



**Revenue Canada**

**Report Card  
On  
Compliance with Response Deadlines Under the  
*Access to Information Act***

**— Information Commissioner of Canada —**

**MARCH 1999**

# Revenue Canada (RC)

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## Revenue Canada (RC)

### A. REPORT—March 1999

#### I. Glossary of Terms

##### **ATI Coordinator:**

Each institution is required, by Treasury Board policy, to designate an official known as the Access to Information Coordinator. The Access to Information Coordinator is responsible for receiving access requests. Coordinators may also be delegated authority, from the heads of institutions, to levy fees, claim extensions, give notices and invoke exemptions. The scope of a Coordinator's authority varies from institution to institution.

##### **Complaint Findings:**

- Well-founded—Complaints well-founded but not resolved, where the Commissioner sought consent from the requester to pursue the matters in Federal Court.
- Resolved—Well-founded complaints resolved by remedial action satisfactory to the Commissioner.
- Not Substantiated—Complaints considered not to be well-founded.
- Discontinued—Complaints discontinued, on request from the complainant, prior to a final resolution of the case.

##### **Deemed Refusal:**

10.(3) Where the head of a government institution fails to give access to a record requested under this Act or a part thereof within the time limits set out in this Act, the head of the institution shall, for the purposes of this Act, be deemed to have refused to give access.

##### **Extension:**

9. (1) The head of a government institution may extend the time limit set out in section 7 or subsection 8(1) in respect of a request under this Act for a reasonable period of time, having regard to the circumstances, if

- (a) the request is for a large number of records or necessitates a search through a large number of records and meeting the original time limit would unreasonably interfere with the operations of the government institution,
- (b) consultations are necessary to comply with the request that cannot reasonably be completed within the original time limit, or
- (c) notice of the request is given pursuant to subsection 27(1) by giving notice of the extension and, in the circumstances set out in paragraph (a) or (b), the length of the extension, to the person who made the request within thirty days after the request is received, which notice shall contain a statement that the person has a right to make a complaint to the Information Commissioner about the extension.

### **Notice of Extension to Information Commissioner:**

9. (2) Where the head of a government institution extends a time limit under subsection (1) for more than thirty days, the head of the institution shall give notice of the extension to the Information Commissioner at the same time as notice is given under subsection (1).

**OPI:** Office of primary interest or the location in the department responsible for the subject matter to which the access request relates.

### **Pending:**

Unfinished requests or complaints.

- Pending Previous—Requests or complaints that were unfinished at the close of the previous fiscal year, and thus carried forward into the reporting period (the fiscal period indicated on the pie chart).
- Pending at year-end—Requests or complaints that are unfinished at the end of the reporting period (the subject fiscal year), which will be carried into the next fiscal period.

### **Processing Time:**

The time taken to complete each stage in the access process, from the date the access request is received to the time a final response is given.

### **3<sup>rd</sup> Party:**

“Third party,” in respect of a request for access to a record under this Act, means any person, group of persons or organization other than the person that made the request or a government institution.

### **Treasury Board Guidelines:**

“The *Access to Information Act* is based on the premise that the head of each government institution is responsible for ensuring that their institution complies with the Act, and for making any required decisions. There is also provision for a designated Minister to undertake the government-wide co-ordination of the administration of the Act. The President of the Treasury Board fulfils this role.

“One of the statutory responsibilities of the designated Minister is to prepare and distribute to government institutions directives and guidelines concerning the operation of the *Access to Information Act* and regulations. The policy contained in this volume constitutes the directives referred to in the Act, and along with the Act and the Regulations establishes the minimum requirements for subject institutions. The guidelines are intended to provide an interpretation of the requirements and guidance on the application of the Act, the Regulations and the policy.”

## II. Background

For several years, Revenue Canada (RC) has been one of a number of institutions subject to review because of evidence of chronic difficulty in meeting response deadlines. In his 1996-97 Annual Report to Parliament, the former information commissioner reported that delays in response to access requests had reached crisis proportions. Revenue Canada was singled out as one of the offenders.

The 1997-98 Annual Report presented a more optimistic view, reporting that although the deemed-refusal problem had not gone away, RC had decided "it could no longer ignore its poor response-time performance." Whereas the law stipulates a 30-day response time for responding to access requests, RC had been taking an average of 200 days: 64 days were taken by program areas in gathering records and performing a preliminary review, 102 days were used by the ATI office in completing the response, and a further 40 days were used for internal approvals.

The former commissioner concluded, "Practical suggestions for improvement are now under consideration by the Deputy Minister. As of this writing, changes have not been implemented; progress will be monitored and reported on in next year's report." What follows is the promised report.

## III. Grading Standard

This report card contains the results of the Information Commissioner's review of RC's performance statistics to November 30, 1998.

Since Canadians have a right to timely access to information (i.e. 30 days or within extended times under specified conditions), a delayed response is equivalent to a denied response. Parliament articulated this "timeliness" requirement in subsection 10(3) of the Act, which states:

10.(3) Where the head of a government institution fails to give access to a record requested under this Act or a part thereof within the time limits set out in this Act, the head of the institution shall, for the purposes of this Act, be deemed to have refused to give access.

As a result, the Information Commissioner has adopted the following standard as being the best measure of a department's compliance with response deadlines: percentage of requests received which end as deemed refusals. RC is, in this report card, assessed against the following grading standard:

<b>% of Deemed Refusals</b>	<b>Comment</b>	<b>Grade</b>
0-5 per cent	Ideal compliance	A
5-10 per cent	Substantial compliance	B
10-15 per cent	Borderline compliance	C
15-20 per cent	Below standard compliance	D
More than 20 per cent	Red alert	F

On this grading scale, RC rates **F\***. Its performance is unacceptable. [This fiscal year to November 30, the new request to deemed-refusal ratios is 320:274=85.6%.]

What follows is an analysis of the statistical data, an explanation of the reasons for the performance record, a description of the steps being taken by management to improve performance and a set of recommendations to assist the department in this regard.

Despite its poor grade, RC deserves kudos for dramatically changing, for the better, the number and duration of delays. More remains to be done, but it would appear that RC has established the policies, practices and priorities necessary to solve its delay problem in the new term.

