

Atlantic Canada Opportunities Agency



Access to Information Act and Privacy Act Annual Report to Parliament

April 1, 2000 to March 31, 2001

TABLE OF CONTENTS

OVERVIEW OF THE ATLANTIC CANADA OPPORTUNITIES AGENCY (ACOA)

PREFACE	1
MANDATE AND MISSION	2
DEPARTMENTAL ORGANIZATION	3

ACCESS TO INFORMATION AND PRIVACY ACTS

INTRODUCTION	5
ACOA's ADMINISTRATION OF THE <i>ACCESS TO INFORMATION AND PRIVACY ACTS</i>	6
HIGHLIGHTS AND SUMMARY OF ACOA'S ACTIVITIES	8
REPORT ON THE ACCESS TO INFORMATION ACT	9
REPORT ON THE PRIVACY ACT	11
STATISTICAL REPORT - INTERPRETATION AND EXPLANATION ...	13
FREQUENCY OF EXEMPTIONS INVOKED AND EXCLUSIONS CITED, BY SECTIONS OF THE <i>ACCESS TO INFORMATION ACT</i>	15

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 incorporated entities present in Canada a broad 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 held by the government, again subject to specific and limited exceptions. The law also protects the 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*.

OVERVIEW OF THE ATLANTIC CANADA OPPORTUNITIES AGENCY (ACOA)

MANDATE AND MISSION

In 2000-2001, ACOA marked its fourteenth year of working in cooperation 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.

ACOA Mandate



To increase opportunity for economic development in Atlantic Canada and, more particularly, to enhance the growth of earned incomes and employment opportunities in that region.

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

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

ACOA works to enhance the competitive strength of SMEs in the region. In Atlantic Canada over 97% of newly created businesses are small- or medium-sized firms with less than 100 employees. SMEs create 63% of new jobs.

ACOA Mission



To work in partnership with the people of Atlantic Canada toward the long-term economic development of the region.

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, plus the structures necessary to carry out this mandate.

DEPARTMENTAL ORGANIZATION

A. ACTIVITY STRUCTURE

ACOA's program is divided into two main business lines: Development and Corporate Administration. The majority of ACOA'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. ORGANISATION STRUCTURE

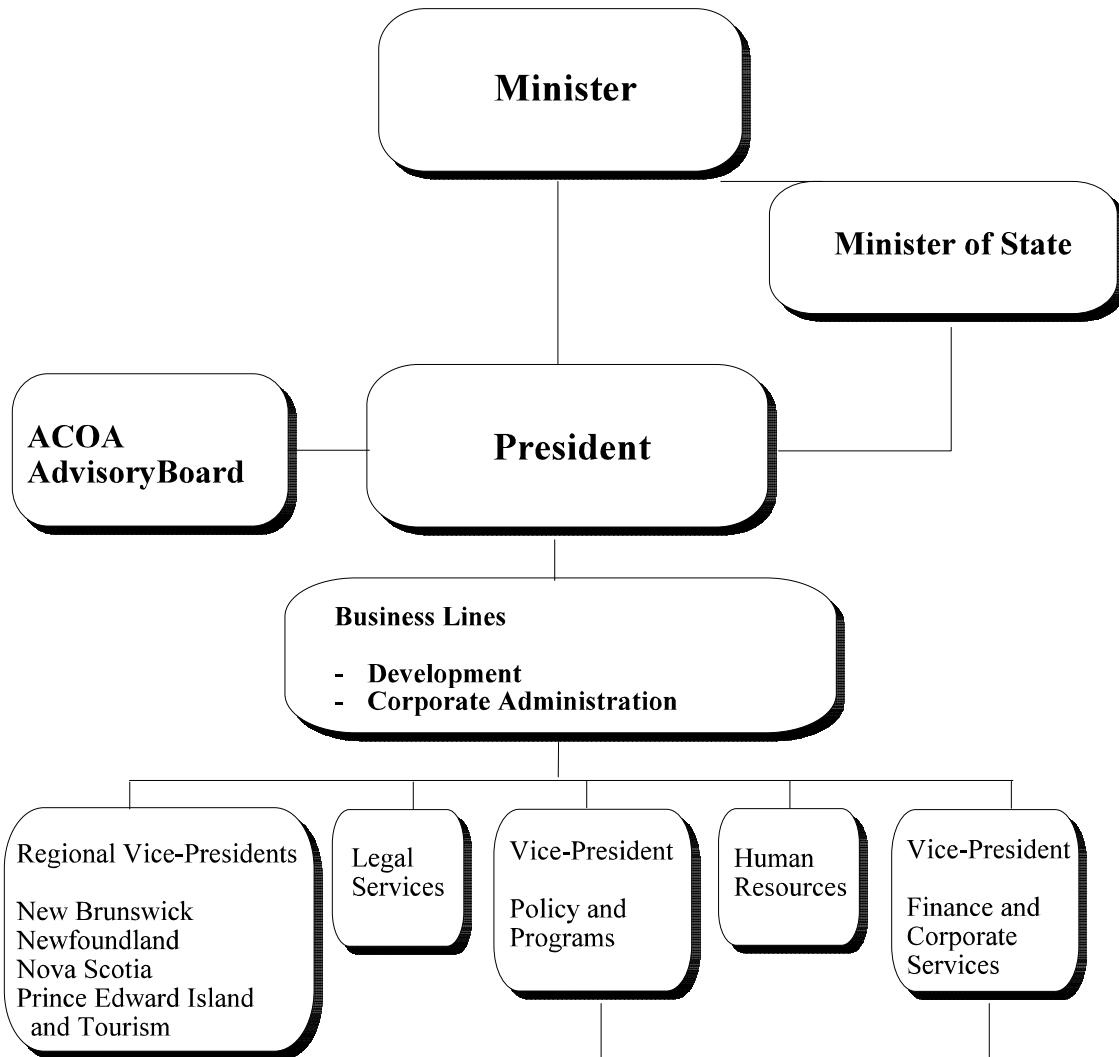
ACOA's Head Office is located in Moncton, New Brunswick. Head Office components are the President's office, Policy and Programs, Finance and Corporate Services, Legal Services and Human Resources. The organizational structure is depicted on page 4.

