



Information Commissioner of Canada

Access to Information Act

**Report Card
on the Performance of**

Library and Archives Canada

March 2005

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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*.

Library and Archives Canada (LAC) administers the *Access to Information Act* through the Access to Information and Privacy (ATIP) Division. The Director of the Division has fully delegated authority from the Head of the institution to make all decisions under the Act. There is further delegation of authority to the Manager, Senior Analysts and Analysts in the Division for making all decisions under the Act with the exception of decisions made under paragraph 12(2)(b), subsection 12(3) and section 77 of the Act.

LAC is unique among institutions covered by the *Access to Information Act*. LAC preserves and provides access to the archival records created by federal institutions on behalf of the government of Canada – in effect, LAC is a kind of “corporate access office” for archival records for the whole of government. The ATIP Division reviews both formal access requests and informal requests for restricted government records.

A critical component of the administration of the *Access to Information Act* is the leadership role of the Access to Information (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 Access to Information Coordinator, it is important for senior management to create a culture of openness and access to departmental information. The Access to Information Coordinator is the departmental champion of access to information.

The Report Card identified a serious and persistent deemed-refusal situation that LAC is just starting to address. A *Report of the Access to Government Information Services Task Force* has been approved by LAC. The genesis of the report was:

The 18 to 20-month backlog¹ of ATIP requests that currently exists at LAC and the increasingly urgent need to develop an appropriate response. The Task Force's mandate, then, was to address the underlying root causes of the backlog situation by proposing systemic, innovative and durable solutions in line with ATI legislation, and are appropriate for the needs of client researchers and the nature and age of the records.

The LAC provided funding in 2004/2005 for the acquisition of ATIP *image* and contractors to start both short and long term measures to address the access request

¹ When the head of an institution fails to give access to a record within the time limits set out in the Act, the head shall be deemed to have refused to give access and a requester may make a complaint to the Office of the Information Commissioner.

backlog. A consultant has also been engaged to develop a procedure manual for ATIP activities. Other recommendations in the *Report of the Access to Government Information Services Task Force* deal with long-term initiatives. An example of a long-term initiative is implementing a process that requires departments to identifying records that are publicly available when the records are transferred to LAC. It has not been determined what additional resources will be provided in 2005/2006 to address the access request backlog.

This Report encourages LAC to act upon the Task Forces recommendations. The Report is an excellent first step in both acknowledging and seeking to resolve the deemed-refusal situation.

This Report Card makes further recommendations that should be helpful in LAC's continuing efforts to resolve in a sustainable way the backlog of access requests. 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 Plan for the ATIP Division. The Plan would establish priorities, tasks and resources, deliverables, milestones, timeframes and responsibilities to implement those recommendations in this Report Card that are accepted by LAC and Task Force recommendations. 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*.

Table 1: Grading System Used for this Report Card

Overall Grade	Overall ATI Operations
A = Ideal	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Minor deficiencies to the ideal that can easily be rectified • 10% or less deemed refusals
C = Borderline	<ul style="list-style-type: none"> • Deficiencies to be dealt with
D = Below Standard	<ul style="list-style-type: none"> • Major deficiencies to be dealt with

Overall Grade	Overall ATI Operations
F = Red Alert	<ul style="list-style-type: none">• 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, LAC rates an “F”. 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 lead 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.

LAC administers the *Access to Information Act* through the Access to Information and Privacy (ATIP) Division. The Director of the Division has fully delegated authority² from the Head of the institution to make all decisions under the Act. There is further delegation of authority to the Manager, Senior Analysts and Analysts in the Division for making all decisions under the Act, with the exception of decisions made under paragraph 12(2)(b), subsection 12(3) and section 77 of the Act.

As part of the preparation of this Report Card, the ATIP Director, and Head, Information Processing and Retrieval, were interviewed on March 16, 2005. In addition, 15 access request files completed during FY 2003/2004 and the first nine months of FY 2004/2005 were selected at random and reviewed on March 16 and 17, 2005.

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

² The Librarian and Archivist of Canada and the Assistant Deputy Minister, Programs and Services, have the same delegated authority as the Director.

statistical and other information on the administration of the *Access to Information Act* in LAC. Some statistical information pertaining to numbers of access requests presented in this Report may be unreliable due to past inconsistent data entry into ATIPflow by LAC.

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

Table 2: Glossary of Terms

Term	Definition
<p>ATI Coordinator (or ATIP Director or Coordinator)</p>	<p>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.</p>
<p>Complaint Findings</p>	<p>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 <i>Access to Information Act</i>:</p> <ul style="list-style-type: none"> <li data-bbox="586 1087 1377 1234">➤ Well-founded Complaints well-founded but not resolved, where the Commissioner sought consent from the requester to pursue the matters in Federal Court. <li data-bbox="586 1251 1377 1356">➤ Resolved Well-founded complaints resolved by remedial action satisfactory to the Commissioner. <li data-bbox="586 1373 1377 1440">➤ Not Substantiated Complaints considered not to be well founded. <li data-bbox="586 1457 1377 1562">➤ Discontinued Complaints discontinued, on request from the complainant, prior to a final resolution of the case.

<p>Deemed Refusal</p>	<p>The <i>Access to Information Act</i> describes a deemed refusal as follows:</p> <p>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.</p>
<p>Extension</p>	<p>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 <i>Access to Information Act</i>:</p> <p>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:</p> <ul style="list-style-type: none"> (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.
<p>Notice of Extension to Information Commissioner</p>	<p>The <i>Access to Information Act</i> requires a notice to the Information Commissioner for extensions taken in excess of thirty days.</p>
<p>OPI</p>	<p>Office of primary interest or the location in a department responsible for the subject matter to which the access request relates.</p>

