



Industry  
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## **Industry Canada**

# **Information and Privacy Rights Administration**

*Final Report*

**February 2003**

**Canada** 

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## **1. Executive Summary**

The audit of Information and Privacy Rights Administration (IPRA) was carried out in accordance with the Audit and Evaluation Branch's approved Internal Audit and Evaluation Plan for 2002-2003. The audit was conducted in accordance with generally accepted auditing standards and included such tests as were considered necessary in the circumstances.

The objectives of the audit were to assess the design and operation of the framework to administer the provisions of Access to Information and Privacy legislation, the efficiency and effectiveness of associated administrative processes and the extent of compliance with legislative requirements. The audit was carried out from June to September of 2002.

During 2000-01, Industry Canada processed over 560 requests for information through the provisions of Access to Information and Privacy (ATIP) acts. Approximately 80 percent of all requests were Access to Information related, with consultation requests accounting for a further 16 percent of all requests. Since 1998-99, the number of ATI requests has almost doubled, from 230 to 450 requests in 2000-01. Of the 64 departments and agencies with ATIP groups, Industry Canada ranks 10<sup>th</sup> in workload volume.

The audit found the existence of a well designed framework to administer the provisions of Access to Information and Privacy acts and promote compliance with legislative requirements. Roles, responsibilities and authorities are generally well understood, and are supported by central agency and departmental policies. ATIP activities are administered by experienced, knowledgeable and dedicated staff. Program operations are supported by automated workflow processes which generate efficiencies, ensure security of information and promote performance measurement and reporting. Appropriate internal and external reporting mechanisms are in place. However, workload constraints have resulted in formal training not being offered to departmental employees, which could increase the risk of non-compliance to ATIP requirements.

However, there are opportunities to enhance the effectiveness of ATIP operations. Performance in the ATIP community is measured by the percentage of requests processed within the 30 day deadline. For 2000-2001, Industry Canada's compliance rate was determined to be less than the standard set by the Office of the Information Commissioner. In our opinion, existing resource levels within the IPRA unit are constraining its ability to consistently meet established deadlines. While workload volume has increased considerably, IPRA resources have not followed suit. A workload comparison found the IPRA workload to be almost double that of the other departments considered. Further, a function time analysis assessment determined that, on average, only 25 percent of the total time available to process a request was allotted to the responding organizational unit, and is attributed to the existing resource constraints in the IPRA unit. Workload constraints are further exacerbated by vacancies in the unit. The inability of the unit to provide training to departmental staff is recognized and may further contribute to processing delays at the sector level. We understand that the Office of the Information Commissioner has recently raised the compliance standard to 95 percent. The Department will

therefore be at an increased risk of non-compliance with the 30-day deadline if measures are not taken to address the existing resource constraint issue.

The Office of the Information Commissioner of Canada has previously expressed concerns about the poor state of records management in many departments, citing unreliability of departmental registries and difficulties associated with ever increasing use of electronic records, as contributing factors in hindering the completeness of departmental record search efforts. Electronic records continue to increase as a percentage of the overall records of the department, and may have not yet had the attention as given to organizing paper records. The departmental records management policy reflects the need for a new model in which records management is imbedded in the business process and which recognizes the increasing shift to managing electronic records. Efforts are underway on a pilot basis to implement an electronic records management regime in the department. There are obvious linkages between the ATIP and records management activities. As such, it is felt that a closer working partnership between the two functions could promote awareness of the importance of information management as well as increase compliance with reporting deadlines.

The audit found that the Department is in compliance with ATIP legislation and practices. There is sufficient information on file to assess the entire ATIP process from initiation through finalization. All processes were duly documented and in accordance with relevant signing authorities, and exclusions and exemptions taken were appropriately justified. We found evidence of good operational stewardship being exercised by Industry Canada in the administration of its ATIP responsibilities. Where complaints were registered with the Office of the Information Commissioner, the reasons for the complaints were legitimate and were generally due to late responses (the legislation demands a response no later than 30 days from the request).

## **2. Objectives, Scope and Approach**

### **Audit Objectives**

The objectives of the audit were to:

- ▶ Determine the extent of compliance with the Access to Information and Privacy Acts and processes to promote such compliance. (Compliance)
- ▶ Assess the design and operation of the framework to administer the ATIP provisions in the Department, including information used for decision-making and reporting. (Framework)
- ▶ Assess the efficiency and effectiveness of administrative processes supporting the implementation of the Acts in Industry Canada.

