



Annual Report on the *Access to Information Act* and the *Privacy Act*

A Report tabled by the President of the Treasury Board
2003-2004



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1. About the Organization

(i) Overview of the Treasury Board and its Secretariat

The Treasury Board is a Cabinet committee of the Queen's Privy Council for Canada. It was established in 1867 and given statutory powers in 1869. The President of the Treasury Board heads this committee.

As the administrative arm of the Treasury Board, the Secretariat has a dual mandate: to support the Treasury Board as a committee of Ministers and to fulfil the statutory responsibilities of a central government agency. It is headed by a Secretary who reports to the President of the Treasury Board.

Effective December 12, 2003, the functions of the Treasury Board Secretariat (TBS) have been amended. TBS is now tasked with providing advice and support to Treasury Board Ministers in their role of ensuring value for money, as well as oversight of the financial management functions in departments and agencies.

The Secretariat makes recommendations and provides advice to the Treasury Board on policies, directives, regulations, and program expenditure proposals with respect to the management of the government's resources. Its responsibilities for the general management of the government affects initiatives, issues and activities that cut across all policy sectors managed by federal departments and organizational entities (as reported in the Main Estimates). The Secretariat is also responsible for the comptrollership function of government.

Under the broad authority of sections 5 to 13 of the *Financial Administration Act*, the Secretariat supports the Treasury Board in its role as the general manager and employer of the public service.

On December 12, 2003, the Public Service Human Resources Management Agency of Canada (PSHRMAC) was created. Portions of the Treasury Board Secretariat were transferred to this new agency. During the transition, the Treasury Board Secretariat continued to provide administrative support with respect to ATIP functions. It is anticipated that the Access to Information and Privacy unit of the PSHRMAC will be operational early in the new fiscal year.

(ii) Administration

The Access to Information and Privacy Coordinator, and the Executive Director of Strategic Policy and Communications have delegated authority to oversee the administration of the *Access to Information Act* and the *Privacy Act* within the Treasury Board Secretariat and to ensure compliance with the legislation.

During 2003–2004, the ATIP Office continued to provide training sessions for employees on a regular basis. These sessions provided over 50 participants with an overview of the Acts and a

better understanding of individual obligations and the process within Treasury Board Secretariat. In some cases, customized sessions were also provided to divisional teams.

(iii) Information Holdings

A description of the classes of institutional records held by the Treasury Board Secretariat can be found in the following 2003–2004 publications: *Info Source – Sources of Federal Government Information*, and *Sources of Federal Employee Information*. The Treasury Board Secretariat does not maintain any exempt banks.

The *Info Source* can be obtained through public and academic libraries, constituency offices of federal Members of Parliament, and on the Internet at <http://www.infosource.gc.ca/>.

(iv) Reading Room

A reading room is available to individuals wanting to review Treasury Board Secretariat publications, contracts for temporary help services, and other public materials. The room is located in the departmental library, and individuals can contact library personnel for use of the facility. The Treasury Board Secretariat library is located at:

L'Esplanade Laurier, East Tower, 11th Floor
140 O'Connor Street
Ottawa, Ontario K1A 0R5
Telephone Number: (613) 995-5877.

2. Report on the *Access to Information Act*

(i) Requests under the Act

During the reporting period – April 1, 2003 to March 31, 2004 – the Secretariat received a total of 317 new requests under the *Access to Information Act*. (Forty-three were carried over from 2002–2003.) This represents an increase of 114 requests (64%) over last year in which a total of 203 requests were received.

Of the 317 new requests, 137 (43%) were transferred or re-directed to other federal institutions, or could not be processed. A total of 180 requests were for Treasury Board Secretariat records.

The public is the largest access client group of the Treasury Board Secretariat. During the 2003–2004 reporting period, 180 (57%) of the 317 requests were received from this group.

The substance of the requests covered the entire range of the Treasury Board's role as the government's general manager and employer of the federal public service.

For example, requests touched on pension plans, real property, government on-line, land claims, EX performance pay, employment statistics, contracts, audits, travel and hospitality expenses,

and reclassification of positions. In addition, information was requested on general management policies and directives: contracting, travel, classification standards, employee benefits, and health and safety.

Responses to formal ATI requests involved the page-by-page review of over 23,663 pages, of which over 18,656 were recommended for release. There was a decrease in the number of pages reviewed over last year; however, the number released was greater than the previous year. Out of 159 cases, 157 requestors wished to receive copies of information requested. The remaining two chose to examine the information and select specific copies.