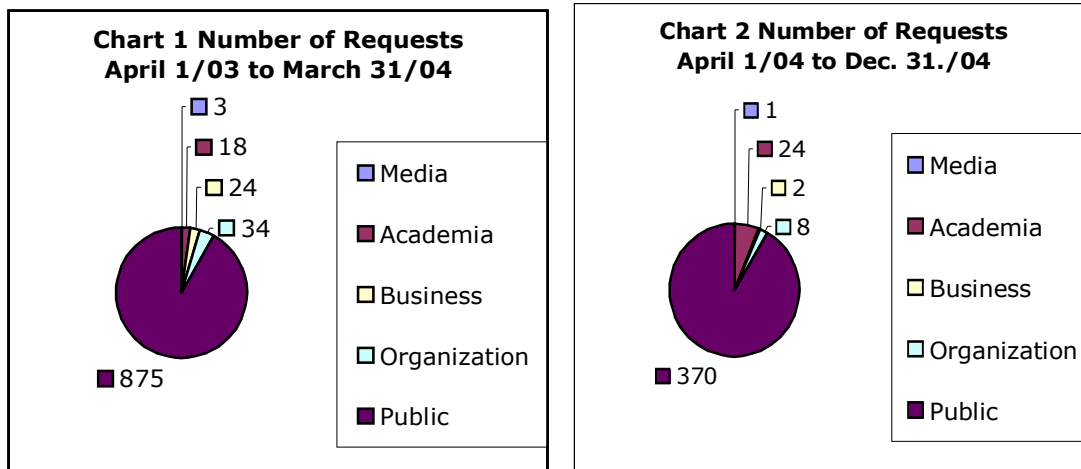
<p>Pending</p>	<p>Unfinished requests or complaints:</p> <ul style="list-style-type: none"> ➤ Pending Previous Requests or complaints that were unfinished at the close of the previous fiscal year, and thus carried forward into the reporting period (the fiscal period indicated on the pie chart). ➤ Pending 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.
<p>Third Party</p>	<p>For purposes of the <i>Access to Information Act</i>, any person, group of persons or organization other than the person that made an access request or a government institution.</p>
<p>Treasury Board Guidelines</p>	<p>The <i>Access to Information Act</i> 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.</p> <p>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 <i>Access to Information Act</i> and <i>Regulations</i>.</p>

CHAPTER 1: THE ACCESS REQUEST PROCESS

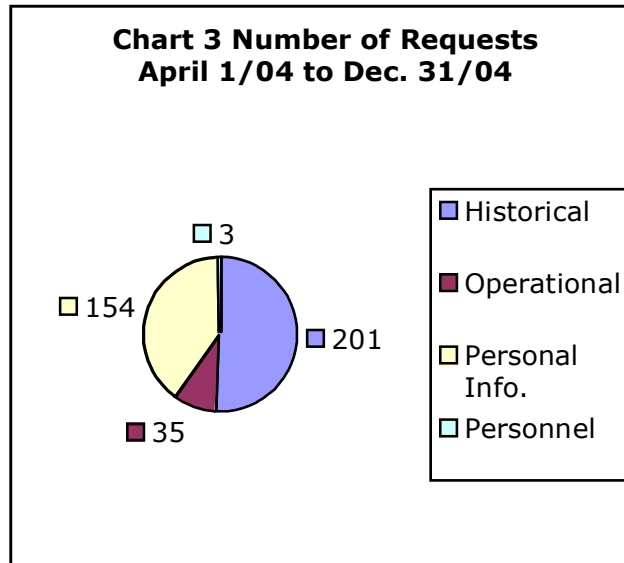
The *Access to Information Act* provides a processing framework for access requests. Any member of the public who is a Canadian citizen or a permanent resident can make an access request. The Act provides a department with certain processing timelines and allows for extensions under certain circumstances 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 analysis purposes including the identification of trends. The number of requesters by category and recent fiscal year (FY) time periods for LAC are illustrated in Charts 1 and 2. The numbers reflect the number of access requests received in the period whether completed or not in the period. The Director indicated that the significant drop in access requests from the public in the first nine months of FY 2004/2005 was due to the previous practice of subdividing an access request into a number of component access requests. The drop in the number of access requests was not accompanied by a drop in the number of pages reviewed.



LAC does not flag access requests to indicate sensitivity. Access requests are categorized as historical, operational, personal information and personnel information. Chart 3 illustrates the number of access requests in each category for the first nine months of FY 2004/2005. The numbers reflect the number of access requests received in the period whether completed or not in the period.



Request Clarification

The number of access requests that required clarification in FY 2003/2004 was 123 or 13% of the access requests received. In the first nine months of FY 2004/2005, 80 or 20% of the access requests received required clarification. The ATIP Division always confirms in writing with the requester the clarification of the access request. There are no documented criteria on when to seek clarification of an access request.

Recommendation 1.1: The ATIP Division document criteria for seeking clarification of an access requests.

Pages Reviewed

The number of pages reviewed for access requests completed in FY 2003/2004 was 173,869 or an average of 200 pages per request. Of the total number of pages reviewed, 141,026 pages or 81% were disclosed in total or in part to the requester. In the first nine months of FY 2004/2005, 180,402 pages or an average of 389 pages per request were reviewed. Of the total number of pages reviewed, 121,899 or 68% were disclosed in total or in part to the requester.

Section 31 of the *Access to Information Act* requires that a complaint to the Office of the Information Commissioner must be made within one year of the date of the receipt of the access request. The ATIP Directorate notifies the requester of this requirement some of the time.

Recommendation 1.2: When an access request is almost one year old, the ATIP Division notify a requester of the limitation on the right to complain.

The ATIP Division also reviews informal access requests for government records that have been transferred by departments to LAC for permanent preservation. These informal requests are typically from researchers or the general public. In the first nine months of FY 2004/2005, the ATIP Division reviewed and opened for public viewing 400,500 pages through a block review process. The ATIP Division also reviewed 404,607 pages responsive to informal access requests releasing 321,125 pages.

Fees Collected

In FY 2003/2004, the ATIP Division collected \$5,540.56 in fees for processing access requests. In the first nine months of FY 2004/2005, \$3,385.66 was collected.

Although LAC does not have a fee waiver policy, 116 fee waivers amounting to \$887.60 were granted in FY 2003/2004 and a further 14 fee waivers amounting to \$93.60 were granted in the first nine months of FY 2004/2005.

Recommendation 1.3: The ATIP Division develop a fee waiver policy for access requests.