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 most of ACOA's programs in Cape Breton. Each Vice-President is equipped with Ministerial-delegated authorities to approve projects and proposals occurring in his/her area of responsibility.

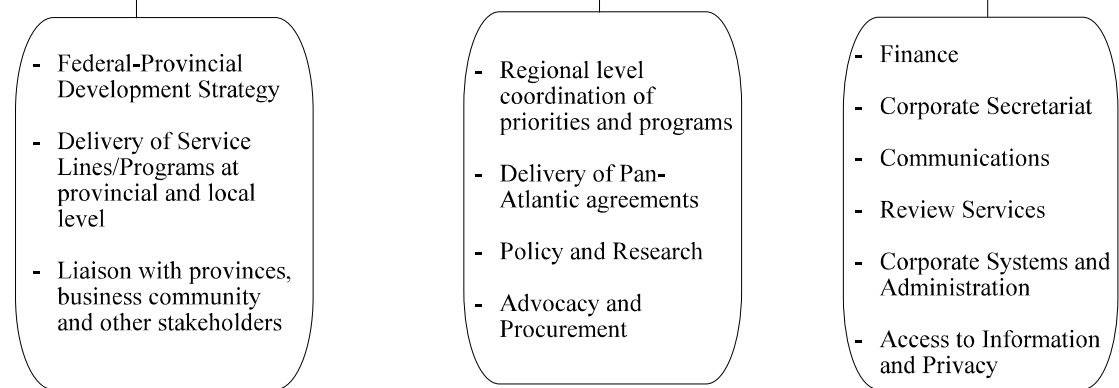
Through its Ottawa office, ACOA advocates the interests of Atlantic Canadians in the development of national policies and programs, including the interests of the region's entrepreneurs related to federal procurement.

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

Organizational Structure



Key Responsibilities



ACCESS TO INFORMATION AND PRIVACY ACTS

INTRODUCTION

ORGANIZATION AND IMPLEMENTATION

The Director/Coordinator of the Access to Information and Privacy (ATIP) Unit has the required authority to exercise the powers delegated pursuant to the ATIP legislation. The Director/Coordinator is responsible for the development, co-ordination and implementation of effective policies, guidelines and procedures to manage the Agency's compliance with these Acts. 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 coordinates the records retrieval process. The Director/Coordinator reports to the Corporate Secretary who in turn reports to the Vice-president of Finance and Corporate Services.

