

Transportation Safety Board  
of Canada



Bureau de la sécurité des transports  
du Canada



**ANNUAL REPORT TO PARLIAMENT  
ON THE MANAGEMENT OF  
THE *ACCESS TO INFORMATION ACT*  
AND  
THE *PRIVACY ACT*  
01 APRIL 2006 TO 31 MARCH 2007**

**Canada**



Transportation Safety Board  
of Canada



Bureau de la sécurité des transports  
du Canada

Executive Director

Directeur exécutif

Place du Centre  
200 Promenade du Portage  
4th Floor  
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K1A 1K8

The Honourable Rona Ambrose  
President of the Queen's Privy Council for Canada  
House of Commons  
Ottawa, Ontario  
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Honourable Minister:

In accordance with subsection 72(1) of the *Access to Information Act* and subsection 72(1) of the *Privacy Act*, the Transportation Safety Board of Canada is pleased to submit to Parliament this report on activities relating to the application of these two Acts for the period 01 April 2006 to 31 March 2007.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerard McDonald".

Gerard McDonald

Canada



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## 1.0 Introduction

Pursuant to section 72 of the *Access to Information Act* and section 72 of the *Privacy Act*, the Transportation Safety Board of Canada (TSB) is pleased to table in Parliament this report on activities relating to the application of these two Acts. The report covers the period from 01 April 2006 to 31 March 2007.

The Transportation Safety Board of Canada (TSB) is an independent agency created in 1990 by an Act of Parliament (*Canadian Transportation Accident Investigation and Safety Board Act*). It operates at arm's length from other government departments and agencies such as Transport Canada, the Department of Fisheries and Oceans, and the National Energy Board to ensure that there are no real or perceived conflicts of interest. Under the legislation, the TSB's only object is the advancement of transportation safety in the federally regulated elements of the marine, pipeline, rail and air transportation systems. This mandate is fulfilled by conducting independent investigations that can include, if necessary, public inquiries into transportation occurrences. The purpose of these investigations and inquiries is to make findings as to the causes and contributing factors of the occurrences and to identify safety deficiencies. Therefore, recommendations may be made to improve safety and reduce or eliminate risks to people, to property and to the environment. The TSB has the exclusive authority to make findings as to causes and contributing factors when it investigates a transportation occurrence.

The TSB's administration of its Access to Information and Privacy (ATIP) activities is in accordance with the government's stated principles that government information should be available to the public with only specific and limited exceptions. Furthermore, the TSB treats personal information in compliance with the code of fair information practice expressed in the *Privacy Act*.

The ATIP function of the TSB operates within the Information Management (IM) Division of Corporate Services. This ensures effective integration of ATIP requirements into IM planning, policy development, records management systems and practices, and training and awareness activities.

The ATIP unit provides functional advice and guidance to managers and employees concerning the release of information and protection of privacy.



## **2.0 Access to Information**

### **2.1 Delegation of Authority**

As required by the legislation, a delegation of authority is in place. For the purposes of the *Access to Information Act*, the “head of the institution” as defined in section 3 of the Act is the Executive Director. The Director General, Corporate Services, and the Manager, Information Management Division, have been delegated powers by the Executive Director deemed appropriate for the effective administration of the programs. A copy of the Delegation Order is attached as Appendix A.

### **2.2 Formal Requests**

#### **2.2.1 Disposition of Requests**

Sixty-six (66) requests were received under the *Access to Information Act* and eighteen (18) requests were brought forward from the previous fiscal year. Sixteen (16) requests have been carried forward to the next fiscal year.

Sixty-eight (68) requests were completed during the current reporting period. Of these, records were fully disclosed to twenty-four (24) applicants. Records pertaining to twenty-eight (28) requests were released with some portions exempted under paragraph 13, subsection 15(1), paragraph 16(1)(c)(iii), subsection 19(1), paragraphs 20(1)(a), (b), (c) and (d), 21(1)(a), (b) and (c), and section 23 of the Act. Six (6) requests were abandoned by the applicants, records did not exist for two (2) requests, two (2) requests were transferred to other federal government institutions, three (3) were treated informally, and three (3) were fully exempt from disclosure under subsections 16(1) and 19(1).

