

**Atlantic Canada
Opportunities Agency**



*Access to Information Act and
Privacy Act*
Annual Report to Parliament

April 1, 2003 to March 31, 2004

PREFACE

The *Access to Information Act* and the *Privacy Act* (Revised Statutes of Canada, Chapter A-1, 1985) were proclaimed on July 1, 1983.

The *Access to Information Act* gives all individuals and corporate entities present in Canada a right of access to information contained in government records subject to certain specific and limited exceptions.

The *Privacy Act* extends to individuals the right of access to information about themselves. This law also protects an individual's privacy by preventing others from having access to personal information and gives individuals substantial control over its collection and use.

Section 72 of the *Access to Information Act* and Section 72 of the *Privacy Act* require that the head of every government institution shall prepare, for submission to Parliament, an annual report on the administration of the Acts within the institution during each financial year.

This annual report is intended to describe how the Atlantic Canada Opportunities Agency administered its responsibilities in the operation of the *Access to Information Act* and the *Privacy Act*.

TABLE OF CONTENTS

OVERVIEW OF THE ATLANTIC CANADA OPPORTUNITIES AGENCY (ACOA)

MANDATE AND MISSION	1
DEPARTMENTAL ORGANIZATION.....	2
ORGANIZATIONAL STRUCTURE.....	3

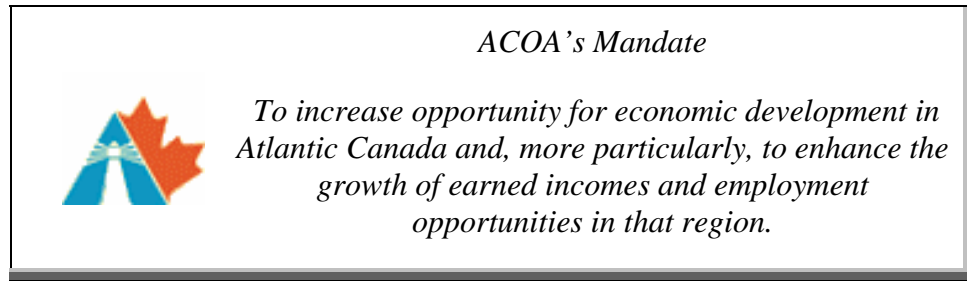
ACCESS TO INFORMATION AND PRIVACY ACTS

ADMINISTRATION OF THE <i>ACCESS TO INFORMATION</i> AND <i>PRIVACY ACTS</i>	4
HIGHLIGHTS AND SUMMARY OF ACOA 'S ACTIVITIES	6
INTERPRETATION OF THE REPORT ON THE <i>ACCESS TO INFORMATION ACT</i>	7
ANNEX A - REPORT ON THE <i>ACCESS TO INFORMATION ACT</i>	
ANNEX B - REPORT ON THE <i>PRIVACY ACT</i>	
ANNEX C - FREQUENCY OF EXEMPTIONS INVOKED AND EXCLUSIONS CITED BY SECTIONS OF THE <i>ACCESS TO INFORMATION ACT</i>	

MANDATE AND MISSION

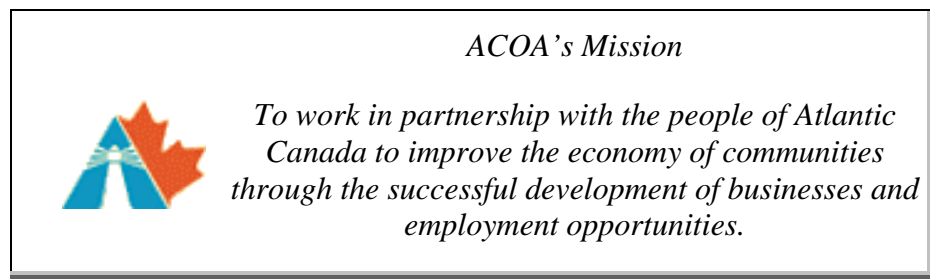
In 2003-2004, ACOA marked its seventeenth year of working in co-operation with Atlantic Canadians to increase economic development opportunities for the region.

