Information Commissioner of Canada

Access to Information Act

Report Card on the Performance

of

Public Safety and Emergency Preparedness Canada

March 2006

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OVERVIEW

As part of the proactive mandate of the Commissioner's Office, each year a department (or departments) is selected for review and a Report Card is completed. The review is conducted to determine the extent to which the department is meeting its responsibilities under the *Access to Information Act*.

Public Safety and Emergency Preparedness Canada (PSEPC) administers the *Access to Information Act* through the Access to Information and Privacy (ATIP) Office, Executive Services Division. The Access to Information (ATI) Coordinator of the Office has delegated authority from the Head of the Institution to make only administrative decisions under the Act. Authority from the Head of the institution for decisions on exemptions is delegated to Senior Management.

A critical component of the administration of the *Access to Information Act* is the leadership role of the ATI Coordinator and Senior Management in a department. Senior Management exercises leadership by identifying access to information as a departmental priority and then acting upon this by providing the appropriate resources, technology and policies. Together with the ATI Coordinator, it is important for Senior Management to create a culture of openness and access to departmental information. The ATI Coordinator is the departmental champion of access to information.

The Report Card identified a serious and persistent deemed-refusal situation in the department. The internal departmental process for reviewing and approving the access request release package is subject to numerous reviews and approvals. The effect of the numerous reviews and approvals is to delay the processing of an access request to the point where it appears almost impossible to process a request within the statutory requirements of the Act. Numerous reviews and approvals prior to the release of records foster an institutional culture of "play it safe".

The current Delegation Order was approved on April 1, 2003 (although the department is presently working at upgrading it). The delegation approach is to provide program management with the authority to make the non-administrative decisions under the Act while leaving the administrative decisions to the ATIP Coordinator. Decisions under the *Access to Information Act* should be made by those individuals who have the requisite knowledge to make the decisions.

This Report Card makes a number of recommendations for ATI operations in PSEPC. Of particular note, an essential component in the administrative framework to support the operation of the *Access to Information Act* is the development of an ATI Operational and Improvement Plan for the ATIP Office. The Plan would establish priorities, tasks and resources, deliverables, milestones, timeframes and responsibilities to implement the Business Plan and those recommendations in this Report Card that are accepted by the department. Other recommendations focus on the need to have up-to-date comprehensive

documentation in place to promote consistent decision-making by individuals with responsibilities in the operations supporting the *Access to Information Act*.

This Report Card assigns an overall grade to the department that signifies the extent to which the department is meeting its responsibilities under the *Access to Information Act*. The grading system is described in Table 1.

Table 1: Grading System Used for this Report Card

Overall Grade	Overall ATI Operations
A = Ideal	• All policies, procedures, operational plan, training plan, staffing in place • Evidence of Senior Management support including an ATI Vision • Streamlined approval process with authority delegated to ATIP Coordinator • 5% or less deemed refusals
B = Substantial	• Minor deficiencies to the ideal that can easily be rectified • 10% or less deemed refusals
C = Borderline	• Deficiencies to be dealt with
D = Below Standard	• Major deficiencies to be dealt with
F = Red Alert	• So many major deficiencies that a significant departmental effort is required to deal with their resolution or many major persistent deficiencies that have not been dealt with over the years

On this grading scale, PSEPC rates an "F" for the first eight months of fiscal year (FY) 2005/2006. Its overall performance is Red Alert.

BACKGROUND & GLOSSARY OF TERMS

As part of the proactive mandate of the Commissioner's Office, each year a department (or departments) is selected for review and a Report Card is completed. The review is conducted to determine the extent to which the department is meeting its responsibilities under the *Access to Information Act*. The responsibilities and requirements can be set out in the Act or its Regulations such as the timelines required to respond to an access request. Or the responsibilities may emanate from Treasury Board of Canada Secretariat or departmental policies, procedures or other documentation in place to support the access to information process.

Fundamental to the access to information regime are the principles set out in the Purposes section of the *Access to Information Act*. These principles are:

> ➢ Government information should be available to the public.
> ➢ Necessary exemptions to the right of access should be limited and specific.
> ➢ Decisions on the disclosure of government information should be reviewed independently of government.

Previous Report Cards issued since 1999 focused on the deemed refusal of access requests, the situations that may have led to the deemed refusals and recommendations for eventually eliminating the problem. In 2005, the scope of the Report Cards was broadened. The scope of the Report Cards now seeks to capture an extensive array of data and statistical information to determine how an ATI Office and a department are supporting their responsibilities under the Act. Where the Commissioner's Office identifies activities during the Report Card review that would enhance the access to information process in a department, a recommendation is made in the Report Card.

PSEPC administers the *Access to Information Act* through the Access to Information and Privacy (ATIP) Office. The Coordinator of the Office has delegated authority from the Head of the institution to make only administrative decisions under the Act. Authority from the Head of the Institution for decisions on exemptions is delegated to Senior Management.

As part of the preparation of this Report Card, the ATIP Coordinator was interviewed on January 5, 2006. In addition, 15 access request files completed during FY 2004/2005, and the first eight months of FY 2005/2006 were selected at random and reviewed on March 1, 2006. The purpose of the file review is to determine if administrative actions taken to process an access request and decisions made about an access request are appropriately documented in the case file.

The ATIP Director submitted the Report Card Questionnaire included at the end of this Report Card to the Office of the Information Commissioner. The Questionnaire provides statistical and other information on the administration of the *Access to Information Act* in the department.

A Glossary of Terms for this Report Card is presented in Table 2.

Table 2: Glossary of Terms

Term	Definition
ATI Coordinator (or ATIP Director or 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	The following categories are used by the Office of the Information Commissioner to identify the outcome of a complaint made to the Office under the *Access to Information Act*: ➢ 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	The *Access to Information Act* describes a deemed refusal as follows: 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.

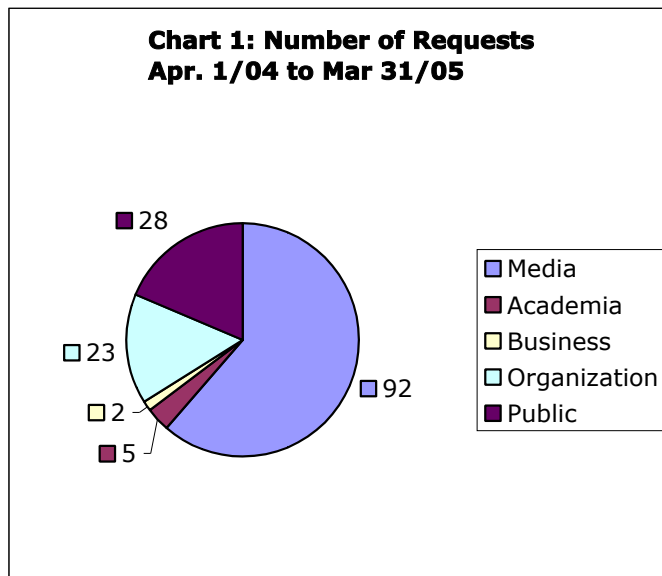| Term	Definition
Extension	Extensions to the initial 30-day time period to respond to an access request can be made in the following circumstances as described in the *Access to Information Act*: 9(1) The head of a government institution may extend the time limit set out in section 7 or subsection 8(1) 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	The *Access to Information Act* requires a notice to the Information Commissioner for extensions taken in excess of thirty days.
OPI	Office of primary interest or the location in a department responsible for the subject matter to which the access request relates.

