

# Fisheries and Oceans 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

This report reviews Fisheries and Oceans Canada's (F&O) progress in maintaining 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 2003 Report Card, it was reported that F&O had achieved a very significant turnaround in its performance results for access requests in a deemed-refusal situation. For the period from April 1 to November 30, 2002, a grade of "A" was achieved and that constituted ideal compliance with the time requirements of the *Access to Information Act*. It was further confirmed that this level of compliance was maintained to the end of the fiscal year. This is in stark contrast to previous years ("F" grades for both the 2001 and 2002 Report Cards).

In the 2004 Status Report, it was noted that F&O continued to maintain this remarkable turnaround by attaining ideal compliance with the time requirements of the *Access to Information Act*. The department achieved a 1.9% deemed-refusal ratio for the period from April 1 to November 30, 2003, for a grade of "A".

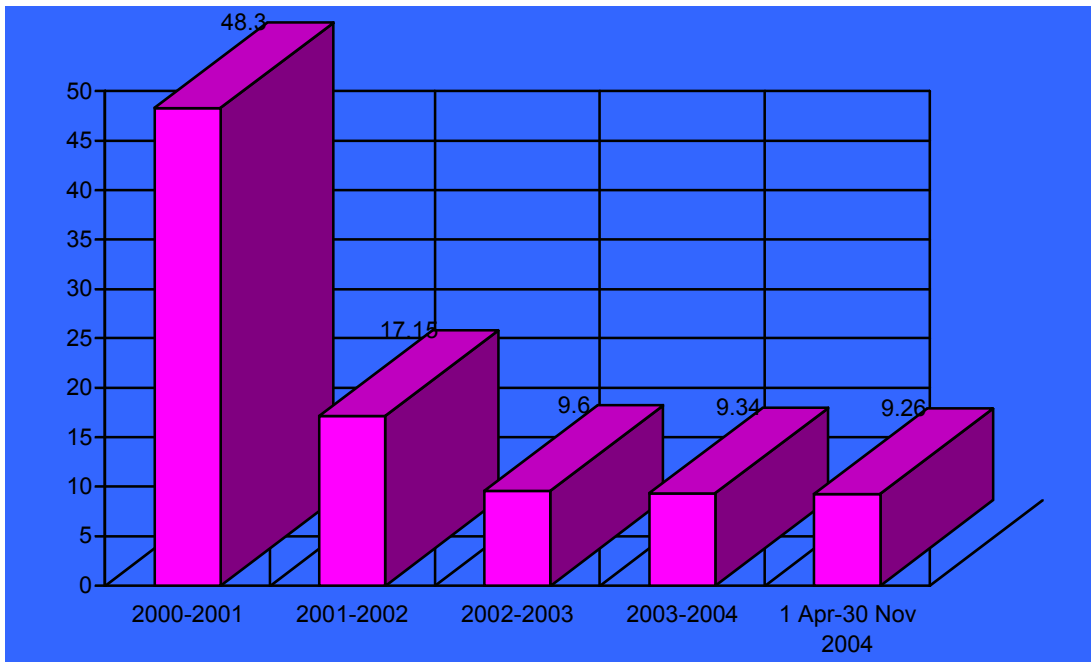
A major reorganizing of the department in July 2003 resulted in a change in the reporting mechanism whereby the ATIP Division now reports to the Executive Secretariat, which in turn comes directly under the DM. This provides a more direct line of command and in no way impedes the processing of records as the Coordinator has full delegated authority. While this reorganization has had a direct benefit to the ATIP office, other departmental restructuring, the creating of area offices in addition to regional offices, has added another source of records to be reviewed.

The volume of records reviewed by each review officer continues to this date. It was reported that review officers currently have a minimum of 10,000 pages of records to review on an ongoing basis. The nature of requests has also changed significantly.

As reported in previous years, a number of programs have been implemented and expanded or improved:

- The ATIP staff recruitment and retention program and classification review of the ATIP Office staff has been a particular success. It has allowed the ATIP Office to establish a number of levels providing for promotion possibilities, focused training and an enhanced supervisory capacity. Not only has this increased the overall competency of the staff but also has also improved morale. Of the 17 FTEs in the ATIP Office, 5 are currently acting in senior positions.
- Other initiatives--the national training program for headquarters and regional staff and OPIs, and the introduction of follow-up communications to OPIs--have resulted in one of the most tangible benefits. By increasing the level of understanding of the Act and its requirements by the OPIs, the ATIP office has seen a dramatic improvement in the response times by OPIs. Another component of the process was the introduction of the 9 and 12-day memo, wherein the OPIs are provided a reminder one day prior to the initial due date of a response. If the records are not received or the OPI does not reply to the reminder, a follow-up is sent on day 12 with information copies also provided to Senior Management. The practice, while providing the analyst with a most useful tool in monitoring response-time limits given to OPIs, also provides a management tool for the Coordinator to verify that the analysts were maintaining positive control of the flow of requests. Four years ago, response times averaged over 48 days. In the last reporting period, the response time was reduced to just over 9 days. For this reporting period, the response time was further reduced to 6.5 days for fiscal year 2003-2004, rising to just over 9 days for the period April 1 to November 30, 2004. This is an indication that the process is working. The following graph demonstrates this most effectively.

