



Information Commissioner of Canada

Access to Information Act

**Report Card
on the
Performance
of**

Canada Border Services Agency

May 2007

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OVERVIEW

As part of the proactive mandate of the Information Commissioner of Canada's Office (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 Act).

The Canada Border Services Agency (CBSA) administers the Act through the Access to Information and Privacy (ATIP) Division. The Director holds full delegated authority from the Head of the institution to make all decisions under the Act. There is further full delegation of authority to managers in the ATIP Division.

A critical component of the administration of the 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 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.

This Report Card identifies a serious deemed-refusal situations that CBSA is addressing through a package of new staff resources and an up-to-date ATI support structure in CBSA's ATI policies, procedures, and technology. Although substantial progress has been made, there is further work to be planned and/or implemented to ensure that CBSA meets its obligations under the Act.

This Report Card makes a number of recommendations for ATI operations in CBSA. Of particular note, an essential component in the administrative framework to support the operation of the 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:

- deal with the remaining recommendations to be implemented in the *Strategic Review of ATIP Operations and Development of a Strategic ATIP Investment Plan for the Canada Border Services Agency*;
- manage the day-to-day operations of the ATIP Division;
- guide the CBSA to achieve substantial compliance with the Act's deadlines;
- implement those recommendations in this Report Card that are accepted by the department.

Other recommendations focus on the need to have an up-to-date infrastructure in place – policies, procedures, and technology – to support the administration of the Act in CBSA and the ATIP Division. Up-to-date comprehensive documentation needs to be in place to promote consistent decision-making by individuals with responsibilities in the operations supporting the 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 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 | <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, the CBSA rates an “F” for the first eight months of fiscal year 2006-2007. 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 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 the 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 Purpose section of the 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 have 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 2004-2005, 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 management and operation of the access to information process in a department, recommendations are made in the Report Card.

CBSA administers the Act through the ATIP Division. The Director of the Division holds full delegated authority from the Head of the institution to make all decisions under the Act. The managers in the ATIP Division also hold delegated authority to make decisions under the Act. The Vice Presidents of CBSA were also provided with full delegated authority to make decisions under the Act.

The CBSA was established in April 2004, and this first Report Card conducted by the Office of the Information Commissioner was deemed necessary based on the difficulty in routinely meeting the response deadlines set out in the Act.

As part of the preparation of this Report Card, the ATIP Director and Acting Manager, Strategy and Coordination, were interviewed on January 9, 2007. In addition, 14 access request files completed during 2005-2006, and the first eight months of 2006-2007 were randomly selected and reviewed on February 26, 2007. 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 Commissioner’s Office. The Questionnaire provides statistical and other information on the administration of the 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 | <p>The following categories are used by the Commissioner’s Office to identify the outcome of a complaint made to the Office under the Act:</p> <ul style="list-style-type: none"> <li data-bbox="586 1150 1365 1297">➤ Well-founded Complaints well-founded but not resolved, where the Commissioner sought consent from the requester to pursue the matter in Federal Court. <li data-bbox="586 1310 1365 1415">➤ Resolved Well-founded complaints resolved by remedial action satisfactory to the Commissioner. <li data-bbox="586 1428 1365 1499">➤ Not Substantiated Complaints considered not to be well-founded. <li data-bbox="586 1512 1365 1625">➤ Discontinued Complaints discontinued, on request from the complainant, prior to a final resolution of the case. |
| Deemed Refusal | <p>The Act describes a deemed refusal as follows:</p> <p style="padding-left: 40px;">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</p> |

| Term | Definition |
|---|---|
| | <p>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 Act:</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 Act 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> |

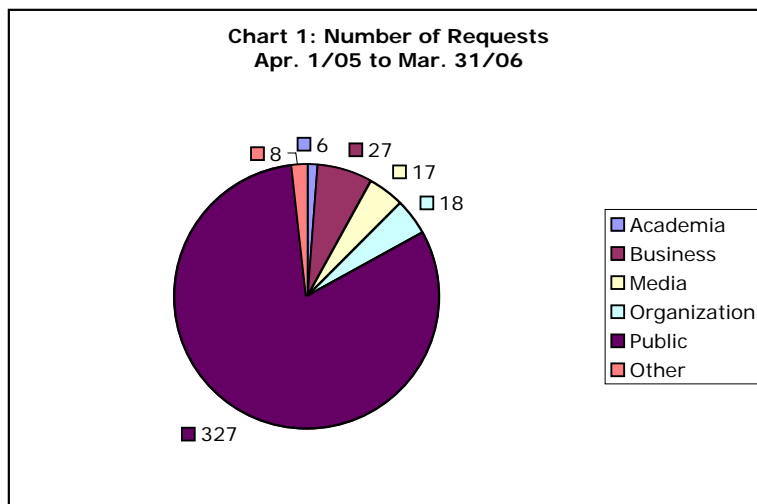
| Term | Definition |
|----------------------------------|---|
| Pending | <p>Unfinished requests or complaints:</p> <ul style="list-style-type: none"> <li data-bbox="537 331 1377 554">➤ Pending Previous Requests or complaints that were unfinished at the close of the previous fiscal year, and thus carried forward into the reporting period (the fiscal period indicated on the pie chart). <li data-bbox="537 569 1377 747">➤ 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 | <p>For purposes of the Act, any person, group of persons or organization other than the person that made an access request or a government institution.</p> |
| Treasury Board Guidelines | <p>The 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 coordination of the administration of the Act. The President of the Treasury Board fulfills 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 Act and its Regulations.</p> |

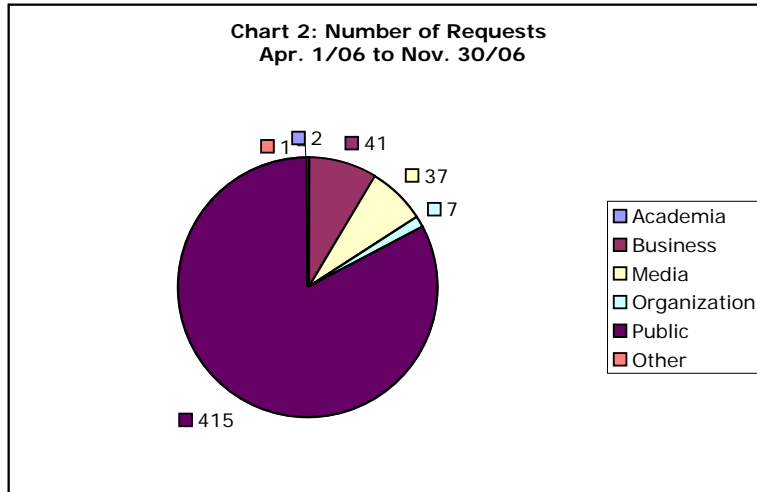
CHAPTER 1: THE ACCESS REQUEST PROCESS

The Act provides a processing framework for access requests. Any person (individual or corporation) who is a Canadian citizen, a permanent resident, or present in Canada, may 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. When records contain information that is exempted 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 CBSA are illustrated in Charts 1 and 2.





CBSA does not flag access requests that are considered sensitive or are to be processed outside the routine access request processing process. The only flag used is to designate the requests that are for records related to customs files, immigration files, or neither. There is also an indication made by the ATIP Division when briefing material will be required. The practice for these requests is to place the access request disclosure package on a shared computer hard drive when it has received preliminary approval in the ATIP Division. The communications function can then access the package while it is waiting for final approval in the ATIP Division.

Request Clarification

The number of access requests that required clarification in 2005-2006 was unavailable. In the first eight months of 2006-2007, approximately 63 (13%) of the access requests completed required clarification. The ATIP Division confirms in writing with the requester the content of a clarified access request all of the time. There are no documented criteria to provide guidance on when to seek clarification.

Recommendation 1.1: That the *ATIP Policy and Procedures Manual* include criteria in the form of a checklist for clarifying or modifying an access request. The checklist could also be used to provide requesters with information on how to formulate a clear access request.

Pages Reviewed

The number of pages reviewed for access requests completed in 2005-2006 was 23,366, an average of 58 pages per request. Of the total number of pages reviewed, 16,487 pages (71%) were disclosed in total or in part to the requester. In the first eight months of 2006-2007, 53,138 pages, an average of 106 pages per request, were reviewed. Of the total number of pages reviewed, 46,464 (87%) were disclosed in total or in part to the

requester. This percentage of full or partial disclosure is high compared to the percentages reported in other Report Cards issued since 2005.

The ATIP Division also receives consultations from other institutions on whether or not records that CBSA has an interest in, or were created by CBSA, may be released. In 2005-2006, the ATIP Division reviewed 9,465 pages. In the first eight months of 2006-2007, 8,979 pages were reviewed.

Fees Collected

In 2005-2006, the ATIP Division collected \$6,209 for processing access requests. In the first eight months of 2006-2007, \$1,248 was collected.

Although the department does not have a fee waiver policy, fee waivers for photocopying amounting to an estimated \$9,170 were recorded in the first eight months of 2006-2007.

While it is commendable that the department is waiving fees, without a written policy and in the absence of well-documented reasons, it was not possible to confirm that fee waiver decisions are taken fairly and in a consistent manner.

| |
|---|
| <p>Recommendation 1.2: That the ATIP Division develop a fee waiver policy for access requests and document the basis for its fee waiver decisions.</p> |
|---|

Request Disposition

The ATIP Division reported a relatively high number of access requests that were either abandoned by the requester or the Division was unable to process. In 2005-2006, the disposition of 38% of the access requests processed was either “abandoned by the requester” or “unable to process”. In the first eight months of 2006-2007, the percentage decreased slightly to 31%. This percentage is higher than the norm for government institutions.

The ATIP Director stated that the high number of requests in the unable to process category reflects access requests where no records existed. In the abandoned category, there was no documentation available to identify reasons for abandonment of an access request by a requester. Typical reasons cited by the Director for the abandonment of an access request were no response from the requester to a fee estimate, or to clarify the access request. The ATIP Division will process access requests to a certain point (for example, a fee estimate) and that processing contributes to the workload of the Division, even though the access request is later abandoned.

Recommendation 1.3: That the ATIP Division document the criteria for categorizing an access request as abandoned or unable to process in the *ATIP Policy and Procedures Manual*.

Requests for copies of records can be made informally at CBSA regional offices and/or branches. With consideration taken of the *Access to Information Act*, the *Privacy Act*, and subsection 107(9) of the *Customs Act*, copies of records can be provided directly by the regional office/branch. The ATIP Division does not track these informal disclosures of records.

Time to Process Requests

The Act allows 30 calendar days (or 21 working 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 Division 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 CBSA access request processing model is based on 21 working days. The ATIP Division was not able to provide reliable statistical information on the time to process requests due to data integrity issues. The statistics in Table 3 show only the days allocated to and used for each stage in the access request processing model.

Table 3: The CBSA Request Processing Model for 2005-2006 and 2006 2007

| Processing Model - Stages | April 1/05 to Mar. 31/06 | | April 1/06 to Nov. 30/06 | |
|--|--------------------------|---------------------|--------------------------|---------------------|
| | Days Allocated | Average Actual Days | Days Allocated | Average Actual Days |
| ATI intake (Initial Prep) | 3 | 15 | 3 | N/A |
| OPI search (Search & Locate) | 8 | 28 | 8 | 21 est. |
| Records review and preparation (Analysis) | 17 | 28 | 17 | N/A |
| Legal | Not applicable | | | |
| Communications | 1 | N/A | N/A | N/A |
| Approval or otherwise – OPI (Approval process) | 1 | 4 | 2 | 10 est. |

| Processing Model - Stages | April 1/05 to Mar. 31/06 | | April 1/06 to Nov. 30/06 | |
|-----------------------------|----------------------------|---------------------|----------------------------|---------------------|
| | Days Allocated | Average Actual Days | Days Allocated | Average Actual Days |
| Approval or otherwise – DMO | Not applicable | | | |
| Approval or otherwise - MO | Not applicable | | | |
| ATI release | Included in approval stage | N/A | Included in approval stage | N/A |

The processing model consists of the following stages and days allocated to each stage:

| Phase | Stage | Number of Days | Location |
|-------|---------------------|----------------|---------------|
| 1 | Initial Preparation | 2 | ATIP Division |
| 2 | Search and Locate | 8 | OPI |
| 3 | Analysis | 15 | ATIP Division |
| 4 | Records Preparation | 2 | ATIP Division |
| 5 | Review and Approval | 2 | ATIP Division |

In April 2006, CBSA installed a new information system called *AccessPro Case Management*. The change of systems has resulted in a number of issues with regard to data integrity, and, as such, information on the actual number of days per stage is unreliable. Ongoing system improvements are expected to address this issue and should result in more reliable data in the future. Although the figures may be unreliable, the trend in the processing model is that both OPIs and the ATIP Division are not meeting the days allocated to their respective functions. Part of the delay is caused by unfilled vacancies in the ATIP Division, resulting in new OPIs not being trained in the requirements of the Act.

The ATIP Division has established a backlog task force to work on the backlog of deemed-refusal access requests. Approximately 70% of the backlog of 393 access requests was closed by December 31, 2006.

The ATIP Division does a preliminary sort of access requests to identify those requests that require communications material and to assign the access request to a team. At this point, access requests that appear to be straightforward to respond to could be identified. These requests could then be forwarded to a team responsible for fast tracking this type of access request. The benefits are that these access requests:

- would not be queued in line with more complex requests with the possibility of a deemed refusal occurring;
- could be processed by new ATIP analysts who are being trained in their positions.

Recommendation 1.4: That the ATIP Division produce a weekly report that provides information on the time taken to complete access requests against allocated time at each stage in the access request processing model in order to proactively manage the deemed-refusal situation.

Recommendation 1.5: That the ATIP Division conduct an analysis of OPI response times against allocated times for 2006-2007 for access requests (that were not assigned to the team processing the deemed-refusal backlog) in order to provide an analysis of the deemed-refusal situation, along with recommendations on how performance can be improved.

Recommendation 1.6: That the ATIP Division consider identifying access requests that appear to be straightforward for assignment to an ATIP team responsible for fast tracking responses to access requests.

Extensions Profile

Subsection 9(1) of the Act provides circumstances when the initial 30-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 ATIP Division almost always sends the notice of the extension under subsection 9(1) of the Act to the requester within the initial 30-day response time and, where required, always sends a copy of the notice to the Commissioner's Office. When it is unlikely that an extended date will be met under paragraphs 9(1)(a) and (b), the requester will be contacted some of the time to be informed that the response will be late, of an expected final response date, and of the right to complain to the Office of the Information Commissioner about the delay. CBSA had 22 time extensions for a search through or for

a large volume of records for completed access requests in 2005-2006, and 18 extensions for the first eight months of 2006-2007.

CBSA had an estimated 19 consultations with other institutions or organizations in 2005-2006, and 14 consultations for the first eight months of 2006-2007. These consultations may or may not have included section 69 consultations. 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's Legislation and House Planning/Counsel Secretariat to determine whether or not the exclusion applies to records.

The ATIP Division is working with the software provider to address specific needs for certain reporting requirements, which may result in specialized reports that will allow CBSA to identify the categories of institutions and organizations where extensions are claimed.

CBSA rarely consults with third parties under paragraph 9(1)(c) of the Act. This is because section 24 of the Act contains a mandatory exemption for certain customs information described in section 107 of the *Customs Act*.

Transfer Profile

In 2005-2006, five access requests were transferred to other institutions. In the first eight months of 2006-2007, 16 access 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 Division generally does not document the rationale for claiming an exemption in the access request file.

A random group of 14 completed access request files closed between April 1, 2005 and November 30, 2006, were reviewed. CBSA uses *AccessPro Case Management* and *AccessPro Redaction*. A *Case Management Manual* was developed last year to detail the procedures for the use of *AccessPro*. All documents provided by an OPI are scanned and then all severing of exempt information occurs on the electronic copy. Any rationale for claiming exemptions or the exercise of discretion can be made on notes in the case management system. The ATIP Division retains the release package in electronic format after the paper copy is disclosed to the requester.

The review indicated that:

- actions taken to process an access request were recorded;
- decisions were made by those individuals with delegated authority;

- the rationale for claiming exemptions was not documented, although there were exceptions where an analyst had made notes on the rationale;
- in consultation with other departments, the other department rarely indicated the rationale for claiming an exemption;
- there was no documentation to indicate whether or not the department exercised discretion properly in deciding whether to claim a discretionary exemption;
- in cases where there was a mandatory exemption, there was no documentation to indicate that the department took into account exceptions permitting disclosure of the information – for example, paragraphs 13(2), 19(2), 20(2), 20(4), 20(5), and 20(6).

Recommendation 1.7: That the ATIP Division, in the *ATIP Policy and Procedures Manual* that is under development, include a requirement for documenting the rationale for claiming all exemptions, for the exercise of discretion, for the consideration of exceptions to mandatory exemptions, and challenging unsupported recommendations made by consulted institutions.

Recommendation 1.8: That the ATIP Division develop criteria to consider when exercising discretion on whether or not to release information considered subject to a discretionary exemption.

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 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):

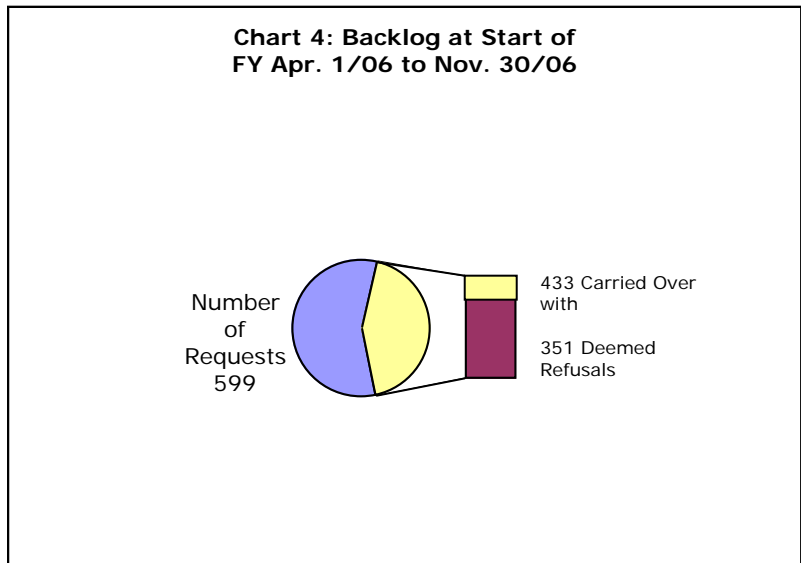
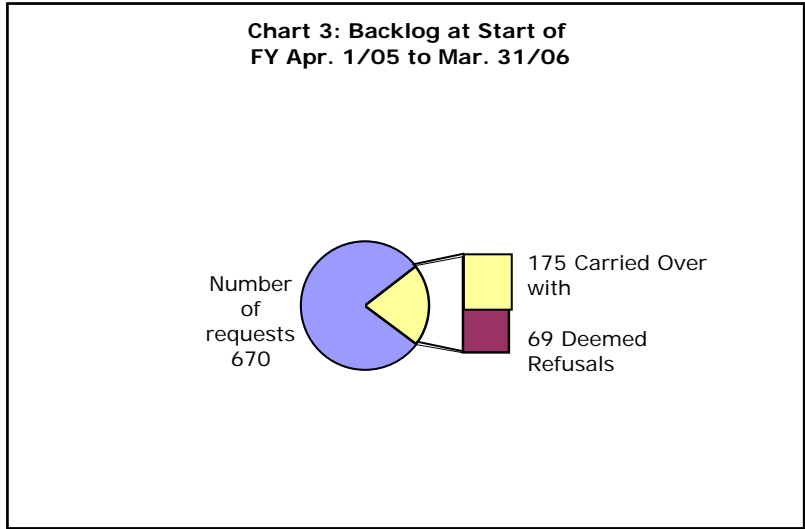
Table 4: Deemed Refusals

