



2005-2006 Annual Report on the *Access to Information Act* and the *Privacy Act*



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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.

The Secretariat is tasked with providing advice and support to Treasury Board Ministers in their role of ensuring value for money as well as providing 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.

(ii) Administration

The Access to Information and Privacy (ATIP) Coordinator and the Senior Director of Strategic Communications and Ministerial Affairs 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 2005–2006, the ATIP Office continued to provide training sessions for employees on a regular basis. These sessions provided over 190 participants with an overview of the Acts and a better understanding of their obligations and the process within Treasury Board Secretariat. Upon request, 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 2005–2006 publications: 1) *Info Source – Sources of Federal Government Information* and 2) *Sources of Federal Employee Information*. The Treasury Board Secretariat does not have 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, call-ups for temporary help services, and other public materials. The room is situated 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, 2005 to March 31, 2006, the Secretariat received a total of 311 new requests under the *Access to Information Act* and 29 were carried over from 2004–2005. This represents an increase of 49 requests (+19%) over last year in which a total of 262 requests had been received.

Of these 311 new requests, 95 requests (30%) were either transferred or re-directed to other federal institutions or could not be processed. A total of 216 requests were for Treasury Board Secretariat records.

Business was the largest access client group of the Treasury Board Secretariat. During the 2005–2006 reporting period, 94 (30%) of the 311 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 for information on various Government Operations Reviews, information on the USA Patriot Act, expenditure review information and information dealing with the Commission of

Enquiry into the sponsorship program. As well, information was requested on general management policies and directives, such as contracting, travel, classification standards, and employee benefits as well as specific requests dealing with travel expense claims of senior management and transition binders for the new President.

There was an increase in the number of pages reviewed and released over last year. Responses to formal ATI requests involved the page-by-page review of over 38,599 pages of which over 23,661 were recommended for release. Out of 201 times, 183 requestors wished to receive copies of information requested. The remaining 18 chose to examine the information and select specific copies.

(ii) Other Requests

During this same period, the Secretariat also received 199 consultations from other departments regarding ATI requests involving Treasury Board Secretariat records or issues, an increase of 40 consultations (+20%) over last year.

In addition, three 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. This number does not include numerous e-mails or telephone calls from potential applicants who were redirected to informal routes in order to obtain the information they sought.

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

(iii) Disposition of Completed Requests

There were 313 requests completed in 2005–2006. The disposition of the completed requests was as follows:

- ▶ 45 fully disclosed (14%);
- ▶ 156 partially disclosed (50%);
- ▶ 1 exempted in entirety (1%);
- ▶ 4 excluded in entirety (1%);
- ▶ 45 transferred to another institution (14%);
- ▶ 10 abandoned by applicants (3%);

- ▶ 49 could not be processed (16%); and
- ▶ 3 treated informally (1%).

(iv) Completion Time and Extensions

The 313 requests in 2005–2006 were completed in the following timeframes:

- ▶ 222 within 30 days or less (71%);
- ▶ 35 within 31 to 60 days (11%);
- ▶ 33 within 61 to 120 days (11%); and
- ▶ 23 took 121 days or over (7%).

In 88 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 the requests processed in 2005–2006, the number of requests completed within allowable time limits was 300 out of 313 or 95%. Treasury Board Secretariat's overall performance in this area improved by 9% over last year where the response rate was assessed at 86%. Several factors contributed to the increase of on-time TBS response rate, including the completion of staffing actions, weekly performance statistical reports at the sector/branch level, better case file management and information sessions with Secretariat officials and branch contacts.

(v) Exemptions Invoked

The Secretariat invoked exemptions under the Act a total of 419 times, as follows:

- ▶ 4 under S. 13 exempting records dealing with information obtained in confidence from other levels of government;
- ▶ 4 under S. 14 exempting records injurious to federal-provincial affairs;
- ▶ 20 under S. 15 exempting records expected to be injurious to the conduct of international affairs and the defence of Canada;
- ▶ 32 under S. 16 exempting records containing law enforcement and investigation information;
- ▶ 7 under S. 18 exempting records expected to prejudice the economic interests of Canada;
- ▶ 132 under S. 19 exempting records containing personal information;
- ▶ 64 under S. 20 exempting records containing third party business information;
- ▶ 115 under S. 21 exempting records containing information relating to the internal decision-making processes of government;
- ▶ 1 under S. 22 exempting records containing audit and test procedures;

- ▶ 24 under S. 23 exempting records related to solicitor-client privilege; and
- ▶ 16 under S. 24 exempting records restricted by specific statutory prohibitions.

