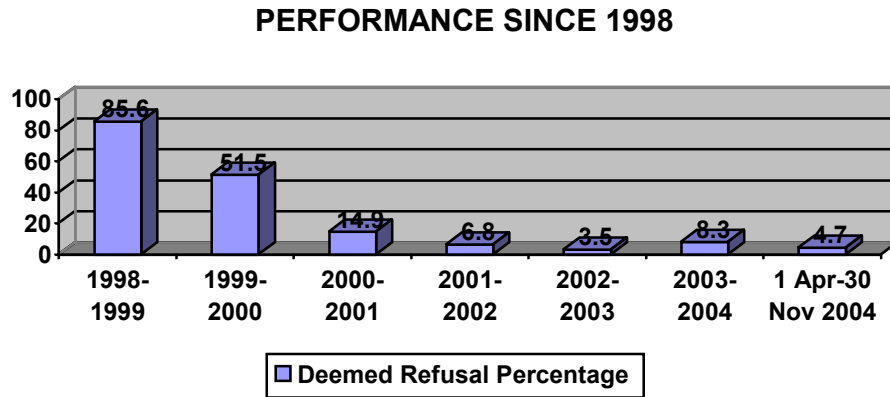
### 3. CURRENT STATUS

For the reporting period April 1 to November 30, 2004, those requests carried over from the previous year as well as the number of requests already in a deemed-refusal status on April 1, were taken into consideration. As a result, the department achieved a remarkable 4.7% deemed-refusal ratio, a grade of “A” and ideal compliance for the period April 1 to November 30, 2004. Since this is the first year that the figures were calculated differently, the following will show the compliance levels utilizing both the previous and current formulas for last year’s and this year’s status reports.

Previous Formula Apr 1 – Nov 30, 2003	Current Formula Apr 1 – Nov 30, 2003
6.5%	6.5%

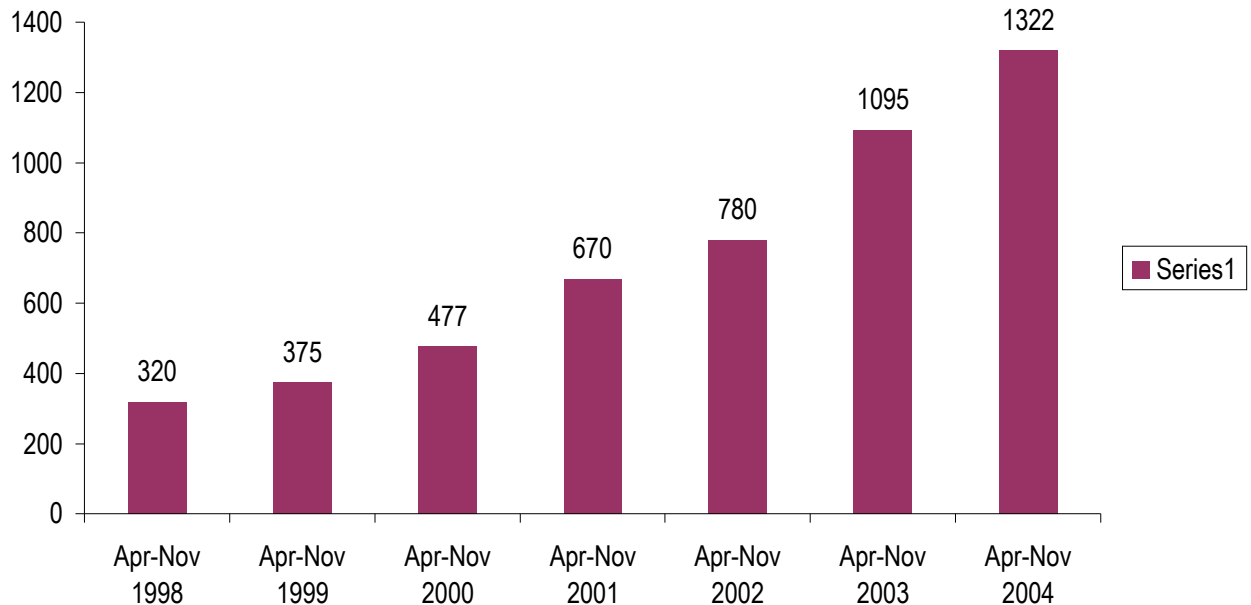
Previous Formula Apr 1 – Nov 30, 2004	Current Formula Apr 1 – Nov 30, 2004
5.9%	4.7%

The following graph shows the steady improvement experienced by CRA in its efforts to reach ideal compliance with the time requirements of the *Access to Information Act*.



CRA has experienced a steady increase in requests over the years. The more than 20% increase in new requests received this past year reflects this continued trend. This is reflected in the chart below.

## Requests received by reporting period



During the previous review, management of the ATIP Directorate attributed a number of initiatives that were put in place which were instrumental in maintaining substantial compliance:

- Weekly tracking of statistics to allow managers to stay on top of workload with monitoring at all levels of management. Indicative of the involvement of senior management, future performance evaluations for ATIP managers would include performance objectives relating to on-time response rates for ATIA requests.
- Processes related to the opening of new requests include a triage review. The purposes of this review was not only to identify and resolve administrative issues related to the receipt of new requests, but to identify whether the information asked for by the applicant under ATIA was available informally and more conveniently to him or her from Agency program offices.
- The establishment and staffing of an officer-level position to review requests to determine if they can be handled informally, as well as the continued identification of information disclosed through previous access requests, which could be responsive informally to requests.
- Agency-wide expanded awareness of roles and responsibilities was incorporated in the guidance manual, with further enhancements planned to include online reference.