The ATIP Office has a complement of six full-time employees comprising of one director, three officers, and two support staff, all of whom are dedicated to the processing of the Access and Privacy requests along with related functions. The services of a consultant and a coop-student from l'Université de Moncton were required to assist in the processing of an increased workload. The ATIP staff reflects an appropriate balance between broad ATIP experience and detailed knowledge of the related policies as well as the workings of a multifaceted Agency.

The ATIP Office is responsible for conducting consultations with provincial governments and other federal government institutions. The Agency also 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 will undertake appropriate notification or consultation procedures with interested parties before disclosing these records.

In addition to the management of Access and Privacy requests, the ATIP Office provides advice and guidance to Agency units on compliance with the legislation as well as information sessions on access to information and privacy processes.

The Director/Coordinator is the Agency's point of contact for the registration of Personal Information Collection and Public Opinion Research.

The ATIP Office is responsible for providing updates of the Agency's information holdings to the Treasury Board Secretariat for inclusion in the Info Source publication.

ACOA'S 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 his 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. She also regularly provides advice and guidance on important and sensitive policy issues, including the handling and protection of personal information gathered and held in Agency files.

2. PROCESSING OF FORMAL REQUESTS

To ensure effective and consistent administration of the ATIP legislation, the Agency maintains a system for processing requests aimed at disclosing the maximum information possible to the requestor which is not injurious to the public and 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 requestors below, is not clearly indicative of end users. They must be inferred from information provided on the application form. The breakdown is as follows:

Media	14
Academic	0
Business	18
Organization	33
Public	43

Please refer to pages 9 and 11 for the complete statistical report.

3. READING ROOM

The Agency has designated a section of the library at Head Office in Moncton as the Access Reading Room for the purpose of examining disclosable records.

4. EMPLOYEE AWARENESS

During the reporting period, the ATIP Office sensitized and guided employees on the requirements of the legislation by means of continuous dialogue. Information and training sessions about Access to Information and Privacy were offered to employees in the Charlottetown regional office as well as in the Agency's Head Office during this fiscal year.

5. COMPLAINTS AND INVESTIGATIONS

In the 2000-2001 Annual Report to Parliament, the Information Commissioner reported five complaints regarding the Agency's application of the *Access to Information Act*. Of these, four were determined to have been founded and appropriate remedial action taken. One complaint was determined to have been not substantiated. Two complaints on ACOA's application of the *Privacy Act* were filed with the Privacy Commissioner. Both were resolved, one having been discontinued and the other determined to have been not founded.

HIGHLIGHTS AND SUMMARY OF ACOA'S ACTIVITIES

The caseload processed by the Agency during the reporting period amounted to 122 requests (under the *Access to Information Act*); 108 of these were new requests and 14 were requests carried forward from the previous reporting period. From 1999-2000 to 2000-2001, the Agency's number of requests received went up 46%.

The Agency received four new requests under the *Privacy Act* in addition to the one that was carried forward from the previous fiscal year. They were all completed during the reporting period.

During 2000-2001, the Agency responded to 24 consultations received from other federal institutions, which represent an increase of seven. The Agency initiated over 100 mandatory consultations regarding the disclosure of information provided to ACOA by third parties and other government institutions.

The ATIP Office has, on occasion, provided personal information to investigative bodies in conformity with the provisions of the *Privacy Act*.

The first quarter of 2001-2002 shows approximately the same number of requests received at the Agency during the same period in 2000-2001. All indications are that this trend will continue throughout the 2001-2002 reporting period.

REPORT ON THE *ACCESS TO INFORMATION ACT*



Institution Atlantic Canada Opportunities Agency / Agence de promotion économique du Canada atlantique				Reporting period / Période visée par le rapport 04/01/00 - 03/31/01	
Source →	Media / Médias 14	Academia / Secteur universitaire 0	Business / Secteur commercial 18	Organization / Organisme 33	Public 43

I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information

Received during reporting period / Reçues pendant la période visée par le rapport	108
Outstanding from previous period / En suspens depuis la période antérieure	14
TOTAL	122
Completed during reporting period / Traitées pendant la période visée par le rapport	98
Carried forward / Reportées	24

II Disposition of requests completed / Disposition à l'égard des demandes traitées

1	All disclosed / Communication totale	27	6	Unable to process / Traitement impossible	15
2	Disclosed in part / Communication partielle	54	7	Abandoned by applicant / Abandon de la demande	0
3	Nothing disclosed (excluded) / Aucune communication (exclusion)	0	8	Treated informally / Traitement non officiel	2
4	Nothing disclosed (exempt) / Aucune communication (exemption)	0	TOTAL		98
5	Transferred / Transmission	0			

III Exemptions invoked / Exceptions invoquées

S. Art. 13(1) (a)	2	S. Art. 16(1) (a)	0	S. Art. 18 (b)	0	S. Art. 21(1) (a)	16
(b)	0	(b)	0	(c)	0	(b)	20
(c)	9	(c)	0	(d)	0	(c)	5
(d)	0	(d)	0	S. Art. 19(1)	39	(d)	1
S. Art. 14	10	S. Art. 16(2)	0	S. Art. 20(1) (a)	7	S. Art. 22	0
S. Art. 15(1) International rel. / Relations intern.	0	S. Art. 16(3)	0	(b)	40	S. Art. 23	7
Defence / Défense	0	S. Art. 17	0	(c)	40	S. Art. 24	7
Subversive activities / Activités subversives	0	S. Art. 18(a)	0	(d)	22	S. Art. 26	0

IV Exclusions cited / Exclusions citées

S. Art. 68 (a)	1	S. Art. 69(1) (c)	3
(b)	0	(d)	6
(c)	0	(e)	3
S. Art. 69(1) (a)	5	(f)	0
(b)	1	(g)	5

V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	38
31 to 60 days / De 31 à 60 jours	24
61 to 120 days / De 61 à 120 jours	14
121 days or over / 121 jours ou plus	22

VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	15	1
Consultation	6	5
Third party / Tiers	6	16
TOTAL	27	22

VII Translations / Traductions

Translations requested / Traductions demandées	0
Translations prepared / Traductions préparées	0
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	83
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	\$ 495.00	Preparation / Préparation	0
Reproduction	0	Computer processing / Traitement informatique	0
Searching / Recherche	0	TOTAL	\$495.00
Fees waived / Dispense de frais		No. of times / Nombre de fois	\$
\$25.00 or under / 25 \$ ou moins		34	\$ 351.20
Over \$25.00 / De plus de 25 \$		39	\$6,061.70

X Costs / Coûts

Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$289,831.00
Administration (O and M) / Administration (fonctionnement et maintien)	\$124,251.00
TOTAL	\$414,082.00
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	6.97

REPORT ON THE *PRIVACY ACT*



REPORT ON THE PRIVACY ACT / RAPPORT CONCERNANT LA LOI SUR PROTECTION DES RESEIGNEMENTS PERSONNELS

Institution Atlantic Canada Opportunities Agency / Agence de promotion économique du Canada atlantique	Reporting period / Période visée par le rapport 04/01/00 - 03/31/01
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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	4
Outstanding from previous period / En suspens depuis la période antérieure	1
TOTAL	5
Completed during reporting period / Traitées pendant la période visée par le rapport	5
Carried forward / Reportées	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

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

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

V Completion time / Délai de traitement	
30 days or under / 30 jours ou moins	1
31 to 60 days / De 31 à 60 jours	4
61 to 120 days / De 61 à 120 jours	0
121 days or over / 121 jours ou plus	0

VIII Method of access / Méthode de consultation	
Copies given / Copies de l'original	2
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

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

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	1	0
Consultation	0	0
Translation / Traduction	0	0
TOTAL	1	0

IX Corrections and notation / Corrections et mention	
Corrections requested / Corrections demandées	1
Corrections made / Corrections effectuées	2
Notation attached / Mention annexée	0

X Costs / Coûts	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 5,635.
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 2,749.
TOTAL	\$ 8,384.
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.15

STATISTICAL REPORT - INTERPRETATION AND EXPLANATION

The following is an interpretation and explanation of the information contained in the Annual Statistical Reports shown on the previous pages.

I: REQUESTS UNDER THE *ACCESS TO INFORMATION ACT*

A total of 122 requests were processed by the Agency during 2000-2001 compared to 98 in 1999-2000 and 114 in 1998-1999. During this current reporting period, 108 new requests were received while 14 requests were carried forward from the previous reporting period. As stated in the Highlights section, the number of incoming requests has increased by 46% in the fiscal year. The number of outstanding files carried forward from the previous reporting period also rose and now stands at 24.