#### **2.2.2 Clients**

The majority of requests, forty (40), came from business/legal firms representing clients who are affected by or involved in transportation occurrences. Eight (8) requests were received from media sources. Nine (9) requests were received from members of the public and nine (9) from organizations.

#### **2.2.3 Processing of Requests**

The number of requests received by the ATIP unit in 2006-2007 was the same as the number received in 2005-2006. The number of requests completed by the ATIP unit increased by seventeen (17) compared with 2005-2006.



The ATIP unit makes every possible effort to process all requests within the 30-day time limit as required by the legislation. Of the sixty-eight (68) requests processed during the reporting period, thirty-six (36) were completed within the 30-day limit, twenty-seven (27) were completed in 31 to 120 days, and five (5) took longer than 121 days to complete.

The average time taken to process a request during the 2006-2007 reporting period was 42.0 calendar days, compared with last year's average of 53.0 days. Factors affecting average processing time include number and type of requests received, number of pages reviewed and number and type of consultations required during the reporting period.

During this reporting period, the ATIP unit was involved in the search, preparation and review of 16 563 pages of information and the reproduction and release of 9356 pages of information, including reprints of photographs, videotapes and CD-ROM disks containing digital photographs.

### **2.3 Fees**

In accordance with the TSB ATIP fee policy implemented on 01 January 2001, the TSB collected \$160.00 in application and reproduction fees. The TSB maintains the right to waive fees, and the decision to reduce or waive fees is made on a case-by-case basis according to the criteria outlined in its ATIP fees policy. Like most departments, the TSB waives the requirement to pay fees, other than the application fee, if the amount payable is less than \$25.00.

### **2.4 Informal Requests**

During the reporting period, 62 informal requests were received and 1427 pages of information were sent to requesters. These figures do not include requests responded to directly by the Communications Division, the Macro-Analysis Division and other areas of the TSB at Head Office or in the regional offices.

In addition, many of the TSB's publications – including investigation reports, safety studies, statistical reports, communiqués and investigation updates – are available on the TSB Web site ([www.tsb.gc.ca](http://www.tsb.gc.ca)).



## 2.5 *Complaints and Investigations*

A complaint was filed during the 2003-2004 reporting period with the Office of the Information Commissioner (OIC). It concerned the TSB's decision to withhold all records pursuant to subsections 16(1) and 19(1) and section 24 of the *Access to Information Act*, in response to a request for copies of the reports made to the TSB Confidential Reporting System, Securitas, regarding air and rail occurrences for the period 01 September 2002 to 01 August 2003. In an attempt to resolve the complaint, the TSB created and provided the requester with brief summaries of each report. As of the end of the current reporting period, a response from the OIC on the status of this complaint was still outstanding.

A complaint was filed during the 2004-2005 reporting period with the OIC. This complaint pertained to the TSB's application of an exemption in response to a request for a Director of Investigations briefing to the Board. At the time of the request, the records were related to an ongoing investigation and were therefore withheld pursuant to subsection 16(1). When the TSB met with the OIC in September 2005, the investigation had been completed and the investigation report released to the public. A copy of withheld records was subsequently provided to the applicant. As of the end of the current reporting period, a response from the OIC on the status of this complaint was still outstanding.

One (1) complaint was filed during the current reporting period with the OIC. This complaint pertained to a non-response by the TSB. The TSB ATIP Office searched its database and confirmed that the request had never been received by the office, and subsequently dealt directly with the complainant on the information request. As of the end of the reporting period, a response from the OIC on the status of this complaint was still outstanding.

## 2.6 *Appeals to the Courts*

Four (4) applications for review by the Federal Court were made during fiscal year 2002-2003 and carried forward through 2003-2004 and most of 2004-2005. All four involved the subject of air traffic control tapes and transcripts and the application of subsections 19(1) and 20(1) of the *Access to Information Act*. The four cases were reviewed at the same time. Together with the TSB, NAV CANADA was granted co-respondent status for these cases.