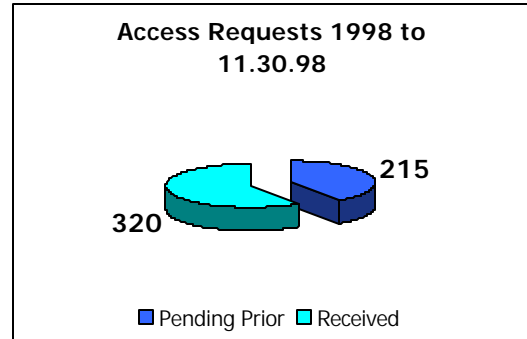
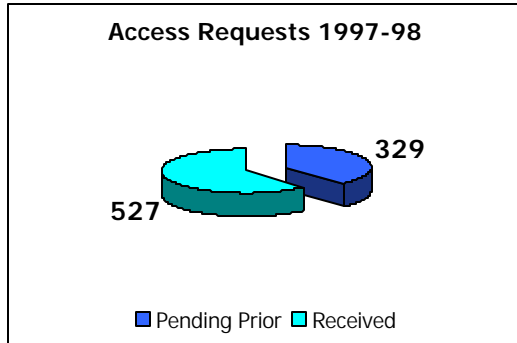
Attached to the report (Part B) are the various questionnaires and responses which formed the basis for the grading, observations and recommendations in this report card.

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\* This grade solely reflects on the department's performance in meeting response deadlines to November 30<sup>th</sup> 1998. It is not a measure of the department's performance in the application of exemptions. In general, RC applies the exemption provisions of the act professionally and with restraint.

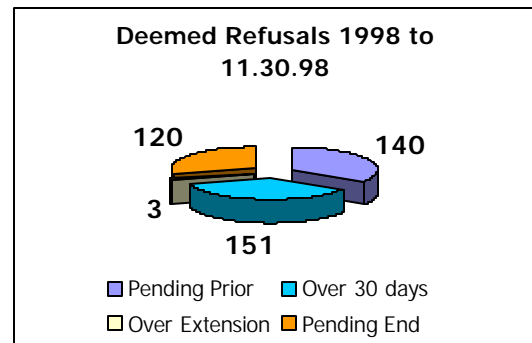
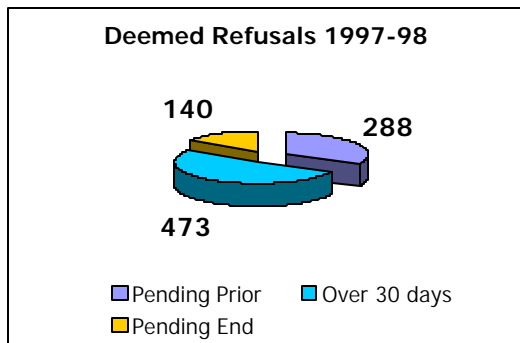
## IV. Statistical Information

### 1. Requests



The charts above present a good visual picture of RC's significant request backlog.

Of note, Revenue Canada was listed in the 1997-98 InfoSource Bulletin as having placed sixth highest of the ten institutions receiving the most requests. In 1997-98, RC received 4.3% of all requests made during that reporting period—527 requests.



At the outset of the 1997-98 fiscal year, RC's Access to Information office had 329 unfinished requests—288 (88.5%) of which were already in a deemed-refusal situation. The 1998-99 fiscal year shows some improvement with 215 outstanding requests—140 (65.1%) in a deemed-refusal situation. Considering the fact that 527 new requests were received in the 1997-98 fiscal period—320 to November 30 this fiscal year, these (Pending Prior) deemed refusals still amount to approximately 30 per cent of the yearly intake. Non-compliance considerations aside, this backlog is burdensome to the ATI office and must be eliminated.

The time taken to complete new requests is equally distressing.

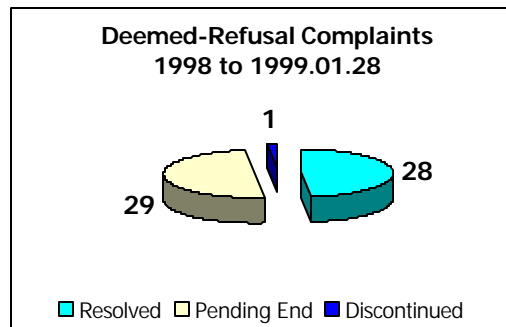
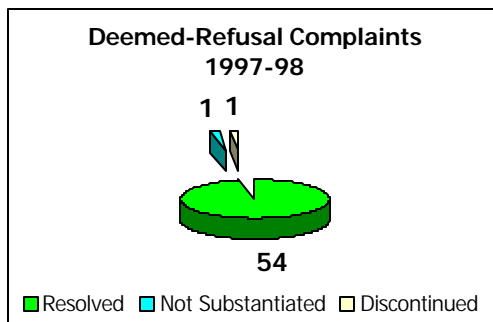
- In 1997-98, processing times for 473 requests completed beyond the 30-day statutory limit without an extension were:
  - 45 (9.5%) took an additional 1-30 days to complete
  - 76 (16.1%) took between 31 to 60 additional days
  - 352 (74.4%) were completed in over 90 additional days
- In 1998 to November 30, 1998, additional processing times for 151 non-extended new requests were:
  - 26 (17.21%) took an additional 1-30 days
  - 21 (13.9%) took between 31 to 60 additional days
  - 32 (21.2%) took between 31 to 90 days
  - 72 (47.7%) were completed in over 90 additional days

(This does not include completion figures for the deemed-refusal backlog, since the self-audit questionnaire did not ask RC's office to provide that information.)

- In 1997-98, RC claimed no time extensions. During the current fiscal period to November 30<sup>th</sup>, out of 5 time extensions, 3 (60%) exceeded the extension of time:
  - 2 took an additional 1-30 days, and
  - 1 took between 31-60 extra days.

As of November 30, 1998, 120 (37.5%) of unfinished new requests were in a deemed-refusal situation. The duration for these outstanding requests is not known.

## 2. Complaints—Deemed Refusals



In 1997-98, the Office of the Information Commissioner received 56 deemed-refusal complaints against RC—most (54—96.4%) were upheld (resolved).

As of January 28, 1999, the commissioner's office had received 58 complaints. On that date, of the 29 finalized complaints—again, most (28—96.6%) were upheld (resolved).



### 3. ATI Office—Staff

The processing of access requests is the responsibility of the ATI Coordinator, who is also responsible for processing requests under the *Privacy Act*. The staff of the ATIP office is comprised of 33 employees—24 officer-level and 9 support staff. Nine consultants were hired for three-month contracts to review records. Nine additional positions are being created, and staffing has commenced.

Staff in a regional ATIP office—a pilot project is the process of establishing this unit in the Quebec region. Initial staffing will include three employees—two officer-level and one support staff.

