

Agriculture and Agri-Food Canada

Status report on the 2005 report card

1. BACKGROUND

Every department reviewed has been assessed against the following grading standard:

% 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

This report reviews Agriculture and Agri-Food Canada's progress to obtain ideal compliance with the time requirements of the *Access to Information Act*, since the previous report. In addition, this report contains information on the status of the recommendations made in the Status Report of January 2005.

2. COMPLIANCE HISTORY

In fiscal year 2003-2004, the department received 219 new access requests. Of the completed requests received in 2003/2004, 19 were completed in a deemed-refusal situation, while a further 13 were carried over to the next fiscal year in a deemed-refusal situation. The deemed-refusal ratio, including access requests carried over at the start of 2003/2004, was 247:42 or 17%, resulting in a "D" on the grading scale.

For the first nine months of 2004/2005, the department received 119 new access requests. By December 31, 2004, for access requests received in the first nine months, nine access requests were completed in a deemed-refusal situation with a further 10 access requests uncompleted but in a deemed-refusal situation. The deemed-refusal ratio, including access requests carried over at the start of 2004/2005, was 146:32 or 22% resulting in an "F" on the grading scale. This was the first year that requests carried over from the previous year, and the number of requests already in a deemed-refusal status on April 1, were taken into consideration.

For the full 2004-2005 fiscal year, AAFC received a grade of " F", with a 22.8% request to deemed-refusal ratio.

3. CURRENT STATUS

For this reporting period, requests carried over from the previous year, and the number of requests already in a deemed-refusal status on April 1, were also taken into consideration.

As a result, for the reporting period April 1 to November 30 2005, Agriculture and Agri-Food Canada's request to deemed-refusal ratio was 38.7%, a grade of "F".

A total of 95 requests were received during the period April 1 to November 30, 2005, compared to 119 requests received in the same time period last year. Sixteen requests were carried into the period April 1 to November 30, 2005, with 11 or 68.75% in a deemed-refusal situation.

With 158 new access requests received in 2004/2005 and 95 new access requests received in the first nine months of 2005/2006, a trend of a continuing backlog of access requests in a deemed-refusal situation at the start of the year represents a burden to the ATIP Division. This backlog constitutes a serious problem that must be dealt with to comply with the time requirements of the *Access to Information Act*.

However, the new ATIP Director was able to attract experienced ATIP personnel to compliment his existing team of experts, to assist in re-organizing the office, as well as in assessing its core functions and procedures. In total, seven new ATIP employees have been hired, jumping from 5 to 13 (including the Director). This should significantly improve delays in the treatment of access requests. The ATIP office has also reviewed processes and developed new ATIP policy.

4. RECOMMENDATIONS

Because of the factors described in this report, Agriculture and Agri-Food Canada was not able to obtain ideal compliance with the time requirements of the *Access to Information Act*.

Recommendation #1

Agriculture and Agri-Food Canada should come into ideal compliance with the Act's deadlines no later than March 31, 2007.

5. STATUS OF 2005 RECOMMENDATIONS

The Commissioner made 26 recommendations in last year's report in order to support Agriculture and Agri-Food Canada's in complying with the requirements of the *Access to Information Act*. The department agrees with all off the recommendations made last year. At the present time, all actions to comply with the recommendation have been taken or will be completed by June 30, 2006. In particular, the following recommendations were made to reduce backlog.

Previous Recommendation #2.1

The ATIP Office produce a monthly report that provides the ATIP Office and Senior Management at Agriculture and Agri-Food Canada with information on how well timelines are met when responding to access requests. The reports will provide Senior Management, OPIs and the ATIP Office with the Act's and department's time requirements for processing access requests.

Action Taken: The ATIP Office has been producing weekly performance reports for review by Senior Management since January 2006.

Previous Recommendation #2.2

The ATIP Coordinator should be directed by the Minister, in writing, through the Delegation Order to exercise the delegation to answer requests within deadlines whether or not the review process has been completed.

Action Taken: The department agrees with the Commissioner's recommendation. A revised delegation instrument has been prepared and is being reviewed. It is anticipated that this will be in place by June 30, 2006.

Previous Recommendation #2.3

Agriculture and Agri-Food Canada should come into substantial compliance with the Act's deadlines no later than March 31, 2006.

Action Taken: The department agrees with this recommendation and has taken substantive actions to achieve this goal. In particular, the department has established an improvement and operational plan for the *Access to Information* and Privacy Office. The plan outlines the priorities, tasks, resources, deliverables, milestones, timeframes, and responsibilities. Also, a new delegation instrument is in the approval process.

6. QUESTIONNAIRE AND STATISTICAL REPORT

Questionnaire for Statistical Analysis Purposes in relation to official requests made under the <i>Access to Information Act</i>			
Part A: Requests carried over from the prior fiscal period.		Apr. 1/04 to Mar. 31/05	Apr. 1/05 to Nov. 30/05
1.	Number of requests carried over:	26	16
2.	Requests carried over from the prior fiscal — in a deemed refusal situation on the first day of the new fiscal:	3	11
Part B: New Requests — Exclude requests included in Part A.		Apr. 1/04 to Mar. 31/05	Apr. 1/05 to Nov. 30/05
3.	Number of requests received during the fiscal period:	158	95
4.A	How many were processed within the 30-day statutory time limit?	125	64
4.B	How many were processed beyond the 30-day statutory time limit where no extension was claimed?	12	11
4.C	How long after the statutory time limit did it take to respond where no extension was claimed?		
	1-30 days:	7	5
	31-60 days:	1	3
	61-90 days:	-	1
	Over 91 days:	4	5
5.	How many were extended pursuant to section 9?	21	6
6.A	How many were processed within the extended time limit?	5	3
6.B	How many exceeded the extended time limit?	16	3
6.C	How long after the expiry of the extended deadline did it take to respond?		
	1-30 days:	2	-
	31-60 days:	2	1
	61-90 days:	1	-
	Over 91 days:	7	2
7.	As of November 30, 2005, how many requests are in a deemed-refusal situation?	18	