On 18 March 2005, the four (4) applications were dismissed in their entirety by the Federal Court. The Information Commissioner appealed that decision and, on 1 May 2006, the Federal Court of Appeal set aside the Federal Court decision and ordered that the subject records be disclosed.

On 30 June 2006, the TSB and NAV CANADA filed an application for leave to appeal the Federal Court of Appeal's decision to the Supreme Court of Canada. There was no Supreme Court decision as of the end of this reporting period; however, on 5 April 2007, leave to appeal was refused.

## ***2.7 Training and Education***

TSB ATIP staff attended various workshops organized by the Treasury Board Secretariat throughout the fiscal year. These workshops provided ATIP staff with valuable information on trends and best practices within the ATIP community, updates on recent complaints and court cases, and tools to help improve service standards within the field.

ATIP staff also provided a training session to approximately twenty (20) Administrative Officers from the TSB's Head Office and regional offices. The session addressed both Records Management and ATIP, and the government-wide requirements and TSB-specific practices associated with each.

## ***2.8 Statistics Required by Treasury Board***

The statistics required by the Treasury Board Secretariat are found in Appendix B.



## **3.0 *Privacy***

### **3.1 *Delegation of Authority***

As required by the legislation, a delegation of authority is in place. For the purposes of the *Privacy Act*, the “head of the institution” as defined in section 3 of the Act is the Executive Director. The Director General, Corporate Services, and the Manager, Information Management Division, have been delegated powers by the Executive Director deemed appropriate for the effective administration of the programs and to ensure that the TSB meets all its obligations fairly and consistently. A copy of the Delegation Order is attached as Appendix C.

### **3.2 *Requests for Personal Information***

Two (2) formal requests for personal information were received during this reporting period, compared with one (1) in the previous period. One (1) request was completed during the reporting period and one (1) was carried forward to the next fiscal year. For the completed request, no relevant records existed in the organization.

The TSB’s policy of openness allows for the disclosure of information to individuals without necessarily requiring that they invoke the *Privacy Act*. Human Resources officers and support staff handle this kind of request as part of their routine duties.

The TSB remains vigilant in meeting requirements under the Act to protect personal information under its control. This is achieved by ensuring that employees are cognizant of their responsibility to protect the personal information they handle in the course of their duties and by respecting the code of fair information practice enshrined in the legislation.

### **3.3 *Complaints and Investigations***

No complaints were received during this reporting period.

### **3.4 *Training and Education***

On-the-job training is provided to ATIP staff on an ongoing basis. ATIP staff attended the Canadian Access and Privacy Association workshop and do so on an annual basis.

### **3.5 *Privacy Impact Assessments***

The TSB did not undertake any Privacy Impact Assessments (PIA) or Preliminary Privacy Impact Assessments (PPIA) during the reporting period. Consequently, no PIAs were forwarded to the Office of the Privacy Commissioner during the reporting period.

### ***3.6 Subsection 8(2) Disclosures***

As part of ongoing delivery of its mandate, the majority of the TSB's disclosures in response to requests from external entities were made pursuant to paragraphs 8(2)(a) and 8(2)(f). Other disclosures were made pursuant to paragraph 8(2)(c). There were no other types of subsection 8(2) disclosures during the 2006-2007 reporting period.

### ***3.7 Data Matching and Sharing Activities***

The TSB did not undertake any new data matching or data sharing activities during the reporting period.

### ***3.8 Statistics Required by Treasury Board***

The statistics required by the Treasury Board Secretariat are found in Appendix D.

## Appendix A – Delegation Order – *Access to Information Act*

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Transportation Safety Board  
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### DESIGNATION ORDERS

#### *Access to Information Act*

The Executive Director, pursuant to Section 73 of the *Access to Information Act*, hereby designates the persons holding the positions of Director General, Corporate Services and Manager, Information Management Division, Corporate Services, or the persons occupying on an acting basis those positions, to exercise the powers and perform the duties and functions of the Executive Director as the head of a government institution under the *Act*.