### 4. ATI Office—Budget

The ATI salary dollar budget for 1998-99—excluding the recent PSAC settlement—is \$1.2 M for 34 person years, plus a one-time allocation of more than \$400K for consultants and restructuring. The 1997-98 budget was \$1.1 M for 31, which was unchanged from the budget for 1996-97. \$1,000,000 will be added for staffing resources as a permanent increment in 1999-00; \$100,000 of this permanent increment will be for consultants during peak periods.

The ATI operating budget for 1998-99 is \$ 282,000. For previous years, the 1997-98 amount was \$82,000, unchanged from the 1996-97 budget. Training for 1998-99 is \$25,000, unchanged from the budget of 1997-98 and 1996-97.

### 5. Allotted Times for Request Processing

The 30-day statutory time limit allows 21-22 days for processing. RC's current turnaround times (listed below) do not enable RC to meet response deadlines.

<b>Area</b>	<b>Turn-around Time</b>
ATI office (receipt)	1-2 days
Operational units	11 days—15 calendar days, if no extension
ATI office (processing)	65 days—shows current average, down from 120
Public Affairs	2 days—less than 5 % of requests
Branch Heads (approval)	5 days—discretionary exemptions, previously 28
Deputy Minister's office	2 days—2% of requests.
Minister's office	2-5 days—for less than 5% of requests.
ATI office	1 day—sending out the final response

## **V. Sources of Delay**

There appear to be three primary reasons for the delay problem at RC: processing and approval time, missed opportunities to take advantage of legitimate extensions, and geographic location of records.

### **1. Processing & Approval Time**

RC is making progress in reducing the 200-day processing and approval time taken in previous fiscal periods. However, the turnaround still takes up to 90 days and requires further tightening up.

On receipt of request, the ATI office uses 1-2 days to start the process. Next, although program areas are allowed 11 days to gather records and perform preliminary reviews, RC's statistics indicate that the average turnaround is about 20 days. Thus, the department's ability either to meet the 30-day deadline or to invoke an extension of time (which must be done within the initial 30 days) is often eroded. After the ATI office receives the records, an average of 65 days is currently taken for the final review and completion of the response—this is down from 120 days.

Once responses are prepared, many must still go through a lengthy approval process. Ten per cent of all requests involve discretionary exemptions, and are sent to Branch Heads for an allowed 5-day approval period. Until February of 1999, these also went back to the operational area for an additional 5-day approval period; however, RC has dropped this step. Further, up to 5 per cent of all cases also go through the following approvals: Public Affairs (2 days), the Minister's office (2-5 days), and the Deputy Minister's office (2 days). In total, the new timelines continue to allow up to 14 days for the approval process for some requests. This is clearly not good enough.

### **2. Missed Opportunities to Extend Deadlines**

It is clear that RC is not taking advantage of the legitimate opportunities to extend time for responding to access requests. In 1997-98, RC received 527 new access requests, none of which were extended pursuant to section 9. In the period April 1, 1998 to November 30, 1998, 320 requests were received and only 5 extensions were taken.

Extensions are rarely exercised at RC, despite the department's view that a significant cause of delay is that "the often large size of the records being requested and the serious repercussions of inappropriate disclosure adds a level of complexity to many of our cases not found in all other departments."

It appears that RC does not well-understand the circumstances in which extensions may be claimed. The ATI Coordinator interprets paragraph 9(1)(a) as “only useful for a search through a large number of records.” Because records are usually easy to locate, he does not believe there is a valid reason to extend. In his view, extensions under 9(1)(a) would double RC’s complaints. Requesters would complain about both the deemed refusal and the extension.

It is the Information Commissioner’s view that RC has all the legal tools it requires under the Act to manage its workload. Once operational areas come into compliance with the 11-day turnaround standard, RC will be able to invoke extensions and, hence, reduce the number of deemed refusals due to large volume requests.

### **3. Geographic Location of Records**

Field operations outside Ottawa hold more than 8 per cent of RC’s records. This impacts timeliness since records must be located in one or more of 800 locations, and then moved to Ottawa for review. (The transport time can be tripled if the need for OPI discretionary exemption approval is extended to field operations.) According to RC, “This is a burden not experienced by departments whose records are more centralized.”

### **4. Other**

RC is of the view that another cause of delay is an increase in the complexity and sensitivity of requests.

The commissioner does not consider that RC places above the norm in this regard. Many departments are experiencing an increase in the complexity of requests simply because departments are releasing more routine information informally, through publications and on websites. After 15 years, Canadians are becoming more sophisticated users and are targeting more complex and sensitive issues. That is true for all government institutions.

## VI. Management Response to the Problem of Delay

RC has demonstrated a strong commitment to addressing and eventually eliminating its access to information delay problems. The department is channeling more financial resources into staffing, establishing regional decision-making authority, modifying delegated powers of authority, monitoring processing time and has set target dates for the department to come into substantial compliance with the deadlines the *Access to Information Act*.

Significant achievements have been realized in the following areas:

- 57-62 days to obtain records now reduced to 20 days
- 200 days to complete a file now reduced to below 90 days
- 28 days to get a file signed now reduced to below 5 days
- Complete delegation of authority to ATIP Division
- Quebec Pilot Project exploring the possibility of delegation for field offices

Other changes, expected to result in improved performance, are discussed in the following sections and should be in place by the summer of 1999.

### 1. Staffing—Additional Resources

In Revenue Canada's view, an additional ATIP resource investment is the key to resolving many of its deemed-refusal problems. As a result, the department is dedicating additional financial resources in the area of staffing. Additional staff and changes to the organizational structure will assist in clearing up RC's backlog and, ultimately, reaching and maintaining compliance with the *Access to Information Act*. This includes:

- A one-time allocation of more than \$400K in 1998-99. Part of these resources will be absorbed by the cost of modifying the management and organizational structures at headquarters, under the direction of Consulting and Audit Canada staff. The balance of this allocation is for contractors to reduce existing inventories. Six consultants were hired for 3 months, along with three for 3 months.
- \$1,000,000 will be added for staffing resources as a permanent increment in 1999-00. (RC estimates as many as 15-20 additional permanent ATIP staff may be required to meet the legislative requirements.) \$100,000 of this allocation will be used to secure the services of consultants during peak periods. The purpose of this proactive budgetary planning is to avert the risk of another backlog situation.
- A revision of the organizational structure of RC's ATIP office is now complete.

Staffing action is in progress for additional staff.

## **2. Regional Decision-Making**

Another positive initiative taken by RC is a pilot project for the Quebec region, which will be completed by July 1, 1999 and assessed by August 1. Training commenced during the week of January 4, 1999, consisting of a PM-05, PM-03 and one CR-04.

