

Industry 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%	Ideal compliance	A
5-10%	Substantial compliance	B
10-15%	Borderline compliance	C
15-20%	Below standard compliance	D
More than 20%	Red alert	F

Industry Canada (IC) was selected in 2004 for review. The department had been one of a number of institutions subject to review because of evidence of chronic difficulty in meeting response deadlines. When the Office of the Information Commission 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 in attaining an acceptable level of compliance with the time requirements of the *Access to Information Act*, since the department was issued its first report card last year. In addition, this report contains information on the status of the recommendations made in the Status Report of January 2005.

2. COMPLIANCE HISTORY

In the Report Card of January 2004, it was reported that IC's performance was unacceptable after the department obtained a grade of "F", red alert, for the period April 1 to November 30, 2003. The new requests to deemed-refusal ratio stood at 25%.

In the 2005 Report Card, the department received a substantial compliance alert grade of "D" with a 16.1% request to deemed-refusal ratio for requests received from April 1 to November 30, 2004. This was the first year, requests carried over from the previous year, and the number of requests already in a deemed-refusal status on April 1, were taken into consideration.

For the full 2004-2005 fiscal year, IC received a grade of "C", with a 14.2% request to deemed-refusal ratio.

3. CURRENT STATUS

For this reporting period, requests carried over from the previous year, and the number of requests already in a deemed-refusal status on April 1, were also taken into consideration. As a result, for the reporting period April 1 to November, 30 2005, the department's request to deemed-refusal ratio was 5.9%, a grade of "B".

During the reporting period, IC received 203 requests. This is 23 less than the previous year. However, the complexity and sensitivity of the requests was also a factor in the time taken to process requests.

Over the last few years, the ATIP Division has worked at finding solutions in order to meet legislated timeframes. Several performance reports are issued, which increases accountabilities in the processing of ATI requests in a timely manner.

A critical component of the administration of the *Access to Information Act* is the leadership role of Senior Management in a department. Senior Management exercises leadership by identifying access to information as a departmental priority and then acting upon this by providing the appropriate resources, technology and policies.

IC Senior Management has well understood this principle and has transmitted a clear message to its employees. Senior Management has become more proactive in raising awareness of ATI within the department. A cultural change can be seen as a result of this across the department. Finally, information and training sessions have been delivered to employees. Increased awareness by departmental officials has helped to improve compliance.

4. RECOMMENDATIONS

Because of the factors described in this report, IC was not able to achieve ideal compliance with the time requirements of the *Access to Information Act*.

Recommendation #1

The ATIP Office should develop an ATI business case to determine resources needed to process access requests.

One of the reasons for backlog of access requests is often a lack of resources needed. A business case would serve as a basis for planning and operating the ATIP.

Recommendation #2

That IC attain ideal compliance and a grade of “A” by March 31, 2007.

5. STATUS OF 2005 RECOMMENDATIONS

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

Many positive measures have been put into place to improve IC’s compliance with the time requirements of the *Access to Information Act*. Continued attention to timelines, however, is needed to attain ideal compliance.

Previous Recommendation #1

IC attain a minimum of substantial compliance with the time requirements of the *Access to Information Act* for 2005-2006.

Action Taken: Good work since 2004 has started to pay off. IC has been able to attain a minimum of substantial compliance to the time requirements of the *Access to Information Act* for the first time since the Report Card of January 2004.

Previous Recommendation #2

IPRA conduct and in-depth review of the mapping process study undertaken by the consultant and make appropriate changes to the ATIP processes as required.

Action Taken: The Director of IPRA has engaged a consultant to formally map out all the processes involved in treating access requests. The results of this study have permitted IPRA to identify any problem areas. From this, a new Access to Information and Privacy procedures guide has been established to better coordinate the treatment of access request and ensure that deadlines are respected.

Previous Recommendation #3

The Director of IPRA exercise her delegated authority to ensure that the time requirements of the *Access to Information Act* are respected.

Action Taken: Current performance for IC shows that delegated authority has been properly exercised.

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. 1/04 to Mar. 31/05	Apr. 1/05 to Nov. 30/05
1.	Number of requests carried over:	80	51
2.	Requests carried over from the prior fiscal — in a deemed refusal situation on the first day of the new fiscal:	27	5
New Requests — Exclude requests included in Part A.		Apr. 1/04 to Mar. 31/05	Apr. 1/05 to Nov. 30/05
3.	Number of requests received during the fiscal period:	343	203
4.A	How many were processed within the 30-day statutory time limit?	197	93
4.B	How many were processed beyond the 30-day statutory time limit where no extension was claimed?	10	2
4.C	How long after the statutory time limit did it take to respond where no extension was claimed?		
	1-30 days:	8	2
	31-60 days:	1	0
	61-90 days:	0	0
	Over 91 days:	1	0
5.	How many were extended pursuant to section 9?	127	74
6.A	How many were processed within the extended time limit?	67	35
6.B	How many exceeded the extended time limit?	18	1
6.C	How long after the expiry of the extended deadline did it take to respond?		
	1-30 days:	7	0
	31-60 days:	3	1
	61-90 days:	3	0
	Over 91 days:	5	0
7.	As of November 30, 2005, how many requests are in a deemed-refusal situation?	7	