Gerard McDonald  
Executive Director

Date: JUN 11 2007



# Appendix B – Statistical Report – Access to Information Act

Government of Canada / Gouvernement du Canada		REPORT ON THE ACCESS TO INFORMATION ACT / RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION					
Institution TRANSPORTATION SAFETY BOARD OF CANADA BUREAU DE LA SÉCURITÉ DES TRANSPORTS		Reporting period / Période visée par le rapport 4/1/2006 to/à 3/31/2007					
Source	Media / Médias 8	Academia / Secteur universitaire 0	Business / Secteur commercial 40	Organization / Organisme 9	Public 9		
<b>I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information</b>							
Received during reporting period / Reçues pendant la période visée par le rapport	66						
Outstanding from previous period / En suspens depuis la période antérieure	18						
<b>TOTAL</b>	<b>84</b>						
Completed during reporting period / Traitées pendant la période visée par le rapport	68						
Carried forward / Reportées	16						
<b>II Disposition of requests completed / Disposition à l'égard des demandes traitées</b>							
1. All disclosed / Communication totale	24	6. Unable to process / Traitement impossible	2				
2. Disclosed in part / Communication partielle	28	7. Abandoned by applicant / Abandon de la demande	6				
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0	8. Treated informally / Traitement non officiel	3				
4. Nothing disclosed (exempt) / Aucune communication (exemption)	3	<b>TOTAL</b>	<b>68</b>				
5. Transferred / Transmission	2						
<b>III Exemptions invoked / Exemptions invoquées</b>							
S. Art. 13(1)(a)	1	S. Art. 16(1)(a)	0	S. Art. 18(b)	0	S. Art. 21(1)(a)	2
(b)	0	(b)	0	(c)	0	(b)	3
(c)	0	(c)	20	(d)	0	(c)	1
(d)	0	(d)	0	S. Art. 19(1)	31	(d)	0
S. Art. 14	0	S. Art. 16(2)	0	S. Art. 20(1)(a)	17	S. Art. 22	0
S. Art. 15(1) International rel. / Relations intern.	0	S. Art. 16(3)	0	(b)	14	S. Art. 23	1
Defence / Défense	1	S. Art. 17	0	(c)	11	S. Art. 24	0
Subversive activities / Activités subversives	0	S. Art. 18(a)	0	(d)	7	S. Art. 26	0
<b>IV Exclusions cited / Exclusions citées</b>							
S. Art. 68(a)	0	S. Art. 69(1)(c)	0	<b>V Completion time / Délai de traitement</b>			
(b)	0	(d)	0	30 days or under / 30 jours ou moins	36		
(c)	0	(e)	0	31 to 60 days / De 31 à 60 jours	19		
S. Art. 69(1)(a)	0	(f)	0	61 to 120 days / De 61 à 120 jours	8		
(b)	0	(g)	0	121 days or over / 121 jours et plus	5		
<b>VI Extensions / Prorogations des délais</b>							
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus	<b>VII Translations / Traductions</b>				
Searching / Recherche	7	2	Translations requested / Traductions demandées	0			
Consultation	2	1	Translations prepared / Traductions préparées	English to French / De l'anglais au français	0		
Third party / Tiers	1	5		French to English / Du français à l'anglais	0		
<b>TOTAL</b>	<b>10</b>	<b>8</b>	<b>VIII Method of access / Méthode de communication</b>				
<b>IX Fees / Frais</b>							
Net fees collected / Frais nets perçus				<b>X Costs / Coûts</b>			
Application fees / Frais de la demande	\$40.00	Preparation / Préparation	\$0.00	Financial (all reasons) / Financiers (raisons) (\$000)			
Reproduction	\$120.00	Computer processing / Traitement informatique	\$0.00	Salary / Traitement	111,067.0		
Searching / Recherche	\$0.00	<b>TOTAL</b>	<b>\$160.00</b>	Administration (O and M) / Administration (fonctionnement et maintien)	24,266.0		
Fees waived / Dispense de frais			No. of times / Nombre de fois	<b>TOTAL</b>	135,333.0		
\$25.00 or under / 25 \$ ou moins		2	\$10.00	Person year utilization (all reasons) / Années-personnes utilisées (raisons)			
Over \$25.00 / De plus de 25 \$		2	\$252.80	Person year (decimal format) / Années-personnes (nombre décimal)	2.10		





## Appendix C – Delegation Order – *Privacy Act*

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Transportation Safety Board  
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Bureau de la sécurité des transports  
du Canada

### DESIGNATION ORDERS

#### *Privacy Act*

The Executive Director of the Transportation Safety Board of Canada, pursuant to Section 73 of the *Privacy Act*, hereby designates the persons holding the positions of Director General, Corporate Services and Manager, Information Management Division, Corporate Services, or the persons occupying on an acting basis those positions, to exercise the powers and perform the duties and functions of the Executive Director as the head of a government institution under the *Act*.



Gerard McDonald  
Executive Director

Date: JUN 11 2007





# Appendix D – Statistical Report – Privacy Act



REPORT ON THE PRIVACY ACT

RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution	TRANSPORTATION SAFETY BOARD OF CANADA BUREAU DE LA SÉCURITÉ DES TRANSPORTS	Reporting period Période visée par le rapport	4/1/2006 to/à 3/31/2007
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**I** Requests under the Privacy Act  
Demandes en vertu de la Loi sur la protection des renseignements personnels

Received during reporting period Reçues pendant la période visée par le rapport	2
Outstanding from previous period En suspens depuis la période antérieure	0
TOTAL	2
Completed during reporting period Traitées pendant la période visée par le rapport	1
Carried forward Reportées	1

**II** Disposition of requests completed  
Disposition à l'égard des demandes traitées

1. All disclosed Communication totale	0
2. Disclosed in part Communication partielle	0
3. Nothing disclosed (excluded) Aucune communication (exclusion)	0
4. Nothing disclosed (exempt) Aucune communication (exemption)	0
5. Unable to process Traitement impossible	1
6. Abandoned by applicant Abandon de la demande	0
7. Transferred Transmission	0
TOTAL	1

**III** Exemptions invoked  
Exceptions invoquées

S. Art. 18(2)	0
S. Art. 19(1)(a)	0
(b)	0
(c)	0
(d)	0
S. Art. 20	0
S. Art. 21	0
S. Art. 22(1)(a)	0
(b)	0
(c)	0
S. Art. 22(2)	0
S. Art. 23(a)	0
(b)	0
S. Art. 24	0
S. Art. 25	0
S. Art. 26	0
S. Art. 27	0
S. Art. 28	0

**IV** Exclusions cited  
Exclusions citées

S. Art. 69(1)(a)	0
(b)	0
S. Art. 70(1)(a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

**V** Completion time  
Délai de traitement

30 days or under 30 jours ou moins	1
31 to 60 days De 31 à 60 jours	0
61 to 120 days De 61 à 120 jours	0
121 days or over 121 jours ou plus	0

**VI** Extensions  
Prorogations des délais

	30 days or under 30 jours ou moins	31 days or over 31 jours ou plus
Interference with operations Interruption des opérations	0	0
Consultation	0	0
Translation Traduction	0	0
TOTAL	0	0

**VII** Translations  
Traductions

Translations requested Traductions demandées	0
Translations prepared Traductions préparées	0
English to French De l'anglais au français	0
French to English Du français à l'anglais	0

**VIII** Method of access  
Méthode de consultation

Copies given Copies de l'original	0
Examination Examen de l'original	0
Copies and examination Copies et examen	0

**IX** Corrections and notation  
Corrections et mention

Corrections requested Corrections demandées	0
Corrections made Corrections effectuées	0
Notation attached Mention annexée	0

**X** Costs  
Coûts

Financial (all reasons) Financiers (raisons)	(\$000)
Salary Traitement	7,933.0
Administration (O and M) Administration (fonctionnement et maintien)	1,734.0
TOTAL	9,667.0
Person year utilization (all reasons) Années-personnes utilisées (raisons)	
Person year (decimal format) Années-personnes (nombre décimal)	0.15