For a period of six months, managers at the region will be given administrative authority—including review and decision-making—for all *Access to Information Act* and *Privacy Act* requests for requests for information in that region. The purpose of this pilot is to examine whether or not regional decision-making can assist in shortening processing times. In most cases, it will eliminate the time necessary to transport records from the field office to Ottawa for review.

At the conclusion of the Quebec pilot, RC will assess whether this approach is applicable in all its regions. As it stands, there has been a revision to procedures for obtaining files from branches and regions.

## **3. Delegation**

RC revised its instrument of delegation in February 1999. The ATIP Coordinator has been given full delegation. The regional office has the same authority as the ATIP Coordinator, however requests involving the media or national issues will still reach head office. Officers with delegated authority exercise the delegation as a result of advice from the ATIP Division.

## **4. Overhaul of ATIP Processes and Management Framework**

Effective on February 1, 1999, Revenue Canada established a new management framework, and provided a new policy and procedures ATIP manual. Included in the new framework are revised accountabilities, along with planning and control measures. This new management structure will include performance scorecards for Managers.

Under the new framework, Branch Heads receive bi-weekly reports on outstanding requests. Reports indicate the status of access requests, by responsibility centre, and draw attention to requests where the ATI office has not received records. Compliance with deadlines is sought on an “urgent basis.” As well, effective in January 1999, the department commenced a review of its internal ATIP processes using a methodology known as Continuous Process

Improvement (CPI). The CPI review and consequent processing changes were due for completion on March 1, 1999.

This intensive exercise involved the full-time attendance and participation of key ATIP personnel at a six-week process improvement project. Following a structured methodology, the project team first learned about the importance of process through a simulated tool-building exercise. Equipped with written guidelines and all the necessary tools, each participant was tasked with a specific job as part of a production line, which ultimately produced a tool. This simulation purposely took the group away from their normal working environment to highlight the importance of a well-planned processing structure.

Next, the group carefully analyzed RC's then-current ATIP processes, and discovered the many repetitive, non-value-added work processes that had evolved over time. This led to the development of a new, effective, and more streamlined process; their objective was to design a process, which is reliable, clear, consistent, accurate, accessible and complete. The new process does not allow for any repeated steps, and its aim is to ensure that 95 per cent of all ATIP requests will receive a response within the initial 30 days. (This process can be applied to RC's regional offices, as easily as at RC's headquarters.)

Under the new process, all stages are clearly understood, and are backed-up with written guidelines. One officer deals with a request from start to finish. Within the first 3 days, the officer contacts the applicant for clarification. Then, with a clear indication of what and why information is sought, the officer obtains the records, and completes all the necessary processing steps—review, severance, approval, et cetera. Along with the final response, a survey response card is included for feedback purposes.

The Information Commissioner considers the CPI review to be a tremendously encouraging evidence of RC's commitment.

RC has also established program-wide performance targets for access to information request. Targets include:

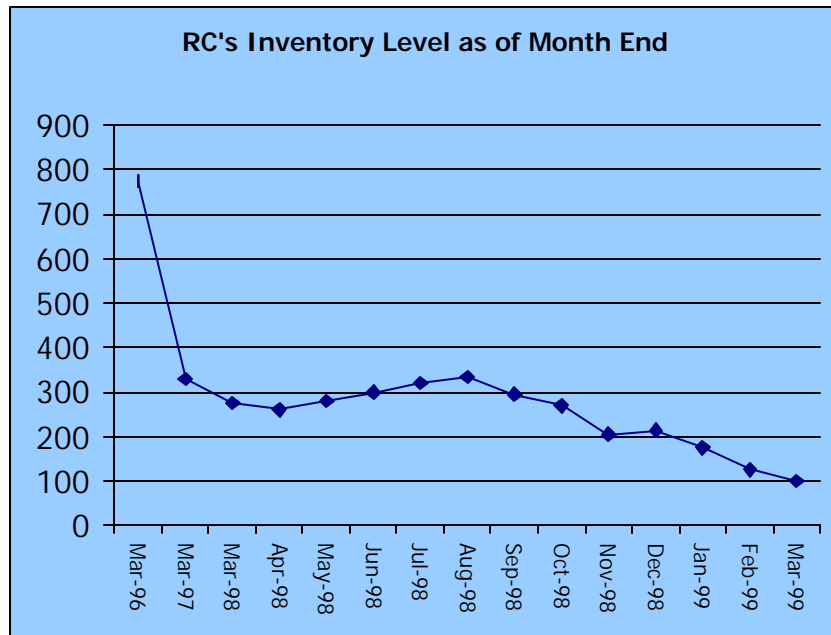
Building on the short-term targets, which we have put in place for the balance of this fiscal year, inventory age targets for the 1999-00 fiscal year will include the following:

<b>Age</b>	<b>April 1-September 30</b>	<b>October 1-March 31</b>
0-30 days	50% of inventory	70% of inventory
31-60 days	25% of inventory	15% of inventory
61-90 days	15% of inventory	10% of inventory
+90 days	10% of inventory	5% of inventory

- By April 1, 1999, not more than 10% of cases will be more than 90 days old and not more than 25% will be older than 60 days
- By the middle of the next fiscal year, RC will carry a targeted inventory of not more than

- 100 cases
- Virtually all new cases will be processed within legislated timeframes
- Exceptions will still exist for large and complex case files

In fact, as of March 1999, the inventory of cases over ninety days was reduced from 200 to not more than 10.



## VII. Recommendations

This review recommends the following:

- ❖ The coordinator is directly responsible for ensuring compliance with the Access Act, and should take a strong leadership role in establishing a culture of compliance throughout RC. Such a role requires the unwavering support and endorsement of the Minister and the Deputy Minister.
- ❖ The coordinator should be directed by the Minister, in writing, to exercise the delegation to answer requests within deadlines whether or not the senior approval process has been completed.
- ❖ RC should start making use of extensions under section 9, and OPIs (including field offices) should be trained to identify records that would justify a valid extension. Further, OPIs should contact the ATI office without delay to indicate the request involves a large number of records, or a search through a large number of records. If the ATI office is aware of the need to extend, within the initial 30 days, a valid extension can be taken if the appropriate notice is sent on time.
- ❖ Allotted turnaround times should be tightened up, with some approval processes dropped or performed simultaneously. An information sheet, clearly showing the expected turnaround times for each stage in the access process, should be developed. This might help those not familiar with the request process to understand the tight timelines.
- ❖ OPI-specific training (and information packages), with a focus on timelines and other considerations, should be developed, and training sessions given.
- ❖ If a request is clarified or modified, the ATI unit should confirm, in writing, its understanding of the revised request—when the original wording of a request does not provide sufficient detail to enable an experienced employee of the institution with a reasonable effort to identify the record. The date clarified becomes the effective date of the request, and the requester should be informed.
- ❖ If an extended date will not be met, the ATI office should routinely contact the requester to indicate it will be late, to provide an expected response date and of the right to complain to the Information Commissioner. This will not impact the deemed-refusal status once the extension date is missed; however, it will alleviate some of the requester's frustration and perhaps avert a complaint.