The Agency derives its mandate from Part I of the *Government Organization Act, Atlantic Canada 1987, R.S., c. G-5.7*, otherwise known as the *Atlantic Canada Opportunities Agency Act*. The Act provides ACOA with a broad mandate for economic development in Atlantic Canada.



To fulfill its mandate, the Agency pursues two distinct goals:

- a) to ensure that a wide variety of business development tools and resources serve the diverse needs of the region's emerging and existing entrepreneurs; and
- b) to ensure that all economic development programs and activities in Atlantic Canada are co-ordinated and designed to improve the climate for business growth generally.



ACOA works to enhance the competitive strength of small and medium-sized enterprises (SMEs) in the region. In Atlantic Canada, over 97% of newly created businesses are small or medium-sized firms with less than 100 employees.

To meet its mandate of increasing opportunity for economic development in Atlantic Canada, ACOA's mission statement embraces the principle of partnership. The Agency has put in place an extensive network and the structures necessary to carry out this mandate.

DEPARTMENTAL ORGANIZATION

A. ACTIVITY STRUCTURE

The primary business line for ACOA is Development. The majority of the Agency's efforts toward the attainment of its objectives are accounted for under Development. The Corporate Administration business line isolates the administrative functions of the Agency from the direct program-related business of the organization.

B. ORGANIZATIONAL STRUCTURE

ACOA's Head Office is located in Moncton, New Brunswick. Head Office comprises the President's Office, Policy and Programs, Finance and Corporate Services, Legal Services and Human Resources. The organizational structure is depicted on page 3 of this document.

In each provincial capital in Atlantic Canada, regional Vice-Presidents are responsible for the delivery of ACOA programs. In Sydney, Nova Scotia, the Vice-President of Enterprise Cape Breton Corporation (ECBC) is responsible for delivering ACOA's programs in Cape Breton. Each Vice-President is equipped with delegated authorities from the Minister to approve most projects and proposals.