| % 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 2005-2006, the department received 670 new access requests and carried over 175 access requests from the previous, for a total of 845 access requests. Of the 845 access requests, 183 were completed in a deemed-refusal situation, 69 were carried over from the previous fiscal year in a deemed-refusal situation, and a further 351 were carried over to the next fiscal year in a deemed-refusal situation. The deemed-refusal ratio for 2005-2006 was 71.4%, resulting in an “F” on the grading scale.

For the first eight months of 2006-2007, the department received 599 new access requests and carried over 443 access requests from the previous fiscal year, for a total of 1,042 access requests. By November 30, 2006, of the 1,042 access requests, 227 were completed in a deemed-refusal situation, 351 were carried over from the previous fiscal year in a deemed-refusal situation, and a further 141 remained in a deemed-refusal situation at the end of the eight-month period. The deemed-refusal ratio for the first eight months of 2006-2007 was 69%, resulting in an “F” on the grading scale.

The following Charts 3 and 4 illustrate the backlog of access requests in a deemed-refusal situation at the start of each fiscal year.



At the start of 2005-2006, CBSA had 175 pending access requests, with 69 in a deemed-refusal situation.

For 2006-2007, CBSA started the year with 443 pending access requests, with 351 (79%) in a deemed-refusal situation. This backlog constitutes a serious problem that must be dealt with to comply with the time requirements of the Act.

The ATIP Division has instituted a number of reports to the Executive Committee to report on and proactively address the deemed-refusal situation. In addition to the weekly report on access requests that will be completed during the following week, the Committee receives the following reports:

- weekly statistical report covering statistics on requests including number received, closed, time extensions, delayed, and an update on progress with the backlog of 393 deemed-refusal requests in process by the task force;
- overall report on developments in the Division with information on infrastructure, staffing, and the use of consultants.

Recommendation 2.1: That the President of CBSA take responsibility to ensure that the ATIP Office implement all of our recommendations in the Report Cards and status reviews to ensure that the department attains and maintains ideal compliance without further delay.

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:

- offers training;
- participates in various working groups;
- reviews records from other departments for claims for exemptions for CBSA records in their possession;
- provides ATI policy advice.

The ATIP Division is also responsible for:

- the disclosure policy related to the interpretation of the use, access to, and disclosure of information as provided by section 107 of the *Customs Act*;
- framework advice on the development of written collaborative arrangements that deal with information exchange with other organizations, and legislative and regulatory affairs, and Parliamentary affairs.

The staff of the ATIP Division allocated to ATIP is comprised of 43 approved FTEs (see Employee Profile at Section 3.1 of the Report Card Questionnaire which follows).

As of November 30, 2006, the ATIP Division had a total of 30 full-time and 12 temporary help contractors. The objective is to staff the division with 43 full-time employees in 2007-2008. In addition, the division will have available a contingency for temporary contractors. The department has made a significant commitment to staffing resources to meet its obligations under the Act.

Budget

The salary budget for 2005-2006 for the ATIP Division was \$451,260 for 9.84 person-years. The ATIP Division was formed in April 2004. For 2004-2005, the Division was part of a larger Directorate and financial data was not allocated to an ATIP responsibility centre.

Contractors have been used by the ATIP Division to assist with access request processing. In 2005-2006, \$217,000 was used for contractors.

The ATIP operating budget for 2005-2006 was \$172,830.

The portion of the budget allocated for training in 2005-2006 was \$5,394 (estimated).

CHAPTER 4: LEADERSHIP FRAMEWORK

A critical component of the administration of the 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 the staff provide the skilled policy and procedural leadership and training in order for the access process to work effectively in a department.

CBSA does not have in place a departmental access to information vision nor an operational plan 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 departmental employees would reinforce the current efforts to 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 the CBSA ATIP Division was a severe shortage of ATIP positions and infrastructure. In 2005, CBSA engaged a consulting firm to conduct a strategic review of the ATIP operations and develop a strategic investment plan that would ensure CBSA had the necessary structure, tools, and processes to meet its obligations under the ATIP legislation and regulations. CBSA has begun implementing several recommendations from the *Strategic Review of ATIP Operations and Development of a Strategic ATIP Investment Plan for the Canada Border Services Agency* and will be developing an action plan to implement the remaining recommendations. In addition, a Backlog Task Force was established to deal with the deemed-refusal backlog situation. CBSA made time commitments to the Information Commissioner's Office for clearing the backlog of deemed-refusal access requests, and these commitments have been exceeded to date.

At the present time, there is no overall plan that sets out the ATI objectives and priorities, and how they will be achieved. An *ATI Operational Plan* sets out objectives, priorities, tasks and resources, deliverables, milestones, timeframes, and responsibilities. The Plan could also incorporate details on how the remaining recommendations from the *Strategic Review of ATIP Operations and Development of a Strategic ATIP Investment Plan for the Canada Border Services Agency* will be implemented. The Executive Management Committee of CBSA should monitor the Plan.

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| <p>Recommendation 4.1: That Senior Management initiate the development of an access to information vision that can be communicated to departmental employees.</p> |
|--|

Recommendation 4.2: That the ATIP Division develop an *ATI Operational Plan* to support the departmental access to information vision and to guide the implementation of improvements in order to eliminate the deemed-refusal situation at CBSA.

There is no published ATI policy and procedures manual, although the ATIP Division is working on a draft manual (known at CBSA as *ATIP Policies and Procedures for CBSA Employees*). The ATIP Division completed a *Case Management Manual* for ATIP officers. It is important that the *ATIP Policy and Procedures Manual* be completed to support training efforts in CBSA and to support the training of new ATIP officers. The *ATIP Policy and Procedures Manual* will also promote a consistent interpretation by all advisors of the application and requirements of the Act.

Recommendation 4.3: That the ATIP Division complete the development of the *ATIP Policy and Procedures Manual* for CBSA staff and the ATIP Division in order to provide a consistent approach to the processing of access requests.

The ATIP Division does have training plans for ATIP Division staff that are documented through the development of annual learning plans. A strategic communication plan is being developed to ensure a consistent CBSA understanding of its obligations under the Act. A Policy and Training Unit has been established to develop and implement the training.

The ATIP Division is implementing *AccessPro Case Management* and *AccessPro Redaction*. *AccessPro Redaction* 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 has been very innovative in its use of technology to support the operations of the ATIP Division in the processing of access requests. The Division uses and retains electronic copies of records (scans of original paper records) and electronic communications as the standard.

CHAPTER 5: INFORMATION MANAGEMENT FRAMEWORK

The 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.

CBSA is implementing the Treasury Board of Canada Secretariat's *Policy on the Management of Government Information*. A consulting company recently completed the Information Management (IM) Capacity Check. IM sessions have been delivered to CBSA staff. CBSA *IM Policy and Guidelines* were recently posted on the CBSA intranet. CBSA is undertaking a Capacity Assessment to provide a qualitative assessment of CBSA's ability to implement the *Policy on the Management of Government Information*.