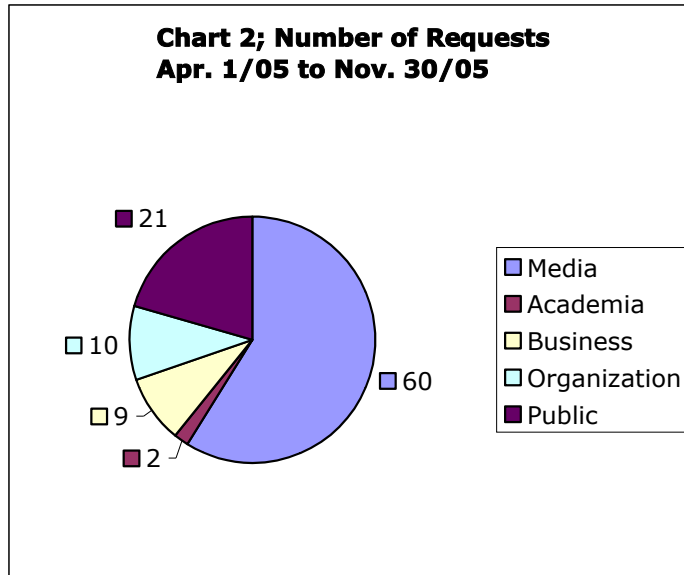| Term	Definition
Pending	Unfinished requests or complaints:
	➢ Pending Previous Requests or complaints that were unfinished at the close of the previous fiscal year, and thus carried forward into the reporting period (the fiscal period indicated on the pie chart).
	➢ Pending at year-end Requests or complaints that are unfinished at the end of the reporting period (the subject fiscal year), which will be carried into the next fiscal period.
Third-party	For purposes of the *Access to Information Act*, any person, group of persons or organization other than the person that made an access 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*.

CHAPTER 1: THE ACCESS REQUEST PROCESS

The *Access to Information Act* provides a processing framework for access requests. Any member of the public who is a Canadian citizen or a permanent resident can make an access request. The Act provides a department with certain processing timelines and allows for extensions under certain circumstances to the initial 30-day time limit to respond to an access request. A request may be transferred and third parties may be consulted when an access request covers information affecting a third-party. When records contain information that is exempt from disclosure or excluded from the Act, a department may deny that information to a requester.

The Client

Requesters are categorized for statistical purposes. Government and departments use the statistics for various analytical purposes including the identification of trends. The number of requesters by category and recent FY time periods for PSEPC are illustrated in Charts 1 and 2.

Chart 1: Number of Requests Apr. 1/04 to Mar 31/05

- Media
- Academia
- Business
- Organization
- Public

28, 23, 2, 5, 92

**Chart 2; Number of Requests
Apr. 1/05 to Nov. 30/05**

- 21 Public
- 10 Organization
- 9 Business
- 2 Academia
- 60 Media

Legend:
- Media
- Academia
- Business
- Organization
- Public

The media is the major user of the *Access to Information Act*. In FY 2004/2005, 61% of the access requests received were from the media. In the first eight months of FY 2005/2006, 59% of access requests received were from the media. The focus of media access requests has been records held by the Emergency Management and National Security Branch.

PSEPC does not flag access requests that are considered "sensitive". This is because the Minister's Office receives a copy of the proposed access request disclosure package for almost all access requests at the same time as an Assistant Deputy Minister receives the package for approval purposes. The Minister's Office receives the proposed access request disclosure package with a notification that the records will be disclosed unless the ATIP Office is notified otherwise. The possible effect of this process as part of the overall access request-processing model is discussed in the section "Time to Process Requests" of this Report Card.

Request Clarification

The number of access requests that required clarification in FY 2004/2005 was 8 or 5% of the access requests received. In the first eight months of FY 2005/2006, 4 or 4% of the access requests received required clarification. The ATIP Office always confirms in writing with the requester the content of a clarified access request. There are no documented criteria for seeking clarification of an access request. Seeking clarification is typically based on the wording of the access request or on an OPI not understanding the access request content.

> **Recommendation 1.1**: An *ATI Office Manual* be updated to document criteria for clarifying or modifying an access request.

Pages Reviewed

The number of pages reviewed for access requests completed in FY 2004/2005 was 11,897 or an average of 79 pages per request. Of the total number of pages reviewed, 7,637 pages or 64% were disclosed in total or in part to the requester. In the first eight months of FY 2005/2006, 9,422 pages or an average of 92 pages per request were reviewed. Of the total number of pages reviewed, 3,537 or 38% were disclosed in total or in part to the requester.

The ATIP Office also reviews claims by other institutions to exempt records from disclosure. In FY 2004/2005, the ATIP Office reviewed 7,787 pages. In the first eight months of FY 2005/2006, 6,725 pages were reviewed.

Fees Collected

In FY 2004/2005, the ATIP Office collected $800 in fees for processing access requests. In the first eight months of FY 2005/2006, $715.25 was collected.

Although the department does not have a fee waiver policy, 87 fee waivers amounting to $1,279 were granted in FY 2004/2005, and a further 76 fee waivers amounting to $1,555 were granted in the first eight months of FY 2005/2006.

Although no formal written waiver policy is in place, the practice is to waive any fees owing when PSEPC is late in responding to an access request. Fees are also waived when photocopying fees are small. Fee waivers are always considered when a client provides a reason – for example, if the applicant is a student on a limited budget or if the search estimate is only an hour or two beyond the five non-chargeable hours allowed per request, PSEP will usually waive the fees. While these reasons for waiving fees are commendable, without a documented policy, decisions on fee waivers may be made in an arbitrary manner.

If an access request for personal information is made under the *Access to Information Act*, PSEPC will process it as a request under the *Privacy Act*, and will advise the applicant that the request was so processed. If the applicant insists that the request also be processed under the *Access to Information Act*, PSEPC will do so without requiring the application fee.

> **Recommendation 1.2**: The ATIP Office develop a fee waiver policy for access requests.

> **Recommendation 1.3**: The ATIP Office develop for inclusion in an ATI Office Manual criteria for contacting the requester to obtain consent when an access request for personal information is made under the *Access to Information Act* and PSEPC wishes to process it as a request under the *Privacy Act.*

Request Disposition

The ATIP Office reported a relatively high number of access requests that were either abandoned by the requester or the office was unable to process. In FY 2004/2005, the disposition of 26% of the access requests processed was either "abandoned by the requester" or "unable to process". In the first eight months of FY 2005/2006, the percentage increased to 30%. The ATIP Coordinator stated that the high number of access requests that were categorized as "unable to process" were requests where no records existed. The ATIP Office will confirm with the requester that an access request will be treated as abandoned or unable to process. Because there are no documented criteria on when to categorize a request as either abandoned or unable to process, ATIP Officers may not be consistent in their categorization of the request.

> **Recommendation 1.4:** The ATIP Office document the criteria for categorizing an access request as abandoned or unable to process.

When an access request is to be treated informally, the requester is consulted. There are currently no documented criteria to consider for treating an access request informally. For example, a criterion might be if the requested records had been previously disclosed.

> **Recommendation 1.5**: The ATIP Office develop for inclusion in an ATI Office Manual criteria to take into account when considering whether or not to discuss with a requester that an access request be treated informally.

Time to Process Requests

The *Access to Information Act* allows 30 calendar days without an extension for departments to process an access request. Departments will usually have a request-processing model that allocates a portion of the 30 days to each departmental function that has a role in responding to access requests. An ATIP Office can then analyze the actual time taken by departmental functions against allocated time to determine if, where and/or what improvements might be required when actual time exceeds allocated time.

The PSEPC ATIP Office has a request-processing model that needs to be updated. The current processing model does not reflect the departmental functions involved in processing access requests nor does the current model reflect the statutory time available

to process access requests. What the current processing model does show is that the average time taken by OPIs, the ATIP Office and the Deputy Minister's Office far exceeds the time allowed by the *Access to Information Act*. For example, in the first eight months of FY 2005/2006, the average time taken to process access requests was over 53 days.