In the past two years, there has been considerable restructuring within CRA with the departure of the former CCRA Customs Branch, now Canada Border Services Agency (CBSA). Although there was a loss of customs workload of ATI requests, there was still a 20.7% increase in requests in this reporting period. The ATIP Coordinator reported that the transfer of a number of FTEs to CBSA meant the loss of trained employees on tax

related files. Although this had some impact in the short-term, this was minimized following the effective training of employees to replace those that left to join CBSA. CRA's grade of "A" and ideal compliance for the period April 1 to November 30, 2004, would indicate a very successful transition.

CRA has made tremendous strides in improving its performance record since the initial report card. The ATIP Directorate continues to review its resources. Additional funds were provided to the ATIP Directorate in order for it to manage its workload for the fiscal year 2003-2004. There are approximately 60 FTEs currently working in ATIP along with two satellite offices: one in Montreal and one in Vancouver that now operate as permanent offices reporting to the ATIP Coordinator in Ottawa.

CRA has also looked at newer methods and technologies. New Canon copiers have been leased that have the capability of doing online severing. A tracking system is interfaced with the copiers and the whole system is operated internally with CRA information technology (IT) expertise.

#### **4. FURTHER RECOMMENDATIONS**

*Recommendation #1*

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**That CRA continue to maintain ideal compliance with the time requirements of the *Access to Information Act* for 2005-2006.**

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#### **5. STATUS OF 2004 RECOMMENDATIONS**

The following recommendations were made to support CRA's continuing efforts to process access requests within the time requirements of the *Access to Information Act*:

*Previous Recommendation # 1*

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**CRA is encouraged to continually review its process with a view to attaining ideal compliance with the time requirements of the *Access to Information Act*.**

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**Action Taken:** CRA continues to review its access process activities in order to attain and maintain ideal compliance with the time requirements of the *Access to Information Act*. OPIs are responding in 8 days on average to the ATIP Directorate, which is considered a reasonable turnaround time. The ATIP Coordinator stated that there is a consistent effort to maintain compliance and believes that the initiatives that have been put in place are working. Support from senior management has been received by the ATIP Directorate and backed with appropriate funding.

*Previous Recommendation #2*

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**CRA is encouraged to complete the analysis of information to determine if there are additional opportunities to routinely make information publicly available.**

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**Action Taken:** CRA completed the analysis of information in December 2004; however, the type of information that could be made available informally is still very much the subject of discussions between ATIP officials and OPIs at CRA. It appears that the amount of information available informally is not large since most of the information sought from the public is usually limited to taxpayer information.

*Previous Recommendation #3*

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**CRA is encouraged to proceed with the analysis and development of their processing standards to provide employees and OPIs with guidance on their roles and responsibilities throughout the access to information process.**

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**Action Taken:** Processes are continually reviewed in the ATIP Directorate to ensure files are processed efficiently. The ATIP Directorate has drafted a guidance manual for OPIs with the goal of obtaining better recommendations concerning issues of sensitivity in response to requests under the *Access to Information Act*. The Privacy Impact Directive is being finalized. This directive will assist CRA officials in carrying out their legal obligations under the legislations.

In-house training is also provided to ATIP employees on an ongoing basis. In addition, the ATIP Consultation, Policy and Training Group provides regular in-house training to OPIs upon request. Information about ATI is also available online. The ATIP Directorate will host its National Conference in the fall of 2005 for all Branch/Regional ATIP representatives of CRA.

ATIP managers are satisfied with the level of knowledge acquired by CRA employees of their respective roles and responsibilities regarding the access to information process. OPIs are providing more timely responses and, because they are more knowledgeable of ATI, also provide better recommendations on ATI matters.

## 6. QUESTIONNAIRE AND STATISTICAL REPORT

<b>Questionnaire for Statistical Analysis Purposes in relation to official requests made under the <i>Access to Information Act</i></b>			
<b>Requests carried over from the prior fiscal period.</b>		<b>Apr. 1/03 to Mar. 31/04</b>	<b>Apr. 1/04 to Nov. 30/04</b>
<b>1.</b>	Number of requests carried over:	412	542
<b>2.</b>	Requests carried over from the prior fiscal — in a deemed refusal situation on the first day of the new fiscal:	23	10
<b>New Requests — Exclude requests included in Part A.</b>		<b>Apr. 1/03 to Mar. 31/04</b>	<b>Apr. 1/04 to Nov. 30/04</b>
<b>3.</b>	Number of requests received during the fiscal period:	1646	1322
<b>4.A</b>	How many were processed <i>within</i> the 30-day statutory time limit?	992	649
<b>4.B</b>	How many were processed beyond the 30-day statutory time limit <i>where no extension was claimed?</i>	46	31
<b>4.C</b>	How long after the statutory time limit did it take to respond <i>where no extension was claimed?</i>		
	1-30 days:	37	23
	31-60 days:	8	2
	61-90 days:	1	6
	Over 91 days:	0	0
<b>5.</b>	How many were extended pursuant to section 9?	604	501
<b>6.A</b>	How many were processed <i>within</i> the extended time limit?	517	129
<b>6.B</b>	How many exceeded the extended time limit?	79	24
<b>6.C</b>	How long after the expiry of the extended deadline did it take to respond?		
	1-30 days:	43	18
	31-60 days:	12	6
	61-90 days:	13	0
	Over 91 days:	11	0
<b>7.</b>	As of November 30, 2004, how many requests are in a deemed-refusal situation?		<b>23</b>

