

Correctional Service Canada

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

Correctional Service Canada (CSC) was one of two departments selected two years ago for review. The department was subject to review because of evidence of chronic difficulty in meeting response deadlines. When the Commissioner's Office receives a high number of deemed-refusal complaints about a department, it may be symptomatic of a greater response deadline problem within the department.

This report reviews the department's progress to maintain 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 Report Card of January 2003, it was reported that CSC attained a rating of "F" with a deemed-refusal ratio of 50.6%. A subsequent review indicated that, through to the end of the fiscal year, the final statistics did in fact reflect some improvement to 38.9% of deemed refusals in relation to requests received, although the grading remained an "F".

In the 2004 Status Report, it was noted that CSC had made tremendous strides in a number of areas to improve on the previous record. All of these initiatives led to a remarkable turnaround in the deemed-refusal situation over the past year, resulting in ideal compliance with the time requirements of the *Access to Information Act*. The new request to deemed-refusal ratio improved to 3.2% for the period from April 1 to November 30, 2003, for a grade of "A".

3. CURRENT STATUS

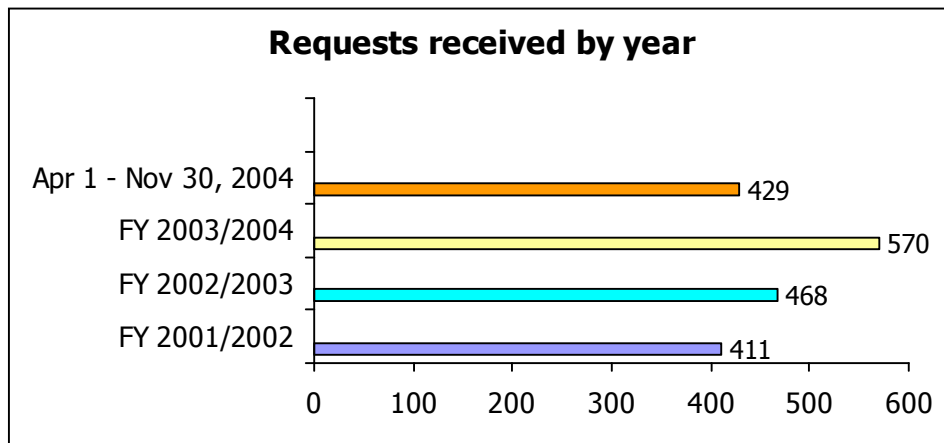
For the reporting period April 1 to November 30, 2004, those requests carried over from the previous year as well as the number of requests already in a deemed-refusal status on April 1, were taken into consideration. As a result, the department attained a 3.6% deemed-refusal ratio, a grade of "A" and 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
3.2%	8.8%

Previous Formula Apr 1 – Nov 30, 2004	Current Formula Apr 1 – Nov 30, 2004
4.0%	3.6%

CSC has experienced a significant increase in access requests over the years. For the fiscal year 2003-2004, CSC received 570 requests compared to 468 requests received in fiscal year 2002-2003. This is an additional 102 requests or 21.8% increase. For the period April 1 to November 30, 2004, CSC received 429 requests compared with the same period last year, for an additional 57 requests or 15.3% increase. This progress is in direct relation to a steady flow of requests as indicated in the following chart:



There is a new ATIP management team now in place at CSC and they are looking at new ways of doing things. For example, it is planned that ATIP analysts will be doing both access and privacy requests instead of having two separate units. An Evaluation Framework will be put in place to examine various internal CSC systems. Audits will be conducted to identify trends, etc., especially as they pertain to privacy. ATIP management would also like to have its analysts enrolled in the University of Alberta ATIP course. The ATIP Division may also attract outside graduates from this course. In addition, the Division is actively considering the establishment of a competency-based staffing system which would be used to address issues of succession planning and to provide opportunities for advancement for employees attaining designated levels of competency or certification.

The department continued to refine its procedures, expand its training and look at additional methods to maintain or improve its overall compliance performance.