Table 3: The PSEPC Request Processing Model and Days Taken for the First Eight Months of FY 2005/2006

Processing Model - Stages	Days Allocated	Average Days Taken
ATI intake	1/2	1/2
OPI search	2	8
Records review and preparation	10	15
Legal	N/A	N/A
Communications	N/A	N/A
Approval or otherwise – OPI	3	13
Approval or otherwise – DMO	N/A	17
Approval or otherwise - MO	N/A	N/A
ATI release	N/A	N/A

The current request-processing model provides numerous review and approvals. The sequence of events all in sequential order is:

1. ATI intake at ATIP Office

2. OPI search for records

3. ATIP preliminary review

4. OPI in-depth review of records

5. External consultations (if required)

6. OPI follow-up review and sign-off by Director General (with check list for communications material)

7. Preparation of records (severing) by ATIP Unit

8. Approval and review - Assistant Deputy Minister, Portfolio Relations and Public Affairs (PRPA Branch) for sign-off (via sign-off by ATIP Coordinator, Director, Executive Services and Director General, Portfolio Relations Directorate). The ADM, Portfolio Relations and Public Affairs, gives final approval on requests involving PRPA records. If a request involves records from more than one branch, final approval is sought from the Deputy Minister by way of a memo signed by the ADM, PRPA. All other requests are signed off by the ADM of the branch concerned.

9. Approval and review - Either the Deputy Minister's Office for cross program disclosure packages or the Assistant Deputy Minister of the Program Branch. (If the file is for sign-off by the Senior Assistant Deputy Minister, the responsible Director General in his/her branch signs off - that Director General's name would therefore be included on the routing slip initialed by the ATIP Coordinator and include the Director, Executive Services, the Director General, Portfolio Relations Directorate, and the Assistant Deputy Minister, Portfolio Relations and Public Affairs - ATIP Office reports to this Assistant Deputy Minister)[1].

10. Review - At the same time that the file is processed through the review/approval process for final sign-off by an Assistant Deputy Minister or Deputy Minister, copies of proposed disclosure package (the severed version of the review file) are sent to the Minister's Office and the Deputy Minister's Office (when the Deputy Minister is not approving a cross program disclosure package) for their information.

The effect of the numerous reviews and approvals is to delay the processing of an access request to the point that it appears almost impossible to process a request within the statutory requirements of the Act. Numerous reviews and approvals prior to the release of records foster an institutional culture of "play it safe".

The current Delegation Order was approved on April 1, 2003 (although the department is presently working at ugrading it). The delegation approach is to provide program management with the authority to make the non-administrative decisions under the Act while leaving the administrative decisions to the ATIP Coordinator. Decisions under the *Access to Information Act* should be made by those individuals who have the requisite knowledge to make the decisions. In many departments, all non-administrative decisions are delegated to the ATI Coordinator who has the necessary skill base to make the decisions. Administrative decisions are also delegated to the ATI Coordinator including some to senior ATI Advisers. This does not mean that the decision-maker will not consult with OPIs and Senior Management where appropriate.

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[1] In February 2006, the responsible program Director General for any Assistant Deputy Minister involved in the review/approval process was added to the review/approval process. Therefore, the responsible program Director General will be required to sign-off twice for an access request – once at the OPI follow-up review stage and again during the review/approval process.

A department may have various internal communication needs to fulfill as information is released under the *Access to Information Act*. The communication requirements or issue management process should be conducted in parallel to the access request process, not a sequential part of the process.

The current approval/review process and the Delegation Order are both viewed as major contributors to the serious deemed-refusal situation in the department.

> **Recommendation 1.6**: The ATIP Office develop a request-processing model that is within the statutory timeframe allowed by the *Access to Information Act*.

> **Recommendation 1.7**: The ATIP Office produce a monthly report that provides the ATIP Office and Senior Management at PSEPC with information on how well timelines are met when responding to access requests. The reports will provide Senior Management, OPIs and the ATIP Office with information needed to gauge overall departmental compliance with the Act's and department's time requirements for processing access requests.

> **Recommendation 1.8**: PSEPC review the access request process to eliminate numerous review and approval stages that do not add value to the ATI decision-making process. Communication requirements for OPIs and other individuals who require information on an access request disclosure package be handled in a separate and parallel process.

> **Recommendation 1.9**: The Delegation Order for PSEPC be amended to provide delegated authority under the *Access to Information Act* to the ATIP Coordinator who has the necessary knowledge to make the decisions required by the Act.

Extensions Profile

Subsection 9(1) of the *Access to Information Act* provides circumstances when the initial thirty-day response time to an access request may be extended. These circumstances are:

➢ 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.

➢ Consultations are necessary to comply with the request that cannot reasonably be completed within the original time limit.

➢ Notice of the request is given pursuant to subsection 27(1) [to a third-party who may have an interest in the disclosure of a record or part of a record].

The PSEPC ATIP Office almost always sends the notice of the extension to the requester within the initial 30-day response time and, where required, always sends a copy of the notice to the Office of the Information Commissioner. When it is unlikely that an extended date will be met, the requester will be contacted some of the time. The requester will not routinely be told of an expected new response date but will be informed of their right to complain to the Information Commissioner. In FY 2004/2005, PSEPC had only one time extension for volume of records for completed access requests, and 14 extensions for the first eight months of FY 2005/2006.

> **Recommendation 1.10**: The ATIP Office include in an ATI Office Manual a requirement to contact a requester when an extended time limit will not be met to inform the requester of a new expected response date.

PSEPC had a high number of consultations with another institution or domestic government and on section 69 of the *Access to Information Act*. Consultations under paragraph 9(1)(b) of the Act may be with the Canadian Security Intelligence Service, the Royal Canadian Mounted Police, the Canadian Boarder Services Agency or the Canada Firearms Centre. Other departments routinely consulted are Justice Canada, Foreign Affairs Canada, Industry Canada and, more recently, Health Canada, the Canadian Food Inspection Agency and Transport Canada (because of new PSEPC responsibilities relating to Emergency Preparedness/Critical Infrastructure Protection (EC/CIP). There has also been an increase in consultations to (and from) provinces and municipalities because of the EP/CIP aspect of the portfolio.

Section 69 of the Act deals with records excluded from coverage of the Act that are confidences of the Queen's Privy Council of Canada. Departments consult with the Privy Council Office to determine whether or not the exclusion applies to records.

In FY 2004/2005, PSEPC extended the original 30-day time limit for consultation with another institution or domestic government 68 times and for consultation with the Privy Council Office 43 times. In the first eight months of FY 2005/2006, extensions were taken 38 times to consult with another institution or domestic government and eight times to consult with the Privy Council Office.

PSEPC does not receive access requests where there is a need to conduct consultations with third parties.

Transfer Profile

In FY 2004/2005, three access requests were transferred to another institution. Two of the transfers occurred beyond the statutory time allowed for the transfer to take place. In the first eight months of FY 2005/2006, there were no access requests transferred to another institution.

Claims for Exemptions

The ATIP Office stated that the OPIs provide the section of the Act under which an exemption is claimed. The ATIP Office will challenge claims for exemptions where it appears that a class-test exemption does not meet the class test or discretion was not used or where it appears there is no reasonable likelihood of injury through disclosure of the information in the case of injury-test exemptions. It appears that the ATIP Office will generally apply mandatory exemptions and leave claims for the application of discretionary exemptions to the OPIs. The *ATI Users Manual*[2] does not describe how rationales for exemptions and the exercise of discretion are to be documented on files.

A random group of 15 completed access request files closed between April 1, 2004, and November 30, 2005, were reviewed. The review indicated generally that:

> ➢ The rationale for claiming exemptions was not documented where the rationale was not obvious from the information.

> ➢ There was no documentation to indicate whether or not the department exercised discretion in deciding whether or not to claim a discretionary exemption.

> ➢ A decision-maker would claim an exemption when there was a recommendation to disclose information because it was publicly available and there was not a rationale on file for the decision to claim an exemption.

> ➢ Consultations with two departments in particular were generally very overdue.

On a positive note, the review identified:

> ➢ Another department consulted on a record wanted to exempt from disclosure the entire contents of a briefing note; an analyst at PSEPC indicated much of the information was already in the media and that the proposed response was developed for the public. The result was that the record was severed and information was released.

> ➢ In cases where there was a mandatory exemption claimed, there was documentation to determine that the department took into account an exception that could lead to the disclosure of the information.