II: DISPOSITION OF REQUESTS COMPLETED

Of the 98 requests completed during 2000-2001, the Agency granted access, in whole or in part, to the records in 85% of the cases. In 15 cases, the Agency was unable to process the request for reasons such as non-existence of records.

III and IV: EXEMPTIONS INVOKED AND EXCLUSIONS CITED

In 100% of the cases where access was granted, the Agency was able to disclose in full or in part the information requested. The two major exemptions invoked were related to the mandatory provisions on Personal Information (section 19) and Third Party Information (section 20). Table 1, on page 14, shows the frequency of exemptions invoked and exclusions cited for the last three reporting periods.

V and VI: COMPLETION TIME AND EXTENSIONS

During 2000-2001, approximately 78% of cases were completed within 120 days and 63% within 60 days. Both percentages increased, the first by 4% and the second by 5%.

Extensions were required beyond the prescribed time limit of 30 days in 49 cases due to a large number of records and mandatory consultations with other government institutions and third parties.

VII: TRANSLATIONS

No translation was required in 2000-2001 to respond to requests.

VIII: METHOD OF ACCESS

In all cases where access was granted in the past three fiscal years, the Agency provided copies of records, in whole or in part, to the requestor. During the 2000-2001 reporting period, the Agency responded to several requests via e-mail and also 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 \$495 during 2000-2001 while it waived a total of \$6,412.90.

X: COSTS

In 2000-2001, the direct cost of administering the *Access to Information Act* totalled \$414,082, consisting of \$289,831 in salary costs representing 6.97 person-years and \$124,251 in administration costs.

The cost of administering the *Privacy Act* totalled \$8,384 consisting of \$5,635 in salary costs, representing 0.15 person-years, and \$2,749 in administration costs.

Table 1: 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		
		2000-01	1999-00	1998-99
13(1)(a)	Information obtained in confidence from a foreign state government	2	0	0
13(1)(b)	Information obtained in confidence from international organizations	0	0	1
13(1)(c)	Information obtained in confidence from a provincial government	9	20	12
13(1)(d)	Information obtained in confidence from a municipal or regional government	0	2	2
14	Federal-provincial affairs	10	21	18
15(1)	International affairs and defence	0	0	1
16(1)(a)	Law Enforcement and Investigations - Information prepared or obtained from an investigating body re law enforcement and investigation	0	3	4
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	0	4	5
16(2)	Law enforcement and investigations - Security	0	1	0
17	Safety of Individuals	0	1	0
18(d)	Economic interests of Canada	0	1	1
19(1)	Personal information as defined in the <i>Privacy Act</i>	39	34	40
20(1)(a)	Trade secrets of a third party	7	3	5
20(1)(b)	Third-party financial, commercial, scientific or technical confidential information	40	43	40
20(1)(c)	Financial loss or gain, or could prejudice the competitive position of a third party	40	44	36
20(1)(d)	Interference with negotiations of a third party	22	41	32
21(1)(a)	Advice or recommendations by or for the government or Minister of the Crown	16	17	4
21(1)(b)	Account of consultations or deliberations of government or Minister of the Crown	20	18	3
21(1)(c)	Positions or plans for negotiations carried by or on behalf of the Government of Canada	5	22	12
21(1)(d)	Plans relating to the management of personnel or administration of a government institution not yet put into operation	1	5	3
23	Solicitor-client privilege	7	10	4
24	Statutory prohibitions against disclosure	7	3	1
68(a)	Materials published or available for purchase by the public	1	1	1
69(1)(a)	Confidences of the Queen's Privy Council for Canada - Memoranda	5	4	0
69(1)(b)	Discussion papers for Council's decision making	1	0	0
69(1)(c)	Agenda and Records of Cabinet Deliberations	3	1	0
69(1)(d)	Confidences of the Queen's Privy Council for Canada - Discussions between ministers	6	0	5
69(1)(e)	Confidences of the Queen's Privy Council for Canada - Records to brief ministers	3	5	6
69(1)(g)	Confidences of the Queen's Privy Council for Canada - Records containing information re (a) to (f)	5	7	5