The focus of the audit was on systems and practices in place as at the time of the audit with a view to ensure that current practices complied with good management practices and legislated requirements of the two Acts.

### **Scope**

The scope of the audit includes an assessment of the degree to which the department complies with the two Acts, and a review of the framework and activities related to administration of the ATIP functions. Specifically, the audit covered the activities of:

- ▶ Information and Privacy Rights Administration (the ATIP Office) - with delegated authority to exercise full powers under the two Acts.
- ▶ Sector, Branch and Regional office ATIP activities.

### **Audit Approach**

The internal audit was conducted in two phases.

#### *PHASE I - Preliminary Survey*

The Preliminary Survey involved interviews with management and selected officers at the ATIP office and a walk through of its processes. Information and relevant documentation obtained was reviewed and analyzed, providing a basis for our preliminary observations and suggestions regarding lines of enquiry to be pursued as part of a detailed audit. Information used in our assessment included: the two Acts, business plans, performance reports and a limited examination of selected management controls and related risk assessments. Data collection for the preliminary survey took place during June and July

of 2002.

The Preliminary Survey identified the following lines of enquiry for audit verification:

- ▶ The impact of meeting very tight deadlines on overall effectiveness of the process;
- ▶ The validity of the heavy number of time extensions (re-setting the clock)<sup>1</sup>;
- ▶ The accuracy of recording the many dates and tracking items for cases in *ATIPflow*;
- ▶ The ongoing supervision and control aspects of Information and Privacy Rights Administration (IPRA) processes;
- ▶ The resource levels and experience base of ATIP personnel (in IPRA and in the department);
- ▶ Security and validity of automated systems (*ATIPflow* and *ATIPimage*);
- ▶ The validity of complaints and their root causes.

#### *PHASE II - Audit Examination Phase*

The audit examination phase was carried out from July to the end of August, 2002.

The audit criteria used for audit purposes, and the associated audit test procedures, are outlined in Appendix 1 of this Report. Audit criteria were discussed with program management prior to the conduct of the audit examination phase.

<sup>1</sup> Approximately 40% of all requests required extensions under the Acts.

### 3. Background

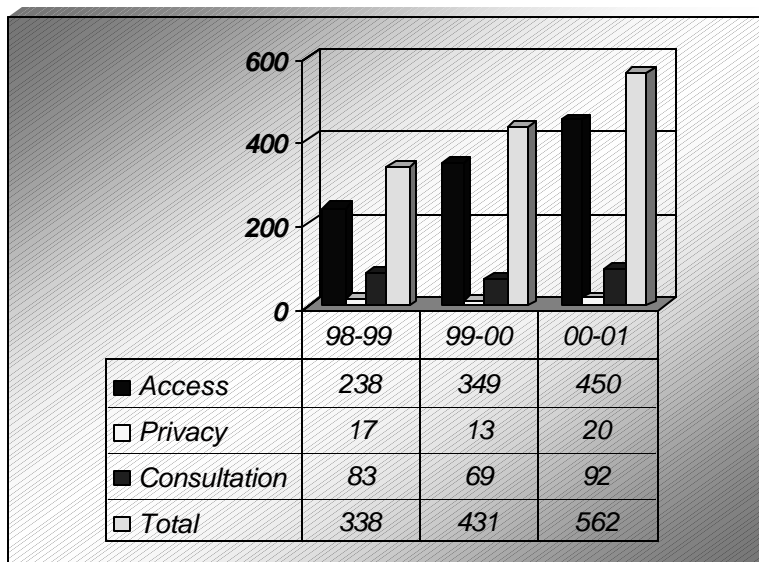
The *Access to Information Act* and the *Privacy Act* were proclaimed on July 1, 1983 (hereafter referred to as the Acts).

The *Access to Information Act* gives Canadian citizens and permanent residents a broad right of access to information contained in government records subject to specific and limited exceptions. The *Privacy Act* extends to individuals the right of access to information about themselves held by the government, again subject to specific and limited exceptions. The law also protects the individual's privacy by preventing others from having access to personal information and gives individuals substantial control over its collection and use.