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[2] The *ATI Users Manual* is available on the PSEPC Intranet site titled "Infocentral" under the heading "Resources".

> **Recommendation 1.11**: The ATIP Office institute requirements in the PSEPC *Procedures for OPIs* under the *Access to Information Act* for documenting the rationale for claiming all exemptions, for the exercise of discretion and for the consideration of exceptions to mandatory exemptions.

> **Recommendation 1.12**: Where PSEPC consults with or is consulted by a department routinely, the departments enter into a Memorandum of Understanding to cover their responsibilities in the consultation process including the provision of rationales for claiming exemptions.

CHAPTER 2: DEEMED REFUSALS

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 *Access to Information Act*, which states:

> 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.

Table 4: Deemed refusals

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

In FY 2004/2005, the department received 150 new access requests and carried over 25 access requests from the previous FY for a total of 175 access requests. Of the 175 access requests, 24 were completed in a deemed-refusal situation, four were carried over from the previous FY in a deemed-refusal situation and a further eight were carried over to the

next FY in a deemed-refusal situation. The deemed-refusal ratio for FY 2004/2005, was 175:36 or 20.6%, resulting in an "F" on the grading scale.

For the first eight months of FY 2005/2006, the department received 102 new access requests and carried over 45 access requests from the previous FY for a total of 147 access requests. By November 30, 2004, of the 147 access requests, 14 were completed in a deemed-refusal situation, eight were carried over from the previous FY in a deemed-refusal situation and a further nine remained in a deemed-refusal situation at the end of the eight month period. The deemed-refusal ratio for the first eight months of FY 2005/2006 was 147:31 or 21.1%, resulting in an "F" on the grading scale.

By the nature of their work, two branches receive most of the access requests. The two branches have hired ATI consultants to work within the branches processing access requests. Nonetheless, the access request processing model and approval and review process appear to be major contributors to the deemed-refusal situation.

A review of the statistical data submitted in section 2 of the Report Card Questionnaire in Appendix A of this Report Card indicates that, when an access request response time is extended, there may be problems associated with meeting the new timeline. For example, of the 41 access requests received in FY2004/2005 where a time extension was taken and the access request completed, 22 or 54%, exceeded the extended time. In the first eight months of FY 2005/2006, of the 14 access requests completed where the time limit was extended, 11 or 79%, did not meet the extended time.

PSEPC should approach the time delay problem by establishing an overall plan to manage the tasks necessary to come into substantial then ideal compliance with the Act's deadlines. The plan should identify the sources of the delays and include targets, tasks, deliverables, milestones and responsibilities to achieve ideal compliance. Uncoordinated efforts to reduce the number of access requests in a deemed-refusal situation are likely not as effective as an integrated group of measures established as a result of an analysis of the situation.

> **Recommendation 2.1**: The Senior Management Committee of PSEPC actively manage and audit improvements to the ATI Program including the development of an ATI Improvement Plan.

> **Recommendation 2.2**: The ATIP Office conduct an analysis of the completed access requests for FY 2004/2005, and FY 2005/2006, to determine the reasons for missed extension dates and develop a plan to resolve the situation as part of an ATI Improvement Plan.

> **Recommendation 2.3:** PSEPC should come into substantial compliance with the Act's deadlines no later than March 31, 2008.

CHAPTER 3: RESOURCE PROFILE

Employee Profile

The processing of access requests is the responsibility of the ATIP Office under the direction of the ATIP Director. The ATIP Office is also responsible for processing requests under the *Privacy Act*. The ATIP Office offers training and participates in various working groups. The ATIP office is also responsible for producing the portfolio-wide annual report to Parliament, and provides advice/assistance on special projects related to access and/or privacy, such as reviewing harassment investigation reports prior to disclosure to the complainants and respondents.

The staff of the ATIP Office allocated to ATI and all other activities is comprised of five employees — the Coordinator, two analysts, one administrator and one administrative assistant. The ATI Coordinator's view is that the current work load requires one additional analyst.

Budget

The salary budget for FY 2004/2005, FY 2003/2004, and FY 2002/2003, for ATI and all other activities of the office was $177,000. Contractors have not been used in the ATIP Office although contractors are used in two program branches.

The operating budget for ATI and all other activities of the office for FY 2004/2005, FY 2003/2004, and FY 2002/2003, was $17,058.00

The portion of the budget allocated for training was not available for this Report Card for any FY.

> **Recommendation 3.1**: The budget of the ATI Office be reviewed in conjunction with the development of an ATI Improvement Plan to determine the appropriate level of ATI staffing required to comply with the requirements of the *Access to Information Act*.

CHAPTER 4: LEADERSHIP FRAMEWORK

A critical component of the administration of the *Access to Information Act* is the leadership role of the ATI Coordinator and Senior Management in a department. Senior Management exercises leadership by identifying access to information as a departmental priority and then acting upon this by providing the appropriate resources, technology and policies. Together with the ATI Coordinator, it is important for Senior Management to create a culture of openness and access to departmental information. The ATI Coordinator is the departmental champion of access to information. In this respect, the Coordinator and their staff provide the skilled policy and procedural leadership and training for the access process to work effectively in a department.

PSEPC does not have in place a departmental access to information vision nor an operational plan for the ATIP Office. Each would serve as a basis for planning and operating the ATIP Office. Support of an access to information vision by Senior Management and communication of that vision to departmental employees would demonstrate a commitment to a culture of access to information.

There is an Integrated Business and Resource Planning Template for the Executive Services Division and there is an ATIP Office component in the Planning Template.

The Planning Template can form part of the foundation for developing an ATI Operational Plan (and an ATI Improvement Plan for the deemed-refusal situation). An ATI Operational Plan should include priorities, tasks and resources, deliverables, milestones, timeframes and responsibilities. The Senior Management Committee of the department should monitor the ATI Operational Plan.

> **Recommendation 4.1**: Senior Management initiate the development of an access to information vision that can be communicated to departmental employees.

> **Recommendation 4.2**: The ATIP Office develop an ATI Operational Plan with an ATI Improvement component that addresses the elimination of the deemed-refusal situation.

There is a published PSEPC *Procedures for OPIs* for processing documents under the *Access to Information Act* that is available on the PSEPC Intranet site. The Procedures were published in February 2004. The Procedures should be updated to incorporate requirements such as documenting the rationale claims for exemptions and the proper exercise of discretion.

There is no ATI Office Manual that could be used by new advisers for an introduction to the ATIP Office policies and procedures for processing access requests. An ATI Office

Manual would also promote a consistent interpretation by all advisors of access request processing matters.

> **Recommendation 4.3**: The ATIP Office develop an ATI Office Manual on the policies and procedures for processing access requests.

> **Recommendation 4.4**: The PSEPC *Procedures for OPIs* for processing documents under the *Access to Information Act* be updated.

> **Recommendation 4.5**: The ATIP Office develop criteria to consider for exercising discretion on whether or not to release information considered subject to a discretionary exemption.

The ATIP Office does not have a published ATI Training Plan. Training is an important foundation in creating a culture of access to information. As well, each manager and employee, to varying degrees, must be aware of their responsibilities for the management of information and access to it. A Training Plan will allow the ATIP Office to initially focus resources on priority areas where training will have the highest level of return.

> **Recommendation 4.6**: The ATIP Office develop and implement an ATI Training Plan.

A weekly report, generated by ATIP*flow*, which identifies the late files and those which are due shortly, is distributed by the ATIP Office to the departmental branches. In addition, a weekly report is prepared for senior management identifying the number of files late and those in final sign-off stage in order to expedite the release of files.

The ATIP Office has one analyst who uses ATIP*image*. The plan is to expand usage to all staff in the ATIP Office. ATIP*image* scans pages retrieved in response to an access request. An ATIP Officer can then review and prepare information on the electronic record for disclosure or non-disclosure.

> **Recommendation 4.7**: The ATIP Office review its use of *ATIPflow* and *ATIPimage* to explore whether these tools are used to their full advantage in the management of ATIP administration.

