

**Atlantic Canada
Opportunities Agency**



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

April 1, 2001 to March 31, 2002

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PREFACE

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

These Acts give all individuals 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. The *Access to Information Act* gives access to other information.

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 2001-2002, ACOA marked its fifteenth 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.

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 co-ordinated 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. ORGANIZATION STRUCTURE

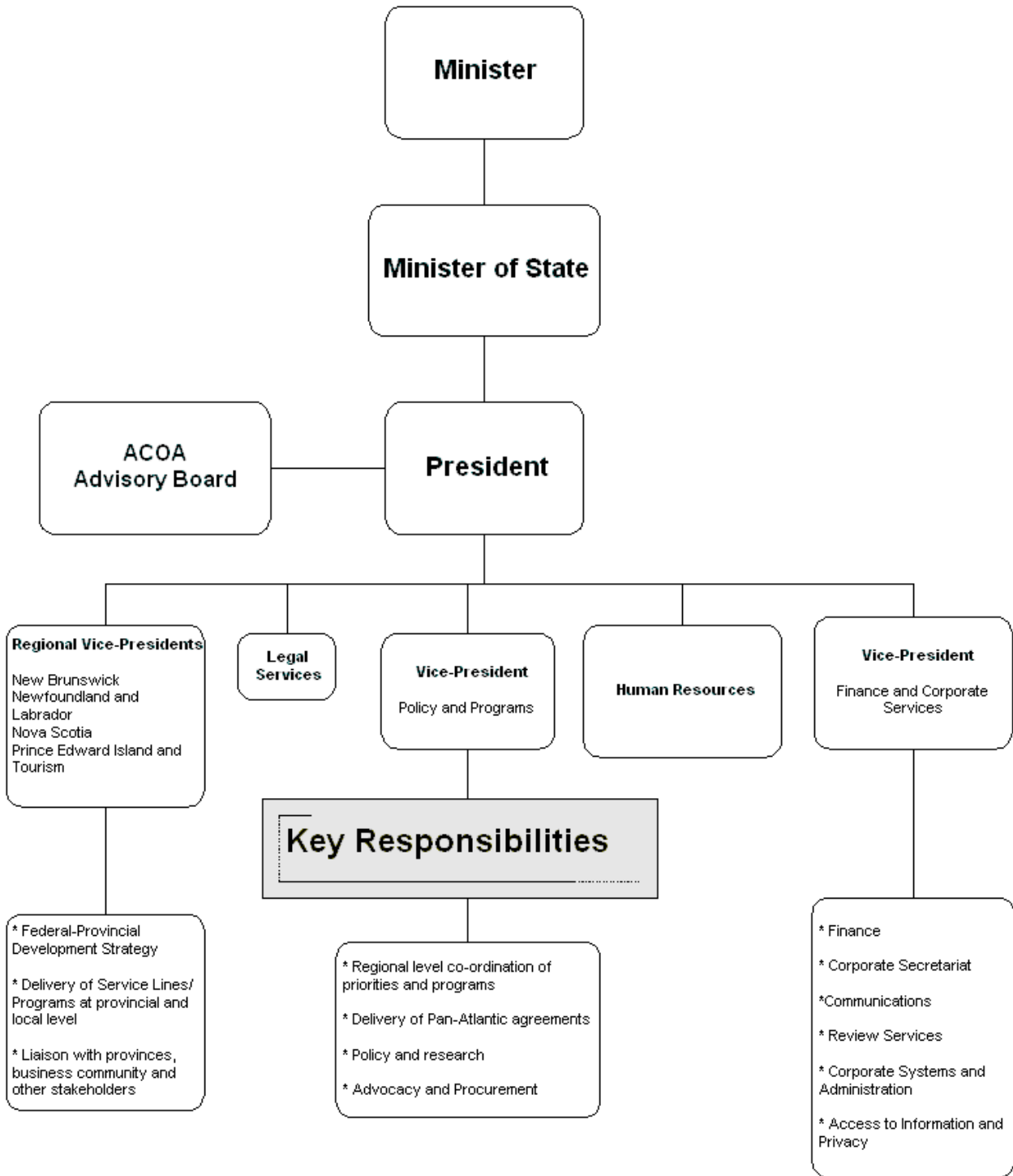
ACOA's Head Office is located in Moncton, New Brunswick. Head Office components are the President's Office, Policy and Programs, Finance and Corporate Services, Legal Services and Human Resources. The organizational structure is depicted on page 4 of this document.

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 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



ACCESS TO INFORMATION AND PRIVACY ACTS

INTRODUCTION

ORGANIZATION AND IMPLEMENTATION

The Director/Co-ordinator 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/Co-ordinator 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 co-ordinates the records retrieval process. The Director/Co-ordinator reports to the Corporate Secretary who, in turn, reports to the Vice-President, Finance and Corporate Services.

The ATIP Office has a complement of six full-time employees comprising one director, three officers and two support staff, all of whom are dedicated to the processing of the Access and Privacy requests and related functions. The services of consultants were required to assist in the processing of an increased workload and to provide training to the Agency staff during the year. 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 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 undertakes 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/Co-ordinator 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/Co-ordinator 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 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 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	26
Academic	2
Business	29
Organization	18
Public	18

Please refer to pages 11 and 15 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 conducted with employees in the New Brunswick and Nova Scotia regional offices as well as in the Agency's Head Office during this fiscal year.

5. COMPLAINTS AND INVESTIGATIONS

In the 2001-2002 Annual Report to Parliament, the Information Commissioner reported seven complaints regarding the Agency's application of the *Access to Information Act*. Of these, four were resolved, one was determined to have been not substantiated and two were discontinued. 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 one determined to have been unfounded.

HIGHLIGHTS AND SUMMARY OF ACOA'S ACTIVITIES

The case load processed by the Agency during the reporting period amounted to 117 requests (under the *Access to Information Act*); 93 of these were new requests and 24 were requests carried forward from the previous reporting period.

The Agency received one new request under the *Privacy Act*. It was completed during the reporting period.

During 2001-2002, the Agency responded to 24 consultations received from other federal institutions. 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 2002-2003 shows an increase in the number of requests received at the Agency during the same period in 2001-2002. All indications are that this trend will continue throughout the 2002-2003 reporting period.

REPORT ON THE *ACCESS TO INFORMATION ACT*



REPORT ON THE ACCESS TO INFORMATION ACT
RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION

Institution Atlantic Canada Opportunities Agency / Agence de promotion économique du Canada atlantique				Reporting period / Période visée par le rapport 04/01/01 - 03/31/02	
Source →	Media / Médias 26	Academia / Secteur universitaire 2	Business / Secteur commercial 29	Organization / Organisme 18	Public 18

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	93
Outstanding from previous period En suspens depuis la période antérieure	24
TOTAL	117
Completed during reporting period Traitées pendant la période visée par le rapport	99
Carried forward Reportées	18

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

1	All disclosed Communication totale	29	6	Unable to process Traitement impossible	4
2	Disclosed in part Communication partielle	62	7	Abandoned by applicant Abandon de la demande	3
3	Nothing disclosed (excluded) Aucune communication (exclusion)	0	8	Treated informally Traitement non officiel	0
4	Nothing disclosed (exempt) Aucune communication (exemption)	1	TOTAL		99
5	Transferred Transmission	0			

III Exemptions invoked
Exceptions invoquées

S. Art. 13(1) (a)	0	S. Art. 16(1) (a)	6	S. Art. 18 (b)	0	S. Art. 21(1) (a)	8
(b)	0	(b)	0	(c)	0	(b)	25
(c)	8	(c)	1	(d)	0	(c)	17
(d)	0	(d)	0	S. Art. 19(1)	44	(d)	8
S. Art. 14	16	S. Art. 16(2)	0	S. Art. 20(1) (a)	5	S. Art. 22	0
S. Art. 15(1) International rel. Relations intern.	0	S. Art. 16(3)	0	(b)	48	S. Art. 23	4
Defence Défense	1	S. Art. 17	0	(c)	50	S. Art. 24	1
Subversive activities Activités subversives	0	S. Art. 18(a)	0	(d)	39	S. Art. 26	0

IV Exclusions cited
Exclusions citées

S. Art. 68 (a)	0	S. Art. 69(1) (c)	1
(b)	0	(d)	3
(c)	0	(e)	6
S. Art. 69(1) (a)	3	(f)	0
(b)	0	(g)	10

V Completion time
Délai de traitement

30 days or under 30 jours ou moins	27
31 to 60 days De 31 à 60 jours	35
61 to 120 days De 61 à 120 jours	20
121 days or over 121 jours ou plus	17

VI Extensions
Prorogations des délais

	30 days or under 30 jours ou moins	31 days or over 31 jours ou plus
Searching Recherche	1	1
Consultation	8	9
Third party Tiers	18	21
TOTAL	27	31

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	91
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	\$ 465.00	Preparation Préparation	0
Reproduction	0	Computer processing Traitement informatique	0
Searching Recherche	0	TOTAL	\$465.00
Fees waived Dispense de frais		No. of times Nombre de fois	\$
\$25.00 or under 25 \$ ou moins		58	\$ 393.67
Over \$25.00 De plus de 25 \$		52	\$4,549.31