- ❖ If an outstanding request is almost one year old, the ATI office should notify the requester about section 31, the one-year limitation on the right to complain.
- ❖ Performance contracts with operational managers should contain consequences for poor performance in processing access requests.
- ❖ Come into substantial compliance with the Act's deadlines no later than March 31 of 2000.
- ❖ Where possible, the ATI office should provide partial response releases for portions of records not involved in 3<sup>rd</sup> party or other consultations.
- ❖ Approach the overall delay problem by establishing milestones to reach pre-set targets for improved performance (i.e. move to a project management mode).
- ❖ ATI training should be mandatory for all new managers as part of their orientation and for all managers on a refresher basis.
- ❖ An information sheet, clearly showing expected turnaround times for each stage in the access process, should be developed. This might help those not familiar with the request process to understand the tight timelines.

## B. BASIS OF REPORT

### I. Interview with RC's ATIP Coordinator—December 17, 1998

On December 17, 1998, RC's ATIP Coordinator was interviewed for the purpose of this Report Card.

### II. RC—PRE-INTERVIEW SELF-AUDIT QUESTIONNAIRE

<b>Questionnaire for Statistical Analysis Purposes in relation to official requests made under the <i>Access to Information Act</i></b>			
<b>Part A: Requests carried over from the prior fiscal period</b>		April 1/97 to March 31/98	April 1/98 to Nov. 30/98
1.	Number of requests carried over:	329	215
2.	Requests carried over from the prior fiscal year—in a deemed refusal situation on the first day of the new fiscal year:	288	140
<b>Part B: New Requests—Exclude requests included in Part A.</b>		April 1/97 to March 31/98	April 1/98 to Nov. 30/98
3.	Number of requests received during the fiscal period:	527	320
4.A	How many were processed within the 30-day statutory time limit:?	54	18
4.B	How many were processed beyond the 30-day statutory time limit where no extension was claimed?	473	151
4.C	How long after the statutory time limit did it take to respond Where no extension was claimed?		
	1-30 days:	45	26
	31-60 days:	76	21
	61-90 days:	—	32

	Over 90 days:	352	72
<b>5.</b>	How many were extended pursuant to section 9?	—	5
<b>6.A</b>	How many were processed within the extended time limit?:	—	2
<b>6.B</b>	How many exceeded the extended time limit?:	—	3
<b>6.C</b>	How long after the expiry of the extended deadline did it take to respond?		
	1-30 days:	—	2
	31-60 days:	—	1
	61-90 days:	—	—
	Over 90 days:	—	—
<b>7.</b>	As of December 1, 1998, how many requests are in a deemed refusal situation?		120
Part C: Contributing Factors			
<b>8.</b>	Use this area to describe any particular aspect about a request or type of request that may impact on the difficulty or time necessary to complete a request:		
	Size and geographic distribution of locations of records responsive to requests.		
	Complexity of requests		
	Volume of records		
	Conflicting legislative authorities		
	Vague and broad requests		
	Reason for requests/authorization		
THANK YOU FOR COMPLETING THIS QUESTIONNAIRE			

### III. RC—REVIEW QUESTIONNAIRE (DECEMBER 1998)

#### Review Questionnaire—December, 1998

#### Delegation of Authority:

1. **On the Delegation Order for your institution, which powers, duties and functions have been delegated and to whom? (Provide a current copy of the Delegation Order.)**

A revised instrument of delegation was submitted to the Minister for significant changes in authority, whereby the Director, ATIP would have total delegation.

**Text from the Designation Order provided in response to this questionnaire is as follows:**

**Minister of National Revenue  
Ottawa, Canada K1A 0A6**

*Access to Information Act*  
Designation Order

The Minister of National Revenue, pursuant to section 73 of *the Access to Information Act*, hereby designates the persons holding the positions set out in the schedule herewith to exercise the powers and perform the duties and function of the Minister, as head of a government institution, under the sections of the Act set out in the schedule opposite each position.

Herb Dhaliwal

Note: Since the designation order schedule is very detailed, allowing designation over specific sections of the Act to a wide number of positions, it has not been reproduced for inclusion in this report. Most significant, the schedule provides full designation of all sections of the Act to the Deputy Minister, the Associate Deputy Minister, the Director-General Corporate Affairs, the Coordinator (Director, Corporate Affairs) and the Regional Administrator.

2. **Are the ATI roles and responsibilities for those with delegated authority clearly defined?**

X yes; \_\_\_ no

3. **Do officers with delegated authority actually exercise the delegation? Or, in practice, does the approval process require the approval or concurrence of officials who are not holders of delegated authority? (Explain.)**

The officers with delegated authority exercise the delegation as a result of advice from the ATIP Division.

**ATI Office:**

1. **To which unit/division (and management level) of the institution does the ATI Coordinator report?**  
a) **For operational purposes:**  
DM-1  
  
b) **For administrative purposes:**  
DM-1
2. **Who (name and title) completes the coordinator's annual performance appraisal?**  
Director General, Corporate Affairs Branch
3. **Does the ATI Coordinator have a clear mandate? (Provide all documentation which sets out the coordinator's goals, objectives, duties, responsibilities and authorization.)**  
X yes; \_\_\_ no  
Job description, draft accountability contract, including Privacy
4. **Is the ATI Coordinator performing his/her duties on a full-time basis? If not—in instances where the individual also performs duties under another position title—please indicate the percentage of time spent on ATI matters.**  
Yes, including Privacy.
5. **Does the ATI Coordinator have authority/control over ATI activities throughout the institution (i.e. headquarters, regions, etc.)?**  
Yes.
6. **If not, who is responsible for the ATI activities in other areas? (If more than one other person, please identify each by name, title, and classification—ground level.)**  
N/A

7. Please provide a breakdown of all employees in the ATI office, showing classification, and full or part-time status.

The following includes all of ATIP:

**A: Officer Level:**

<u>Classification</u>	<u>Full-time</u>
Coordinator	1
Managers, PM-05	4
PM-03	14
PM-01	5

**B: Support:**

<u>Classification</u>	<u>Full-time</u>
CR-04	9

8. Have written, internal procedures been developed and implemented to ensure that access requests are processed in accordance with the statutory provisions of the Act, Regulations and the Treasury Board Guidelines? (If yes, please provide copies.)
- X yes; \_\_\_ no
- Draft Taxation Operations Manual, CAE ATIP manual
  - Draft ATIP manual, MTB (TF444) and checklist, memo to all Branch Heads

**Requests:**

9. The Treasury Board Guidelines include that a copy of every access request—personal identifiers removed—should be submitted to the Coordination of Access to Information Requests (CAIR) System, Public Works & Government Services Canada within 24 hours of receipt. Is this being done? (Provide any other guidelines you follow in this regard.)
- \_\_\_ Always, \_\_\_ almost always, X sometimes, \_\_\_ rarely, \_\_\_ never.  
Periodic updates.
10. If a request is clarified or modified, does the ATI office confirm, in writing, its understanding of the revised request—when the original wording of a request does not provide sufficient detail—with reasonable effort—to enable an experienced employee of the institution to identify the record? (Please provide any other guidelines you follow in this regard.)
- X Always, \_\_\_ almost always, \_\_\_ sometimes, \_\_\_ rarely, \_\_\_ never.  
Amended scope is either in AR letter or in reply letter.
11. When extensions are necessary, are notices sent to the requester within 30 days?

Always,  almost always,  sometimes,  rarely,  never.  
Percentage of requests: <5%

- 12. When notice is sent under subsection 9 (1), extending the time limit for more than thirty days, how often is a copy of the notice sent to the Office of the Information Commissioner?**

Always,  almost always,  sometimes,  rarely,  never.  
Percentage of requests: <1%

- 13. Following an extension, if it is unlikely that the extended date will be met, does the ATI office contact the requester to indicate:**

- 1) the response will be late**

Always,  almost always,  sometimes,  rarely,  never.

- 2) of an expected date for the final response**

Always,  almost always,  sometimes,  rarely,  never.

- 3) of the right to complain to the Information Commissioner**

Always,  almost always,  sometimes,  rarely,  never.

- 14. If a request is almost one year old, does the ATI office notify the requester about section 31, and the one-year limitation on the right to complain—from the time the request is made? (Provide any written guidelines you follow in this regard.)**

Always,  almost always,  sometimes,  rarely,  never.

- 15.a) Are third-party notices sent as soon as the need for such notice is identified?**

N/A

- b) Is the third-party timing process (as set out in section 28) observed?**

N/A

- 16. If consultations are necessary, are these sent out as soon as the need has been identified?**

N/A

- 17. Does the ATI office provide a partial release of the request for portions that are not involved in the necessary third-party (or other) consultations?**

N/A

- 18. Is there a tracking process in place to alert the ATI office if a request:**

- has not been assigned?:  yes;  no
- will not be processed within the 30 days?:  yes;  no

- is nearing the end of the extension date?: X yes; \_\_\_ no
- is past the extension date?: X yes; \_\_\_ no
- is almost one year old?: X yes; \_\_\_ no

**Please describe the nature of the tracking process and provide related documentation.**

The Table of Contents of RC's computer tracking manual—Privacy specific section removed—is reproduced as follows:

**Canada Customs Revenue Agency**

**Draft #2  
December 4, 1998**

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## Offices of Primary Interest

1. **Are OPIs ATI responsibilities clearly defined? Please provide any written documentation.**

X yes; \_\_\_ no

In manuals

2. **Do OPIs generally observe time limits for responding to the ATI office?**

\_\_\_ Always, X almost always, \_\_\_ sometimes, \_\_\_ rarely, \_\_\_ never.

Percentage of requests: 90%

3. **What action is taken when an OPI is late in providing records? (Please provide any written documentation.)**

Bi-weekly follow-ups from DG to all Branch Heads.

**The initial memo sent to the Branch Heads, along with an example of subsequent memos, have been reproduced as follows:**

**Revenue Canada**

OCT 27 1998

### **PROTECTED WITH ATTACHMENT**

#### **MEMORANDUM FOR:**

Regional Assistant Deputy Ministers Headquarters Branch Heads

#### **SUBJECT:**

#### **Outstanding Access to Information and Privacy (ATIP) Requests**

As you are aware, we have been giving increasing attention to the Department's administration of the *Access to Information and Privacy Acts*, particularly the timeliness of our responses to clients.

In this regard, I have been directed to ensure that, to the greatest extent possible, the Department is meeting the legislated timeframes by the end of this fiscal year. The first step that we have undertaken is to reduce existing inventories to the lowest levels possible. However, a major challenge in this component of our plan is to ensure that records sought by clients are received by the ATIP Division in a timely manner from branches and regions. In this regard, I have put together a listing of files currently outstanding by branches and regions and I am attaching for your individual consideration a copy of those listings pertaining to your particular organizations as of Friday, October 23, 1998.

The report provides for the ATIP requests, by responsibility centre, for which records have not been received in the ATIP Division. In addition, the report indicated requests for records which

have been placed on hold for a variety of reasons. A nil attachment to this memo indicates that there are no outstanding requests or records to be forwarded to the ATIP Division.

We are seeking to achieve a standard response time for obtaining records of fifteen (15) calendar days from the date the request for records was forwarded to the responsible areas.

The Deputy Minister will shortly be reporting to the Information Commissioner of Canada on the steps that have been taken to date, to improve our ATIP administration, including measures which will continue to be followed in order that satisfactory response times to requests are achieved.

It is extremely important that every effort be made to forward records requested to the ATIP Division in order to meet the Department's legal obligation and the Minister's commitment. I would appreciate that every effort be made, on an urgent basis, to accelerate the forwarding of records responsive to requests to the ATIP Division.

The ATIP Division will issue future reports every two (2) weeks to ensure careful monitoring of this crucial step in the processing of ATIP requests.

I thank you in advance for your co-operation in this important matter.

Stephen Rigby  
Director General  
Corporate Affairs Branch

Attachment

Revenue Canada  
DEC - 7 1998

**PROTECTED WITH ATTACHMENT**

**MEMORANDUM FOR:**

Regional Assistant Deputy Ministers and Headquarters Branch Heads

**SUBJECT:**

**Outstanding Access to Information and Privacy (ATIP) Requests**

In keeping with the practice reported in my October 27, 1998 memorandum, attached is a copy of outstanding requests for records responsive to ATIP requests for your area of responsibility as of Friday, December 4, 1998.