CHAPTER 5: INFORMATION MANAGEMENT FRAMEWORK

The *Access to Information Act* relies on records being created or received, indexed and filed in a way that they are readily retrievable. This applies to both paper and electronic records.

PSEPC is implementing the Treasury Board Secretariat *Policy on the Management of Government Information*. The department has completed both an Information Management Policy and an Information Management/Information Technology Strategic Plan. A Business Case for a corporate approach to information management was approved and the department is in the process of implementing the Records Document and Information Management System (RDIMS). RDIMS is a Canadian Federal Government shared system initiative addressing information management problems. A set of integrated commercial-off-the-shelf software products make up the RDIMS solution. RDIMS integrates records management, document management, imaging, optical character recognition, full-text indexing search and retrieval, workflow, an on-line document viewer and reporting capabilities. The full document life cycle of any type of electronic document, such as electronic mail correspondence, reports, manuals, electronic mail, images, graphics and spreadsheets are managed by RDIMS. RDIMS also supports the management of non-electronic documents such as paper, photographs, maps, video and audio tapes.
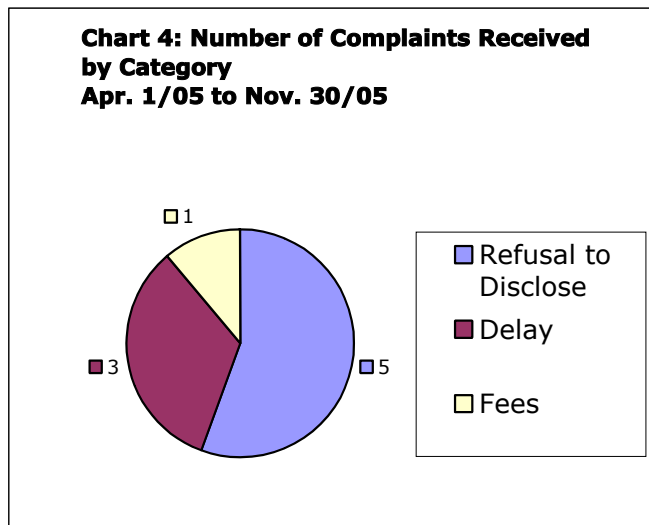
PSEPC has undertaken a number of activities to provide access to information using alternative methods. These activities are seen as providing proactive disclosure of information. The activities to date include the routine disclosure of travel and hospitality expenses and departmental contracts over $10,000 by posting the information periodically on the PSEPC Internet site. The department is encouraged to investigate what other information might be proactively disclosed.

> **Recommendation 5.1**: PSEPC as part of the renewal of the Information Management Program determine if there are additional categories of information that could be disclosed proactively.

CHAPTER 6: COMPLAINT PROFILE

Complaints—Deemed Refusals

The Office of the Information Commissioner completed the investigation of six complaints made against PSEPC under the *Access to Information Act* in FY 2004/2005. For the first eight months of FY 2005/2006, a further three complaint investigations were completed. Charts 3 and 4 illustrate the reasons that the complaints were made by a requester for complaints received for the period.

Chart 3: Number of Complaints Received by Category
Apr. 1/04 to Mar. 31/05

- Refusal to Disclose: 9
- Delay: 2
- Time Extension: 3

Chart 4: Number of Complaints Received by Category
Apr. 1/05 to Nov. 30/05

- Refusal to Disclose: 5
- Delay: 3
- Fees: 1
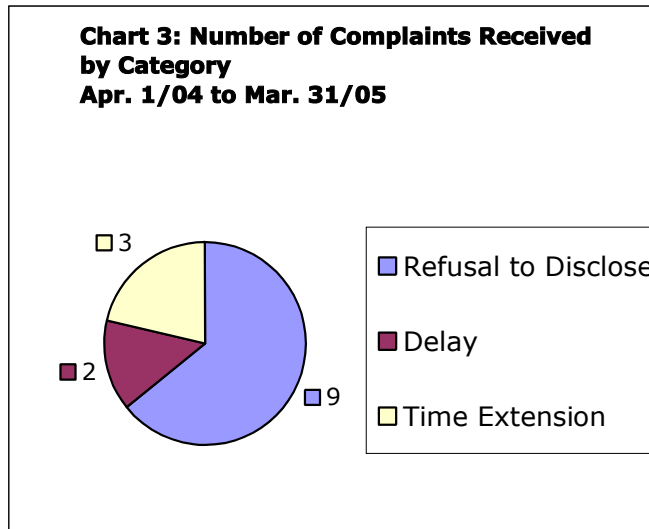
The deemed-refusal complaints against PSEPC constituted 22% of the complaint workload for that department at the Office of the Information Commissioner in the FYs illustrated in the above Charts.

CHAPTER 7: CONCLUSION

This Report Card makes a number of recommendations for ATI operations in PSEPC. Of particular note, an essential component in the administrative framework to support the operation of the *Access to Information Act* is the development of both an ATI Improvement and Operational Plan for the ATIP Office. The Plans would establish priorities, tasks and resources, deliverables, milestones, timeframes and responsibilities to:

- Deal with the deemed-refusal situation

- Manage the day-to-day operations of the ATIP Office

- Implement those recommendations in this report card that are accepted by the department.

Other recommendations focus on the need to review the access request processing model, approval process and Delegation Order to eliminate numerous reviews that do not provide any value added to the access request approval process at PSEPC. There is also a need to have up-to-date comprehensive documentation in place to promote consistent decision-making by individuals with responsibilities in the operations supporting the *Access to Information Act*. These individuals require ATI training to support the fulfillment of their responsibilities.

LIST OF RECOMMENDATIONS

The following is a list of recommendation by chapter.

Chapter 1: The Access Request Process

> **Recommendation 1.1**: An *ATI Office Manual* be updated to document criteria for clarifying or modifying an access request.

> **Recommendation 1.2**: The ATIP Office develop a fee waiver policy for access requests.

> **Recommendation 1.3**: The ATIP Office develop for inclusion in an ATI Office Manual criteria for contacting the requester to obtain consent when an access request for personal information is made under the *Access to Information Act* and PSEPC wishes to process it as a request under the *Privacy Act.*

> **Recommendation 1.4:** The ATIP Office document the criteria for categorizing an access request as abandoned or unable to process.

> **Recommendation 1.5**: The ATIP Office develop for inclusion in an ATI Office Manual criteria to take into account when considering whether or not to discuss with a requester that an access request be treated informally.

> **Recommendation 1.6**: The ATIP Office develop a request-processing model that is within the statutory timeframe allowed by the *Access to Information Act*.

> **Recommendation 1.7**: The ATIP Office produce a monthly report that provides the ATIP Office and Senior Management at PSEPC with information on how well timelines are met when responding to access requests. The reports will provide Senior Management, OPIs and the ATIP Office with information needed to gauge overall departmental compliance with the Act's and department's time requirements for processing access requests.

Recommendation 1.8: PSEPC review the access request process to eliminate numerous review and approval stages that do not add value to the ATI decision-making process. Communication requirements for OPIs and other individuals who require information on an access request disclosure package be handled in a separate and parallel process.

Recommendation 1.9: The Delegation Order for PSEPC be amended to provide delegated authority under the *Access to Information Act* to the ATIP Coordinator who has the necessary knowledge to make the decisions required by the Act.

Recommendation 1.10: The ATIP Office include in an ATI Office Manual a requirement to contact a requester when an extended time limit will not be met to inform the requester of a new expected response date.

Recommendation 1.11: The ATIP Office institute requirements in the PSEPC *Procedures for OPIs* under the *Access to Information Act* for documenting the rationale for claiming all exemptions for the exercise of discretion and for the consideration of exceptions to mandatory exemptions.

Recommendation 1.12: Where PSEPC consults with or is consulted by a department routinely, the departments enter into a Memorandum of Understanding to cover their responsibilities in the consultation process including the provision of rationales for claiming exemptions.