- A Compliance manual came out in early 2004 and deals with the entire ATI process. The manual is utilized by all OPIs at CSC and is updated regularly.
- There is an ongoing training program for ATIP Division employees in the application of exemptions and the criteria that must be met to justify recommendations (rationale for exemptions). There is one senior ATIP staff member that is dedicated full-time to this training.
- There is continued on-site and regional training within the organization as a whole. ATIP bulletins are sent to OPIs regularly to address and explain various ATI concerns.
- The ATIP Division is currently developing a fee policy which is expected to be completed in the first quarter of 2005.

4. FURTHER RECOMMENDATIONS

CSC has achieved ideal compliance for the last two years.

Recommendation #1

That CSC maintain, for the period 2005-2006, ideal compliance with the time requirements of the *Access to Information Act*.

ATIP management seeks to build a stronger level of communication and knowledge of the *Access to Information Act* within the department. To accomplish this, ATIP management wants to put in place a Knowledge Management Tool that would permit staff to identify legal and policy precedents, as well as best practices, in order to improve the efficiency and consistency of the Access to Information process. This tool could then be used by ATIP staff and OPIs throughout CSC and be updated and expanded upon as required. Eventually the Division intends to make the tool accessible to all Canadians.

Recommendation #2

That CSC develop and put in place a Knowledge Management Tool that would serve to integrate various ATIP information for the use of CSC employees.

5. STATUS OF 2004 RECOMMENDATIONS

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

Previous Recommendation #1

CSC set an objective for 2004-2005 to maintain ideal compliance with the time requirements of the *Access to Information Act*.

Action Taken: CSC has maintained ideal compliance for the period April 1 to November 30, 2004, with a 3.6% ratio. The same approach as last year was taken: continued close monitoring of the process and the involvement of senior ATIP management, implementing best practices to identify ways to better process access requests--reducing unnecessary bureaucracy, being more consistent in the interpretation of the *Access to Information Act*, conducting ongoing training sessions, and providing quarterly bulletins throughout CSC.

Previous Recommendation #2

CSC assess the impact and cost effectiveness of related information technologies, such as *ATIPimage* to further assist in maintaining ideal compliance of the *Access to Information Act*.

Action Taken: CSC has assessed the impact and cost effectiveness of acquiring *ATIPimage* and has decided not to purchase it. ATIP management stated that *ATIPimage* was too costly for the relatively small number of ATI requests received in the department.

CSC has decided to use a different approach by possibly acquiring a new state of the art photocopier by Canon. This copier has scanning and printing capabilities. Scanned documents are sent to analyst at their computers whereby review and severance of information can be done. The reviewed and severed documents can then be sent back to the photocopier for copying and this way only one paper copy needs to be made. The disclosed documents can then be sent electronically by email to requesters. The results are savings in space and paper as well as overall convenience to the processing of records.

6. QUESTIONNAIRE AND STATISTICAL REPORT

Questionnaire for Statistical Analysis Purposes in relation to official requests made under the <i>Access to Information Act</i>			
Requests carried over from the prior fiscal period.		Apr. 1/03 to Mar. 31/04	Apr. 1/04 to Nov. 30/04
1.	Number of requests carried over:	69	67
2.	Requests carried over from the prior fiscal — in a deemed refusal situation on the first day of the new fiscal:	15	1
New Requests — Exclude requests included in Part A.		Apr. 1/03 to Mar. 31/04	Apr. 1/04 to Nov. 30/04
3.	Number of requests received during the fiscal period:	570	429
4.A	How many were processed <i>within</i> the 30-day statutory time limit?	428	315
4.B	How many were processed beyond the 30-day statutory time limit <i>where no extension was claimed?</i>	11	10
4.C	How long after the statutory time limit did it take to respond <i>where no extension was claimed?</i>		
	1-30 days:	6	9
	31-60 days:	3	1
	61-90 days:	1	0
	Over 91 days:	1	0
5.	How many were extended pursuant to section 9?	91	61
6.A	How many were processed <i>within</i> the extended time limit?	64	42
6.B	How many exceeded the extended time limit?	5	5
6.C	How long after the expiry of the extended deadline did it take to respond?		
	1-30 days:	6	9
	31-60 days:	3	1
	61-90 days:	1	0
	Over 91 days:	1	0
7.	As of November 30, 2004, how many requests are in a deemed-refusal situation?		2