We are seeking to achieve a standard response time for obtaining records within fifteen (15) calendar days from the date the request for records was forwarded to the responsible areas.

I will continue to issue this report every two (2) weeks to ensure careful monitoring of this crucial step in the processing of ATIP requests.

I would appreciate your personal attention to this matter given the priority it has been afforded by the Deputy Minister and the Minister.

I thank you for your continued co-operation in this important matter.

Stephen Rigby  
Director General  
Corporate Affairs Branch

Attachment

## Processing—Other Areas:

### A. Legal Services:

1. **Are ATI requests submitted to this area for review/approval/sign-off?**

Always;  almost always;  sometimes;  rarely;  never  
N/A

2. **What is the expected turnaround time for requests submitted to this area? (Please provide any written documentation.)**

N/A

3. **What action is taken when this area does not meet the turnaround date? If a follow-up is sent, indicate how many additional days are given for an expected response. (Please provide any written documentation.)**

N/A

### B. Public Affairs /Communications:

1. **Are ATI requests submitted to this area for review/approval/sign-off?**

Always;  almost always;  sometimes;  rarely;  never  
Percentage of requests: <5%

2. **What is the expected turnaround time for requests submitted to this area? (Provide any written documentation.)**

2 days.

3. **What action is taken when this area does not meet the turnaround date? If a follow-up is sent, indicate how many additional days are given for an expected response. (Provide any written documentation.)**

Personal telephone call from Director to DG, Communications

### C. Minister's Office:

1. **Are ATI requests submitted to this area for review/approval/sign-off?**

Always;  almost always;  sometimes;  rarely;  never  
Percentage of requests: 2%

2. **What is the expected turnaround time for requests submitted to this area? (Please provide any written documentation.)**

2-5 days.

3. **What action is taken when this area does not meet the turnaround date? If a follow-up is sent, indicate how many additional days are given for an expected response. (Provide any written documentation.)**

Personal call from Director to Departmental Assistant or DG to Executive Assistant.

### D. Deputy Minister's Office:

1. **Are ATI requests submitted to this area for review/approval/sign-off?**

Always;  almost always;  sometimes;  rarely;  never  
Percentage of requests: 2%

2. **What is the expected turnaround time for requests submitted to this area? (Please provide any written documentation.)**

2 days.

3. **What action is taken when this area does not meet the turnaround date? If a follow-up is sent, indicate how many additional days are given for an expected response. (Please provide any written documentation.)**

N/A

**E. Other areas:**

**If other areas are included in the processing/approval process of access requests, which ones? And provide the following information for each:**

**OPI: For discretionary exemptions**

1. **Are ATI requests submitted to this area for review/approval/sign-off?**  
 always;  almost always;  sometimes;  rarely;  never  
Percentage of requests: 10%
2. **What is the expected turnaround time for requests submitted to this area? (Provide any written documentation.)**  
5 days.
3. **What action is taken when this area does not meet the turnaround date? If a follow-up is sent, indicate how many additional days are given for an expected response. (Please provide any written documentation.)**  
48 hour follow-up average turnaround time is 8 days (calendar)

**Fees:**

1. **Do you have a fee policy? (If yes, please provide a copy.)**  
 yes;  no

**FTE/Operating Budgets:**

1. **Which division/unit is responsible for budget allocations for the ATI unit?**  
Corporate Affairs Branch
2. **Are ATI activities (i.e. FTE allocations) included in the strategic planning of the institution?**  
In CAB
3. **What is/was the salary dollar budget for the ATI office for the fiscal periods shown below?**  
1998/1999: \$ 1.2M; number of person years 34  
1997/1998: \$ 1.1M; number of person years 31  
1996/1997: \$ 1.1M; number of person years 31

4. **What is/was the operating budget for the ATI office for the fiscal periods shown below?**  
 1998/1999: \$ 282  
 1997/1998: \$ 82  
 1996/1997: \$ 82
5. **If possible, please provide a breakdown of how much of the operating budget for the ATI office was used or set aside for training and/or training materials (manuals, information sheets, directives, etc) for the fiscal periods shown below?**  
 1998/1999: \$ 25,000  
 1997/1998: \$ 25,000  
 1996/1997: \$ 25,000

Includes training and travel for training.

#### IV. RC'S CORRESPONDENCE

In a letter addressed to the Honourable John M. Reid, P.C., dated November 6, 1998, Mr. Robert Wright, Deputy Minister of Revenue Canada, said the following:

Thank you for your letters of October 6 and 20, 1998 wherein you raised concerns regarding the performance of my department and others in responding to *Access to Information Act* requests within the timeframes provided for by the law.

Late last year, I wrote to your predecessor in the wake of his 1997 Report noting his similar concerns at that time and indicating my intention to seek long-term solutions to the structural problem of access delays. Since that time my Minister has endorsed this goal.

I would like to provide you with a summary update of the progress we have made in this regard; but first, I feel I must comment on certain aspects of the broader environment within which we are attempting to make these improvements. As you well know, the *Access to Information Act* provides a basic timeframe of thirty days within which federal government institutions must respond to requests, subject to certain limited extensions. While the timeframe is eminently reasonable for many departments, there are several factors which can mitigate against its achievement in Revenue Canada.

First, unlike most other departments, every piece of our prime legislation contains strict prohibitions against the disclosure of client specific information. This requirement, coupled with the often large size of the records being requested and the serious repercussions of inappropriate disclosure adds a level of complexity to many of our cases not found in all other departments. Also, we have noted an increase in the number of *Access to Information Act* requests on taxation matters which are now coupled with Privacy Act requests on interlocking issues. Dealing with these cases in parallel can often serve to slow the processing of both.

In addition, you should know that more than eight percent of this department's resources are in field operations outside Ottawa, placing upon us the additional burden in many cases of having to locate records at one or more of our 800 locations and convey them to Ottawa for review. This is a burden not experienced by departments whose records are



more centralized.

My point in raising these issues in particular is not to excuse the performance of my department, but to note that the current law does not differentiate in any way between what I might refer to as the accessibility environments of different organizations. For a department such as mine, the only decisive action which can be taken is to increase the resources devoted to this function. In a time of acute resource demands across the full breadth of my program, I can only reasonably weigh this need against a wide range of others which we face. I know that your office has been studying the issue of a more stable resource flow for ATIP functions over the past several years.