Chapter 2: Deemed Refusals

Recommendation 2.1: The Senior Management Committee of PSEPC actively manage and audit improvements to the ATI Program including the development of an ATI Improvement Plan.

Recommendation 2.2: The ATIP Office conduct an analysis of the completed access requests for FY 2004/2005, and FY 2005/2006, to determine the reasons for missed extension dates and develop a plan to resolve the situation as part of an ATI Improvement Plan.

Recommendation 2.3: PSEPC should come into substantial compliance with the Act's deadlines no later than March 31, 2008.

Chapter 3: Resource Profile

> **Recommendation 3.1**: The budget of the ATI Office be reviewed in conjunction with the development of an ATI Improvement Plan to determine the appropriate level of ATI staffing required to comply with the requirements of the *Access to Information Act*.

Chapter 4: Leadership Framework

> **Recommendation 4.1**: Senior Management initiate the development of an access to information vision that can be communicated to departmental employees.

> **Recommendation 4.2**: The ATIP Office develop an ATI Operational Plan with an ATI Improvement component that addresses the elimination of the deemed-refusal situation.

> **Recommendation 4.3**: The ATIP Office develop an *ATI Office Manual* on the policies and procedures for processing access requests.

> **Recommendation 4.4**: The PSEPC *Procedures for OPIs* for processing documents under the *Access to Information Act* be updated.

> **Recommendation 4.5**: The ATIP Office develop criteria to consider for exercising discretion on whether or not to release information considered subject to a discretionary exemption.

> **Recommendation 4.6**: The ATIP Office develop and implement an ATI Training Plan.

> **Recommendation 4.7**: The ATIP Office review its use of ATIP*flow* and ATIP*image* to explore whether these tools are used to their full advantage in the management of ATIP administration.

Chapter 5: Information Management Framework

> **Recommendation 5.1**: PSEPC as part of the renewal of the Information Management Program determine if there are additional categories of information that could be disclosed proactively.

Office of the Information Commissioner of Canada

Report Card Questionnaire

Department Public Safety and Emergency Preparedness Canada

Completed by: Duncan Roberts

Title: ATIP Coordinator

Date: January 9, 2006

1. ACCESS REQUEST PROCESS

1.1 THE CLIENT (REQUESTER)

1.1.1 Client Profile

Source	Number of Requests	
	April 1/04 to March 31/05	April 1/05 to Nov. 30/05
Media	92	60
Academia	5	2
Business	2	9
Organization	23	10
Public	28	21
Other		
Total	150	102

1.1.2 Request Categorization

Does the ATI Office categorize access requests in any manner (for example, sensitive, routine and so on)?

Yes		No	X

If Yes, please list and define the categories and if possible indicate the number of access requests in each category.

Category	Definition of Category	Number of Requests	
		April 1/04 to March 31/05	April 1/05 to Nov. 30/05

1.1.3 Request Clarification

1.1.3.1 Access requests where clarification was sought	April 1/04 to March 31/05	April 1/05 to Nov. 30/05
Number of Requests	8	4

1.1.3.2 Are there documented criteria for seeking clarification?

Yes		No	X

If Yes, please provide a copy with the completed questionnaire.

1.1.3.3 If a request is clarified or modified, does the ATI Office confirm, in writing, its understanding of the revised request? (Please provide any guidelines followed in this regard with the completed questionnaire.)

Always	X	Almost always		Sometimes		Rarely		Never	

1.1.4 Client Service

1.1.4.1 Disclosure to Client	Number	
	April 1/04 to March 31/05	April 1/05 to Nov. 30/05
Pages reviewed	11897	9422
Pages disclosed in total or in part	7637	3537
Pages for consultation under paragraphs 9(1)(a) and/or (b) and/or notification under (c)	7787	6725

1.1.4.2 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? (Please attach any written guidelines you follow in this regard.)

Always		Almost always		Sometimes		Rarely		Never	X

1.1.4.2: see explanatory notes.

1.1.4.3 Fees Collected/Waived	Number/Amount	
	April 1/04 to March 31/05	April 1/05 to Nov. 30/05
Amount of application fees collected	$740	$480
Amount of photocopying fees collected	$0	$0
Amount of search fees collected	$60	$235.25
Amount of preparation fees collected	$0	$0
Amount of programming fees collected	$0	$0
Total	$800	$715.25
Number of fee waivers sought		
Number of fee waivers granted	87	76
Amount of fees waived	$1279	$1555

1.1.4.4 Does the department have a written fee waiver policy?

Yes		No	X

1.1.4.4: see explanatory notes.

If Yes, please provide a copy with the completed questionnaire.

1.1.4.5 If the $5.00 application fee is not included with an access request and if the request concerns a matter under the *Privacy Act*, is the requester consulted on which Act to process the request under?

Always		Almost always		Sometimes		Rarely		Never	X

1.1.4.5: see explanatory notes.

1.1.5 Request Disposition

Disposition of Completed Requests For the Period	Number of Requests	
	April 1/04 to March 31/05	April 1/05 to Nov. 30/05
All disclosed	24	15
Disclosed in part	62	56
Nothing disclosed (excluded)	3	0
Nothing disclosed (exempt)	8	0
Transferred	1	2
Unable to process	31	25

Disposition of Completed Requests For the Period	Number of Requests	
	April 1/04 to March 31/05	April 1/05 to Nov. 30/05
Abandoned by applicant	4	6
Treated informally	0	0
Total completed	133	104
Carried forward	42	43

1.1.6 Informal Treatment of Requests

1.1.6.1 If access requests are treated informally, is this done in consultation with the requester?

Always	X	Almost always		Sometimes		Rarely		Never	

1.1.6.2 Are there documented criteria for treating an access request informally?

Yes		No	X

If Yes, please provide a copy with the completed questionnaire.

1.2 REQUEST PROCESSING

1.2.1 Time to Process Requests

Processing Model - Stages	April 1/04 to Mar. 31/05		April 1/05 to Nov. 30/05	
	Days Allocated	Average Actual Days	Days Allocated	Average Actual Days
ATI intake	1/2	1/2	1/2	1/2
OPI search	2	11	2	8
Records review and preparation	10	17	10	15
Legal				
Communications				
Approval or otherwise – OPI	3	12	3	13

Processing Model - Stages	April 1/04 to Mar. 31/05		April 1/05 to Nov. 30/05	
	Days Allocated	Average Actual Days	Days Allocated	Average Actual Days
Approval or otherwise – DMO	N/A	16	N/A	17
Approval or otherwise - MO	N/A	N/A	N/A	N/A
ATI release				

1.2.1: see explanatory notes.

1.2.2   Extensions Profile

1.2.2.1 When extensions are necessary under subsection 9(1), are notices sent to the requester within 30 days?

Always		Almost always	X	Sometimes		Rarely		Never	

1.2.2.1: see explanatory notes.

1.2.2.2 When notice is sent under paragraphs 9 (1)(a) and/or (b) 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	X	Almost always		Sometimes		Rarely		Never	

1.2.2.3 Following an extension, if it is unlikely that the extended date will be met, does the ATI Office contact the requester to indicate:

a) The response will be late

Always		Almost always		Sometimes	X	Rarely		Never	

b) Of an expected date for the final response

Always		Almost always		Sometimes	X	Rarely		Never	

c) Of the right to complain to the Information Commissioner

Always		Almost always		Sometimes	X	Rarely		Never	

1.2.2.3: see explanatory notes.

1.2.2.4 Extensions Under Paragraph 9(1)(a)	Number of Extensions	
	April 1/04 to March 31/05	April 1/05 to Nov. 30/05
For volume (search for large number of records) 30 days and under	1	3
For volume (search for large number of records) 31 days and over	0	11
For volume (search through large number of records) 30 days and under		
For volume (search through large number of records) 31 days and over		

1.2.2.5 If consultations are necessary under paragraph 9(1)(b), are these sent out as soon as the need has been identified?