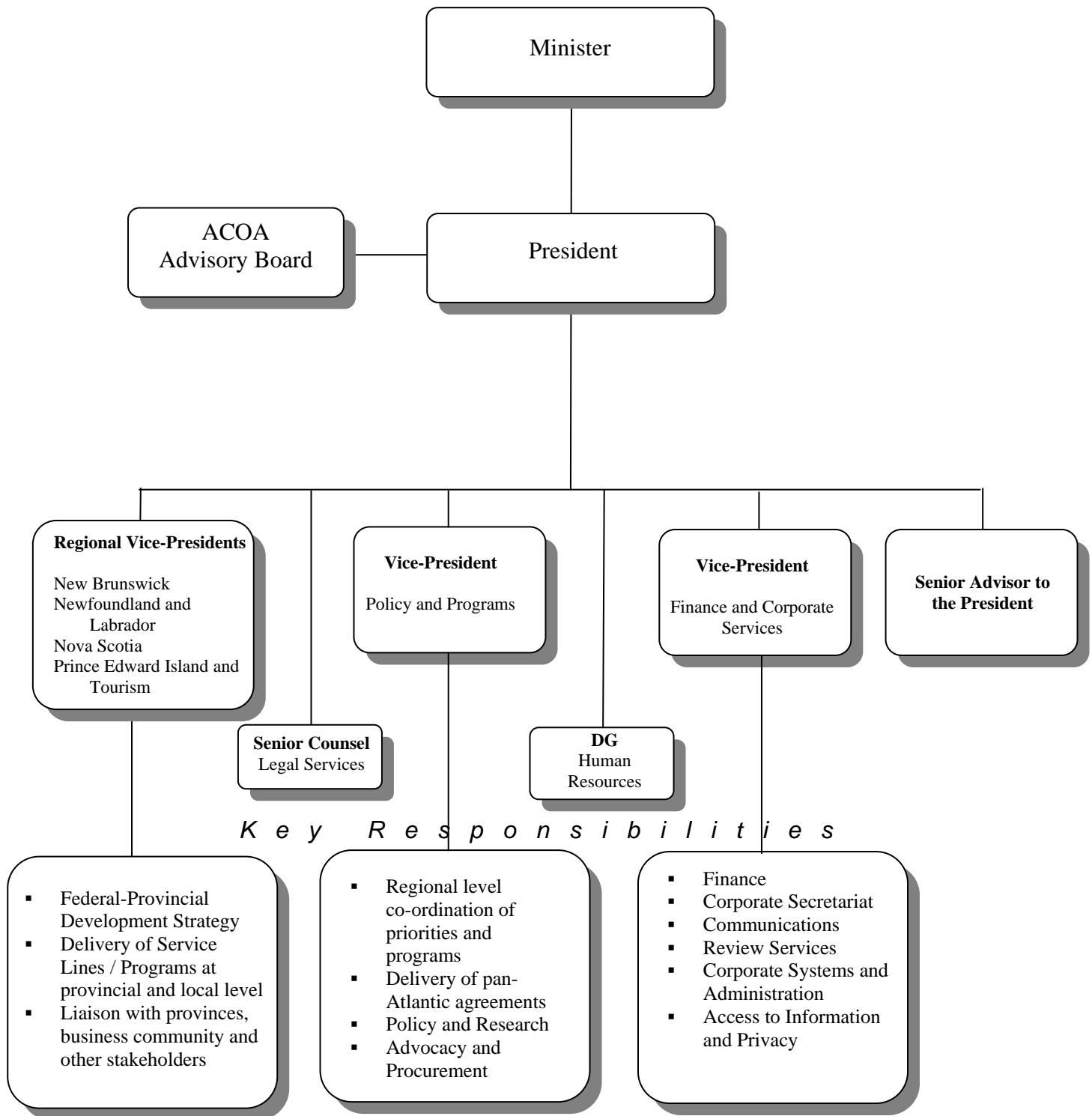
Through its Ottawa office, ACOA advocates on behalf of Atlantic Canadians in the development of national policies and programs, and assists the region's entrepreneurs in the procurement of government contracts.

ACOA legislation provides for an ACOA Advisory Board. The Board is comprised of the President of ACOA and seven other members who represent all areas in Atlantic Canada. The President of ACOA is the Chairperson.

The President of ACOA is also CEO and Chair of the Board of Directors of Enterprise Cape Breton Corporation (ECBC). ECBC is a Crown corporation established by legislation to promote and assist the financing and development of industry on Cape Breton Island, in order to provide employment outside the coal-producing industry and to broaden the base of the economy of Cape Breton Island.

While ECBC and ACOA have a close working relationship, and many ACOA programs are delivered in Cape Breton through the Corporation, ECBC is a separate entity and reports separately to Parliament through the Minister. Although ECBC is not subject to the *Access to Information and Privacy Acts*, the Corporation must adhere to the *Personal Information Protection and Electronic Documents Act*.

Organizational Structure



ADMINISTRATION OF THE *ACCESS TO INFORMATION AND PRIVACY ACTS*

1. DELEGATION OF AUTHORITY

The President of the Agency is designated as the head of the government institution for the purpose of both the *Access to Information Act* and the *Privacy Act* and has, in turn, delegated this authority to the Vice-President, Finance and Corporate Services.

The Access to Information and Privacy (ATIP) Director/Coordinator has been delegated the authority to oversee the administration of the Acts and to ensure compliance with the legislation. The Director/Coordinator reports to the Corporate Secretary who, in turn, reports to the Vice-President, Finance and Corporate Services.

The administration of the legislation within the Agency is also facilitated at the branch and regional office levels. Each organizational sector has a Liaison Officer who co-ordinates the records retrieval process.