(ii) Other Requests

During this same period, the Secretariat also received 127 consultations from other departments regarding ATI requests involving Treasury Board Secretariat records or issues, a decrease of 39 consultations (31%) over last year.

In addition, a total of 4 informal requests for information (not subject to the Act) were processed by the Office in support of the Secretariat's broader objective of providing Canadians with relevant information on an informal and timely basis.

The ATIP Office also acted as a resource for Secretariat officials and offered advice and guidance on the provisions of the relevant legislation. The ATIP Office was consulted on 73 issues relating to a range of matters from polls, surveys, records management, Privacy Impact Assessments, pay, pension, health care plans, privacy caveats, draft policies and documents for the Auditor General.

(iii) Disposition of Completed Requests

There were 332 requests completed in 2003–2004. Their disposition was as follows:

- ▶ 48 were fully disclosed (14%);
- ▶ 111 were partially disclosed (33%);
- ▶ 2 were exempted in entirety (0.1%);
- ▶ 5 were excluded in entirety (0.2%);
- ▶ 78 were transferred to another institution (23%);
- ▶ 25 were abandoned by applicants (8%);
- ▶ 59 could not be processed (18%); and
- ▶ 4 were treated informally (0.1%).

(iv) Completion Time and Extensions

The 332 requests in 2003–2004 were completed in the following timeframes:

- ▶ 219 within 30 days or less (66%);
- ▶ 34 within 31 to 60 days (10%);
- ▶ 40 within 61 to 120 days (10%); and
- ▶ 39 within 121 days or more (12%).

In 89 instances, the Secretariat found it necessary to seek an extension to the prescribed time limit to search through a large volume of records, or to consult other government institutions or third parties.

For requests processed in 2003–2004, the number completed within prescribed time limits was 261 out of 332 or 79%. Treasury Board Secretariat's overall performance in this area improved by 2% over last year, when the response rate was assessed at 76%. This was due to producing and sharing weekly performance statistics with all branches and/or sectors.

(v) Exemptions Invoked

The Secretariat invoked exemptions under the Act a total of 231 times, as follows:

- ▶ 2 under S. 13, exempting information that was obtained in confidence from an international, provincial or municipal government;
- ▶ 4 under S. 14, exempting records injurious to federal-provincial affairs;
- ▶ 4 under S. 15, exempting records expected to be injurious to the conduct of international affairs and the defence of Canada;
- ▶ 2 under S. 16, exempting records containing law enforcement and investigation information;
- ▶ 5 under S. 18, exempting records expected to prejudice the economic interests of Canada;
- ▶ 69 under S. 19, exempting records containing personal information;
- ▶ 29 under S. 20, exempting records containing third-party business information;
- ▶ 84 under S. 21, exempting records containing information relating to the internal decision-making processes of government;
- ▶ 5 under S. 22, exempting records containing audit and test procedures;
- ▶ 18 under S. 23, exempting records related to solicitor-client privilege; and
- ▶ 7 under S. 24, exempting records restricted by specific statutory prohibitions.

(vi) Exclusions Cited

Exclusions were invoked 85 times under section 69 for Confidences of the Queen's Privy Council for Canada. Part of the Secretariat's responsibilities is to provide administrative support to the Treasury Board, a Cabinet Committee, and the Expenditure Review Committee of Cabinet. Consequently, the Secretariat controls a large number of documents classified as Cabinet Confidences.

(vii) Complaints, Investigations and Federal Court Case

Treasury Board Secretariat clients filed 28 new complaints with the Information Commissioner in 2003–2004. This represents a decrease of two complaints (1%) over the 2002-2003 period, in which a total of 30 complaints were received.

The reasons for the complaints were as follows:

- ▶ 3 related to time limits in processing;
- ▶ 12 concerned the exemption/exclusion of information; and
- ▶ 13 concerned fees, missing records or other reasons.

During this fiscal year, 19 complaint investigations were completed as follows:

- ▶ 15 complaints were resolved;
- ▶ 3 complaints were not substantiated; and
- ▶ 1 complaint was discontinued.

Nineteen complaints have been carried forward to 2004-2005.