Always	X	Almost always		Sometimes		Rarely		Never	

1.2.2.6 Extensions Under Paragraph 9(1)(b)	Number of Extensions	
	April 1/04 to March 31/05	April 1/05 to Nov. 30/05
For consultation with another institution	58	33
For consultation with domestic government	10est	5est
For consultation with foreign government		
For consultation with individual		
For consultation for section 69	43	8

1.2.2.7 If a request concerns third-party records and consultations are necessary, are consultations taken under paragraph 9(1)(c)?

Always	N / A	Almost always		Sometimes		Rarely		Never	

1.2.2.8 If a request concerns third-party records and consultations are necessary, are consultations taken under paragraph 9(1)(b)?

Always	N / A	Almost always		Sometimes		Rarely		Never	

1.2.2.9 Are third-party notices sent as soon as the need for the notice is identified?

Always	N / A	Almost always		Sometimes		Rarely		Never	

1.2.2.10 When notice is sent under paragraph 9(1)(c), how often is a copy of the notice sent to the Office of the Information Commissioner?

Always	N / A	Almost always		Sometimes		Rarely		Never	

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

Yes	N/A	No	

If No, please provide comments.

No third-party notices sent.

1.2.2.12 Does the ATI Office provide a partial release of the requested records for portions of the request that are not involved in the consultation process under paragraphs 9(1)(b) and/or 9(1)(c)?

Always		Almost always		Sometimes	X	Rarely		Never	

1.2.2.12: see explanatory notes.

1.2.2.13 Notification Under Paragraph 9(1)(c)	**April 1/04 to March 31/05**	**April 1/05 to Nov. 30/05**
Number of requests where third-party consulted	0	0
Average length of time to receive		

1.2.2.13 Notification Under Paragraph 9(1)(c)	April 1/04 to March 31/05	April 1/05 to Nov. 30/05
representations from third parties		
Average length of time to make a decision after receipt of representations from third parties		
Number of notices under section 27	N/A	N/A
Number of notices for which section 27 time frame was not met	N/A	N/A
Number of requests for which *paragraph 28(1)(b)* timeframe was not met	N/A	N/A

1.2.3 Transfer Profile

Transfers	Number of Transfers	
	April 1/04 to March 31/05	April 1/05 to Nov. 30/05
Transferred within 15 Days	1	2
Transferred over 15 Days		
Total transferred	1	2
Transfers refused		

1.3 CLAIMS FOR EXEMPTIONS

Please provide any relevant documentation for the following questions.

Questions	Yes	No	Comments
1.3.1 Is there a rationale on file when an exemption is invoked?		X	OPIs provide the section of the Act under which an exemption is claimed, and approval of exemptions is at the ADM level or higher. ATIP will challenge recommendations where it appears class-test exemptions do not meet the class test or discretion was not used, or where it appears there is no reasonable likelihood of injury through disclosure, in the case of injury-test exemptions. See also

Questions	Yes	No	Comments
			guidelines document re applying exemptions.
1.3.2 Is the exemption rationale prepared by the OPIs?	X		OPI reviews generally focus on discretionary exemptions.
1.3.3 Is the exemption rationale prepared by ATI?		X	The initial review undertaken by ATIP focuses on mandatory exemptions and exclusions.
1.3.4 Is there a documented exemption challenge function in ATI if the rationale is prepared by OPIs?	X		If the application of exemptions raises questions, the file will be returned to the OPI for re-consideration. This is documented on file, usually in the form of a memo to the OPI. The guidelines manual also refers to one of ATIP's responsibilities as "assessing the validity of recommended exemptions."
1.3.5 Is there a documented requirement to place the rationale for exercising a discretionary exemption on file?	X		The ATI Act's requirement to specify exemptions used.

2. DEEMED REFUSALS

Statistics for Analysis of Deemed Refusal Requests			
Part A: Requests carried over from the prior fiscal period.		**April 1/04 to March 31/05**	**April 1/05 to Nov. 30/05**
1.	Number of requests carried over:	25	45
2.	Requests carried over from the prior fiscal — in a deemed-refusal situation on the first day of the new fiscal:	4	8
Part B: New Requests — Exclude requests included in Part A.		**April 1/4 to March 31/05**	**April 1/05 to Nov. 30/05**
3.	Number of requests received during the fiscal period:	150	102
4.A	How many were processed *within* the 30-day statutory time limit?	61	48
4.B	How many were processed beyond the 30-day statutory time limit *where no extension was claimed*?	2	3
4.C	How long after the statutory time limit did it take to respond W*here no extension was claimed*?		
	1-30 days:		
	31-60 days:	1	
	61-90 days:		1
	Over 91 days:	1	2
5.	How many were extended pursuant to section 9?	77	42
6.A	How many were processed *within* the extended time limit?	19	3
6.B	How many exceeded the extended time limit?	22	11
6.C	How long after the expiry of the extended deadline did it take to respond?		
	1-30 days:	14	3
	31-60 days:	3	4
	61-90 days:	1	1
	Over 91 days:	4	3
7.	As of November 30, 2005, how many requests are in a deemed-refusal situation?		**9**

Part C: Contributing Factors

8.	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:

Most requests require consultations with portfolio partners (RCMP, CSIS, CSC, CBSA, or Firearms Centre), PCO L&HP, other government departments, or, in some cases, provincial governments. In addition, the cross-cutting nature of many departmental issues requires that multiple consultations be undertaken among the branches.

Complexity/sensitivity of records: PSEP is a policy-oriented organization, and many records touch on highly sensitive national security issues.

Although not strictly pertaining to "types of requests," in the time frame under review the organization has been undergoing significant changes, from a relatively small Department of the Solicitor General to a bigger PSEPC with considerably more responsibilities in emergency management, national security, and crime prevention. This likely has had an impact on the ability of OPIs to cope with ATIP responsibilities, although the Policing, Law Enforcement and Interoperability Branch (PLEIB) and the Emergency Management and National Security (EMNS) Branch have taken steps to speed up processes by hiring ATIP consultants to work within the branches. By virtue of the subjects of most access requests, these two branches shoulder most of the ATIP workload. An increase in the number of requests and consultations being received has also had an impact.

3. RESOURCE PROFILE

3.1 Employee Profile

Please list all ATI Office employees.

Full-time Position	Classification	Number	Years of Experience
Coordinator	PM-6		22 YRS
Analyst	PM-4		6 YRS
Analyst	PM-4		3.5 YRS
Administrator	AS-1		21 YRS
Admin Assistant	SCY-3		9 MTHS
Part-time Position	**Classification**	**Number**	**Years of Experience**
Not applicable			

3.2 Salary Dollar Budget for ATI Office

Fiscal Year	Budget Allocated	Budget Used	FTEs Allocated	FTEs Used
2004/2005	$177,000	$177,000		
2003/2004	$177,000	$177,000		
2002/2003	$177,000	$177,000		

3.3 Operating Budget for ATI Office

Fiscal Year	Budget Allocated	Budget Used
2004/2005	$17058	$17058
2003/2004	$17058	$17058
2002/2003	$17058	$17058

3.4 Breakdown of ATI Office Operating Budget Used or Set Aside for ATI Training or Training Materials

Fiscal Year	ATI Staff Training	Departmental ATI Training
2004/2005	$Not available	$N/A
2003/2004	$	$
2002/2003	$	$

3.5 Breakdown of ATI Office Operating Budget Used or Set Aside for ATI Consultants

Fiscal Year	Budget Allocated	Budget Used
2004/2005	$0	$
2003/2004	$0	$
2002/2003	$0	$

4. LEADERSHIP FRAMEWORK

Please provide any relevant material with your completed questionnaire to support a "Yes" answer in the table below.