Request Disposition

The ATIP Division reported a relatively high number of access requests that were either abandoned by the requester or the ATIP Division was unable to process. In FY 2003/2004, the disposition category of 20% of the access requests processed was either “abandoned by the requester” or “unable to process”. In the first 9 months of FY 2004/2005, the percentage decreased to 13%. The ATIP Director stated that the high number of access requests in these categories reflects requesters’ misdirecting access requests for varied reasons. One such reason may be the LAC is viewed as repository for records of departments that have not been transferred to the LAC. A reason for abandoning access requests is that the LAC Internet site leads a researcher to understand that an access request that is not voluminous will be answered in 30 days. In fact, LAC is sending an acknowledgement letter on receipt of an access request that informs a requester that, due to a backlog of requests, the ATIP Division will not start processing the request for approximately a nine-month period³.

³ There is no statutory basis in the *Access to Information Act* to make a time extension based on a backlog. Many of the recommendations in this Report as well as the *Report of the Access to Government Information Services Task Force* deal with the elimination of the backlog.

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

When an access requests is to be treated informally, the requester is consulted. There are currently no documented criteria to consider for treating an access request informally.

Recommendation 1.5: The ATIP Division document criteria to consider for rating an access request 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 LAC ATIP Division receives a minimal number of access requests for LAC-generated records – perhaps 10 annually. There is no processing model for these access requests.

The LAC ATIP Division receives the bulk of access requests for archival government holdings maintained by LAC. While the processing model for these access requests would differ from a departmental processing model, LAC should have an LAC processing model. Without a processing model, it is impossible to measure actual performance against planned performance. The processing model can be incorporated into *ATIPflow* in order to produce routine reporting on performance

Table 3: Typical Departmental Request Processing Model Stages

Processing Model - Stages	Days Allocated
ATI intake	
OPI search	
Records review and preparation	
Legal	
Communications	

Processing Model - Stages	Days Allocated
Approval or otherwise – OPI	
Approval or otherwise – DMO	
Approval or otherwise - MO	
ATI release	

Table 4: Possible LAC Request Processing Model Stages

Processing Model - Stages	Days Allocated
ATI intake	
Search	
Records review and preparation	
Approval or otherwise – (identify function)	
Approval Director	
ATI release	

Recommendation 1.6: The ATIP Division develop access request processing models so that the performance and planned time can be compared for the purpose of continuous improvement and so that periodic reports can be sent to senior management.

All of the participants in the access process have a responsibility to perform their function in the access process within the allocated time. When information is not available to inform participants about their performance, it is difficult to take remedial action to make improvements. Without factual information on performance, it is also difficult to engage senior management in measures to resolve the delay problem. Ideally, each step in the access process that has been allocated time and each participant in that step should be the recipient of routine performance reporting. Senior management should also be informed through periodic reporting of the progress in reducing the number of requests in a deemed- refusal situation. To maintain effective oversight of the access process, senior

management should receive routine reports on the status of requests, including adherence to the statutory timelines.

Recommendation 1.7: The ATIP Division produce a weekly report that provides information on access requests that are required to be completed at each stage in the request-processing model in order to proactively manage the deemed-refusal situation.

Extensions Profile

Section 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].

Because of the serious delays in responding to access requests, there have been numerous times where the time period allowed to take an extension has passed. A listing of access requests completed during the first nine months of FY 2004/2005 has many examples of access requests for a voluminous number of records where a time extension was not taken.

The LAC ATIP Division always sends the notice of the extension to the requester within the initial 30-day response time when an extension is claimed 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 is rarely contacted.

LAC did have a number of extensions to the initial 30-day time period for processing access requests for consultations with another institution.

In FY 2003/2004, LAC extended the original 30-day time limit for consultation with another institution 67 times, with an individual one time, and for consultation with the Privy Council Office five times. In the first nine months of FY 2004/2005, extensions were taken 20 times to consult with another institution and one time to consult with the Privy Council Office. The Director stated that the ATIP Division is now only consulting another institution when the consultation is mandatory. Previously, other institutions were consulted on a more routine basis whether or not the consultation was mandatory.

LAC had only four time extensions for volume of records for completed access requests in FY 2003/2004 and five extensions for the first nine months of FY 2004/2005, although, in both fiscal years, more extensions should have been claimed.

LAC rarely has consultations with third parties.

Recommendation 1.8: The ATIP Division on receipt of an access request retrieve the records expeditiously in order to identify access requests where a time extension should be claimed.

Recommendation 1.9: If an extended date will not be met, the ATIP Division 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.

Recommendation 1.10: Where LAC consults with or is consulted by a department routinely, LAC and the department enter into a Memorandum of Understanding to cover their responsibilities in the consultation process including the provision of rationales for claiming exemptions.

Transfer Profile

In FY 2003/2004, 63 access requests were transferred to other institutions. In the first nine months of FY 2004/2005, five requests were transferred to other institutions. All transfers occurred as required within 15 days of the receipt of the access request.

Claims for Exemptions

The ATIP Director stated that the Division has not, in the past, documented the rationale for claiming an exemption in the access request file, although staff have recently been instructed to do so. Any rationale for claiming the exemption is prepared by the ATIP Division, unless there was a consultation with another institution. There is no documented requirement to place the rationale for exercising a discretionary exemption on file.

A random group of 15 completed access request files closed between April 1, 2003, and December 31, 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 LAC exercised discretion in deciding whether to claim a discretionary exemption;
- In cases where there was a mandatory exemption, there was no documentation to determine if LAC took into account an exception that could lead to the disclosure of the information.

Recommendation 1.11: The ATIP Division document and institute requirements for documenting the rationale for claiming all exemptions unless the rationale is obvious, for the exercise of discretion and for the consideration of exceptions to mandatory 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 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

In FY 2003/2004, LAC received 954 new access requests. Of the completed requests received in FY 2003/2004, 318 were completed in a deemed-refusal situation while a further 246 were carried over to the next FY in a deemed-refusal situation. The deemed-refusal ratio, including access requests carried over at the start of FY 2003/2004, was 1186:725 or 61% resulting in an “F” on the grading scale.

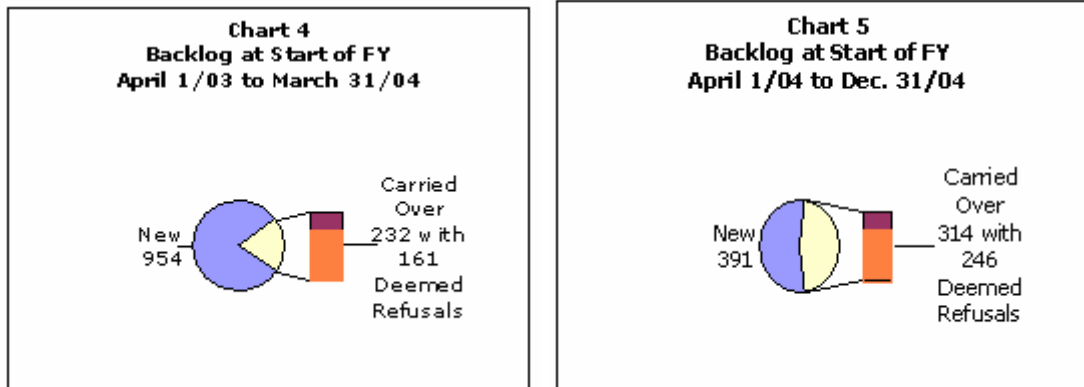
For the first nine months of FY 2004/2005, LAC received 391 new access requests. By December 31, 2004, for access requests received in the first nine months, 80 access requests were completed in a deemed refusal-situation with a further 167 access requests uncompleted but in a deemed-refusal situation. The deemed-refusal ratio, including access requests carried over at the start of FY 2004/2005, was 705:493 or 70%, resulting in an “F” on the grading scale.

Both of these grades represent the worst performance by an institution since the Office of the Information Commissioner instituted Report Cards.

The ATIP Director’s view is that the deemed-refusal backlog is related in most cases to a lack of staffing in the ATIP Division for access request processing. The *Report of the*

Access to Government Information Services Task Force made a number of recommendations on short and long-term measures to eliminate the backlog of access requests and to comply with the time requirements of the *Access to Information Act*. LAC is to be commended on beginning the process of complying with its statutory responsibilities.

The following Charts illustrate the backlog of access requests in a deemed-refusal situation at the start of each fiscal year.



At the start of FY 2003/2004, LAC had 232 pending access requests with 161 or 69% in a deemed-refusal situation.

For FY 2004/2005, LAC started the year with 314 pending access requests with 246 or 78% in a deemed-refusal situation.

With 954 new access requests received in FY 2003/2004 and 391 new access requests received in the first nine months of FY 2004/2005, a trend of a continuing backlog of access requests in a deemed-refusal situation at the start of the year represents a burden to the ATIP Division. This backlog constitutes a serious problem that must be dealt with to comply with the time requirements of the *Access to Information Act*. This burden is particularly problematic for LAC because LAC's business is providing access to information in the role of corporate access office for archival records of government.

This Report Card did not identify any documented plan to deal with the backlog nor did it identify an ATIP Operational Plan to sustain ATIP improvements once the backlog is dealt with. While ATIP *image* was purchased and contractors hired for the last three months of FY 2004/2005, there is no indication of what measures would be taken in FY 2005/2006 to continue to eliminate the access request backlog and to sustain improvements.

Recommendation 2.1: The ATIP Division produce a monthly report that provides the ATIP Division and Senior Management at LAC with information on how well timelines are met when responding to access requests. The reports will provide senior management and the ATIP Division with information needed to gauge overall LAC compliance with the Act's and LAC's time requirements for processing access requests.

Recommendation 2.2: LAC should come into substantial compliance with the Act's deadlines no later than March 31, 2006.

CHAPTER 3: RESOURCE PROFILE

Employee Profile

The processing of access requests is the responsibility of the ATIP Division under the direction of the ATIP Director. The ATIP Division is also responsible for processing requests under the *Privacy Act*. The ATIP Division participates in various working groups, reviews records for informal access requests, and provides policy advice.

The staff of the ATIP Division allocated to ATI is comprised of 21 employees — the Director, one Section Manager, eight Senior Analysts, six Analysts, three ATIP Analysts and five other staff. In addition, there are 10 vacant positions⁴ and another nine under consideration. As well, there are contractors working in the ATIP Division on ATI.

Budget

The salary budget for FY 2003/2004 for the ATI component of the ATIP Division was \$1.1 million for 23.25 person years. The ATI salary budget for 2002/2003 was \$1.1 million for a utilization of 23.85 person years. The FY 2001/2002 budget was also \$1.1 million for 23.3 person years.

The ATI operating budget for each of the last three FYs was approximately \$110,000. There was no budget allocation for either training or contractors in any of the three FYs.

Recommendation 3.1: The use of consultants to provide processing resources for short-term increases in the ATI workload be investigated as part of a staffing strategy.

⁴ Although the vacancies are in the Division, funding for some of the positions was removed at one time or another.

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.

LAC does not have in place an access to information vision nor an operational plan (including the elimination of the access request backlog) for the ATIP Division. Each would serve as a basis for planning and operating the ATIP Division. Support of an access to information vision by senior management and communication of that vision to LAC employees would demonstrate a commitment to a culture of access to information.

One of the reasons for the backlog of access requests and the deemed-refusal situation at LAC ATIP Division was, and is, a chronic lack of resources needed to process access requests. While senior management has accepted the Report of the Access to Government Information Services Task Force and some additional resources made available in the last quarter of FY 2004/2005, there is no documented ATI Operational Plan to support a sustained ATI function in compliance with the *Access to Information Act*. In addition, there is no indication of what, if any, additional resources will be provided to deal with the critical backlog of access requests. There are many other factors in addition to resources that need to be addressed in an Operational Plan including:

- Documented procedures and processes for ATIP staff to ensure consistency in the application of the *Access to Information Act*;
- Agreements with departments to complete front-end analysis of records before their transfer to LAC to identify what can be made publicly available and when;
- Fast-tracking access requests that meet certain criteria;
- Developing a communication process with requesters to enlist their support to make focused, clear and precise access requests that meet their research objectives.

The Plan should include priorities, tasks and resources, deliverables, milestones, timeframes and responsibilities. The Senior Management Committee of LAC should monitor the Plan.

Recommendation 4.1: Senior management oversee the development of a resource strategy along with other measures as described in the Task Force Report and this Report Card to address the chronic lack of resources that has led to a 18 to 20-month backlog of formal and informal access requests in LAC.

Recommendation 4.2: Senior management oversee the development of an access to information vision that can be communicated to LAC employees.

Recommendation 4.3: The ATIP Division develop an ATI Operational Plan to support the LAC access to information vision.

Recommendation 4.4: The ATIP Division complete the development of an ATIP Staff Manual on the policies and procedures for processing access requests.

A review of 15 completed access requests from FY 2003/2004 and the first nine months of FY 2004/2005 found that the documentation was insufficient in a number of areas such as the following:

- It is important that access request processing provide a documented trail of the decisions made in responding to an access request. This means that, when an exemption is invoked, the rationale for claiming the exemption is documented. Merely citing a section of the *Access to Information Act* in most cases will not suffice. The file review found many instances where rationale for the claim of an exemption was not documented.
- Discretionary exemptions are claimed at the discretion of the individual with the appropriate delegated authority. To support the decision-maker, criteria should be developed to consider whether or not to claim the discretionary exemption. The ATIP Division did not have documented criteria to take into consideration for exercising discretions. Nor generally was there any indication in the files that discretions were exercised in deciding whether or not to claim an exemption.
- Some of the mandatory exemptions have an exception that would allow disclosure of the information where the mandatory exemption was claimed. The file review did not identify any documentation that would indicate that the exceptions for disclosure were considered.

Recommendation 4.5: The Staff Manual developed by the ATIP Division provide direction on the documentation of the rationale for claiming an exemption, the exercise of discretion in deciding whether or not to claim a discretionary exemption and the need to take into account the exceptions for disclosure for some mandatory.

The ATIP Division 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 within LAC 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 Division to initially focus resources on priority areas where training will have the highest level of return.

Recommendation 4.6: The ATIP Division develop and implement an Access to Information Training Plan.

The ATIP Division is implementing *ATIPimage*, which 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.

The ATIP Division uses *ATIPflow*, but that technology as developed is not used to its full advantage as a proactive management tool. Generally, the use of *ATIPflow* is limited to statistical reporting and file control.

Recommendation 4.7: The ATIP Division review its use of *ATIPflow* to provide proactive 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.

LAC is implementing the Treasury Board Secretariat *Policy on the Management of Government Information*. LAC has completed a Capacity Assessment that provided a qualitative assessment of the LAC's ability to implement the Policy. LAC has formed a Government Information Management Committee to begin to deal with implementing the Policy and dealing with issues that impact on access to government archival records.

LAC is designing a new information classification scheme to facilitate access to archival government records. LAC has identified user requirements so that LAC and its clients can benefit from accurate and complete metadata about its records holdings.

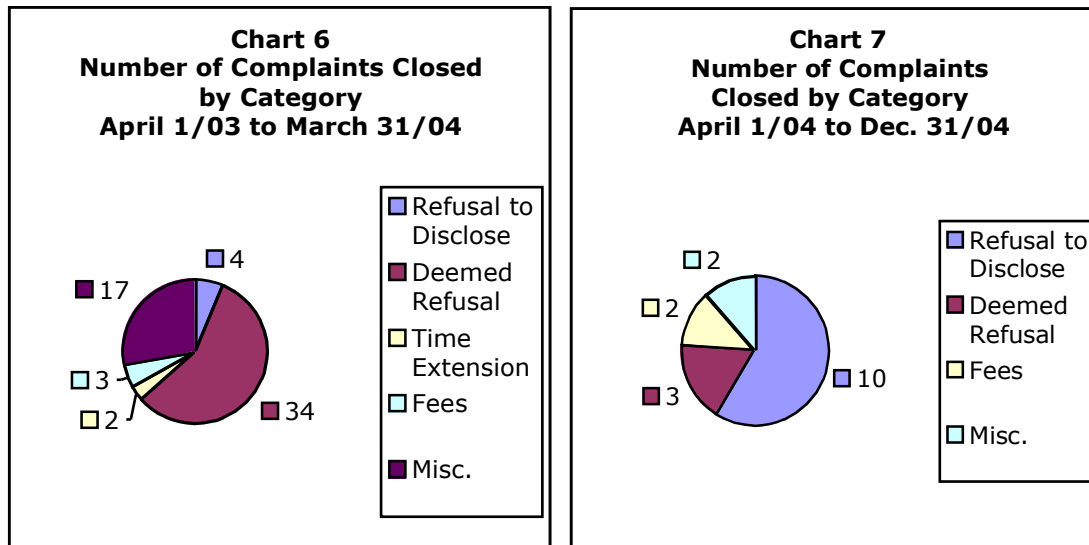
LAC has undertaken a number of activities to provide access to information using alternative methods. These activities are seen as providing proactive disclosure of information. The activities to date include the routine disclosure of travel and hospitality expenses and LAC contracts awards over \$10,000.00 by posting the information periodically on the LAC Internet site. LAC is encouraged to investigate what other information might be proactively disclosed.

<p>Recommendation 5.1: LAC as part of the renewal of the Information Management Program determine categories of information that may be disclosed proactively.</p>

CHAPTER 6: COMPLAINT PROFILE

Complaints—Deemed Refusals

The Office of the Information Commissioner completed the investigation of 60 complaints made against LAC under the *Access to Information Act* in FY 2003/2004. For the first nine months of FY 2004/2005, a further 17 complaint investigations were completed. Charts 6 and 7 illustrate the reasons that the complaints were made by a requester.



Of note is the fact that the deemed-refusal complaints against LAC constituted 57% of the complaint workload for LAC at the Office of the Information Commissioner in FY 2003/2004. For the first nine months of FY 2004/2005, the percentage was 18%.

CHAPTER 7: CONCLUSION

This Report Card makes a number of recommendations for ATI operations in LAC. 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 Plan for the ATIP Division. The Plan would establish priorities, tasks and resources, deliverables, milestones, timeframes and responsibilities to implement the recommendations in the *Report on the Access to Government Information Services Task Force* and those recommendations in this Report Card that are accepted by LAC. 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*. These individuals require ATI training to support the fulfillment of their responsibilities.

Table 1: The Grading System Used for this Report Card

Overall Grade	Overall ATI Operations
A = Ideal	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Minor deficiencies to the ideal that can easily be rectified • 10% or less deemed refusals
C = Borderline	<ul style="list-style-type: none"> • Deficiencies to be dealt with
D = Below Standard	<ul style="list-style-type: none"> • Major deficiencies to be dealt with
F = Red Alert	<ul style="list-style-type: none"> • 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, LAC rates an “F”. Its overall performance is Red Alert.

LIST OF RECOMMENDATIONS

The following is a list of recommendation by chapter.

Chapter 1: The Access Request Process

Recommendation 1.1: The ATIP Division document criteria for seeking clarification of an access requests.

Recommendation 1.2: When an access request is almost one year old, the ATIP Division notify a requester of the limitation on the right to complain.

Recommendation 1.3: The ATIP Division develop a fee waiver policy for access requests.

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

Recommendation 1.5: The ATIP Division document criteria to consider for rating an access request informally.

Recommendation 1.6: The ATIP Division develop access request processing models so that the performance and planned time can be compared for the purpose of continuous improvement and so that periodic reports can be sent to senior management.

Recommendation 1.7: The ATIP Division produce a weekly report that provides information on access requests that are required to be completed at each stage in the request-processing model in order to proactively manage the deemed-refusal situation.

Recommendation 1.8: The ATIP Division on receipt of an access request retrieve the records expeditiously in order to identify access requests where a time extension should be claimed.

Recommendation 1.9: If an extended date will not be met, the ATIP Division 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.

Recommendation 1.10: Where LAC consults with or is consulted by a department routinely, the department and LAC enter into a Memorandum of Understanding to cover their responsibilities in the consultation process including the provision of rationales for claiming exemptions.

Recommendation 1.11: The ATIP Division document and institute requirements for documenting the rationale for claiming all exemptions unless the rationale is obvious, for the exercise of discretion and for the consideration of exceptions to mandatory exemptions.

Chapter 2: Deemed Refusals

Recommendation 2.1: The ATIP Division produce a monthly report that provides the ATIP Division and Senior Management at LAC with information on how well timelines are met when responding to access requests. The reports will provide senior management and the ATIP Division with information needed to gauge overall LAC compliance with the Act's and LAC's time requirements for processing access requests.

Recommendation 2.2: LAC should come into substantial compliance with the Act's deadlines no later than March 31, 2006.

Chapter 3: Resource Profile

Recommendation 3.1: The use of consultants to provide processing resources for short-term increases in the ATI workload be investigated as part of a staffing strategy.

Chapter 4: Leadership Framework

Recommendation 4.1: Senior management oversee the development of a resource strategy along with other measures as described in the Task Force Report and this Report Card to address the chronic lack of resources that has lead to a 18 to 20-month backlog of formal and informal access requests in LAC.

Recommendation 4.2: Senior management oversee the development of an access to information vision that can be communicated to LAC employees.

Recommendation 4.3: The ATIP Division develop an ATI Operational Plan to support the LAC access to information vision.

Recommendation 4.4: The ATIP Division complete the development of an ATIP Staff Manual on the policies and procedures for processing access requests.

Recommendation 4.5: The Staff Manual developed by the ATIP Division provide direction on the documentation of the rationale for claiming an exemption, the exercise of discretion in deciding whether or not to claim a discretionary exemption and the need to take into account the exceptions for disclosure for some mandatory.

Recommendation 4.6: The ATIP Division develop and implement an Access to Information Training Plan.

Recommendation 4.7: The ATIP Division review its use of ATIP*flow* to provide proactive management of ATIP administration.

Chapter 5: Information Management Framework

Recommendation 5.1: LAC as part of the renewal of the Information Management Program determine categories of information that may be disclosed proactively.

Office of the Information Commissioner of Canada

Report Card Questionnaire

1. ACCESS REQUEST PROCESS

1.1 THE CLIENT (REQUESTER)

1.1.1 Client Profile

Source	Number of Requests	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
Media	3	1
Academia	18	24
Business	24	2
Organization	34	8
Public	875	370
Other	0	0
Total	954	405

1.1.2 Request Categorization

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

Yes No

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 1/03 to March 31/04	April 1/04 to Dec. 31/04
Historical	Pertaining to Record Groups	439	201
Operational	Pertaining to LAC	24	35
Personal Information	Pertaining to Personal Information	212	154
Personnel	Pertaining to Personal Information	0	3

279 requests were not categorized for the period of April 2003 to March 2004. For the period April 1 to Dec. 31, 2004, twelve requests were not categorized. This denotes a cleanup of the database and better inputting.

1.1.3 Request Clarification

1.1.3.1 Access requests where clarification was sought	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
Number of Requests	123	80

1.1.3.2 Are there documented criteria for seeking clarification?

Yes No

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 Almost always Sometimes Rarely Never

1.1.4 Client Service

1.1.4.1 Disclosure to Client	Number	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
Pages reviewed	173,869	180,402
Pages disclosed in total or in part	141,026	121,899
Pages for consultation under paragraphs 9(1)(a) and/or (b) and/or notification under (c)	n/a	n/a

In addition to the reported 180,402 pages reviewed (April 1 to Dec 31/04), the ATIP Division reviewed and opened 400,500 pages to the general public through a block review process. ATIP also reviewed 404,607 pages for informal access requests, releasing 321,125 pages.

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

1.1.4.3 Fees Collected/Waived	Number/Amount	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
Amount of application fees collected	\$3,855.00	\$2,054.86
Amount of photocopying fees collected	\$957.96	\$1,150.80
Amount of search fees collected	\$467.60	\$180.00
Amount of preparation fees collected	\$260.00	\$0.00
Amount of programming fees collected	\$0.00	\$0.00
Total	\$5,540.56	\$3,385.66
Number of fee waivers sought	116	14
Number of fee waivers granted	116	14
Amount of fees waived	\$887.60	\$93.60

1.1.4.4 Does the department have a written fee waiver policy?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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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	<input type="checkbox"/>	Almost always	<input checked="" type="checkbox"/>	Sometimes	<input type="checkbox"/>	Rarely	<input type="checkbox"/>	Never	<input type="checkbox"/>
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1.1.5 Request Disposition

Disposition of Completed Requests For the Period	Number of Requests	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
All disclosed	191	142
Disclosed in part	322	220
Nothing disclosed (excluded)	101	34
Nothing disclosed (exempt)	3	1
Transferred	63	5
Unable to process	96	21
Abandoned by applicant	84	38
Treated informally	9	2
Total completed	869	463
Carried forward	317	266

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	<input type="checkbox"/>	Almost always	<input checked="" type="checkbox"/>	Sometimes	<input type="checkbox"/>	Rarely	<input type="checkbox"/>	Never	<input type="checkbox"/>
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1.1.6.2 Are there documented criteria for treating an access request informally?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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If Yes, please provide a copy with the completed questionnaire.

1.2 REQUEST PROCESSING

1.2.1 Time to Process Requests

NOTE: This will require an explanation as LAC functions differently than line departments as its mandate is quite different. There is an informal structure, however, it is not well understood.

Processing Model - Stages	April 1/03 to Mar. 31/04		April 1/04 to Dec. 31/04	
	Days Allocated	Average Actual Days	Days Allocated	Average Actual Days
ATI intake				
OPI search				
Records review and preparation				
Legal				
Communications				
Approval or otherwise – OPI				
Approval or otherwise – DMO				
Approval or otherwise - MO				
ATI release				

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		Sometimes	X	Rarely		Never	
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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	
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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	
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b) Of an expected date for the final response

Always		Almost always		Sometimes	X	Rarely		Never	
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c) Of the right to complain to the Information Commissioner

Always		Almost always		Sometimes	X	Rarely		Never	
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1.2.2.4 Extensions Under Paragraph 9(1)(a)	Number of Extensions	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
For volume (search for large number of records) 30 days and under	0	0
For volume (search for large number of records) 31 days and over	4	5
For volume (search through large number of records) 30 days and under	0	0
For volume (search through large number of records) 31 days and over	0	0

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		Almost always		Sometimes	X	Rarely		Never	
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1.2.2.6 Extensions Under Paragraph 9(1)(b)	Number of Extensions	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
For consultation with another institution	67	20
For consultation with domestic government	0	0
For consultation with foreign government	0	0
For consultation with individual	1	0
For consultation for section 69	5	1

Most of the consultations that were taken were outside of the legislated timeframe, therefore did not fall under paragraph 9(1)(b). This has recently changed as LAC has changed its process so that extensions are taken within the initial 30 day period.

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

Always	<input type="checkbox"/>	Almost always	<input type="checkbox"/>	Sometimes	<input checked="" type="checkbox"/>	Rarely	<input type="checkbox"/>	Never	<input type="checkbox"/>
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Since November 2002, only two 9(1)(c) consultations were received.

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

Always	<input type="checkbox"/>	Almost always	<input type="checkbox"/>	Sometimes	<input type="checkbox"/>	Rarely	<input type="checkbox"/>	Never	<input checked="" type="checkbox"/>
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1.2.2.9 Are third-party notices sent as soon as the need for the notice is identified?

Always	<input type="checkbox"/>	Almost always	<input type="checkbox"/>	Sometimes	<input checked="" type="checkbox"/>	Rarely	<input type="checkbox"/>	Never	<input type="checkbox"/>
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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	<input type="checkbox"/>	Almost always	<input checked="" type="checkbox"/>	Sometimes	<input type="checkbox"/>	Rarely	<input type="checkbox"/>	Never	<input type="checkbox"/>
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1.2.2.11 Is the third-party timing process (as set out in section 28) observed?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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If No, please provide comments.

<p><i>Extensions in general have been identified as a training issue. Moreover, 9(1)(c) extensions are quite infrequent in LAC. Also, not exercising extensions appropriately is due, at least in part, to the backlog situation.</i></p>

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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	
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Prior to April 2003, no partial releases were taken. Since that date, staff have been instructed to do so whenever possible.

1.2.2.13 Notification Under Paragraph 9(1)(c)	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
Number of requests where third party consulted	1 (Even though a count of 1 is being indicated, no extention was taken)	0
Average length of time to receive representations from third parties	0	0
Average length of time to make a decision after receipt of representations from third parties	0	0
Number of notices under section 27	0	0
Number of notices for which section 27 time frame was not met	0	0
Number of requests for which <i>paragraph 28(1)(b)</i> timeframe was not met	0	0

1.2.3 Transfer Profile

Transfers	Number of Transfers	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
Transferred within 15 Days	63	5
Transferred over 15 Days	0	0
Total transferred	63	5
Transfers refused	0	0

From April 2003 to March 2004, the count of 63 may also include requests that were transferred internally within LAC; 5 are for those that were transferred to another federal department.

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	Training issue identified. Staff are instructed to do so, but this is still being encouraged
1.3.2 Is the exemption rationale prepared by the OPIs?		X	There are few OPIs within LAC. OPI for LAC = other gov't dep't. More often than not, they have provided little, if any, rationale, and LAC only recently encouraged to challenge them.
1.3.3 Is the exemption rationale prepared by ATI?		X	Not the norm, but this is beginning to change. Training issue identified
1.3.4 Is there a documented exemption challenge function in ATI if the rationale is prepared by OPIs?		X	Not the norm, but this is beginning to change. Training issue identified
1.3.5 Is there a documented requirement to place the rationale for exercising a discretionary exemption on file?		X	Training issue identified and staff encouraged to do so. Procedures manual planned.

2. DEEMED REFUSALS

Statistics for Analysis of Deemed-Refusal Requests			
Part A: Requests carried over from the prior fiscal period.		April 1/03 to March 31/04	April 1/04 to Dec. 31/04
1.	Number of requests carried over:	232	314
2.	Requests carried over from the prior fiscal — in a deemed-refusal situation on the first day of the new fiscal:	161	246
Part B: New Requests — Exclude requests included in Part A.		April 1/03 to March 31/04	April 1/04 to Dec. 31/04
3.	Number of requests received during the fiscal period:	954	391
4.A	How many were processed <i>within</i> the 30-day statutory time limit?	324	82
4.B	How many were processed beyond the 30-day statutory time limit <i>where no extension was claimed?</i>	291	75
4.C	How long after the statutory time limit did it take to respond where no extension was claimed?		
	1-30 days:	109	24
	31-60 days:	80	13
	61-90 days:	40	4
	Over 91 days:	60	34
5.	How many were extended pursuant to section 9?	52	17
6.A	How many were processed <i>within</i> the extended time limit?	5	7
6.B	How many exceeded the extended time limit?	27	5
6.C	How long after the expiry of the extended deadline did it take to respond?		
	1-30 days:	11	3
	31-60 days:	6	2
	61-90 days:	2	0
	Over 91 days:	8	0
7.	As of December 31, 2004, how many requests are in a deemed-refusal situation?		167

Statistics for Analysis of Deemed-Refusal Requests

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:

- impossible to easily identify relevant records due to lack of finding aids, poor systems, file organization, etc.
- size of request – one request could be for hundreds of files
- complexity of request – often requires research, for information from defunct entities for which consultation is not possible
- mandatory consultations on huge files slows processing of file

3. RESOURCE PROFILE

3.1 Employee Profile

Please list all ATI Office employees.

Lists only current staff, not vacant positions

Full-time Position	Classification	Number	Years of Experience
Section Manager	PM-05	1	10
Senior Analyst	PM-04	7	2-10
Analyst	PM-02	6	0-10
IPR	AS-04	1	10
IPR support	CR-04	4	1-10
Director	PM-06	1	10
Part-time Position	Classification	Number	Years of Experience
Senior Analyst	PM-04	1	10
Vacant Senior Analyst positions	PM-04	4	
Vacant Analyst positions	PM-02	5	
Vacant Section Manager positions	PM-05		
Vacant IPR Head	AS-04	1	
IPR Officer positions	Unknown (section under construction)	9?	

3.2 Salary Dollar Budget for ATI Office

Fiscal Year	Budget Allocated	Budget Used	FTEs Allocated	FTEs Used
2003/2004	\$1.1 million	\$ALL		23.25
2002/2003	\$1.1 million	\$ALL		23.85
2001/2002	\$1.1 million	\$ALL		23.3

3.3 Operating Budget for ATI Office

Fiscal Year	Budget Allocated	Budget Used
2003/2004	\$110,000 APPROX.	\$ALL
2002/2003	\$110,000 APPROX.	\$ALL
2001/2002	\$110,000 APPROX.	\$ALL

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
2003/2004	\$Negligeable	\$None
2002/2003	\$Negligeable	\$None
2001/2002	\$Negligeable	\$None

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

Fiscal Year	Budget Allocated	Budget Used
2003/2004	\$None	\$
2002/2003	\$None	\$
2001/2002	\$None	\$

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		Very first planning session done with staff
4.1.2 Is there a published ATIP Operational Plan with clearly defined objectives, deliverables, time frames and responsibilities?		X	Planned
4.1.3 Is there a published ATIP Policy and Procedures Manual for departmental staff?		X	Planned – is part of AGIS Task Force recommendations
4.1.4 Is the ATIP Policy and Procedures Manual kept up-to-date through at least a bi-annual review process?		X	Planned – is part of AGIS Task Force recommendations
4.1.5 Are OPIs ATI responsibilities clearly defined through documentation provided to OPIs?		X	Planned – is part of AGIS Task Force recommendations. Note that for LAC, OPIs = Other

Question	Yes	No	Comments
			Departments
4.1.6 Is there an internal ATI Office Manual on processing access requests?		X	Planned – is part of AGIS Task Force recommendations. Work has commenced
4.1.7 Are there documented criteria for taking extensions under paragraphs 9(1)(a) and 9(1)(b)?	X		Partially in procedural e-mail and in TBS manual
4.1.8 Is there a Delegation Order?	X		Has been revised and approved
4.1.9 Are the ATI roles and responsibilities for those with delegated authority clearly defined?		X	
4.1.10 Does the approval process require the approval or concurrence of officials who are not holders of delegated authority?		X	Most ATIs do not go through an approval process, but the few that do, then yes.
4.1.11 Is there a published ATIP Training Plan?		X	No budget
4.1.12 Has <i>ATIPflow</i> or similar application been implemented?	X		
4.1.13 Is <i>ATIPflow</i> used proactively to identify potential problems?	X		
4.1.14 Is <i>ATIPflow</i> used to provide at least monthly reports to Senior Management?	X		
4.1.15 Has an audit of the ATI Program been conducted in the last three years?		X	Planned

4.2 Dealing with ATI Problems

Condition	Action Taken	Comment on Progress
ATI Backlog	Task Force, Triage, Acknowledgement letters and notices, streamlining of processes	Positive impact

Condition	Action Taken	Comment on Progress
Inadequate resources	Lack of staff, lack of \$ to hire staff	Some funding provided
Inadequate tools	Acquired PCs and tools, Standard letters	Some funding provided
Poor information mgt	Performance measures and expertise brought in	Improved, need more
Poor/lack of training	Ad hoc, planned training	Improved, need more

4.3 Solutions to Unanticipated Service Demands between April 1, 2003, and December 31, 2004

Service Demand	Solution
Veterans' Plates	Treated Informally
Steady increase in requests due to litigation, departmental researchers, informal access	Streamline processes, triage, prioritization by requestors

5. INFORMATION MANAGEMENT FRAMEWORK

5.1 What activities were planned and what progress was made between April 1, 2003, and December 31, 2004, on providing access to information using alternative methods?

Planned Activity	Action Taken	Comment on Progress
AGISTF	Report Produced	Ongoing
Triage	Implemented	Good results

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

<p>ATIPFlow used to manage information Departmental capacity check carried out Government Information Management Committee formed and first meeting held to begin dealing with issues impacting access.</p>

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)	100 %
Records Disposal Authority	100 %

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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If Yes, please provide documentation that explains the classification scheme(s)

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

New scheme being designed. LAC has recognized that its systems need to be reviewed and modernized so that access can be facilitated. Among the catalytic initiatives to grow out of Transformation, the AMICAN working group has identified user requirements so that the institution and its clients can benefit from accurate and complete metadata, including access, about its holdings. In the meantime, ATIP is currently tracking this type of information that will later be used to update AMICAN.

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 Resolved by Categories

Category	Number of Complaints Resolved	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
Refusal to disclose	4	10
Delay (deemed refusal)	34	3
Time extension	2	0
Fees	3	2
Language	0	0
Publication	0	0
Miscellaneous	17	2
Total resolved	60	17

6.2 Complaint Findings

Category	Number of Complaint Findings	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
Resolved	41	8
Not resolved	0	0
Not substantiated	17	8
Discontinued	2	1
Total Findings	60	17