On August 2, 2002, an Application for Judicial Review was filed in the Federal Court to examine the decision taken by Treasury Board Secretariat to deny access to the requested records, which were deemed to be in part Cabinet Confidences. This court case, referenced as T-1221-02, is ongoing. There were no new court cases for 2003-2004.

(viii) Fees

During the reporting period, the total fees collected amounted to \$1,000 for application fees, and \$517.40 for reproduction, searching and preparation costs.

(ix) Costs

During 2003–2004, an estimated \$301,528 in salary costs and \$62,726 in administrative costs were incurred by the ATIP Office to administer the *Access to Information Act*.

These costs do not include the resources expended by the program areas of the Treasury Board Secretariat to meet the requirements of the Acts.

3. Report on the *Privacy Act*

(i) Requests under the Act

During the reporting period, April 1, 2003 to March 31, 2004, the Secretariat received a total of 57 new requests under the *Privacy Act*.

Of these, 50 requests (88%) were transferred or re-directed to other federal institutions, or could not be processed. A total of 7 requests were for Treasury Board Secretariat records.

During this same period, the Secretariat also responded to 4 consultations from other departments regarding Privacy requests involving Treasury Board Secretariat records or issues.

Current and former federal public servants account for the majority of TBS privacy requests. Most relate to personnel issues involving Treasury Board as the employer.

(ii) Disposition of Completed Requests

There were 57 requests completed in 2003–2004. One request was carried forward to the 2004–2005 fiscal year.

The disposition of the completed requests was as follows:

- ▶ 3 were fully disclosed (5%);
- ▶ 1 was partially disclosed (2%);
- ▶ 1 disclosed nothing (2%);
- ▶ 41 were transferred or re-directed to another institution (72%);
- ▶ 2 were abandoned (4%); and
- ▶ 9 could not be processed (16%).

(iii) Completion Time and Extensions

The 57 requests completed in 2003–2004 were processed in the following timeframes:

- ▶ 51 within 30 days or less (89%);
- ▶ 5 within 31 to 120 days (9%); and
- ▶ 1 within 121 days or more (2%).

The number of requests completed in 2003–2004 within the prescribed time limits was 52 out of 57 or 91%.

(iv) Exemptions Invoked

The Secretariat invoked exemptions three times under sections 22(1)(a), 22(1)(b) and 26.

(v) Complaints and Investigations

Seven new complaints were registered with the Privacy Commissioner in 2003–2004. The reasons for the complaints were as follows:

- ▶ 3 were related to time limits;
- ▶ 2 concerned improper disclosure; and
- ▶ 2 concerned exemptions.

Eight complaints were completed: four were resolved, and four were not well founded. These complaints dealt with delays, improper disclosure and exemptions. Two complaints were carried forward to 2004-2005.

(vi) Disclosure under paragraph 8(2)(e) of the *Privacy Act*

No requests for disclosure of personal information to an investigative body were processed by the Secretariat during the 2003-2004 reporting period.

(vii) Costs

During 2003–2004, an estimated \$21,537 in salary costs and \$4,480 in administrative costs were incurred by the Access to information and Privacy Office to administer the *Privacy Act*.

These costs do not include the resources expended by the program areas of the Treasury Board Secretariat to meet the requirements of the Acts.

(viii) Privacy Impact Assessment (PIA)

No Privacy Impact Assessments were finalized during the 2003-2004 period.

Appendix A – Report on the Access to Information Act – Statistics Form



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

Institution TREASURY BOARD OF CANADA SECRETARIAT SECRETARIAT DU CONSEIL DU TRÉSOR DU CANADA				Reporting period Période visée par le rapport 4/1/2003 to/à 3/31/2004			
Source	Media Médias 44	Academia Secteur universitaire 16	Business Secteur commercial 36	Organization Organisme 41	Public 180		

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	317
Outstanding from previous period En suspens depuis la période antérieure	58
TOTAL	375
Completed during reporting period Traitées pendant la période visée par le rapport	332
Carried forward Reportées	43

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

1. All disclosed Communication totale	48	6. Unable to process Traitement impossible	59
2. Disclosed in part Communication partielle	111	7. Abandoned by applicant Abandon de la demande	25
3. Nothing disclosed (excluded) Aucune communication (exclusion)	5	8. Treated informally Traitement non officiel	4
4. Nothing disclosed (exempt) Aucune communication (exemption)	2	TOTAL	332
5. Transferred Transmission	78		