2. INFORMATION HOLDINGS

A description of the classes of institutional records held by the Agency can be found in the 2003-2004 publications *Info Source – Sources of Federal Government Information* as well as *Sources of Federal Employee Information*. The Atlantic Canada Opportunities Agency does not have exempt banks.

The *Info Source* can be obtained through public and academic libraries, constituency offices of federal Members of Parliament, and on the Internet at http://www.infosource.gc.ca/index_e.asp.

3. PROCESSING OF FORMAL REQUESTS

The ATIP Office has a complement of seven full-time employees including the Director/Coordinator, four officers and two support staff, all of whom are dedicated to the processing of the Access and Privacy requests and related functions. The ATIP staff reflects an appropriate balance between broad ATIP experience, as well as detailed knowledge of the related policies and the workings of a multi-faceted Agency.

The ATIP Office is responsible for conducting consultations with provincial governments and other federal government institutions. The Agency collects, under various legislative authorities or otherwise, an appreciable amount of confidential commercial information from both national and international companies. In the event of requests for such information, the Agency undertakes notification or consultation procedures with interested parties before disclosing any records that contain this type of information.

To ensure effective and consistent administration of the ATIP legislation, the Agency maintains a system for processing requests aimed at disclosing to the requester the maximum information possible that is not injurious to the public or private interest. The process also ensures that all representations from mandatory consultations, deliberations and decisions expressed concerning each request are respected and responded to in the most timely and consistent manner given the nature and scope of the request.

The breakdown of requesters is as follow:

Media	37
Academic	1
Business *	34
Organization	46
Public	13

* This category includes known Information Brokers.

Please refer to Annex A and B for the complete statistical reports.

4. READING ROOM

The library at the Agency Head Office in Moncton has been designated as the public reading room for the purpose of reviewing publications and other public materials.

5. EMPLOYEE AWARENESS

In addition to the management of Access and Privacy requests, the ATIP staff provides advice and guidance to Agency employees on compliance with the legislation as well as information sessions on the processing of ATIP requests.

During the reporting period, the ATIP staff sensitized and guided employees on the requirements of the legislation by means of continuous dialogue.

HIGHLIGHTS AND SUMMARY OF ACOA'S ACTIVITIES

The caseload processed by the Agency during the reporting period amounted to 152 requests (under the *Access to Information Act*); 131 of these were new requests and 21 were requests carried forward from the previous reporting period.

The Agency's caseload under the *Access to Information Act* also included 20 complaints in 2003-2004, 12 of which were received during the fiscal year, while eight were carried forward from the previous years. Of the 20 complaints, eight were deemed to be well-founded and resolved, one was discontinued, one was not substantiated and the remaining 10 are still active as of March 31, 2004.

The Agency only received one request under the *Privacy Act*. It was completed during the reporting period. It is the Agency's policy to process requests for personal information informally, whenever possible. There were no complaints on ACOA's application of the *Privacy Act* for this fiscal year.

During 2003-2004, the Agency responded to 38 consultations received from other federal institutions, while it initiated over 100 mandatory consultations regarding the disclosure of information provided to ACOA by third parties and other government institutions.

The Agency was involved in various projects requiring the expertise of its Access to Information Directorate with regard to the Privacy Impact Assessment initiative. This new endeavour explains the sharp increase in costs associated with Privacy (i.e. \$20,645.40 compared with \$1,275.40 in 2002-2003).

INTERPRETATION OF THE REPORT ON THE *ACCESS TO INFORMATION ACT*

The following is provided to assist the reader in the interpretation of the information reported in Annex A.

I: REQUESTS PROCESSED:

A total of 152 requests were processed by the Agency during 2003-2004, compared with 145 in 2002-2003 and 117 in 2001-2002. During this current reporting period, 131 new requests were received and 21 requests were carried forward from the previous reporting period.

II: DISPOSITION OF REQUESTS COMPLETED

Of the 129 requests completed during 2003-2004, the Agency granted access, in whole or in part, to the records on 92 occasions, including one request that was treated informally. Of the remaining 37 requests, the Agency was unable to process 22 as no records were available. Ten requests, one of which was treated informally, were abandoned by the requesters, while the records for the remaining five were excluded.

