
Annual Report

BROADCASTING
TELECOMMUNICATIONS



CRTC
Access to Information and Privacy
2004 / 2005



Canadian Radio-television and
Telecommunications Commission

Conseil de la radiodiffusion et des
télécommunications canadiennes

The Honourable Liza Frulla
Minister of Canadian Heritage
15 Eddy Street
Hull, Quebec
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Dear Minister:

In accordance with the provisions of Section 72 of the *Access to Information Act* and the *Privacy Act*, the Canadian Radio-television and Telecommunications Commission hereby submits its annual report for the year ending March 31, 2005 for referral to the Standing Committee on Justice and Human Rights.

Yours respectfully,

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THE COMMISSION'S MANDATE

The Canadian Radio-television and Telecommunications Commission (CRTC) was established by Parliament in 1968. It is an independent public authority constituted under the *Canadian Radio-television and Telecommunications Commission Act* (R.S.C. 1985, c. C-22, as amended) and reports to Parliament through the Minister of Canadian Heritage.

The CRTC is vested with the authority to regulate and supervise all aspects of the Canadian broadcasting system, as well as to regulate telecommunications common carriers and service providers that fall under federal jurisdiction. The CRTC derives its regulatory authority over broadcasting from the *Broadcasting Act* (S.C. 1991, c. 11, as amended). Its telecommunications regulatory powers are derived from the *Telecommunications Act* (S.C. 1993, c. 38, as amended) and the *Bell Canada Act* (S.C. 1987, c.19 as amended).

OBJECTIVES

The objectives of the CRTC are:

- to regulate and supervise all aspects of the Canadian broadcasting system to implement the broadcasting policy set out in the *Broadcasting Act*, and
- to regulate telecommunications in Canada to implement the policy set out in the *Telecommunications Act*.

In carrying out its responsibilities in both broadcasting and telecommunications, the CRTC must act in the public interest consistent with the statutes under which it operates. Through its public activities, including the public hearing process, the CRTC ensures its sensitivity and responsiveness to the public. It is finding new ways to enhance public participation and processes and is looking at new mechanisms for incorporating the public's input into policy formulation. Participation by Canadian citizens in our public proceedings is considered very important.

Recognizing that the public must be armed with the maximum possible amount of information if its participation in the decision-making process is to be meaningful, the CRTC has endeavored, since its inception, to establish rules and procedures which will allow public access to most of the information submitted to the CRTC by applicants and other parties balancing

competitive confidentiality impacts with the needs of the public.

These mechanisms facilitate effective citizen engagement and input and are structured using technologies such as video/audio conferencing and conference calls, so that the CRTC can maximize its public accessibility.

Complaints received by the CRTC are generally forwarded to the specific licensee for response and are then placed on each licensee's public file prior to the public hearing at which their license renewal application is considered, with the exception of those complaints that are referred to the Canadian Broadcast Standards Council or the Cable Television Standards Council. Anyone can consult these files upon request. Broadcasting licensees are required to announce the nature of any application before the CRTC over their facilities and to make a copy of their application and any complaints they may have received available to the public at their place of business. Telecommunications carriers regulated by the CRTC are required, in some instance, to notify their customers about their applications through billing inserts, letters or other means of notice.

The CRTC has also developed a number of internal procedures for facilitating public access to documents. Decisions, notices, telecommunications orders and other rulings, as well as certain filings, are posted daily on the website (<http://www.crtc.gc.ca>). In addition, the CRTC is encouraging parties to file electronic versions of their hardcopy submissions which will be available on the CRTC website as well as a list of all comments/interventions.

In addition, all applications are available for viewing in the Documentation Centre at CRTC headquarters in Hull or at the Regional offices in Vancouver, Winnipeg, Halifax, Regina, Toronto, Montréal and Edmonton.

ACCESS TO INFORMATION ACT

1. Institutional Policies

The CRTC has adopted detailed procedures to ensure close adherence to the fees, strict time limits, notification and other requirements set out in the *Access to Information Act* (the *Act*).

- Organization of Activities

The Access to Information and Privacy Coordinator (the Coordinator) controls, and is responsible for, all administrative activities under the *Act*. This includes all contact with the requestor, the public, third party notification, the administration of fees and time limits, liaison with Treasury Board, the Office of the Information Commissioner and reporting to senior management and the Chairman.

The Coordinator also registers copies and assigns Access to Information requests. All records of fees, time limits, correspondence, etc., are kept by the Coordinator. The Coordinator ensures that administrative requirements and time limits are respected and keeps a record of the status of each request. A meeting of the ATIP Review Committee, which includes the Director General of the Office of Primary Interest and the General Counsel, is scheduled by the Coordinator when a recommendation is made to withhold information concerning any given request. The purpose of this Committee is to advise the Chairman on any decisions to be made under the *Access to Information Act*.

- Formal and Informal Interface

The vast majority of information requests are handled through informal release mechanisms.

Much of the information submitted to the CRTC by broadcasting applicants and licensees is available for viewing at the Documentation Centre or at the Regional Offices. Copies of all interventions and letters of comment or complaint concerning specific applications are also available for viewing, as well as all the submissions filed in response to a call for comments with regards to a regulatory Policy Review and/or Hearing.

The Documentation Centre also have copies of the telephone companies' General Tariffs, all tariff notices and agreements which are submitted to the CRTC and all submissions received with respect to proposed tariffs and proceedings on various telecommunications matters.