Information and Privacy Rights Administration (IPRA) has the departmental mandate to implement and administer the Access to Information and Privacy Acts and to ensure that legislative and central agency policies and procedures are respected on behalf of Industry Canada.

Within Industry Canada, the Senior General Counsel has recently (as of October, 2002) assumed the roles previously fulfilled by the ADM Business Law and Counsel to Industry. This includes heading up the Business Law Sector and responsibility for IPRA.

#### ATIP Workload in Industry Canada



**Work Load Statistics**

<b>Type</b>	<b>98-99</b>	<b>99-00</b>	<b>00-01</b>	<b>%Incr.</b>
Access	238	349	450	189%
Privacy	17	13	20	17%
Consultation	83	69	92	11%
<b>Total</b>	<b>338</b>	<b>431</b>	<b>562</b>	<b>166%</b>
FTE Utilization	7.5	9.1	10.2	136%
Completed on Time	55%	63%	73%	

Of the 64 departments and agencies with ATIP groups, Industry Canada ranks 10<sup>th</sup> in workload volume.

Performance in the ATIP community is measured by the percentage of compliance achieved (e.g. number of requests meeting the 30 day deadline). Departmental ratings are published in the “ATIP Report Card “ covering selected departments and issued annually by the Office of the Information Commissioner in its Annual Report to Parliament. Ratings are determined on the basis of a department’s performance in relation to a standard. During the period under review, the acceptable standard was set at 85 per cent compliance (since raised to 95 per cent). Industry Canada was not included in the departments selected for the report but achieved a compliance rate of 73 per cent for 2000-2001.



## 4. Audit Findings

### 4.1 Compliance with Legislation

*Departmental activities comply with the Access to Information and Privacy Acts and processes are in place to promote such compliance.*

ATIP activities covering fiscal 2000-2001 were utilized for audit testing, as these activities are representative of the current workload of the ATIP function in IC, and are the latest official statistical information on the function.

The following sample of files was selected for audit test purposes:

<b>Workload Indicator</b>	<b>Annual Population</b>	<b>Approximate Sample Size</b>
Access to Info Requests	505	40
Consultation Requests	96	
Privacy Requests	27	11
Complaints from Privacy or Info Commissioners	39 Access 6 Privacy	14
Total	673	65

The results of the file reviews concluded that:

- Sufficient information is on file to assess the entire ATIP process from initiation (by a request) through finalization (by a response or denial based on managements' interpretation of the legislation);
- All processes were duly documented and in accordance with relevant signing authorities;
- Exclusions and exemptions taken were appropriately justified; and
- There is evidence of good operational stewardship being exercised by Industry Canada in the administration of its ATIP responsibilities.

The audit noted that where complaints were registered with the Office of the Information Commissioner, the reasons for the complaints were legitimate and were generally due to late responses (the legislation demands a response no later than 30 days from the request).

The file review involved an examination of files for signed requests and related documents, consistency of decisions with legislative requirements and signing authorities, and evidence to support decisions made with respect to exemptions and exclusions taken. Detailed findings are as follows.

- ▶ Original letters of requests for information were found on file;
- ▶ Requesters provided sufficient information to assess their needs or subsequent correspondence between the ATIP unit and the requester clarified the need;
- ▶ There was sufficient evidence on file of consultations, both internal and external where other departments and organizations were involved in the request;
- ▶ The recording of dates and information on requests and responses was accurate and comprehensive. We reviewed the accuracy of recording the many dates and tracking items for cases in *ATIPflow* (the automated case software utilized by the ATIP unit) and found no errors in the sample selected;
- ▶ Extensions of the 30 day limit on responses were made in accordance with the limitations of the Acts. We compared recorded intervals and determined the validity of time extensions (stopping the clock) and concluded that intervals were 100% accurate and time extensions follow the ACT. Time extensions are utilized strictly for 3<sup>rd</sup> party contacts, and for inter-departmental consultations. Extensions appeared to be warranted. Review of the files indicated that the late dates resulted from inevitable delays due primarily to key staff not available, information not accessible or other legitimate reasons;
- ▶ Complaints made to the Offices of the Access and Privacy Commissioners were mainly for late replies, and were deemed to be valid. The audit assessed the validity of complaints and their root causes<sup>2</sup> and determined that all complaints in the sample were validated by the Commissioner's Office.