III and IV: EXEMPTIONS INVOKED AND EXCLUSIONS CITED

As was the case in previous years, the two major exemptions invoked were related to the mandatory provisions on Personal Information (section 19) and Third-Party Information (section 20). Refer to Annex C for statistics on the frequency of exemptions invoked and exclusions cited for the last three reporting periods.

V and VI: COMPLETION TIME AND EXTENSIONS

During 2003-2004, just over 89% of requests were completed within 120 days and 64% within 60 days.

Extensions were required beyond the prescribed time limit of 30 days in 61 cases, due to a large number of records and mandatory consultations with other government institutions and third parties.

VII: TRANSLATIONS

Translation services were not required during this fiscal year.

VIII: METHOD OF ACCESS

In all cases where access was granted during the past three fiscal years, the Agency provided copies of records, in whole or in part, to the requester. The Agency also responded to several requests via e-mail and provided responses in electronic format as requested.

IX: FEES

The *Access to Information Act* authorizes fees for certain activities related to the processing of formal requests under the Act. In addition to a \$5 application fee, search, preparation and reproduction charges may also apply. The current fee structure is specified in the Access to Information Regulations. No fees are imposed for reviewing records, overhead or shipping costs. Moreover, in accordance with Section 11 of the Act, no fees are charged for the first five hours required to search for a record or prepare any part of it for disclosure.

The *Access to Information Act* permits the waiving of fees when deemed to be in the public interest. In accordance with Treasury Board guidelines, the Agency has routinely waived fees under \$25. For fees over \$25, the Agency examines fee waiver requests on a case-by-case basis. In considering such requests, the Agency has taken into account costs in processing each access application and the degree of public benefit to be derived from the release of the accessible information.

The Agency collected application fees in the amount of \$585 during 2003-2004, while it waived a total of \$3,990.87 for other processing fees.

X: COSTS

In 2003-2004, the direct cost of administering the *Access to Information Act*, including information training sessions, totalled \$392,066.60. This consisted of \$376,688 in salary costs, representing 7.32 person-years, and \$15,378.60 in administration costs.

The direct cost of administering the *Privacy Act*, including training sessions, totalled \$20,645.40. This consisted of \$19,836 in salary costs, representing 0.36 person-years, and \$809.40 in administration costs.



Institution Atlantic Canada Opportunities Agency/Agence de promotion économique du Canada atlantique				Reporting period – Période visée par le rapport 04/01/03 – 03/31/04	
Source X	Media - Média 37	Academia – Secteur universitaire 1	Business – Secteur commercial 34	Organization – Organisme 46	Public 13

I Requests under the Access to Information Act Demandes en vertu de la Loi sur l'accès à l'information		II Disposition of requests completed Disposition à l'égard des demandes traitées					
Received during reporting period Reçues pendant la période visée par le rapport	131	1	All disclosed Communication totale	27	6	Unable to process Traitement impossible	22
Outstanding from previous period En suspens depuis la période antérieure	21	2	Disclosed in part Communication partielle	64	7	Abandoned by applicant Abandon de la demande	9
TOTAL	152	3	Nothing disclosed (excluded) Aucune communication (exclusion)	5	8	Treated informally Traitement non officiel	2
Completed during reporting period Traitées pendant la période visée par le rapport	129	4	Nothing disclosed (exempt) Aucune communication (exemption)	0	TOTAL		129
Carried forward Reportées	23	5	Transferred Transmission	0			