(vi) Exclusions Cited

Exclusions were invoked a total of 91 times under section 68 for published or purchasable material or 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 consequently, it controls a large number of documents classified as Cabinet Confidence.

(vii) Complaints, Investigations and Federal Court Cases

Treasury Board Secretariat clients filed 10 new complaints with the Information Commissioner in 2005–2006. This represents a decrease of 6 complaints over the 2004-2005 period in which a total of 16 complaints had been received.

The reasons for the complaints were as follows:

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

During this fiscal year, 16 complaint investigations were completed and the conclusions were as follows:

- ▶ 8 complaints were resolved; and
- ▶ 8 complaints were not substantiated.

Six complaints have been carried forward to 2006-2007.

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 on-going. There were no new court cases for 2005-2006.

(viii) Fees

During the reporting period, the total fees collected amounted to \$860.00 for application fees and \$840.85 for reproduction, searching and preparation costs.

(ix) Costs

During 2005–2006, an estimated \$365,581.00 in salary costs and \$28,638.00 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, 2005 to March 31, 2006, the Secretariat received a total of 34 new requests under the *Privacy Act* and two were carried forward from 2004-2005.

Of these 34 new requests, 24 requests (71%) were either transferred or re-directed to other federal institutions could not be processed or abandoned. A total of 10 requests were for Treasury Board Secretariat records.

During this same period, the Secretariat also responded to 11 consultations from other departments regarding Privacy requests involving Treasury Board Secretariat records or issues.

The privacy client group for the Secretariat consists, for the most part, of current and former federal public servants. Requests relate to personnel or staff relations issues that required Treasury Board Secretariat involvement.

(ii) Disposition of Completed Requests

There were 32 requests completed in 2005–2006 and four requests were carried forward to the 2006–2007 fiscal year.

The disposition of the completed requests was as follows:

- ▶ 2 fully disclosed (6%);
- ▶ 6 partially disclosed (19%);
- ▶ 11 transferred or re-directed to another institution (34%);
- ▶ 2 abandoned (6%); and
- ▶ 11 could not be processed (34%).

(iii) Completion Time and Extensions

The 32 requests completed in 2005–2006 were processed in the following timeframes:

- ▶ 27 within 30 days or less (84%); and
- ▶ 5 within 31 to 60 days (16%).

For the requests processed in 2005-2006, all 32 (100%) requests were completed within allowable time limits.

(iv) Exemptions Invoked

The Secretariat invoked exemptions 11 times under section 26 (personal information) and section 27 (solicitor-client privilege).

(v) Complaints and Investigations

No new complaints with the Privacy Commissioner were registered in 2005–2006.

During this fiscal year, two complaint investigations were completed and the conclusions were as follows:

- ▶ one complaint was resolved; and
- ▶ one complaint was not substantiated.

No complaints were carried forward to 2006-2007.

(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 2005-2006 reporting period.

(vii) Costs

During 2005–2006, an estimated \$36,558.10 in salary costs and \$2863.00 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 Assessments

One Privacy Impact Assessment (PIA) was initiated for the 2005-2006 year and is in the development stage.

A Privacy Impact Assessment, which was finalized in 2004-2005, its summary can now be found on the Treasury Board Secretariat's web site [here](#).

Annex A – Report on the Access to Information Act

Annex A



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 4/1/2005 to/à 3/31/2006	
Source	Media Médias 83	Academia Secteur universitaire 10	Business Secteur commercial 94	Organization Organisme 44	Public 80

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	311
Outstanding from previous period En suspens depuis la période antérieure	29
TOTAL	340
Completed during reporting period Traitées pendant la période visée par le	313
Carried forward Reportées	27

II Disposition of requests completed Disposition à l'égard des demandes traitées			
1. All disclosed Communication totale	45	6. Unable to process Traitement impossible	49
2. Disclosed in part Communication partielle	156	7. Abandoned by applicant Abandon de la demande	10
3. Nothing disclosed (excluded) Aucune communication (exclusion)	4	8. Treated informally Traitement non officiel	3
4. Nothing disclosed (exempt) Aucune communication (exemption)	1	TOTAL	313
5. Transferred Transmission	45		

III Exemptions invoked Exemptions							
S. Art. 13(1)(a)	2	S. Art. 16(1)(a)	7	S. Art. 18(b)	1	S. Art. 21(1)(a)	39
(b)	1	(b)	0	(c)	0	(b)	32
(c)	1	(c)	12	(d)	4	(c)	21
(d)	0	(d)	0	S. Art. 19(1)	132	(d)	23
S. Art. 14	4	S. Art. 16(2)	13	S. Art. 20(1)(a)	1	S. Art. 22	1
S. 15(1) International rel. Relations intern.	4	S. Art. 16(3)	0	(b)	33	S. Art. 23	24
Defence Défense	16	S. Art. 17	0	(c)	29	S. Art. 24	16
Subversive activities Activités subversives	0	S. Art. 18(a)	2	(d)	1	S. Art. 26	0

IV Exclusions cited Exclusions citées			
S. Art. 68(a)	1	S. Art. 69(1)(c)	8
(b)	0	(d)	4
(c)	0	(e)	20
S. Art. 69(1)(a)	25	(f)	0
(b)	0	(g)	34

V Completion time Délai de traitement	
30 days or under 30 jours ou moins	222
31 to 60 days De 31 à 60 jours	35
61 to 120 days De 61 à 120 jours	33
121 days or over 121 jours et plus	23

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	2	65
Third party Tiers	1	20
TOTAL	3	85

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	183
Examination Examen de l'original	8
Copies and examination Copies et examen	10

IX Fees Frais			
Net fees collected Frais nets perçus			
Application fees Frais de la demande	\$860.00	Preparation Préparation	\$0.00
Reproduction	\$539.60	Computer processing Traitement informatique	\$0.00
Searching Recherche	\$301.25	TOTAL	\$1,700.85
Fees waived Dispense de frais		No. of times Nombre de fois	\$
\$25.00 or under 25 \$ ou moins		89	\$465.40
Over \$25.00 De plus de 25 \$		4	\$290.60

X Costs Coûts	
Financial (all reasons) Financiers (raisons) (\$000)	
Salary Traitement	365.5
Administration (O and M) Administration (fonctionnement et maintien)	28.6
TOTAL	394.1
Person year utilization (all reasons) Années-personnes utilisées (raisons)	
Person year (decimal format) Années-personnes (nombre décimal)	6.50

Annex B – Report on the *Privacy Act*

Annex B



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 4/1/2005 to/à 3/31/2006
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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	34
Outstanding from previous period En suspens depuis la période antérieure	2
TOTAL	36
Completed during reporting period Traitées pendant la période visée par le	32
Carried forward Reportées	4

II Disposition of requests completed Disposition à l'égard des demandes traitées	
1. All disclosed Communication totale	2
2. Disclosed in part Communication partielle	6
3. Nothing disclosed (excluded) Aucune communication (exclusion)	0
4. Nothing disclosed (exempt) Aucune communication (exemption)	0
5. Unable to process Traitement impossible	11
6. Abandoned by applicant Abandon de la demande	2
7. Transferred Transmission	11
TOTAL	32

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	6
S. Art. 27	5
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	27
31 to 60 days De 31 à 60 jours	5
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	5	0
Translation Traduction	0	0
TOTAL	5	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	8
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	36.5
Administration (O and M) Administration (fonctionnement et maintien)	2.8
TOTAL	39.3
Person year utilization (all reasons) Années-personnes utilisées (raisons)	
Person year (decimal format) Années-personnes (nombre décimal)	0.50