Let me now bring you up to date on the steps that we are taking to address the issue of access delays. Our strategy is two-fold. First, in the short term, I have authorized resource investments this fiscal year to retain consultants with an aim to reducing the number of older cases in our inventories to the lowest level possible. At the same time, to provide improved processing times on new requests and maintain the inventories at satisfactory levels, we are simultaneously pursuing a longer-term strategy in four parts: (1) process improvements; (2) possible increases in regional decision-making; (3) increased permanent staff; and (4) enhanced program-wide performance targets.

### **Short Term Strategy:**

As noted, the largest proportion of the additional funds made available this year are devoted to the processing of our older cases in anticipation of your next Annual Report. Since April of this year, I can report the following key improvements:

- The total inventory of *Access to Information Act* requests has been reduced by 111 from 368 to 257 (30%). During this period, we have processed some 236 cases.
- The total number of cases in inventory more than ninety days old has been reduced by 118, from 260 to 142 (42%).

In addition, between now and the conclusion of the fiscal year, we are pursuing the following goals:

- By December 1, 1998, we will have an inventory of not more than 100 cases older than ninety days.
- By April 1, 1999, not more than 10% of cases in inventory will be older than 90 days and not more than 25% will be older than 60 days.

We anticipate that these continuing reductions to older case inventories will result in a reduced number of complaints in the latter half of this year.

**Long-term Strategy:**

Simultaneous with these efforts, we are examining or making a number of longer-term changes which will ensure our capability to bring our performance in line with the requirements of the legislation. These include:

**(1) Possible Increases in Regional Decision-making:**

As noted earlier, one of the major problems that we face is the amount of time that it takes to locate records in our field offices and move them to Ottawa for review. In our view, it may well be possible to move the review and decision-making regarding the release or many records directly to our field operations.

Accordingly, we are initiating a pilot in our Quebec region which will see managers in that area responsible for the administration of all *Access to Information Act* and *Privacy Act* requests for a period of six months. At the conclusion of the pilot, we will assess whether this approach is applicable in all our regions with the authority and accountability to deal with access and privacy requests. We believe that this could further shorten overall process times.

This pilot will be completed by **July 1, 1999** and assessed by **August 1, 1999**.

**(2) Process Improvements:**

An internal audit of the ATIP program in Revenue Canada disclosed a number of concerns with both the process/document flow and management infrastructure in both the headquarters organization and in the field offices. A copy of this report was shared with your officials. In order to ensure that the ATIP management team was not diverted from their short term goal of reducing the number of older cases, we retained the services of Consulting and Audit Canada to implement the audit findings. Since that time, we have:

- Undertaken an analysis of document flows within the greater ATIP program using a methodology known as Continuous Process Improvement, which we originally purchased to review our core business processes. We anticipate that this review will reduce both touch-time and cycle-time within our processes to the lowest levels possible within the resources available. This review and consequent changes to processes will be complete by **March 1, 1999**.
- Substantially completed a new management framework for the program, including revised accountability, planning and control sub-frameworks (performance targets and measures). It should be noted that your officials have been involved in some of these discussions. This new structure will be fully in place by **February 1, 1999**.
- Completed a new policy and procedures manual for the ATIP program. This new worktool will be in use by staff by **February 1, 1999**.

While these changes will not result in immediate performance improvements, I am confident that these changes, coupled with additional resources, will allow us to maintain response times much more in keeping with the requirements of the Act.

**(3) Resources:**

Notwithstanding the improvements that I have described, ultimately the only way to sustain improved performance is to increase the current ATIP resource investment. Preliminary figures suggest that we will need to increase permanent ATIP staff by as many as 15-20 FTE's in order to meet the legislative requirements. These numbers will be refined by Consulting and Audit Canada, following our CPI exercise.

This increase in investment was simply not affordable in the current fiscal year, given the other pressures facing my department. However, additional resources have been earmarked for increased staff beginning in the 1999-00 fiscal year. Anticipatory staffing associated with these resources has already commenced and valid staffing lists will be in place by April 1, 1999.

In addition, we will be providing for an increased budget to retain consultants to deal with periodic transitory increases in our inventory.

#### (4) Program-Wide Performance Targets:

Building on the short-term targets which we have put in place for the balance of this fiscal year, our inventory age targets for the 1999-00 fiscal year will include the following:

<u>Age</u>	<u>April 1-September 30</u>	<u>October 1-March 31</u>
0-30 days	50% of inventory	70% of inventory
31-60 days	250% of inventory	15% of inventory
61-90 days	15% of inventory	10% of inventory
+ 90 days	10% of inventory	5% of inventory

These targets will be part of a further, carefully monitored suite of targets for the program as a whole.

I hope that you will view these steps positively in the context of the concerns which you have raised. I also hope that they demonstrate my continuing commitment to address the problems of access to information delays. My officials will be arranging a fuller briefing for you staff in December. In the interim, I believe that it would be most beneficial if we met at an early moment to discuss the board elements of this important issue. I have asked that this be arranged with your office. Should your staff wish further details, they should feel free to contact Mr. Stephen Rigby, Director General, Corporate Affairs Branch at 957-3708.

#### **RC presented the following Action Plan at a meeting with Messrs. Alan Leadbeater and Dan Dupuis on December 7, 1998:**

##### **Modernizing ATIP—Action Plan & Status**

#### **Additional Resources:**

- One-time investments of more than \$400K in new and reallocated resources have been diverted to the program in 1998-99. These resources have been allocated towards Consulting and Audit Canada staff to direct modifications to the management and organization structures and to contractors to reduce existing inventories.

- \$1M will be added as a permanent increment in 1999-00.

**Continuous Process Improvement (CPI):**

- The national ATIP process will be reviewed using the CPI methodology beginning in January 1999.

**ATIP Organization at Headquarters:**

- A revised organization structure has been completed and anticipatory staffing is beginning now.

**Management Improvements:**

- Modified procedures for obtaining files from branches and regions
- Reviewing instrument of delegation
- Implementing new accountability framework
- Implementing new performance scorecard
- A new national program manual is being implemented

**Interim Performance Targets for Access Requests:**

- By December 1, 1998, not more than 100 cases would be older than 90 days
- By April 1, 1999, none more than 10% of cases will be more than 90 days old and not more than 25% will be older than 60 days

**Performance todate:**

- Total inventory has been reduced by 38% from 328 to 204 since August 1
- Files over 90 days have been reduced by 56% from 191 to 83 since August 1
- Number of delay complaints has been falling steadily from a high of 20 filed in August to only 2 filed in November.

**Performance in 1999-00:**

- By the middle of the next fiscal year, we will carry a targeted inventory of not more than 100 cases
- Virtually all new cases will be processed within legislated timeframes
- Exceptions will still exist for large and complex case files