III Exemptions invoked Exceptions invoquées							
S. Art. 13(1) (a)	1	S. Art. 16(1) (a)	7	S. Art. 18 (b)	2	S. Art. 21 (1) (a)	29
(b)	0	(b)	0	(c)	0	(b)	38
(c)	2	(c)	6	(d)	0	(c)	30
(d)	5	(d)	0	S. Art. 19(1)	40	(d)	19
S. Art. 14	18	S. Art. 16(2)	2	S. Art. 20(1) (a)	2	S. Art. 22	1
S. Art. 15 (1) International rel. Relations intern.	0	S. Art. 16(3)	1	(b)	42	S. Art. 23	4
Defence Défense	1	S. Art. 17	0	(c)	37	S. Art. 24	1
Subversive activities Activités subversives	0	S. Art. 18(a)	5	(d)	44	S. Art. 26	2

IV Exclusions cited Exclusions citées			
S. Art. 68 (a)	8	S. Art. 69(1) (c)	0
(b)	0	(d)	1
(c)	0	(e)	5
S. Art. 69 (1) (a)	0	(f)	0
(b)	0	(g)	11

V Completion time Délai de traitement	
30 days or under 30 jours ou moins	54
31 to 60 days De 31 à 60 jours	29
61 to 120 days De 61 à 120 jours	32
121 or over 121 jours ou plus	14

VI Extensions Prorogations des délais		
	30 days or under	31 days or over 31 jours ou plus
Searching Recherche	7	0
Consultation	18	10
Third Party Tiers	12	14
TOTAL	37	24

VII Translations Traductions		
Translations requested Traductions demandées	0	
Translation prepared Traductions préparées	English to French De l'anglais au français	0
	French to English Du français à l'anglais	0

VIII Method of access Méthode de consultation	
Copies given Copies de l'original	92
Examination Examen de l'original	0
Copies and examination Copies et examen	0

IX Fees Frais	
Net fees collected Frais net perçus	
Application fees Frais de la demande	\$585.00
Preparation Préparation	0
Reproduction	0
Computer processing Traitement informatique	0
Searching Recherche	0
TOTAL	\$ 585.00
Fees waived Dispense de frais	
No. of times Nombre de fois	\$
\$25.00 or under 25 \$ ou moins	72 \$ 486.30
Over \$25.00 De plus de 25 \$	36 \$ 3,504.57

X Costs Coûts	
Financial (all reasons) Financiers (raisons)	
Salary Traitement	\$376,688.0
Administration (O and M) Administration (fonctionnement et maintien)	\$15,378.6
TOTAL	\$392,066.6
Person year utilization (all reasons) Années-personnes utilisées (raisons)	
Person year (decimal format) Années-personnes (nombre décimal)	7.32



Institution Atlantic Canada Opportunities Agency / Agence de promotion économique du Canada atlantique	Reporting period / Période visée par le rapport 04/01/03 – 03/31/04
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I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels	
Received during reporting period / Reçues pendant la période visée par le rapport	1
Outstanding from previous period / En suspens depuis la période antérieure	0
TOTAL	1
Completed during reporting period / Traitées pendant la période visée par le rapport	1
Carried forward / Reportées	0

II Disposition of requests completed / Disposition à l'égard des demandes traitées	
1 All disclosed / Communication totale	0
2 Disclosed in part / Communication partielle	0
3 Nothing disclosed (exemption) / Aucune communication (exemption)	0
4 Nothing disclosed (exempt) / Aucune communication (exemption)	0
5 Unable to process / Traitement impossible	1
6 Abandoned by applicant / Abandon de la demande	0
7 Transferred / Transmission	0
TOTAL	1

III Exemptions invoked / Exceptions invoquées	
S. Art. 18 (2)	0
S. Art. 19(1) (a)	0
(b)	0
(c)	0
(d)	0
S. Art. 20	0
S. Art. 21	0
S. Art. 22(1) (a)	0
(b)	0
(c)	0
S. Art. 22 (2)	0
S. Art. 23 (a)	0
(b)	0
S. Art. 24	0
S. Art. 25	0
S. Art. 26	0
S. Art. 27	0
S. Art. 28	0

IV Exclusions cited / Exclusions citées	
S. Art. 69 (1) (a)	0
(b)	0
S. Art. 70(1) (a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

