

Public Works and Government Services 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

This report reviews Public Works and Government Services Canada's (PWGSC) progress in attaining 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 2005.

2. COMPLIANCE HISTORY

In February 2003, the Office of the Information Commissioner issued a Report Card on PWGSC's compliance with the statutory time requirements of the *Access to Information Act*. The Report Card contained a number of recommendations on measures that could be taken to reduce the number of requests in a deemed-refusal situation. In the 2003 Report Card, the department received a red alert grade of "F" with a 26.3% request to deemed-refusal ratio for access requests received from April 1 to November 30, 2002. PWGSC's record slipped further to a ratio of 29.9% for the fiscal year 2002-2003.

The department made considerable improvements in a number of areas. All of these initiatives led to a substantial turnaround in the deemed-refusal situation resulting in borderline compliance with the time requirements of the *Access to Information Act*. The new request to deemed-refusal ratio improved to 14.5% for the period from April 1 to November 30, 2003, for a grade of "C".

In the 2005 Report Card, the department received a below standard compliance grade of "D" with a 17.7% request to deemed-refusal ratio for requests received from April 1 to November 30, 2004. This was the first year that 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 fiscal year 2004-2005, PWGSC received a grade of "D", with a 19.1% 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 7.3%, a grade of "B".

During the reporting period, PWGSC received 561 requests. This is 58 less than the previous year. However, complexity and sensitivity of the requests was also a factor in the time taken to process requests.

PWGSC has established an action plan to respond to requests received in established time frames. PWGSC has also prepared an ATI Improvement Plan for 2005-2006. The plan identifies the specific sources of the delays and include targets, tasks, deliverables, milestones and responsibilities to achieve acceptable compliance under the *Access to Information Act*.

The improvement plan recommends the following tasks to reduce delays in the treatment of access requests.

- An electronic communiqué, in which the Minister and Deputy Minister endorse the objectives of the ATI Program, is to be sent to all PWGSC employees on an annual basis;
- ATIP Directorate to replace its existing "severing" photocopy machine by acquiring extraordinary funding to procure and operationalize imaging Software technology suitable to ATIP Directorate requirements;
- ATIP Directorate to inform all Branches/Sectors/Regions, which are responsible for providing ATIP with records and disclosure recommendations, of their respective turnaround times on a quarterly basis;
- Changes will be made to the present Delegation Order;
- In order to address the staffing shortfall, the ATIP Directorate initiated competitive processes to staff many positions;
- The ATIP Directorate will develop and implement an ATIP Officer Development Program in order to recruit, train and retain ATIP professionals;
- Develop and deliver ATI training to regional offices.

4. RECOMMENDATIONS

Because of the factors described in this report, PWGSC was able to attain ideal compliance with the time requirements of the *Access to Information Act*.

Recommendation #1

That PWGSC obtain ideal compliance and a grade of “A” for the full 2005-2006 fiscal year and the following years.

5. STATUS OF 2005 RECOMMENDATIONS

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

Previous Recommendation #1

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

Action Taken: PWGSC achieved substantial compliance for the reporting period of April 1 to November 30, 2005. The ATIP Office has set an objective to maintain an ideal compliance for 2006-2007 and the following years.

Previous Recommendation #2

All regions within PWGSC receive ATIP training during 2005-2006.

Action Taken: Prior to November 30, 2005, employees of the Quebec Region received ATI training. ATI training is scheduled to be delivered to employees of the Atlantic, Western and Pacific Regions during February and March 2006.

Previous Recommendation #3

OPI timeline compliance is to be made available for 2005-2006 to determine if turnaround times from OPIs have improved, as well as to identify any problem areas.

Action Taken: The department proceeded to the identification of problems and to the identification of OPI’s whose performance has improved or deteriorated over the past quarter/year.

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:	262	186
2.	Requests carried over from the prior fiscal — in a deemed refusal situation on the first day of the new fiscal:	57	49
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:	873	567
4.A	How many were processed within the 30-day statutory time limit?	359	245
4.B	How many were processed beyond the 30-day statutory time limit where no extension was claimed?	27	2
4.C	How long after the statutory time limit did it take to respond where no extension was claimed?		
	1-30 days:	15	2
	31-60 days:	5	0
	61-90 days:	2	0
	Over 91 days:	5	0
5.	How many were extended pursuant to section 9?	467	289
6.A	How many were processed within the extended time limit?	230	133
6.B	How many exceeded the extended time limit?	84	1
6.C	How long after the expiry of the extended deadline did it take to respond?		
	1-30 days:	33	1
	31-60 days:	20	0
	61-90 days:	6	0
	Over 91 days:	25	0
7.	As of November 30, 2005, how many requests are in a deemed-refusal situation?	3	