The audit found that records were well organized, complete and in order and easy to follow. All access requests were reviewed and signed off by responsible parties. The utilization of *ATIPflow* to track all aspects of each case provided a solid audit trail. Records were easily accessible from Records Management, taking on average one working day to pull and send over to the ATIP unit.

## **Recommendations**

None

<sup>2</sup> 45 Complaints were received by the department in fiscal 2000/2001 (8% of requests).

## 4.2 Design and Operation of the ATIP Framework

*An adequate framework exists to administer ATIP provisions in the Department. However, resources constraints may be impairing the Department's ability to effectively carry out its responsibilities.*

The ATIP framework consists of those policies and practices established by the Department that promote the effective achievement of ATIP objectives and compliance with legislative requirements. The assessment of the design and operation of Industry Canada's ATIP management framework included a review of the impact of the ATIP legislation on the framework design as well as a comparison to similar activities undertaken in four other government departments.

The audit assessed the extent to which a clearly defined and understood framework existed to support the cost-effective management of the Department's ATIP activities. The framework elements that we expected to find included the existence of clearly defined and understood roles and responsibilities, a delegation of authority structure, the existence of policies and guidelines, a clearly understood ATIP program, the provision of related training and a means to communicate ATIP related information.

Primary roles and responsibilities for ATIP issues are shared between the Information and Privacy Rights Administration (IPRA) unit, the departmental functional authority for ATIP-related matters, and sector ATIP liaison officers. The IPRA Unit is headed by a Director (ATIP Coordinator), reporting to the Senior General Counsel for Industry Canada, and supported by a staff complement of ten (two vacancies). The staff are experienced, knowledgeable and dedicated but, with the exception of the Director, relatively new to the department. Most have held similar positions in other departments however, and all are familiar with the Acts, have undergone formal training and attended the Treasury Board "Lunch and Learn" sessions offered during the year. Related authorities for ATIP approvals are clearly established and respected.

Other key elements of the ATIP management framework included the following:

- ▶ the existence of an ATIP process that is generally well known and understood throughout the Department. The ATIP process is driven by enabling legislation, which requires that all ATIP requests be formally responded to within a 30-day time frame. The process involves extensive communication between IPRA and the sector(s) affected by the request;
- ▶ the existence of industry specific automated workflow systems, *ATIPflow* and *ATIPimage*, which provide for effective control over ATIP activities. *ATIPflow* is a case management system and workflow software that centrally consolidates all activities of the IPRA office, the department, and ATIP requesters. *ATIPimage* uses document imaging technology to achieve a paperless case review process. The software electronically severs text, attaches notes, and applies and tracks sections of the Acts. One can paginate and print out consultation and release packages automatically as well as download to CD Rom. The new release (not yet purchased by Industry Canada) allows for improved features, including easier production of

CD Rom for releases. The use of this software also generates efficiencies, ensures security of information and promote performance measurement and reporting;

- ▶ related departmental policies and procedures which are available electronically on the departmental Intranet site (<http://icinfra.ic.gc.ca/atip/english/index.htm>) and which provide links to central agency policies, applicable legislation;
- ▶ the provision of periodic ATIP awareness sessions to departmental managers by the IPRA Unit. Resource constraints have prevented IPRA from offering more formal ATIP training to its own staff or sector staff involved in the process, and from providing policy advice and producing guidelines for sectors on ATIP legislation and processes. In discussions with sector officials, the need for ATIP-related training was identified. While ATIP training is available externally, and most IPRA employees have attended, sector and Program officers with ATIP-related responsibilities are generally not aware of their existence. Most training has been acquired on the job. The larger ATIP units visited all recognized the need for a policy and training capacity.

In our opinion, training of ATIP practitioners and departmental managers is needed to address everything from the intent of the legislation to how to respond to requests effectively.

Departmental managers often view ATIP requests as a threat to their operations and find it difficult to fully support the ATIP process. In the auditor's view, this is a perceptual problem attributed at least in part to a lack of training;

- ▶ a comprehensive means of reporting on ATIP performance to senior management in the department. Bi-weekly status reports on open ATIP requests are distributed to the sectors of the department affected. This data is also electronically uploaded to Treasury Board Secretariat to feed into a government-wide tracking system (CAIR - Coordination of Access to Information Requests). In addition, IPRA produces an annual report covering its Access and Privacy activities for internal and public distribution, as well as to the Offices of the Access and Privacy Commissioners, to Treasury Board and to Parliament.