V Completion time / Délai de traitement	
30 days or under / 30 jours ou moins	1
31 to 60 days / De 31 à 60 jours	0
61 to 120 days / De 61 à 120 jours	0
121 days or over / 121 jours ou plus	0

VI Extensions / Prorogations des délais		
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Interference with operations / Interruptions des opérations	0	0
Consultation	0	0
Translation / Traduction	0	0
TOTAL	0	0

VII Translations / Traductions		
Translations required / Traductions demandées		0
Translation prepared / Traductions préparées	English to French / De l'anglais au français	0
	French to English / Du français à l'anglais	0

VIII Method of access / Méthode de consultation	
Copies given / Copies de l'original	1
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

IX Corrections and notations / Corrections et mentions	
Corrections requested / Corrections demandées	0
Corrections made / Corrections effectuées	0
Notation attached / Mention annexée	0

X Costs / Coûts	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$19,836.00
Administration (O and M) / Administration (fonctionnement et maintien)	\$809.40
TOTAL	\$20,645.40
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.36

Annex C

Frequency of exemptions invoked and exclusions cited, by sections of the *Access to Information Act* (Please note that the section is only reported once for each request)

Section	Description of the Section	Frequency		
		2003-2004	2002-2003	2001-2002
13(1)(a)	Information obtained in confidence from a foreign state government	1	0	0
13(1)(c)	Information obtained in confidence from a provincial government	2	0	8
13(1)(d)	Information obtained in confidence from a municipal or regional government	5	1	0
14	Federal-provincial affairs	18	25	16
15(1)	International affairs and defence	1	3	1
16(1)(a)	Law Enforcement and Investigations - Information prepared or obtained from an investigating body re law enforcement and investigation	7	4	6
16(1)(c)	Law enforcement and Investigations - Information which could be injurious to the enforcement of any law of Canada or a province or the conduct of lawful investigations	6	1	1
16(2)	Law enforcement and investigations – Security	2	4	0
16(3)	Law enforcement and investigations –Policing services for provinces on municipalities	1	0	0
18(a)	Economic interests of Canada- Trade secrets or financial	5	0	0
18(b)	Economic interests of Canada - prejudice the competitive position of a government institution	2	0	0
18(d)	Economic interests of Canada –material injurious to the financial interests	0	2	0
19(1)	Personal information as defined in the <i>Privacy Act</i>	40	40	44
20(1)(a)	Third-party information - Trade secrets of a third party	2	7	5
20(1)(b)	Third-party information - financial, commercial, scientific or technical confidential information	42	39	48
20(1)(c)	Third-party information - Financial loss or gain, or could prejudice the competitive position of a third party	37	37	50
20(1)(d)	Third-party information - Interference with negotiations of a third party	44	27	39
21(1)(a)	Advice or recommendations by or for the government or Minister of the Crown	29	22	8
21(1)(b)	Account of consultations or deliberations of government or Minister of the Crown	38	28	25
21(1)(c)	Positions or plans for negotiations carried by or on behalf of the Government of Canada	30	13	17
21(1)(d)	Plans relating to the management of personnel or administration of a government institution not yet put into operation	19	9	8
22	Testing procedures, tests and audits	1	0	0
23	Solicitor-client privilege	4	6	4
24	Statutory prohibitions against disclosure	1	3	1
26	Refusal of access where information to be published	2	0	0
68(a)	Act does not apply to certain materials - Materials published or available for purchase by the public	8	8	0
69(1)(a)	Confidences of the Queen's Privy Council for Canada - Memoranda	0	1	3
69(1)(c)	Confidences of the Queen's Privy Council for Canada - Agenda and Records of Cabinet Deliberations	0	0	1
69(1)(d)	Confidences of the Queen's Privy Council for Canada - Discussions between ministers	1	0	3
69(1)(e)	Confidences of the Queen's Privy Council for Canada - Records to brief ministers	5	0	6
69(1)(g)	Confidences of the Queen's Privy Council for Canada - Records containing information re (a) to (f)	11	6	10