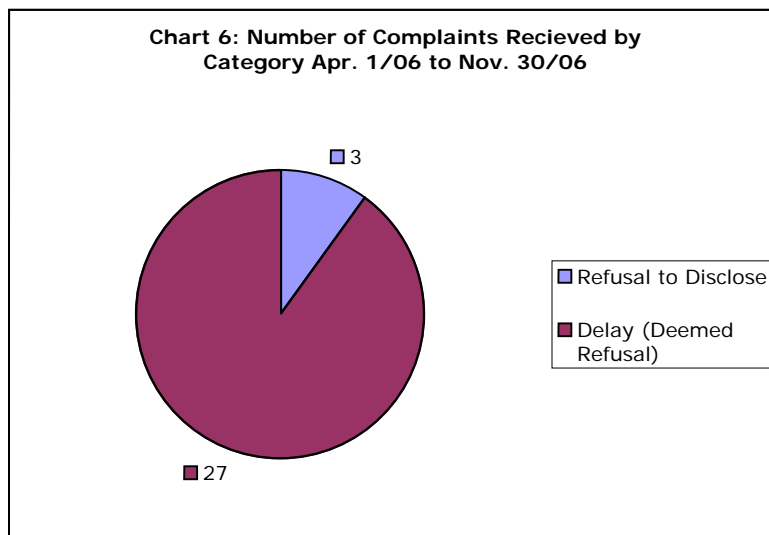
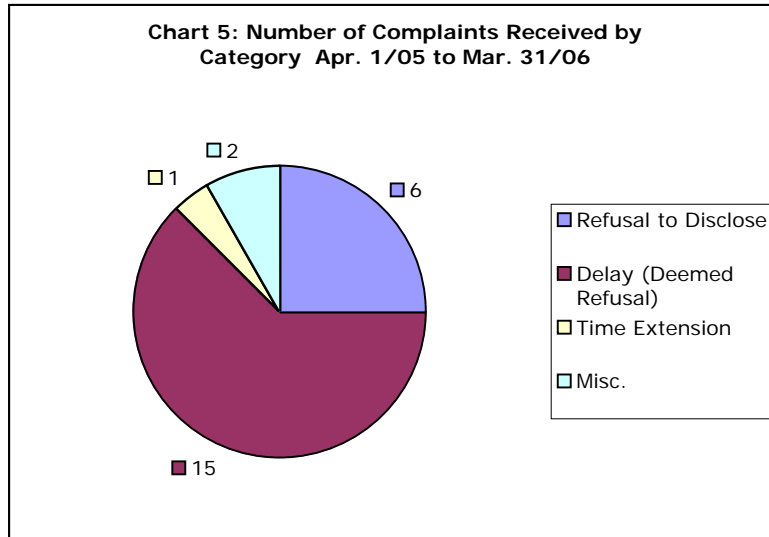
CBSA has undertaken a number of initiatives to provide access to information using alternative methods. These activities are seen as providing proactive and transparent disclosure of information. The activities to date include the routine disclosure of travel and hospitality expenses, certain contract information for contracts over \$10,000, and grants and awards over \$25,000, by posting the information periodically on the CBSA Internet site. The information may be viewed at: <http://www.cra-arc.gc.ca/agency/disclosure/menu-e.html>. CBSA is also encouraging the use of informal disclosure in ATIP awareness sessions to staff. The department is encouraged to investigate what other information might be proactively disclosed.

Recommendation 5.1: That CBSA, as part of the renewal of the Information Management Program, identify additional categories of information that could be disclosed proactively.

Recommendation 5.2: That the ATIP Division develop documentation to provide guidance on the informal disclosure of records directly to clients under the authority found in subsection 107(9) of the *Customs Act*.

CHAPTER 6: COMPLAINT PROFILE

The Commissioner's Office completed the investigation of 24 complaints made against CBSA under the Act in 2005-2006. For the first eight months of 2006-2007, a further 30 complaint investigations were completed. Charts 5 and 6 illustrate the reasons that the complaints were made by a requester for complaints received for the period.



The deemed-refusal complaints against CBSA constituted 63% of the complaint workload for CBSA at the Commissioner's Office in 2005-2006. For the first eight months of 2006-2007, the percentage increased to 90%.

CHAPTER 7: CONCLUSION

This Report Card makes a number of recommendations for ATI operations in CBSA. Of particular note, an essential component in the administrative framework to support the operation of the 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:

- deal with the remaining recommendations to be implemented in the *Strategic Review of ATIP Operations and Development of a Strategic ATIP Investment Plan for the Canada Border Services Agency*;
- manage the day-to-day operations of the ATIP Division;
- guide CBSA to achieve substantial compliance with the Act's deadlines;
- implement those recommendations in this Report Card that are accepted by the department.

Other recommendations focus on the need to have an up-to-date infrastructure in place – policies, procedures, and technology – to support the administration of the Act in CBSA and its ATIP Division. Up-to-date comprehensive documentation needs to be in place to promote consistent decision-making by individuals with responsibilities in the operations supporting the Act.

CBSA has made a number of time commitments to the Commissioner's Office to eliminate the backlog of deemed-refusal access requests. As of November 30, 2006, CBSA had met or exceeded those commitments. The Agency has also implemented many of the recommendations in the *Strategic Review of ATIP Operations and Development of a Strategic ATIP Investment Plan for the Canada Border Services Agency* including a significant investment in new ATI positions. CBSA is encouraged to continue its progress to fulfill its obligations under the Act.

LIST OF RECOMMENDATIONS

The following is a list of recommendation by chapter.

Chapter 1: The Access Request Process

Recommendation 1.1: That the *ATIP Policy and Procedures Manual* include criteria in the form of a checklist for clarifying or modifying an access request. The checklist could also be used to provide requesters with information on how to formulate a clear access request.

Recommendation 1.2: That the ATIP Division develop a fee waiver policy for access requests and document the basis for its fee waiver decisions.

Recommendation 1.3: That the ATIP Division document the criteria for categorizing an access request as abandoned or unable to process in the *ATIP Policy and Procedures Manual*.

Recommendation 1.4: That the ATIP Division produce a weekly report that provides information on the time taken to complete access requests against allocated time at each stage in the access request processing model in order to proactively manage the deemed refusal situation.

Recommendation 1.5: That the ATIP Division conduct an analysis of OPI response times against allocated times for 2006 2007 for access requests (that were not assigned to the team processing the deemed-refusal backlog) in order to provide an analysis of the deemed-refusal situation, along with recommendations on how performance can be improved.

Recommendation 1.6: That the ATIP Division consider identifying access requests that appear to be straightforward for assignment to an ATIP team responsible for fast tracking responses to access requests.

Recommendation 1.7: That the ATIP Division, in the *ATIP Policy and Procedures Manual* that is under development, include a requirement for documenting the rationale for claiming all exemptions, for the exercise of discretion, for the consideration of exceptions to mandatory exemptions, and challenging unsupported recommendations made by consulted institutions.

Recommendation 1.8: That the ATIP Division develop criteria to consider when exercising discretion on whether or not to release information considered subject to a discretionary exemption.

Chapter 2: Deemed Refusals

Recommendation 2.1: That the President of CBSA take responsibility to ensure that the ATIP Office implement all of our recommendations in the Report Cards and status reviews to ensure that the department obtains and maintains ideal compliance without further delay.

Chapter 3: Resource Profile

There were no recommendations in Chapter 3 of this Report.

Chapter 4: Leadership Framework

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

Recommendation 4.2: That the ATIP Division develop an *ATI Operational Plan* to support the departmental access to information vision and to guide the implementation of improvements in order to eliminate the deemed-refusal situation at CBSA.

Recommendation 4.3: That the ATIP Division complete the development of the *ATIP Policy and Procedures Manual* for CBSA staff and the ATIP Division in order to provide a consistent approach to the processing of access requests.

Chapter 5: Information Management Framework

Recommendation 5.1: That CBSA, as part of the renewal of the Information Management Program, identify additional categories of information that could be disclosed proactively.

Recommendation 5.2: That the ATIP Division develop documentation to provide guidance on the informal disclosure of records directly to clients under the authority found in subsection 107(9) of the *Customs Act*.

EXCERPT FROM THE PRESIDENT’S RESPONSE TO STATUS REPORT

“The CBSA takes its responsibilities under the *Access to Information Act* very seriously and will continue the significant efforts underway to stabilize and strengthen our administration of the Act.

...With regard to the recommendations, we fully support the stated importance of establishing a clear organizational vision supported by senior management leadership, an integrated operational plan, up-to-date policies and procedures and improved monitoring. These recommendations are in sync with our previously discussed objectives of stabilizing the ATIP operations, improving compliance timeframes and achieving a sustainable “A” organization as soon as possible. Indeed, we have already made progress in meeting some of these objectives, and have drafted both an operational plan for fiscal 2007-2008 and a Policy and Procedures manual.

The specific recommendations that you have made concerning the establishment of a fast track team and conducting a historical analysis of the Office of Primary Interest (OPI) response times for fiscal 2006-2007 will be studied further to determine how performance can be improved and how best practices in the community may be adapted to the CBSA context. The CBSA agrees with the objectives of processing simple requests in a timely manner and in improving OPI response times, however, the specific manner in which this is achieved may differ from the details in the recommended approach.

Further, it is our intention to go beyond the proposed recommendations by developing and delivering Agency-wide training and communication products, including improving our internal and external web sites, and developing an “apprenticeship” program aimed at attracting, developing and retaining employees.

In conclusion, I would like to reiterate that the CBSA is in agreement with the majority of the recommendations in the draft Report Card and that we have already undertaken significant steps to improve compliance and stabilize our ATIP operations. We will continue to implement changes in our organization so as to achieve the ultimate goal of a sustainable “A” compliance rating in the long term.”

Office of the Information Commissioner of Canada

Report Card Questionnaire

Department Canada Border Services Agency

Completed by ATIP Division

Title

Date February 16, 2007

1. ACCESS REQUEST PROCESS

1.1 THE REQUESTER

1.1.1 Profile of Requester

| Source | Number of Requests | |
|--------------|---------------------------|--------------------------|
| | April 1/05 to March 31/06 | April 1/06 to Nov. 30/06 |
| Media | 17 | 37 |
| Academia | 6 | 2 |
| Business | 27 | 41 |
| Organization | 18 | 7 |
| Public | 327 | 415 |
| Other | 8 | 1 |
| Total | 403 | 503 |

1.1.2 Request Categorization

Are requests categorized in any manner (i.e., sensitive, routine, etc.)?

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 1/05 to March 31/06 | April 1/06 to Nov. 30/06 |
| Customs | Requests related to customs files | 246 | 205 |
| Immigration | Requests related to immigration files | 157 | 283 |
| CBSA | Requests that are not customs or immigration | 0 | 15 |
| Briefing Note | Requests that are identified as requiring a Briefing Note | | 84* |

*subset of the other three categories

1.1.2.1 – If yes, who makes the determination of the category?

An experienced manager in the ATIP Division reviews all incoming requests on a daily basis and determines which files should be flagged for briefing. The manager considers past issues that have attracted media interest, or that have recently been the subject of discussion among senior officials.

This process is intended to avoid delays in the initial preparation of files, the search of responsive records or in the final release process.

Once a week a summary report is provided to senior management and our Communications section. The weekly review of this report is a standing item for the President and his direct reports. This report lists all new requests that have been flagged for briefing as well as a list of all requests that had been previously flagged and are to be released in the next few business days. This report does not identify requestors nor does the distribution of this report cause any additional delays in the release of requests, as the manager is not required to seek approval for the final processing or release of the information.

1.1.3 Request Clarification

| | | |
|---|---------------------------|--------------------------|
| 1.1.3.1 – Access requests where clarification was sought | April 1/05 to March 31/06 | April 1/06 to Nov. 30/06 |
| Number of Requests | N/A | 63 est. |

1.1.3.2 – Are there documented criteria for seeking clarification?

| | | | |
|-----|--------------------------|----|-------------------------------------|
| Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
|-----|--------------------------|----|-------------------------------------|

Note: In 2005, the CBSA engaged a consulting firm to conduct a strategic review of the ATIP operations and develop a strategic investment plan that would ensure the CBSA had the necessary structure, tools and processes to meet its obligations under the ATIP legislation and regulations. The CBSA has begun implementing several recommendations from the review and will develop an action plan to implement the remaining recommendations. Included in this action plan will be the development and communication of policies and procedures, which will be expedited by engaging the services of a consulting firm. In the interim, OPIs are encouraged to correspond with the ATIP Section if a request is not clear and the ATIP Section then seeks clarification from the requestor.

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 | <input checked="" type="checkbox"/> | Almost always | <input type="checkbox"/> | Sometimes | <input type="checkbox"/> | Rarely | <input type="checkbox"/> | Never | <input type="checkbox"/> |
|--------|-------------------------------------|---------------|--------------------------|-----------|--------------------------|--------|--------------------------|-------|--------------------------|

1.1.4 Client Service

| 1.1.4.1 – Disclosure to Requester | Number | |
|--|---------------------------|--------------------------|
| | April 1/05 to March 31/06 | April 1/06 to Nov. 30/06 |
| Pages reviewed | 23,366 | 53,071 |
| Pages disclosed in total or in part | 16,487 | 46,433 |

Note: In August of 2006 the CBSA began hiring additional staff and engaging ATIP consultants with the goal of eliminating the backlog of ATIP requests that were in a deemed refusal situation. As a result of this investment, the large number of pages reviewed and disclosed is reflective of the extra effort made to eliminate the backlog situation in the CBSA.

| 1.1.4.2 – Consultations | Number | |
|---------------------------------|---------------------------|--------------------------|
| | April 1/05 to March 31/06 | April 1/06 to Nov. 30/06 |
| Pages received for consultation | 9,465 | 8,979 |

1.1.4.3 – 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 | <input type="checkbox"/> | Almost always | <input type="checkbox"/> | Sometimes | <input type="checkbox"/> | Rarely | <input checked="" type="checkbox"/> | Never | <input type="checkbox"/> |
|--------|--------------------------|---------------|--------------------------|-----------|--------------------------|--------|-------------------------------------|-------|--------------------------|

| 1.1.4.4 – Fees Collected | Number/Amount | |
|---------------------------------------|---------------------------|--------------------------|
| | April 1/05 to March 31/06 | April 1/06 to Nov. 30/06 |
| Amount of application fees collected | \$3,005.00 | \$1,160.00 |
| Amount of photocopying fees collected | \$619.40 | \$88.40 |
| Amount of search fees collected | \$2,585.00 | |
| Amount of preparation fees collected | \$0 | |

| 1.1.4.4 – Fees Collected | Number/Amount | |
|--------------------------------------|---------------------------|--------------------------|
| | April 1/05 to March 31/06 | April 1/06 to Nov. 30/06 |
| Amount of programming fees collected | \$0 | |
| Total | \$6,209.40 | \$1,248.40 |

1.1.4.5 – Does the department ever waive fees?

| | | | |
|-----|-------------------------------------|----|--------------------------|
| Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
|-----|-------------------------------------|----|--------------------------|

If Yes, please provide the following details:

| 1.1.4.5.1 – Fees Waived | April 1/05 to March 31/06 | | | April 1/06 to Nov. 30/06 | | |
|-------------------------|------------------------------|-------------------------------|---------------|------------------------------|-------------------------------|-----------------|
| | Number of Fee Waivers Sought | Number of Fee Waivers Granted | Amount Waived | Number of Fee Waivers Sought | Number of Fee Waivers Granted | Amount Waived |
| Application Fee | N/A | N/A | N/A | | | \$ |
| Search Fee | N/A | N/A | N/A | | | \$ |
| Preparation Fee | N/A | N/A | N/A | | | \$ |
| Photocopy Fee | N/A | N/A | N/A | | 290 | \$9,170.20 est. |
| Total | N/A | N/A | N/A | | | \$9,170.20 est. |

Note: In fiscal year 2005/2006, CBSA administrative practices were to waive fees for re-production and other fees for late responses. Fees waived were not captured in the information system.

In April of 2006 the CBSA installed a new information system called *AccessPro Case Management*. The change of systems has resulted in a number of issues with regard to data integrity and as such, information on fees waived is unreliable. Ongoing system improvements are expected to address these issues and should result in more reliable data in the future. In the interim, estimated amounts have been provided.

1.1.4.5.2 – Does the department have a written fee waiver policy?

| | | | |
|-----|--------------------------|----|-------------------------------------|
| Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
|-----|--------------------------|----|-------------------------------------|

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

Note: In 2005, the CBSA engaged a consulting firm to conduct a strategic review of the ATIP operations and develop a strategic investment plan that would ensure the CBSA had the necessary structure, tools and processes to meet its obligations under the ATIP legislation and regulations. The CBSA has begun implementing several recommendations from the review and will develop an action plan to implement the remaining recommendations. Included in this action plan will be the development and communication of policies and procedures. In the interim, the CBSA does not have a written waiver policy but has established an administrative practice of waiving re-production fees for late responses.

1.1.4.6 – 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 | X | Almost always | | Sometimes | | Rarely | | Never | |
|--------|---|---------------|--|-----------|--|--------|--|-------|--|

1.1.5 Request Disposition

| Disposition of Completed Requests For the Period | Number of Requests | |
|---|------------------------------|-----------------------------|
| | April 1/05 to March 31/06 | April 1/06 to Nov. 30/06 |
| All disclosed | 98 | 77 |
| Disclosed in part | 143 | 243 |
| Nothing disclosed (excluded) | 1 | 2 |
| Nothing disclosed (exempt) | 3 | 5 |
| Transferred | 5 | 16 |
| Unable to process | 75 | 65* |
| Abandoned by applicant | 77 | 92** |
| Treated informally | 0 | 2*** |
| Total completed | 403 | 502 |
| Carried forward | | |

*Note: The majority of “unable to process” is for requests where records do not exist.

**Note: In August of 2006 the CBSA began hiring additional staff and engaging ATIP consultants with the goal of eliminating the backlog of ATIP requests that were in a deemed refusal situation. In November of 2006, the CBSA officially established a “Backlog Taskforce” dedicated to the elimination of the backlog which enabled the CBSA – ATIP Division to process a significant number of requests, including determining if requestors were still interested in the information requested. As a result, there has been a parallel increase in the number of requests abandoned as well as the

number of requests processed.

***Note: During the period from April 1/06 to November 30/06, there were 2 requests that were sent to the ATIP Division in Headquarters and treated as informal requests. There may have been additional informal requests processed by the branches and/or regions that were not tracked if they were not referred to Headquarters.

1.1.5.1 – If access requests are categorized as unable to process or abandoned by applicant, is the requester notified in writing?

| | | | | | | | | | |
|--------|--------------------------|---------------|-------------------------------------|-----------|--------------------------|--------|--------------------------|-------|--------------------------|
| Always | <input type="checkbox"/> | Almost always | <input checked="" type="checkbox"/> | Sometimes | <input type="checkbox"/> | Rarely | <input type="checkbox"/> | Never | <input type="checkbox"/> |
|--------|--------------------------|---------------|-------------------------------------|-----------|--------------------------|--------|--------------------------|-------|--------------------------|

Note: In some cases, the requestor informs the CBSA that the request is being abandoned.

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 type="checkbox"/> | Sometimes | <input type="checkbox"/> | Rarely | <input checked="" type="checkbox"/> | Never | <input type="checkbox"/> |
|--------|--------------------------|---------------|--------------------------|-----------|--------------------------|--------|-------------------------------------|-------|--------------------------|

Note: Clients and their representatives can approach the CBSA regional offices and/or branches directly to request copies of documents. Often, such requests can be managed locally with due consideration of the Access to Information Act, Privacy Act and section 107(9) of the Customs Act. Informal information requests that are addressed locally by regional offices or branches are not tracked by the ATIP Division in Headquarters and as such, do not form part of this report.

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

| | | | |
|-----|-------------------------------------|----|--------------------------|
| Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
|-----|-------------------------------------|----|--------------------------|

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

Please refer to the included Interim Memorandum D1-16-2, Interim Administrative Guidelines for the Provision to others, Allowing access to others, and Use of Customs Information. This document provides direction to staff on processing requests under the terms of section 107(9) of the Customs Act. For additional clarification, Memorandum D1-16-1 is also included.

1.2 REQUEST PROCESSING

1.2.1 Time to Process Requests

| Processing Model - Stages | April 1/05 to Mar. 31/06 | | April 1/06 to Nov. 30/06 | |
|--|----------------------------|---------------------|----------------------------|---------------------|
| | Days Allocated | Average Actual Days | Days Allocated | Average Actual Days |
| ATI intake (Initial Prep) | 3 | 15 | 3 | N/A |
| OPI search (Search & Locate) | 8 | 28 | 8 | 21 est. |
| Records review and preparation (Analysis) | 17 | 28 | 17 | N/A |
| Legal | Not applicable | | | |
| Communications | 1 | N/A | N/A | N/A |
| Approval or otherwise – OPI (Approval process) | 1 | 4 | 2 | 10 est. |
| Approval or otherwise – DMO | Not applicable | | | |
| Approval or otherwise - MO | Not applicable | | | |
| ATI release | Included in approval stage | N/A | Included in approval stage | N/A |

Note: The processing model in the CBSA includes the following stages and allocated calendar days:

- Phase 1: Initial Preparation – 3 days
- Phase 2: Search and Locate – 8 days
- Phase 3: Analysis – 15 days
- Phase 4: Records Preparation – 2 days
- Phase 5: Review and Approval – 2 days

In April of 2006 the CBSA installed a new information system called AccessPro. The change of systems has resulted in a number of issues with regard to data integrity and as such, information on the actual number of days per stage is unreliable. Ongoing system improvements are expected to address this issue and should result in more reliable data in the future.

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 | |
|--------|--|---------------|---|-----------|--|--------|--|-------|--|

1.2.2.2 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 | X | Almost always | | Sometimes | | Rarely | | Never | |
|--------|---|---------------|--|-----------|--|--------|--|-------|--|

Note: When a letter is sent, the requester is always informed of the right to complain.

| 1.2.2.4 – Extensions under Paragraph 9(1)(a) | Number of Extensions | |
|---|---------------------------|--------------------------|
| | April 1/05 to March 31/06 | April 1/06 to Nov. 30/06 |
| For volume (search for large number of records) 30 days and under | 16 | 8 |
| For volume (search for large number of records) 31 days and over | 6 | 10 |
| For volume (search through large number of records) 30 days and under | | |
| For volume (search through large number of records) 31 days and over | | |

Note: CBSA information systems capture data with regard to Paragraph 9(1)(a) as either 30 days and under or 31 days and over. We are currently working with the information systems software supplier to refine data reporting requirements and future releases should include additional reporting functionality.

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 1/05 to March 31/06 | April 1/06 to Nov. 30/06 |
| For consultation with another institution | 19 | 14 |
| For consultation with domestic government | See note | See note |
| For consultation with foreign government | See note | See note |
| For consultation with individual | See note | See note |
| For consultation for section 69 | See note | See note |

Note: CBSA information systems capture data for Paragraph 9(1)(b) based on whether they are 30 days and under or 31 days and over. For the period April 1/05 to March 31/06 there were 7 consultations under 30 days and 12 over 30 days. For the period April 1/06 to Nov 30/06 there were 6 consultations 30 days and under and 8 over 30 days. We are currently working with the information systems software supplier to refine data reporting requirements and future releases should include additional reporting functionality.

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

| | | | | | | | | | |
|--------|--|---------------|--|-----------|--|--------|---|-------|--|
| Always | | Almost always | | Sometimes | | Rarely | X | Never | |
|--------|--|---------------|--|-----------|--|--------|---|-------|--|

Note: The CBSA very rarely undertakes consultations under the terms of 9(1)(c) (perhaps twice since April of 2004). With respect to customs information, the CBSA can apply section 24 of the Access to Information Act to commercial information that is provided in confidence by commercial interests. This can avoid delays associated with extensive third party consultations when commercial import information is being sought. We note that many commercial importers make “one-time” importations and often are non-residents of Canada. In such cases, it would be very difficult to consult. Furthermore, customs information often relates to the internal pricing of goods or

manufacturing inputs and in our experience, consent to release such information would not be provided.

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

| | | | | | | | | | |
|--------|--|---------------|--|-----------|---|--------|--|-------|--|
| Always | | Almost always | | Sometimes | X | Rarely | | Never | |
|--------|--|---------------|--|-----------|---|--------|--|-------|--|

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

| | | | | | | | | | |
|--------|--|---------------|--|-----------|---|--------|--|-------|--|
| Always | | Almost always | | Sometimes | X | 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 | | Almost always | | Sometimes | | Rarely | | Never | |
|--------|--|---------------|--|-----------|--|--------|--|-------|--|

Note: Notice is not applicable as paragraph 9(1)(c) is rarely used.

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

| | | | |
|-----|---|----|--|
| Yes | X | No | |
|-----|---|----|--|

If No, please provide comments.

The CBSA advises third parties to respond in a timely manner; however, due to high work volumes, the CBSA was often not able to take extensions within the timeframes provided by sections 7 and 9 of the ATI Act.

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 | X | Sometimes | | Rarely | | Never | |
|--------|--|---------------|---|-----------|--|--------|--|-------|--|

| 1.2.2.13 – Notification under Paragraph 9(1)(c) | April 1/05 to March 31/06 | April 1/06 to Nov. 30/06 |
|--|---------------------------|--------------------------|
| Number of requests where third party consulted | 0 | 0 |
| Average length of time to receive representations from third parties | N/A | N/A |
| Average length of time to make a decision after | N/A | N/A |

| 1.2.2.13 – Notification under Paragraph 9(1)(c) | April 1/05 to March 31/06 | April 1/06 to Nov. 30/06 |
|---|---------------------------|--------------------------|
| 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 <i>paragraph 28(1)(b)</i> time frame was not met | N/A | N/A |

1.2.3 Transfer Profile

| Transfers | Number of Transfers | |
|----------------------------|---------------------------|--------------------------|
| | April 1/05 to March 31/06 | April 1/06 to Nov. 30/06 |
| Transferred within 15 days | 5 | 16 |
| Transferred over 15 days | | 0 |
| Total transferred | 5 | 16 |
| Transfers refused | | |

Note: April 1/05 to March 31/06 number is based on the old tracking system – total transfers is the only information available.

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 | | Rational is provided by OPIs and officers, or can be associated with earlier requests seeking similar information. |
| 1.3.2 – Is the exemption rationale prepared by the OPIs? | X | | See above. |
| 1.3.3 – Is the exemption rationale prepared by ATI? | X | | When rational has been established through practice. |
| 1.3.4 – Is there a documented exemption challenge function | | X | Issues are raised to the manager, and ATIP coordinator who deals |

| Questions | Yes | No | Comments |
|---|-----|----|--|
| in ATI if the rationale is prepared by OPIs? | | | with the issue through Branch contacts and directly with OPIs. |
| 1.3.5 – Is there a documented requirement to place the rationale for exercising a discretionary exemption on file? | X | | Staff refer to relevant TBS guidelines and precedent casework. |

2. DEEMED-REFUSAL REQUESTS

| Statistics for Analysis of Deemed-Refusal Requests | | | |
|--|---|--------------------------------------|-------------------------------------|
| Part A: Requests carried over from the prior fiscal period. | | April 1/05 to March 31/06 | April 1/06 to Nov. 30/06 |
| 1. | Number of requests carried over: | 175 | 443 |
| 2. | Requests carried over from the prior fiscal year in a deemed-refusal situation on the first day of the new fiscal year: | 69 | 351 |
| Part B: New Requests — Exclude requests included in Part A. | | April 1/05 to March 31/06 | April 1/06 to Nov. 30/06 |
| 3. | Number of requests received during the fiscal period: | 670 | 599 |
| 4.A | How many were processed <i>within</i> the statutory 30-day time limit? | 128 | 119 |
| 4.B | How many were processed beyond the statutory 30-day time limit <i>where no extension was claimed</i>? | 170 | 221 |
| 4.C | How long after the expiry of the statutory 30-day time limit did it take to respond <i>where no extension was claimed</i>? | | |
| | 1-30 days: | 59 | 54 |
| | 31-60 days: | 37 | 43 |
| | 61-90 days: | 21 | 44 |
| | Over 91 days: | 53 | 80 |

| Statistics for Analysis of Deemed-Refusal Requests | | | |
|---|--|----|------------|
| 5. | How many were extended pursuant to section 9? | 41 | 90 |
| 6.A | How many were processed <u>within</u> the extended time limit? | 7 | 20 |
| 6.B | How many exceeded the extended time limit? | 13 | 6 |
| 6.C | How long after the expiry of the extended deadline did it take to respond? | | |
| | 1-30 days: | 6 | 5 |
| | 31-60 days: | 3 | 1 |
| | 61-90 days: | 1 | |
| | Over 91 days: | 3 | |
| 7. | As of November 30, 2006, how many requests are in a deemed-refusal situation? | | 141 |
| 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: | | |
| | <ul style="list-style-type: none"> -extensive records to be reviewed -extensive need to consult other government departments -presence of duplicate records | | |

Note: In December, 2006 a new release of *AccessPro* was installed at the CBSA, which included the ability to create a “Commissioner’s Report” with all of the data required; however, the data reported using this functionality still has some integrity issues. **As a result of the lateness of this installation, the statistics provided in question 2 relate to a slightly longer period of time, i.e. from April 1, 2006 to December 22, 2006.** The CBSA will continue to work with the information system software supplier to address these system issues and should result in more reliable reports in the future.

3. RESOURCE PROFILE

3.1 Employee Profile

Please list all ATI Office employees.

Note:

* % Denotes percentage of time spent on Access requests.

** Years of experience denotes total years in the ATIP field in both acting and substantive positions.

| Full-time Position* | Classification | Number | Years of Experience** |
|----------------------------|----------------------------------|--------|-----------------------|
| Director (50%) | EX-01 | 1 | 2.5 |
| Manager (50%) | PM06 | 1 | 2.5 |
| A/Managers (50-80%) | PM06 (substantive PM05) | 3 | 5-6 |
| Senior Analysts (85-100%) | PM05 | 2 | 8 -15 |
| A/Senior Analyst (90%) | PM05 (substantive PM04) | 1 | 6 |
| Senior Analysts (60-75%) | PM04 | 3 | 1-6 |
| A/Senior Analysts (50-75%) | PM04 (substantive PM03 and PM02) | 2 | .5-3.5 |
| Analysts (100%) | PM03 | 2 | 1-3 |
| A/Analysts (65%) | PM03 (substantive PM01) | 1 | 7 |
| Analyst (80%) | PM02 | 1 | .5 |

| Full-time Position* | Classification | Number | Years of Experience** |
|----------------------------|------------------|--------|-----------------------|
| Junior Analysts (100%) | PM01 | 1 | .75 |
| A/Junior Analysts (25-80%) | PM01 | 5 | 0-4 |
| Clerks (50%) | CR04 | 2 | 1-2 |
| Part-time Position | Classification | Number | Years of Experience |
| Clerks (50-100%) | CR04 – casual | 2 | 0-15 |
| Analyst | ATIP Consultants | 9 | 5-21 |

Note: Employee profile does not include 3 policy officers (2 PM04, 1 PM05) who work on ATIP policy items, administrative assistant (1 AS01) and administration manager (A/PM06) who support both ATI and Privacy functions and 1 consultant dedicated to Privacy function.

As of November 30, 2006, the CBSA ATIP Division had a total of 30 full time indeterminate employees and 12 temporary help contractors. The objective with regard to human resources is to staff the division with 43 full time indeterminate employees in 2007/2008. This will be achieved through several competitive processes at the PM01, PM04 and PM05 levels. In addition, based on workload, the division will also have available on a “contingency” basis access to temporary help contractual staff that could range from 2 to 7 full time equivalents.

3.2 Salary Dollar Budget for ATI Office *See Note

| Fiscal Year | Budget Allocated | Budget Used | FTEs Allocated | FTEs Used |
|-------------|------------------|-------------|----------------|-----------|
| 2005/2006 | \$ | \$451,260* | | 9.84* |
| 2004/2005 | \$ | \$N/A | | |
| 2003/2004 | \$ | \$N/A | | |

Note: *Based on published Public Safety and Emergency Preparedness Canada’s Annual Report for 2005-2006. The CBSA ATIP Division was officially formed in April of 2004; therefore financial information does not exist prior to 2004. For fiscal year 2004/2005, the ATIP Division was part of a larger Directorate and financial data was not divided into

different responsibility centers therefore this information is not readily available for ATI operations.

3.3 Operating Budget for ATI Office

| Fiscal Year | Budget Allocated | Budget Used |
|-------------|------------------|-------------|
| 2005/2006 | \$ | \$172,830* |
| 2004/2005 | \$ | \$N/A |
| 2003/2004 | \$ | \$N/A |

Note: *Based on published Public Safety and Emergency Preparedness Canada’s Annual Report for 2005-2006. The CBSA ATIP Division was officially formed in April of 2004; therefore financial information does not exist prior to 2004. For fiscal year 2004/2005, the ATIP Division was part of a larger Directorate and financial data was not divided into different responsibility centers therefore this information is not readily available for ATI operations.

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 |
|-------------|--------------------|---------------------------|
| 2005/2006 | \$N/A | \$5,394. est |
| 2004/2005 | \$N/A | \$N/A |
| 2003/2004 | \$N/A | \$N/A |

Note: Training dollars is an estimate and includes CAPA conference and University of Alberta courses. During the period from April 1, 2006 to November 30, 2006, the ATIP Division provided 30 Awareness Sessions to CBSA staff.

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

| Fiscal Year | Budget Allocated | Budget Used |
|-------------|------------------|-------------|
| 2005/2006 | \$N/A | \$217,000* |
| 2004/2005 | \$N/A | \$N/A |
| 2003/2004 | \$N/A | \$N/A |

Note: *Includes all temporary help employees (clerical and consultants).

4. LEADERSHIP FRAMEWORK

4.1 Is the ATI Coordinator responsible exclusively for the administration of the ATI Office?

| | | | |
|-----|--------------------------|----|-------------------------------------|
| Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
|-----|--------------------------|----|-------------------------------------|

If No, please list other responsibilities of the ATI Coordinator.

The ATI Coordinator is responsible for ATIP operations, disclosure policy (interpretation of program authorities related to the use, access to and disclosure of information as provided by section 107 of the *Customs Act*, framework advice on the development of written collaborative arrangements (with partners that deal with information exchange) and legislative and regulatory affairs and Parliamentary affairs.

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 | In March of 2005, the Executive Management Committee (EMC) of the CBSA engaged a consulting firm to conduct a strategic review of the ATIP operations and develop a strategic investment plan that would ensure the CBSA had the necessary structure, tools and processes to meet its obligations under the ATIP legislation and regulations. The EMC is firmly committed to improving the ATIP function within the CBSA and has begun implementing several recommendations. An action plan to implement the remaining recommendations will be developed in the near future, which will be based on a documented ATIP vision supported by the required levels of funding. |
| 4.1.2 – Is there a published ATIP Operational Plan with clearly defined objectives, deliverables, time frames and responsibilities? | | X | As previously noted, the EMC in the CBSA engaged the services of a consulting firm to review the ATIP function and develop a strategic investment plan. The recommendations included changes to the governance structure, the codification of policies and procedures, an Agency-wide communication and training strategy, the establishment of annual operational plans with associated increases in human and financial resources among other recommendations. Senior management is firmly committed to implementing these recommendations, some of which have already been implemented including: increasing human resources from the starting level of 6 FTEs in April of 2004 to a current level of 30 FTEs. Furthermore, an operational plan will be prepared for the 2007-08 fiscal year in |

| Question | Yes | No | Comments |
|---|----------|----------|--|
| | | | <p>line with the action plan developed to address the recommendations arising from the strategic review.</p> <p>Additionally, a Task Force was recently struck to address issues the CBSA is facing with a backlog of Access requests in deemed refusal status. The Task Force includes several experienced consultants capable of expediting the processing of these requests as well as additional support from all Branches and a dedicated Executive to manage the Task Force.</p> |
| <p>4.1.3 – Is there a published ATIP Policy and Procedures Manual for departmental staff?</p> | | <p>X</p> | <p>The CBSA has developed a Manual for the new information system installed on April 1, 2006. The manual identifies procedures for managing cases and redaction of documents.</p> <p>The ATIP Division is currently in the process of developing a CBSA Policy and Procedure Manual. In the interim, the ATIP Division relies on the established best practices of the legacy agencies (Canada Revenue Agency and Citizenship and Immigration Canada) and Treasury Board Guidelines.</p> |
| <p>4.1.4 – Is the ATIP Policy and Procedures Manual kept up-to-date through at least a bi-annual review process?</p> | | <p>X</p> | <p>As previously mentioned, an information systems manual was developed in 2006 to support the implementation of the new system and will be revised shortly to reflect upgrades to the system.</p> <p>In addition, the CBSA will be codifying all policies and procedures as part of our strategic investment plan. In the interim, the President and his direct reports discuss ATIP policy and procedural issues weekly. The focus of discussion has been on process improvement, future focused strategies, and investment plans to ensure the CBSA can meet obligations associated with the <i>Access to Information Act</i> and <i>Privacy Act</i>.</p> |
| <p>4.1.5 – Are OPIs ATI responsibilities clearly defined through documentation provided to OPIs?</p> | <p>X</p> | | <p>Currently, OPI responsibilities are clearly identified in tasking instructions, awareness and training sessions and materials, management briefings and regular reminders.</p> <p>Senior executives of the CBSA discuss ATIP issues as a weekly standing item at the Executive Management Committee. Through these vehicles, roles and accountabilities related to management of information holdings, search for records, recommendations for exemptions and other matters related to the management of <i>Access</i> requests are well understood by management and staff of the CBSA. Roles and responsibilities are highlighted during ATIP awareness sessions.</p> |

| Question | Yes | No | Comments |
|--|-----|----|---|
| <p>4.1.6 – Is there an internal ATI Office Manual on processing access requests?</p> | X | | <p>There is an extensive manual on processing files based on the new information management software <i>AccessPro</i>. The manual was developed in the summer of 2006 and will be updated shortly to reflect system upgrades.</p> <p>We also rely on Legal Services, the Treasury Board guidelines and advice available from ATIP experts and documentation from the Canada Revenue Agency and Citizenship and Immigration Canada. Since March 2006, the ATIP section has focused on migrating request information to our new processing software. We are focused on exploiting the capabilities of our new software and have worked continuously with the supplier to ensure that it can respond to our requirements. As data migration is completed and the software matures, we will be able to focus additional attention on the development of procedural guidelines and the development of processes to formalize roles and responsibilities throughout the CBSA.</p> |
| <p>4.1.7 – Are there documented criteria for taking extensions under paragraphs 9(1)(a) and 9(1)(b)?</p> | | X | <p>When considering if a request will create operational challenges or otherwise require an extension of time to address consultations, the CBSA ATIP Section considers the experience and past practice of legacy organizations, CRA and CIC, as well as the TBS guidelines for direction.</p> |
| <p>4.1.8 – Is there a Delegation Order?</p> | X | | <p>The delegation instrument was revised and signed by the Honorable Stockwell Day, on April 24, 2006. The ATI instrument provides for full delegation to the Manager of ATIP and limited delegation to Team Leaders and ATIP Advisors. The current instrument extends available delegation and replaces an instrument signed by the former Minister on March 29, 2004.</p> |
| <p>4.1.9 – Are the ATI roles and responsibilities for those with delegated authority clearly defined?</p> | X | | <p>All staff were briefed on the exercise of delegated authority and have been provided with a copy of the instrument as well as an interpretive deck for reference.</p> |
| <p>4.1.10 – Does the approval process require the approval or concurrence of officials who are not holders of delegated</p> | | X | |

| Question | Yes | No | Comments |
|--|-----|----|--|
| authority? | | | |
| 4.1.11 – Is there a published ATIP Training Plan? | | X | <p>Historically, the CBSA has provided training and awareness sessions on an as requested basis. These sessions and supporting materials highlight the roles and responsibilities of OPIs, managers and other stakeholders. Future Agency-wide training sessions will be provided on a more regular and strategic basis and will be based on a strategic communication and training plan and products to be developed by a consulting firm.</p> <p>ATIP Division managers discuss individual learning requirements with employees as part of the development of annual learning plans. In addition, ATIP staff is provided with regular coaching as they process files by a group of experienced Team Leaders and Managers. Staff is also encouraged to make use of existing external tools and programs to expand their knowledge (such as: attending available PSC formal courses and TBS informal meetings; participating in conferences, such as the annual CAPA conference and following relevant on-line courses of study such as offered by the University of Alberta).</p> |
| 4.1.12 – Has ATIPflow or similar application been implemented? | X | | <p>As of April 1, 2006, the CBSA ATIP Division implemented a new information management system: <i>Privasoft AccessPro Case Management</i> and <i>AccessPro Redaction</i>. While the software represents the latest generation of tools that have replaced <i>ATIPImage</i> and <i>ATIPflow</i> it is a new product and data integrity issues have been identified and certain reporting functions are not fully functional. The CBSA is working with the software supplier to solve identified system problems in future releases and system adjustments.</p> |
| 4.1.13 – Is ATIPflow used proactively to identify potential problems? | X | | <p><i>AccessPro Case Management</i> software is used to identify production issues by monitoring inventory control and program performance.</p> |
| 4.1.14 – Is ATIPflow used to provide at least monthly reports to Senior Management? | X | | <p>Weekly reports are provided to Senior Management. The report includes statistics related to overall production and on-time performance.</p> <p>The ATIP Division has also begun providing OPIs with summary tasking reports on a regular basis. The purpose of the report is to track the time required to provide records and to follow up on any outstanding requests.</p> |
| 4.1.15 – Has an audit of the ATI | X | | <p>As previously noted, a consulting firm was engaged in 2005 to review the ATIP function and to provide a</p> |

| Question | Yes | No | Comments |
|---|-----|----|---|
| Program been conducted in the last three years? | | | strategic investment plan to improve performance. Certain recommendations have been implemented and an action plan is being developed to continue the implementation process. |
| 4.1.16 – Does the ATI Office provide policy advice on the Access to Information Act? | X | | <p>The CBSA ATIP Division provides advice on a range of operational and policy issues on a daily basis. Issues relate to the interpretation of the legislation, security of information and disclosure and privacy issues. The ATIP office is intimately involved in the development and negotiation of memorandum of understanding on information exchange with key federal partners and addresses policy issues in various forums, including ATIP awareness sessions and meetings with program experts as well as in response to direct questions from the public and federal partners.</p> <p>As well, as previously mentioned, a strategic communication and training plan is being developed to ensure consistent Agency-wide understanding of ATIP legal obligations and to expedite the processing of requests through consistent Agency-wide policies and processes. To further this goal a separate Policy and Training Unit has been developed with a dedicated manager and policy officers.</p> <p>An interdepartmental committee with CIC and CBSA representatives was formed to discuss policy and procedural issues. Additionally, legal services have been involved in the ongoing development of policy issues as required.</p> |

4.2 Dealing with ATI Problems

| Condition | Action Taken | Comment on Progress |
|--------------------------------------|--|--|
| Lack of resources | Investment strategy to increase FTEs to 43 | Staffing processes for PM-1, PM-4, PM-5 and CR-04 positions are underway and four additional managers were engaged via acting appointments. Supplemental resources on short-term basis through use of casual and contract employees. |
| Backlog of access requests in deemed | Established “Backlog Task Force”. An | Additional investment in systems, equipment and |

| Condition | Action Taken | Comment on Progress |
|--|--|--|
| refusal situation and associated complaints initiated by OIC | experienced EX-1 was seconded to lead the task force. Office of Primary Interest (OPI) program experts have been seconded to ATIP, as well as additional ATIP consultants are being contracted. | accommodations has enabled significant progress to be made on addressing the backlog of requests. |
| Increased volume of requests. The assumption that CIC would continue to manage most immigration record related requests was discussed with Legal Services and it was confirmed that the CBSA would have to manage relevant requests for records under our control. | Staff with relevant CIC background was deployed to the CBSA and ATIP consultants with CIC background were engaged. Additional FTEs were provided to address the increase in workload. An interdepartmental committee with CIC and CBSA representatives was formed to discuss policy and procedural issues. | |
| Requests for e-mail accounts of named employees | ATIP has developed procedures with IT and Security to secure responsive e-mail accounts and has hired additional consultants and staff to manage the large workload. | Extensions of time have been taken to address the impact on operations the processing of the associated requests represents. |

4.3 Solutions to Unanticipated Service Demands between April 1, 2005 and November 30, 2006

| Service Demand | Solution |
|----------------|----------|
| | |

5. INFORMATION MANAGEMENT FRAMEWORK

5.1 What activities were planned and what progress was made between April 1, 2005, and November 30, 2006, on providing access to information using alternative methods?

| Planned Activity | Action Taken | Comment on Progress |
|---------------------------------------|---|--|
| Provide access via CD ROMs | Acquire and install read-write drives, ensure software will support use of alternative format | Release of records by way of CD ROM has occurred on a trial basis and the CBSA will favorably consider requests to make use of the format. |
| Encourage use of informal disclosure. | Informal disclosure raised as a possible solution to ATIP pressures in ATIP Awareness sessions. | Regional staff is providing records directly to requestors under the authority found at 107(9) of the <i>Customs Act</i> . |

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

IM Awareness sessions have been delivered to various clients within HQ as well as to Regional Managers. CBSA IM Policy & Guidelines were drafted, circulated to the various stakeholders for comments; approved, translated and just recently, posted on the Website.

A records/information management-training course is also available to individuals who are responsible for managing corporate records & preserving the corporate memory.

A consulting company recently completed the Information Management Capacity Check for the CBSA. Recommendations were made to close the gap on certain deficiencies and are currently being studied.

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) | % |
| Records Disposal Authority | 60% |

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).

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

The Information Management Services (IMS) section has provided guidance and advice to a number of CBSA clients who are now using the new Agency Subject File Classification Guide (ASFCG). Many of these clients have their systems serviced by a central records office staffed by experienced classifiers who have sufficient knowledge to maintain these different systems as well as communicate with their clients on any new initiatives / programs.

IMS is also in the process of consulting with all operational areas within CBSA in order to develop a comprehensive ASFCG that will include every activity performed by the agency.

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 1/05 to March 31/06 | April 1/06 to Nov. 30/06 |
| Refusal to disclose | 6 | 3 |
| Delay (deemed refusal) | 15 | 27 |
| Time extension | 1 | 0 |
| Fees | 0 | 0 |
| Language | 0 | 0 |
| Publication | 0 | 0 |
| Miscellaneous | 2 | 0 |
| Total resolved | 24 | 30 |

6.2 Complaint Findings

| Category | Number of Complaint Findings | |
|-------------------|------------------------------|--------------------------|
| | April 1/05 to March 31/06 | April 5/06 to Nov. 30/06 |
| Resolved | 21 | 29 |
| Not resolved | 0 | 0 |
| Not substantiated | 2 | 1 |
| Discontinued | 1 | 0 |
| Total Findings | 24 | 30 |