Discussions with TBS functional experts noted no concerns with the Industry Canada ATIP office regarding adherence to TBS directions and guidelines. Similarly, correspondence reviewed from the Offices of the Privacy Commissioner and Information Commissioner noted that the relationship is working and issues are resolved effectively.

In conclusion, the framework to administer the ATIP provisions in the Department appears to be designed in a manner to promote the effective achievement of ATIP objectives and compliance with legislative requirements. This notwithstanding, opportunities exist to enhance the operational effectiveness of the Department's ATIP activities. In our opinion, operational effectiveness is being impaired by the following:

## i. Resource constraints within IPRA

The IPRA office consists of 11 FTEs. The Director is supported by two Team Leaders; four Advisors (one of which is vacant); two Analysts (one of which is vacant); one Officer and one Junior Officer. The staff, with the exception of the Director, are relatively new to the department and turnover is high.

A workload comparison of IPRA with its counterparts in four other departments found that, on a per person basis, the workload for IPRA to be almost double that of the other departments examined.

<b>Department</b>	<b>Resources (FTEs)</b>	<b>Annual Workload (Requests)</b>	<b>Workload per person</b>
<b>Dept A</b>	52	ATIP = 1011 Privacy = 2121	20
<b>Dept B</b>	21	ATIP = 556 Privacy = 37	30
<b>Dept C</b>	16	ATIP = 443 Privacy = 15	29
<b>Dept D</b>	5	ATIP = 125 Privacy = 8	27
<b>Industry Canada (IPRA only)</b>	11	ATIP = 556 Privacy = 27	53

In addition, an analysis of the time used to process an ATIP request in the Department found that approximately 75 percent, or 16 days, of the total time available to process a request (21 days) is allotted to the IPRA. By comparison, for one other department considered, only seven days (33 percent) were allotted to the departmental ATIP Office. While the analysis is not extensive, it may suggest that the resource shortages within IPRA are contributing to the increased workload for existing IPRA employees, and may be placing added pressure on sectors and programs to respond to ATIP requests in a complete and timely fashion. The introduction of more resources to the ATIP function should result in overall improved performance, and allow more time to sectors to respond to each request received.

The ATIP community across government is small and the overall demand is growing in volume. As a result there is considerable lateral and upward movement amongst the higher level technical personnel, as well as Directors. In our review of other departments we noted that the Directors of ATIP units similar in volume and scope to IC were all EX-1 positions, whereas the position in Industry Canada is a PM-6. This disparity in levels affects the lower level positions as well.

## ii. Sector Workload

In discussions with sector officials, the impact of ATIP responsibilities and activities on managers and staff in the department beyond the ATIP office represents a perceptual and workload problem for the department. A significant portion of ATIP responses involves the accessing and reviewing and photocopying of paper records. The workload associated with document review and photocopying falls on the sectors where the records reside, and is felt to be considerable. ATIP is generally considered by sectors as an “add on” to their regular duties, as resources are not dedicated to the function. The conflict of responding to ATIP requests versus carrying out regular duties is not insignificant. This affects the most experienced resources as ATIP requests are usually routed to the officer handling the issue. As previously noted, IPRA is operating without a full staff complement which has resulted in IPRA not being able to offer any formal ATIP training to sector and Program staff with ATIP-related responsibilities. The absence of formal ATIP training may further contribute to delays in processing ATIP requests for sector staff.

## iii. Departmental Records Management Practices

The 2000/2001 Annual Report of Office of the Information Commissioner of Canada noted the following regarding the effect of inadequate electronic record keeping on Access to Information:

*“This year, as in the past, one of the common reasons for delayed and inadequate answers to access requests, is the poor state of records management in many departments. Departmental access coordinators tell the commissioner that central records registries are unreliable and that electronic records are rarely included in the departmental records systems or properly conserved even in the operational units where they are created. Searches for records in response to access requests are time-consuming as a result and there can be little certainty that the searches have located all relevant records.*

*This deficiency, as reported last year, not only undermines the right of timely access to records, it eats away at the effectiveness and efficiency of all aspects of government business. The audit trail is also damaged by the way the information technology is used. At one time, all correspondence and documents were on paper and were physically filed in a department’s central registry. Today, internal memos have been replaced by e-mails, which are not filed centrally and which evaporate when the server where they are stored runs out of space. Most knowledge workers have their own hard disk and keep many important records there, invisible to the departmental records managers”*

In focus group sessions with departmental ATIP Liaison Officers and Program Officers, most expressed concerns with searching electronic mail and data bases. While guidelines may exist regarding electronic records retention and structure, few if any were aware of their existence or had seen them. Sector officials also expressed concerns about the quality of paper record keeping.

The Department recently adopted a new Records Management Policy (26 June 2001) which places accountability for managing records with Program Heads. Under the policy, the Chief Information Officer (CIO) is responsible for providing supporting guidance and tools with a focus on unstructured records. The implementation of the policy is guided by a Records Management maturity model which identifies the activities needed to move the department from its current reliance on paper records to one in which records management is imbedded in the business process. Individual stages include managing e-records using existing infrastructure, aligning e-records management with the business processes, implementing a corporate e-record management system for unstructured records, and finally full integration with the back office and business applications. Progress on the implementation of the policy is currently being monitored through an annual reporting process.

Improvements in departmental record keeping should increase the ability of sectors to meet ATIP deadlines and the requirements of the Acts, particularly in the areas of electronic mail and electronic records on shared and workstation hard drives. Electronic records continue to increase as a percentage of the overall records of the department, and have not had the attention given to organizing paper records. The benefits of dealing more effectively with electronic records would extend far beyond the needs of ATIP. In support of its e-management initiatives the CIO is also conducting a limited EDRMS pilot with supporting business rules with a view to future department-wide implementation. The CIO is also in the process of developing draft guidance on how to manage e-mails and other electronic documents which support the Department's business activities using existing infrastructure. The guidance has already been tested in a number of departmental organizations.

During the interim, a more focused approach to electronic records management may be made available to those sectors of the department that see the need for it. The components of such a system could be integrated with EDRMS, but its functionality could be along the lines of a basic structure to electronic records; a means to identify records easily to that structure; a means to access records and pick off all records to a particular (ATIP) issue, and a means to gather the data for electronic submission or photocopying.

There are obvious linkages between the ATIP and records management activities. As such, it is felt that a closer working partnership between the two functions could promote awareness of the importance of information management as well as increase compliance with reporting deadlines.

## **Recommendations**

1. The IPRA unit should be provided with sufficient resources to enable it to effectively carry out its responsibilities. These responsibilities would include the provision of training and policy advice to departmental officials on an as required basis. The IPRA unit head should be staffed at a level commensurate with the responsibilities of the position.

### Management Response

IPRA will be preparing and submitting a proposal requesting additional resources (FTEs and funding) to the Comptroller's Branch for consideration and approval. Additionally, a plan of

action will be created to develop regular and formal ATIP training courses for the department in association with HR.

In June/02, a proposal was submitted to HR requesting the reclassification of the head of IPRA. Discussions were held with HR officials in September/02. Additional argumentation is being prepared for further consideration and assessment.

2. The IPRA and departmental records management functions should work closely together to seek ways and means of responding to ATIP requests in the most efficient manner possible.

#### Management Response

At present, Records Management (RM) are copied on all ATI requests in order to complete preliminary searches based on subject matter. If files are located, RM officials will communicate with responsible Sectors. It should be noted that in most instances records are provided directly from the responsible sectors.

Preliminary discussions have taken place with the CIO, in particular the head of Records Management, concerning specific projects such as delivering joint training sessions.

We will work closely with CIO and engage in further discussions concerning options to facilitate the transmittal of information electronically and other joint ventures which may improve information management and access to it.

3. The ATIP unit should acquire the latest releases of *ATIPimage* and *ATIPflow* (when it becomes available), and provide training in both packages where needed. Consideration should be made to making *ATIPimage* available to sectors, thereby replacing photocopying with scanning technology at the source.

#### Management Response

ATIPIimage was to be updated this fiscal year, but due to budget constraints, the update was postponed until next fiscal year as well as any related training for ATIP staff. With respect to making ATIPIimage available to sectors, serious consultation, consideration and analysis is required before implementing such an option as it could have a substantial impact on all sectors processes and workload and could be costly.

The ATIP Office will establish a closer working partnership with the CIO and hopes to participate in several joint ventures to improve, streamline and facilitate the information management within the department which would have positive impact on the ATIP process. One possible venture may be a pilot project to upload electronic documents via IC's intranet site directly to ATIPIimage which could be very efficient and effective in reducing the time taken to retrieve some of the information held by the department.



**Information and Privacy Rights Administration  
Audit Criteria and Audit Test Procedures**

The following describes, by audit objective, the audit criteria used and the associated audit test procedures used in the conduct of the audit:

**Audit Objective No. 1 - Compliance with the Access and Privacy Acts**

*Criterion 1.1 Provisions of the Privacy and Access to Information Acts are Adhered to*

- Conducted a random interval sample of the cases handled in 2000-2001 to ensure that the provisions of the Acts are followed;
- Assessed exemptions and exclusions to determine their accuracy and validity.

*Criterion 1.2 Requests are accurately recorded and responses conform to timing limitations of the Act(s).*

- Compared recorded intervals and determined the validity of time extensions (stopping the clock)

**Audit Objective No. 2 - Design and Operation of the ATIP Framework**

The audit framework includes the way that ATIP activities are organized in the department, including the ATIP office, Sector Liaison Officers, and others directly affected by the ATIP workload.

*Criterion 2.1 An effective management process is in place within IPRA and with other affected areas of the department to carry out ATIP activities.*

Internal Controls

- Evaluated the system of internal controls to ensure that the fundamental elements of the system are sufficient to accomplish their intended purpose, through tests, observations, and inquiries. The ATIP electronic data processing methods that can affect the reliability, accuracy, or usefulness of financial or statistical data, and reports were included as part of the study and evaluation.

IPRA Organization

- Ensured that a management structure is in place which encompasses responsibility for the overall management of the department's ATIP program, including administrative, information technology and legal services and that it meets the needs of the department.

- Ensured that the numbers, levels and expertise of ATIP staff is commensurate with the mandate of the unit and its departmental workload currently.
- Ensured that ATIP staff are technically prepared to handle access and privacy requests and have the training needed to keep current.
- Met with IPRA staff in group session or individually to determine their concerns regarding the organization or the process.

#### ATIP Administration

- Ensured that the ATIP Coordinator has implemented an effective program that is an integral part of the overall departmental program and that meets the requirements of the Access and Privacy Acts.
- Ensured that effective ATIP education and training programs are in place.
- Ensured that effective ATIP policies, guidelines and procedures are in place.
- Ensured that appropriate safeguards are applied to sensitive information shared with, or received from, official sources outside the department.
- Ensured that consideration is given to the ATIP facility to reduce or eliminate the threats and risks to which sensitive information might be exposed.
- Ensured that appropriate physical safeguards are in place at the ATIP facility to provide for the safeguarding of sensitive information.

#### ***Criterion 2.2 Necessary linkages exist amongst functions affected by ATIP.***

- Determined whether there is an ongoing working relationship between the ATIP organization and the following areas within the department and determine the frequency of contact and meetings:
  - ▶ Sector and Regional ATIP Liaison Officers and Program OPI's
  - ▶ Informatics;
- Met with a sample of Sector and Regional ATIP officers to ascertain their concerns and issues related to their responsibilities

#### ***Criterion 2.3 ATIP activities in the department are carried out in accordance with TBS guidelines***

- Met with TBS ATIP officials to review their concerns and how directions and guidelines are communicated and monitored between TBS and departments
- Reviewed correspondence with officials from the Offices of the Privacy Commissioner and Information Commissioner to determine that the relationship is working and issues are resolved effectively

#### **Audit Objective No. 3 - Efficiency and effectiveness of ATIP processes**

##### ***Criterion 3.1 The ATIP process in Industry is adequately resourced for the level of effort***

***required and results achieved.***

- Compared resourcing/classification and structure of ATIP activities with a sample of like departments
- Determined where Industry Canada ranks in relation to ATIP volumes, costs and results (and other key performance indicators)

***Criterion 3.2 The ATIP processes in Industry Canada are well understood by affected parties and reflect a reasonable delineation of time amongst the various contributors***

- