

Western Economic Diversification Canada

Access to Information Act and Privacy Act

Annual Report

2002 - 2003

Introduction	1
Background on the Department.....	1
Access to Information and Privacy Activities.....	2
Report on the administration of the Access to Information Act	2
Requests under the Access to Information Act	2
Sources of requests received	3
Dispositions of requests completed.....	3
Exemptions invoked	3
Exclusions cited	3
Extensions of time limits	3
Completion time	3
Method of access	4
Fees	4
Costs	4
Judicial Review	4
Report on the Privacy Act	4
Appendix 1	
Appendix 2	

Introduction

The *Access to Information Act* and the *Privacy Act* took effect on July 1, 1983.

The *Access to Information Act* gives Canadian citizens, permanent residents and any person and corporation present in Canada a right of access to information contained in government records, subject to certain specific and limited exceptions. The *Privacy Act* extends to individuals the right of access to information about themselves held by the government, subject to specific and limited exceptions. The latter *Act* also protects individuals' privacy by preventing others from having access to their personal information and gives individuals substantial control over its collection, use and disclosure.

Section 72 of the *Access to Information Act* and section 72 of the *Privacy Act* require that the head of every government institution prepare for submission to Parliament an annual report on the administration of the *Acts* within the institution during each financial year.

This annual report is intended to describe how Western Economic Diversification (WD) administered its responsibilities under both *Acts* in the fiscal year 2002-2003.

Background on the Department

Western Economic Diversification's mandate is defined in the *Western Economic Diversification Act* of 1988. The *Act* enables the Department to play an innovative and responsive role on behalf of the Government of Canada in providing western Canadians with policies, programs, and services that promote economic opportunities.

Through the *Act*, Western Economic Diversification is mandated to:

- Promote the development and diversification of the western Canadian economy;
- Coordinate federal economic activities in the West; and
- Reflect western Canadian interests in national decision-making.

The fundamental role for WD is to implement its regional mandate in a way that is consistent with national direction as provided in the Speech from the Throne, the Prime Minister's response to the Speech from the Throne, and the objectives of the Industry Portfolio. The department continues to implement the Jobs and Growth Agenda, while focusing on the specific priorities of the Government to achieve a higher quality of life through accelerating the transition to the knowledge-based economy. Consistent with Throne Speech direction, WD is taking an active role in building a dynamic economy, ensuring the quality of our environment, building stronger communities, creating economic opportunities for all western Canadians, and delivering on the "Connecting Canadians" agenda. Some of the department's objectives are accomplished through programs and services that focus on the small business community in western Canada. Other objectives such as improving the climate for innovation in the West, demonstrating federal leadership on western issues, and conducting policy oriented research on the western economy, are met through core program areas.

The Department's Head Office is located in Edmonton, Alberta, co-located with the Regional Office for Alberta. There are also Regional Offices located in each of the other western

provinces, in Winnipeg, Saskatoon and Vancouver, and a Liaison Office located in Ottawa. Regional satellite offices have also been opened in Calgary and Regina. The Department's Deputy Minister resides in Edmonton, and Assistant Deputy Ministers are in British Columbia, Alberta, Saskatchewan, Manitoba and Ottawa. Each western Assistant Deputy Minister has direct responsibility for managing one of the department's corporate business lines across western Canada, and for delivery of all departmental programs in their Region. The Ottawa based Assistant Deputy Minister plays the lead role in the department's advocacy activities.

Access to Information and Privacy Activities

The Departmental Coordinator of Access to Information and Privacy is accountable for the development, coordination and implementation of effective policies, guidelines, systems and procedures to ensure the Minister's responsibilities under the *Access to Information Act* and the *Privacy Act* are met and to enable appropriate processing and proper disclosure of information. The Coordinator is also responsible for related policies, systems and procedures emanating from the *Acts*.

The activities of the Access to Information and Privacy (ATIP) Office include:

- processing requests under both *Acts*;
- representing WD in dealings with the Treasury Board Secretariat, the Information and Privacy Commissioners and other government departments and agencies regarding the application of both *Acts* as they relate to WD;
- responding to consultations submitted by other federal institutions on WD documents under consideration for release;
- preparing annual reports to Parliament and other statutory reports, as well as other material that may be required by central agencies;
- developing and maintaining policies, procedures and guidelines to ensure both *Acts* are respected by WD;
- promoting awareness of both *Acts* to ensure departmental responsiveness to the obligations imposed on the government;
- monitoring departmental compliance with both *Acts*, regulations and relevant procedures and policies.

Report on the administration of the Access to Information Act

Appendix A provides a statistical summary of the access to information requests received and/or finalized in 2002-2003.

Requests under the Access to Information Act

Received during the reporting period :	45
Outstanding from previous period:	5
Total :	50

Sources of requests received

The majority of requests were from media (23), followed by those from business (12), organization (7) and public (3).

Dispositions of requests completed

WD finalized the 48 requests cited in Appendix A in the following manner:

- Twenty-three (23) requests resulted in the release of all information sought.
- Nineteen (19) requests resulted in partial disclosures. Subsections 19(1) and 20(1) were the most invoked provisions and were used to withhold personal and business information.
- Five (5) requests could not be processed, as the information did not exist.
- One (1) request was abandoned by the applicant.

Exemptions invoked

As noted in Appendix A, exemptions under sections 13, 16, 19, 20, 21, and 23 of the *Act* were invoked by WD. The Appendix is intended to show the number of requests where specific types of exemptions were invoked to deny access. For example, if in processing a request, five different exemptions were applied by WD, one exemption under each relevant section would be reported for a total of five. If the same exemption is claimed several times for the same request, it is reported only once in Appendix A.

Exclusions cited

The *Act* does not apply to published material pursuant to section 68 and to confidences of the Queen's Privy Council pursuant to section 69. Section 68 was invoked once and section 69 was invoked on five (5) occasions during the period covered by this report.

Extensions of time limits

Section 9 of the *Act* provides for the extension of the statutory time limits if consultations are necessary or the request is for a large volume of records and processing the request within the original time limit would unreasonably interfere with the operations of the department. During the reporting period, three (3) requests were extended for 30 days or less, and eight (8) requests required an extension for more than 30 days.

Completion time

Of the forty-eight (48) requests that were completed during the reporting period, sixteen (16) were completed in thirty days or less, seventeen (17) were completed in the 31 to 60-day period, thirteen (13) were completed in the 61 to 120-day period and two (2) were completed beyond the 121 days.

Method of access

Access to the relevant documents was given, in whole or in part, for forty-two (42) requests. Of this, copies of the releasable material were provided on forty-one (41) occasions. On the remaining occasion, the requestor chose to come and examine the material before taking any copies.

Fees

The fees collected during the reporting period totalled \$225.00. In accordance with government policy, it is the Department's practice to waive fees where the total owing per request amounts to less than \$25. Fees waived during 2002-2003 amounted to \$220.40.

Costs

Total salary costs associated with the *Access to Information Act* are estimated at \$32,900 for 2002-2003. Other costs amounted to \$36,800 for a total of \$ 69,700. Because of the difficulty of collecting complete time costs from responsibility centres, the aforementioned figures are underestimated. The associated employee resources for 2002-2003 are fixed at .90 FTE for administering the *Act*.

Judicial Review

TFA Foundation Inc. and the Asper Foundation v. Minister of Western Economic Diversification, Secretary of State (Western Economic Diversification), and Department of Western Economic Diversification (Court File No. T-530-03)

This matter arises from the Department's decision to disclose information relating to the construction of the Canadian Museum for Human Rights. TFA Foundation Inc. and the Asper Foundation objected to the disclosure of the documents arguing that the information at issue is confidential third party information. They have applied to the Federal Court of Canada in accordance with section 44 of the *Act* to block the disclosure. The outcome of this matter will be reported in next year's annual report.

Report on the Privacy Act

Appendix B provides a statistical summary of the privacy requests received and/or finalized in 2002-2003.

During the period covered by this annual report, WD received one request under the Privacy Act. It was responded within the initial 30-day statutory deadline. No information could be located in response to the request.

REPORT ON THE ACCESS TO INFORMATION ACT / RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION

Institution WESTERN ECONOMIC DIVERSIFICATION CANADA DIVERSIFICATION DE L'ÉCONOMIE DE L'OUEST CANADA				Reporting period / Période visée par le rapport 4/1/2002 to/à 3/31/2003	
Source	Media / Médias 23	Academia / Secteur universitaire 0	Business / Secteur commercial 12	Organization / Organisme 7	Public 3

I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information

Received during reporting period / Reçues pendant la période visée par le rapport	45
Outstanding from previous period / En suspens depuis la période antérieure	5
TOTAL	50
Completed during reporting period / Traitées pendant la période visée par le rapport	48
Carried forward / Reportées	2

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

1. All disclosed / Communication totale	23	6. Unable to process / Traitement impossible	5
2. Disclosed in part / Communication partielle	19	7. Abandoned by applicant / Abandon de la demande	1
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0	8. Treated informally / Traitement non officiel	0
4. Nothing disclosed (exempt) / Aucune communication (exemption)	0	TOTAL	48
5. Transferred / Transmission	0		

III Exemptions invoked / Exemptions invoquées

S. Art. 13(1)(a)	0	S. Art. 16(1)(a)	0	S. Art. 18(b)	0	S. Art. 21(1)(a)	2
(b)	0	(b)	0	(c)	0	(b)	2
(c)	2	(c)	0	(d)	0	(c)	0
(d)	0	(d)	0	S. Art. 19(1)	7	(d)	0
S. Art. 14	0	S. Art. 16(2)	1	S. Art. 20(1)(a)	0	S. Art. 22	0
S. 15(1) International rel. / Relations intern.	0	S. Art. 16(3)	0	(b)	5	S. Art. 23	2
Defence / Défense	0	S. Art. 17	0	(c)	4	S. Art. 24	0
Subversive activities / Activités subversives	0	S. Art. 18(a)	0	(d)	0	S. Art. 26	0

IV Exclusions cited / Exclusions citées

S. Art. 68(a)	1	S. Art. 69(1)(c)	0
(b)	0	(d)	0
(c)	0	(e)	1
S. Art. 69(1)(a)	2	(f)	0
(b)	0	(g)	2

V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	16
31 to 60 days / De 31 à 60 jours	17
61 to 120 days / De 61 à 120 jours	13
121 days or over / 121 jours et plus	2

VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	0	0
Consultation	1	3
Third party / Tiers	2	5
TOTAL	3	8

VII Translations / Traductions

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

VIII Method of access / Méthode de communication

Copies given / Copies de l'original	41
Examination / Examen de l'original	0
Copies and examination / Copies et examen	1

IX Fees / Frais

Net fees collected / Frais nets perçus			
Application fees / Frais de la demande	\$225.00	Preparation / Préparation	\$0.00
Reproduction	\$0.00	Computer processing / Traitement informatique	\$0.00
Searching / Recherche	\$0.00	TOTAL	\$225.00
Fees waived / Dispense de frais		No. of times / Nombre de fois	\$
\$25.00 or under / 25 \$ ou moins		42	\$196.40
Over \$25.00 / De plus de 25 \$		1	\$34.20

X Costs / Coûts

Financial (all reasons) / Financiers (raisons)		(\$000)
Salary / Traitement		32,900.0
Administration (O and M) / Administration (fonctionnement et maintien)		36,800.0
TOTAL		69,700.0
Person year utilization (all reasons) / Années-personnes utilisées (raisons)		
Person year (decimal format) / Années-personnes (nombre décimal)		0.90