X Costs
Coûts

Financial (all reasons) Financiers (raisons)	
Salary Traitement	\$330,549.00
Administration (O and M) Administration (fonctionnement et maintien)	\$44,838.00
TOTAL	\$375,387.00
Person year utilization (all reasons) Années-personnes utilisées (raisons)	
Person year (decimal format) Années-personnes (nombre décimal)	7.40

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 04/01/01 - 03/31/02
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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

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	0
2 Disclosed in part / Communication partielle	0
3 Nothing Disclosed (excluded) / Aucune communication (exclusion)	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

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

VIII Method of access / Méthode de consultation	
Copies given / Copies de l'original	0
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	0	0
Consultation	0	0
Translation / Traduction	0	0
TOTAL	0	0

IX Corrections and notation / Corrections et mention	
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	\$0
Administration (O and M) / Administration (fonctionnement et maintien)	\$1,662
TOTAL	\$1,662
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.03

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 117 requests were processed by the Agency during 2001-2002 compared with 122 in 2000-2001 and 98 in 1999-2000. During this current reporting period, 93 new requests were received and 24 requests were carried forward from the previous reporting period. The number of requests received and the number of outstanding files carried forward from the previous reporting period was down slightly during this reporting period.

II: DISPOSITION OF REQUESTS COMPLETED

Of the 99 requests completed during 2001-2002, the Agency granted access, in whole or in part, to the records in 90.9% of the cases. Of the remaining eight cases, the Agency was unable to process four requests for reasons such as non-existence of records, three requests were abandoned by the applicant, and, on one occasion, all documents requested were exempted.

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 18, shows the frequency of exemptions invoked and exclusions cited for the last three reporting periods.

V and VI: COMPLETION TIME AND EXTENSIONS

During 2001-2002, approximately 81% of cases were completed within 120 days and 61% within 60 days.

Extensions were required beyond the prescribed time limit of 30 days in 58 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 2001-2002 to respond to requests.

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 requestor. During the 2001-2002 reporting period, the Agency 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 \$465 during 2001-2002 while it waived a total of \$4,932.98.

X: COSTS

In 2001-2002, the direct cost of administering the *Access to Information Act* including information training sessions totalled \$375,387 consisting of \$330,549 in salary costs representing 7.40 person-years and \$44,838 in administration costs.

The direct cost of administering the *Privacy Act* totalled \$1,662, all consisting of administration costs. The person-years calculation totalled 0.03.

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		
		2001-2002	2000-2001	1999-2000
13(1)(a)	Information obtained in confidence from a foreign state government	0	2	0
13(1)(b)	Information obtained in confidence from international organizations	0	0	0
13(1)(c)	Information obtained in confidence from a provincial government	8	9	20
13(1)(d)	Information obtained in confidence from a municipal or regional government	0	0	2
14	Federal-provincial affairs	16	10	21
15(1)	International affairs and defence	1	0	0
16(1)(a)	Law Enforcement and Investigations - Information prepared or obtained from an investigating body re law enforcement and investigation	6	0	3
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	1	0	4
16(2)	Law enforcement and investigations - Security	0	0	1
17	Safety of Individuals	0	0	1
18(d)	Economic interests of Canada	0	0	1
19(1)	Personal information as defined in the <i>Privacy Act</i>	44	39	34
20(1)(a)	Trade secrets of a third party	5	7	3
20(1)(b)	Third-party financial, commercial, scientific or technical confidential information	48	40	43
20(1)(c)	Financial loss or gain, or could prejudice the competitive position of a third party	50	40	44
20(1)(d)	Interference with negotiations of a third party	39	22	41
21(1)(a)	Advice or recommendations by or for the government or Minister of the Crown	8	16	17
21(1)(b)	Account of consultations or deliberations of government or Minister of the Crown	25	20	18
21(1)(c)	Positions or plans for negotiations carried by or on behalf of the Government of Canada	17	5	22
21(1)(d)	Plans relating to the management of personnel or administration of a government institution not yet put into operation	8	1	5
23	Solicitor-client privilege	4	7	10
24	Statutory prohibitions against disclosure	1	7	3
68(a)	Materials published or available for purchase by the public	0	1	1
69(1)(a)	Confidences of the Queen's Privy Council for Canada - Memoranda	3	5	4
69(1)(b)	Discussion papers for Council's decision making	0	1	0
69(1)(c)	Agenda and Records of Cabinet Deliberations	1	3	1
69(1)(d)	Confidences of the Queen's Privy Council for Canada - Discussions between ministers	3	6	0
69(1)(e)	Confidences of the Queen's Privy Council for Canada - Records to brief ministers	6	3	5
69(1)(g)	Confidences of the Queen's Privy Council for Canada - Records containing information re (a) to (f)	10	5	7