III Exemptions invoked
Exemptions invoquées

S. Art. 13(1)(a)	2	S. Art. 16(1)(a)	1	S. Art. 18(b)	0	S. Art. 21(1)(a)	34
(b)	1	(b)	0	(c)	0	(b)	28
(c)	1	(c)	1	(d)	4	(c)	18
(d)	0	(d)	0	S. Art. 19(1)	69	(d)	4
S. Art. 14	4	S. Art. 16(2)	0	S. Art. 20(1)(a)	1	S. Art. 22	5
S. 15(1) International rel. Art. Relations intern.	1	S. Art. 16(3)	0	(b)	13	S. Art. 23	18
Defence Défense	2	S. Art. 17	0	(c)	12	S. Art. 24	7
Subversive activities Activités subversives	1	S. Art. 18(a)	1	(d)	3	S. Art. 26	0

IV Exclusions cited
Exclusions citées

S. Art. 68(a)	3	S. Art. 69(1)(c)	20
(b)	0	(d)	4
(c)	0	(e)	5
S. Art. 69(1)(a)	20	(f)	0
(b)	0	(g)	33

V Completion time
Délai de traitement

30 days or under 30 jours ou moins	219
31 to 60 days De 31 à 60 jours	34
61 to 120 days De 61 à 120 jours	40
121 days or over 121 jours et plus	39

VI Extensions
Prorogations des délais

	30 days or under 30 jours ou moins	31 days or over 31 jours ou plus
Searching Recherche	1	15
Consultation	8	61
Third party Tiers	3	1
TOTAL	12	77

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 communication

Copies given Copies de l'original	157
Examination Examen de l'original	0
Copies and examination Copies et examen	2

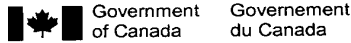
IX Fees
Frais

Net fees collected Frais nets perçus			
Application fees Frais de la demande	\$1,000.00	Preparation Préparation	\$0.00
Reproduction	\$97.40	Computer processing Traitement informatique	\$0.00
Searching Recherche	\$420.00	TOTAL	\$1,517.40
Fees waived Dispense de frais		No. of times Nombre de fois	\$
\$25.00 or under 25 \$ ou moins		26	\$142.60
Over \$25.00 De plus de 25 \$		6	\$500.30

X Costs
Coûts

Financial (all reasons) Financiers (raisons)		(\$000)
Salary Traitement		301,528.0
Administration (O and M) Administration (fonctionnement et maintien)		62,726.0
TOTAL		364,254.0
Person year utilization (all reasons) Années-personnes utilisées (raisons)		
Person year (decimal format) Années-personnes (nombre décimal)		7.00

Appendix B – Report on the Privacy Act – Statistics Form



REPORT ON THE PRIVACY ACT

RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution	TREASURY BOARD OF CANADA SECRETARIAT SECRETARIAT DU CONSEIL DU TRÉSOR DU CANADA	Reporting period Période visée par le rapport	4/1/2003 to/à 3/31/2004
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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 Reçus pendant la période visée par le rapport	57
Outstanding from previous period En suspens depuis la période antérieure	1
TOTAL	58
Completed during reporting period Traitées pendant la période visée par le rapport	57
Carried forward Reportées	1

II Disposition of requests completed Disposition à l'égard des demandes traitées	
1. All disclosed Communication totale	3
2. Disclosed in part Communication partielle	1
3. Nothing disclosed (excluded) Aucune communication (exclusion)	0
4. Nothing disclosed (exempt) Aucune communication (exemption)	1
5. Unable to process Traitement impossible	9
6. Abandoned by applicant Abandon de la demande	2
7. Transferred Transmission	41
TOTAL	57

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)	1
(b)	1
(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	1
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	51
31 to 60 days De 31 à 60 jours	3
61 to 120 days De 61 à 120 jours	2
121 days or over 121 jours ou plus	1

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	3	0
Translation Traduction	0	0
TOTAL	3	0

VII Translations Traductions	
Translations requested Traductions demandées	0
Translations prepared De l'anglais au français	0
Traductions préparées Du français à l'anglais	0

VIII Method of access Méthode de consultation	
Copies given Copies de l'original	4
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	21,537.0
Administration (O and M) Administration (fonctionnement et maintien)	4,480.0
TOTAL	26,017.0
Person year utilization (all reasons) Années-personnes utilisées (raisons)	
Person year (decimal format) Années-personnes (nombre décimal)	0.50