OPI Response Time (days)



While the human and functional aspects of the office have seen significant improvement, the introduction of technological enhancements has contributed significantly to the institution's ability to maintain its "A" grade of compliance.

The implementation of and expanded utilization of *ATIPflow* has provided ATIP management and analysts a comprehensive electronic tracking and case management system to control due dates for various parts of the access process. In addition, the introduction of *ATIPimage* has had a significant impact on the overall time spent on the review and preparation of records for release; hence, the ability to respond in a timely manner.

Although there has been tremendous improvement in the institution's ability to comply with the time requirements of the Act and the overall productivity of the office, there is a constant monitoring of procedures to further improve F&O's performance.

### 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. The department's performance for April 1 to November 30, 2004, dipped slightly to 5.2%, a grade of "B" and substantial compliance. 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.

<b>Previous Formula Apr 1 – Nov 30, 2003</b>	<b>Current Formula Apr 1 – Nov 30, 2003</b>
1.9%	3.9%

<b>Previous Formula Apr 1 – Nov 30, 2004</b>	<b>Current Formula Apr 1 – Nov 30, 2004</b>
4.9%	5.2%

A total of 307 requests were received during the period April 1 to November 30, 2004, compared to 362 requests received in the same time period last year. However, when comparing the previous two fiscal years, there was a considerable increase in requests received: 468 requests received during the period April 1, 2002, to March 31, 2003, and 691 requests received during the period April 1, 2003, to March 31, 2004. This is an additional 223 requests and a 47.6% increase. As a result, 99 requests were carried into the period April 1 to November 30, 2004, and this contributed to F&O slipping slightly under ideal compliance at 5.2% (utilizing the current formula) for the period April 1 to November 30, 2004.

Senior ATIP officials also reported that, because of the large increase in requests received in the fiscal year April 1, 2003, to March 31, 2004, a lot more requests necessitated outside consultations, many involving large volumes of records.

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

*Recommendation #1*

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**F&O strive to attain ideal compliance with the time requirements of the *Access to Information Act* for 2005-2006, as it did in the last report.**

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

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

*Previous Recommendation #1*

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

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**Action Taken:** F&O has maintained ideal compliance with 3.2% for fiscal year

2003-2004, but this slipped slightly to 5.2% by the end of November 2004, which is a grade of “B”.

*Previous Recommendation #2*

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**F&O is encouraged to continue its investigation of methods of improving informal access to information to the public.**

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**Action Taken:** ATIP officials stated that information such as: travel and hospitality of senior management, contracts over \$10K, audits and evaluations, notices to fisherman, licence information, various statistics, fishing areas, quotas, contribution agreements and more, are routinely placed on the F&O website.

Other ways to disclose records informally have also been explored by the ATIP Office. Every time an access to information request is received at F&O, the ATIP Office determines if the requested information has already been disclosed under the *Access to Information Act*. In addition, the ATIP Office regularly consults with program areas at F&O in order to determine the availability of requested information on an informal basis.

Program areas have also become proactive in the informal disclosure process. They regularly contact the ATIP Office to discuss whether or not they can make information available themselves to the public on an informal basis. It has been estimated that senior ATIP staff at F&O receive 10-12 such calls from program officials monthly.

## 6. QUESTIONNAIRE AND STATISTICAL REPORT

Questionnaire for Statistical Analysis Purposes in relation to official requests made under the <i>Access to Information Act</i>			
Part A: 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:	79	99
2.	Requests carried over from the prior fiscal — in a deemed refusal situation on the first day of the new fiscal:	10	6
Part B: 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:	691	307
4.A	How many were processed <i>within</i> the 30-day statutory time limit?	474	152
4.B	How many were processed beyond the 30-day statutory time limit <i>where no extension was claimed?</i>	6	4
4.C	How long after the statutory time limit did it take to respond <i>where no extension was claimed?</i>		
	1-30 days:	5	4
	31-60 days:	1	0
	61-90 days:	0	0
	Over 91 days:	0	0
5.	How many were extended pursuant to section 9?	186	123
6.A	How many were processed <i>within</i> the extended time limit?	111	49
6.B	How many exceeded the extended time limit?	3	5
6.C	How long after the expiry of the extended deadline did it take to respond?		
	1-30 days:	2	5
	31-60 days:	1	0
	61-90 days:	0	0
	Over 91 days:	0	0
7.	As of November 30, 2004, how many requests are in a deemed-refusal situation?		6