- Fees

The fees for access to information requests are assessed in accordance with the provisions of the *Act*. All requests for fee waivers are examined on their own merits. Applicants are encouraged to visit CRTC offices where they may view the documents rather than request what could be a large number of photocopies.

- Delegation of Authority

The powers, duties and functions of the Chairman under the *Act* are delegated to the Vice-Chairmen in his absence. In their collective absence, the powers, duties and functions are delegated to the Secretary General. The responsibility for the general administration of the *Act* rests with the Coordinator.

- Reading Room

The Documentation Centre has been designated under Section 71 of the *Access to Information Act* as the official reading room for Access to Information purposes. Arrangements may also be made to view documents in any of the Regional offices.

2. Statistical Report/Interpretation

You will find attached (Appendix I) the statistical report on the Access to Information applications dealt with during the reporting period. The following provides interpretations for the information contained in this report.

- Requests received

During the period from April 1, 2004 to March 31, 2005, the CRTC received 40 requests under the *Access to Information Act*. One request was outstanding from the previous reporting period and seven were carried forward to the period from April 1 2005 to March 31, 2006. The 40 requests were submitted from the following sources:

Source	No. of Requests
Media	2
Academia	1
Business	14
Public	23

- Disposition of requests completed

Disclosure of the information was as follows:

- All information disclosed	6
- Information disclosed in part	18
- Unable to process	4
- Treated informally	6

- Exemptions invoked

As noted in the attached Statistical Report (Appendix I), exemptions under sections 19, 20, 21, 23 and 26 of the *Act* were invoked. The Statistical Report is intended to show the types of exemptions invoked to deny access. For example, if in one request different exemptions were used; one exemption under each relevant section would be reported. If the same exemption is used several times for the same request, it is reported only once.

- Exclusions cited

The *Act* does not apply to published material, material available for purchase by the public or confidences of the Queen's Privy Council, pursuant to section 68 of the *Act*. As in the case of exemptions, the Statistical Report (Appendix I) is intended to show the types of exclusions invoked to deny access.

- Completion time

Extensions were required in seven cases for consultation with third parties. All those requests were processed between 61 and 120 days.

- Method of access

Copies were provided to the requestors in 23 cases and one requestor chose to view the request at the Documentation Centre before getting the necessary copies made.

- Fees

The fees collected during the reporting period totaled \$722.00.

- Costs

Total salary cost associated with *Access to Information Act* activities is estimated at \$69,536.00. Other costs amounted to \$4,209.00 for a total of \$73,745.00. The methodology used for calculating the personnel cost was the hourly rate of pay for the staff involved, multiplied by the number of hours worked on *Access to Information* activities. Operational costs include the cost of photocopies, preparation of the annual report and training provided to staff involved in *Access to Information* matters.

3. Complaints and Investigations

A final determination was made by the Office of the Information Commissioner on a pending complaint concerning exemptions cited by the CRTC. The requestor was provided with a revised version of certain documents and certain exemptions were withheld. A complaint was filed with respect to the time extensions claimed on four requests filed by one requestor and is still pending.

4. Appeals to the Federal Court

No applications pursuant to Section 44 of the *Access to Information Act* were filed with the Federal Court of Canada.

PRIVACY ACT

1. Introduction

The CRTC has adopted detailed procedures to ensure close adherence to the requirements, set out in the *Privacy Act* (the *Act*).

2. Institutional Policies

- Organization of Activities

The Coordinator controls, and is responsible for, all administrative activities under the *Act*. This includes all contact with the requestor, consultations with other government departments, liaison with Treasury Board and the Office of the Privacy Commissioner and reporting to senior management and the Chairman of the CRTC.

The Coordinator also registers copies and assigns Privacy requests. All records of time limits, correspondence, etc., are kept by the Coordinator. A meeting of the Review Committee, consisting of the Director General of the Office of Primary Interest and the General Counsel, is scheduled by the Coordinator when a recommendation is made to withhold information concerning any given request. The Review Committee provides advice to the Chairman on any decisions to be made under the *Act*.

- Formal and Informal Interface

Requests for personal information are handled informally when there is no obvious concern about the protection of the information.

All requests from CRTC employees for information contained in their personnel files are handled informally by the Human Resources Branch.

- Delegation of Authority

The powers, duties and functions of the Chairman under the *Act* are delegated to the Vice-Chairmen in his absence. In their collective absence, the powers, duties and functions are delegated to the Secretary General. The responsibility for the general administration of the *Act* rests with the Coordinator.

3. Statistical Report

The CRTC received no requests for information under the *Privacy Act* during the reporting period, as outlined in the attached Statistical Report (Appendix II), nor did it receive requests for disclosure under subsection 8(2) of the *Act*.

4. Complaints and Investigations

No complaints were filed with the Office of the Privacy Commissioner of Canada.

5. Appeals to Federal Court

No appeals to Federal Court were filed under the *Privacy Act*.

6. Use and Disclosure

The CRTC employees are made aware of their responsibilities for the proper management of personal information holdings. Responsible sectors are also required to consult with the ATIP Coordinator before collecting any personal information.

The ATIP Coordinator must be notified where personal information in a personal information bank is used or disclosed for a use consistent with the purpose for which the information was obtained or compiled, but was not identified in the statement of consistent uses published in *Info Source*.

7. Privacy Impact Assessment

The CRTC forwarded to the Office of the Privacy Commissioner a Privacy Impact Assessment report relating to the Data Collection System.