Question	Yes	No	Comments
4.1.1 Is there a documented ATI Vision?	X		The Integrated Business and Resource Planning Document for FY 2006-2007.
4.1.2 Is there a published ATIP Operational Plan with clearly defined objectives, deliverables, timeframes and responsibilities?	X		See comments in 4.1.1
4.1.3 Is there a published ATIP Policy and Procedures Manual for departmental staff?	X		The manual is available on the department's Info Central site, prominent as the first item in the "Resources" section.
4.1.4 Is the ATIP Policy and Procedures Manual kept up-to-	X		The manual was updated to reflect the

Question	Yes	No	Comments
date through at least a bi-annual review process?			change from Dept. of the Solicitor General to PSEP, and to reflect recent court decisions regarding the advice exemption, and the "Ethyl" decision respecting Cabinet exclusions.
4.1.5 Are OPIs ATI responsibilities clearly defined through documentation provided to OPIs?	X		In addition to the guidelines manual, some memo templates, and the standard e-mail notification for records searches include procedural "do's and don'ts".
4.1.6 Is there an internal ATI Office Manual on processing access requests?		X	Processing is guided by ATIP Flow software.
4.1.7 Are there documented criteria for taking extensions under paragraphs 9(1)(a) and 9(1)(b)?	X		The Treasury Board Secretariat provides some written guidelines. Also taken into consideration is advice from OPIs and the nature/extent of external consultations.
4.1.8 Is there a Delegation Order?	X		
4.1.9 Are the ATI roles and responsibilities for those with delegated authority clearly defined?	X		They are defined for the ATIP Coordinator (job description, ATIP guidelines manual). Roles and responsibilities for other delegated officials are not defined beyond the delegation order.
4.1.10 Does the approval process require the approval or	X		Final approval of exemptions has been

Question	Yes	No	Comments
concurrence of officials who are not holders of delegated authority?			delegated to the DM, SADM, and ADMs. However, sign-off by DG's is also part of the procedure.
I4.1.11 Is there a published ATIP Training Plan?		X	
4.1.12 Has *ATIPflow* or similar application been implemented?	X		One analyst also has ATIP Image, and it is proposed that the whole unit be equipped with ATIP Image in the near future.
4.1.13 Is *ATIPflow* used proactively to identify potential problems?		X	See 4.1.14 below. The weekly report lists all active requests and OPI deadlines, thereby alerting OPIs to the status of both late requests and requests where a response is due or due soon.
4.1.14 Is *ATIPflow* used to provide at least monthly reports to Senior Management?		X	A <u>weekly</u> report is prepared on Thursdays for Friday Senior Management Committee meetings. It is converted to a Word document, and overdue responses from OPIs are highlighted in red text. Late requests are also highlighted in large red type with a plus sign followed by the number of days late. The weekly report is also sent to the branch ATIP contacts, the DMO, and the MO.
4.1.15 Has an audit of the ATI Program been conducted in the last		X	

Question	Yes	No	Comments
three years?			

4.2 Dealing with ATI Problems

Condition	Action Taken	Comment on Progress
Late responses from OPIs	See 4.1.14. Also, PLEIB and EMNS Branch have hired ATIP consultants	
ATIP Training	ATIP Unit has held in-house training sessions. Latest one was in October 2005 for Communications personnel. Department is also drawing up a contract for 10 training sessions by Yvon Gauthier for EMNS and PRPA (Portfolio Relations and Public Affairs) staff in January 2006.	

4.3 Solutions to Unanticipated Service Demands between April 1, 2004, and November 30, 2005

Service Demand	Solution
Increased number of requests and consultations	PLEIB and EMNS Branch have hired ATIP consultants. ATIP has additional admin. support, and is planning to hire a third ATIP analyst.

5. INFORMATION MANAGEMENT FRAMEWORK

5.1 What activities were planned and what progress was made between April 1, 2004, and November 30, 2005, on providing access to information using alternative methods?

Planned Activity	Action Taken	Comment on Progress
Policy development	See 5.2	

5.2 What has been accomplished to implement the TBS *Policy on the Management of Government Information*?

- Information Management Policy for PSEPC was developed and approved by the Deputy Minister
- IM/IT Strategic Plan for PSEPC was developed and approved by the Deputy Minister
- A Business Case for a Corporate Approach to Information Management was developed and approved by the Deputy Minister, and the Department is now working towards implementing RDIMS

5.3 What approximate percentage of departmental record holdings is covered by a Departmental Retention and Disposition Plan(s) and Records Disposition Authorities?

Departmental Retention and Disposal Plan(s)	95%
Records Disposal Authority	95%

5.4 Does the department have a classification scheme or schemes for its information?

Yes	x	No	

If Yes, please provide documentation that explains the classification scheme(s)

PSEPC uses a subject-based block-numeric system to classify documents.

5.5 How is the classification scheme(s) maintained for currency and comprehensiveness?

> The system is used on a daily basis by the records staff and all administrative staff throughout the department tasked with entering the documentation into the correspondence tracking system. As issues arise, they are addressed by the Records Classifiers and Records Improvement Officer (i.e. requirements for new files, new file titles, breakdown of files, etc.)

6. COMPLAINT PROFILE

Data supplied by the Office of the Information Commissioner on complaints made to their Office and the resolution of those complaints.

6.1 Complaints by Categories

Category	Number of Complaints	
	April 1/04 to March 31/05	April 1/05 to Nov. 30/05
Refusal to disclose	9	5
Delay (deemed refusal)	2	3
Time extension	3	
Fees		1
Language		
Publication		
Miscellaneous		
Total resolved	6	3

6.2 Complaint Findings

Category	Number of Complaint Findings	
	April 1/04 to March 31/05	April 5/05 to Nov. 30/05
Resolved	3	2
Not resolved		
Not substantiated	3	1
Discontinued		
Total Findings	6	3

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1.1.4.2 – Client Service - one-year limit on right to complain: if a request were to take more than a year to process, the department would still advise the applicant to contact the OIC should the applicant not be satisfied with the processing of a request. The OIC could then complain on behalf of the applicant. In the two requests (within the time frames under review) that took over one year, the applicants were so advised.

1.1.4.4 – Client Service – fee waiver policy: while no formal written waiver policy is in place, any fees owing are waived when PSEP is late in responding to a request. Fees are also waived when photocopying fees are small. Fee waivers are always considered when a client provides a reason – for example, if the applicant is a student on a limited budget. If a search fee estimate is sent, PSEP asks for a 50 per cent deposit of the estimates fees owing. If the search estimate is only an hour or two beyond the five free hours allowed per request, PSEP will usually waive the fees.

1.1.4.5 – Client Service – no application fee on an access request relating to a Privacy Act matter: if a request for personal information is made under the Access to Information Act, PSEP will process it as a request under the Privacy Act, and will advise the applicant that the request was so processed. If the applicant insists that the request also be processed under the Access to Information Act, PSEP will do so without requiring the application fee, but may require search fees if the applicant cannot provide information that would narrow the search.

1.2.1 – Request Processing – time to process requests: the days allocated/taken under "records review and preparation" refer to working days allocated to OPIs to undertake their initial review of records (no data is available on "preparation time"). The 10-day figure is the default mode in ATIP Flow; it may be shortened or lengthened, depending on the volume of records requiring review, but the average given to OPIs is 10 days. Following the OPI's initial review and consultations with external organizations, the OPI is given three working days for follow-up review and sign-off (see "approval or otherwise – OPI"). ATIP does not allocate a specified number of days for sign-off by the DMO. As well as preparation time, also not taken into account in the stages of the processing model are the ATIP Unit activities of creating the review file (from documents provided by the OPI(s)) and undertaking the initial review of documents. No specific time is allocated for these actions.

1.2.2.1 – Request Processing – extensions profile: on a few occasions PSEP has sent extension notices to applicants a day or two late.

1.2.2.3 – Request Processing – contacting the applicant: normally PSEP will not contact an applicant to advise that a request due date likely will not be met. However, in certain circumstances (where an applicant has indicated there is some urgency to receiving a response, where an applicant has requested notification, etc.) the department will contact the applicant, and will advise of the right to complain to the OIC.

1.2.2.12 – Request Processing – partial disclosure: partial disclosures are done if requested by the applicant or the applicant indicated some urgency in getting a response, if the request is very late, or under other circumstances where a partial disclosure is a reasonable solution.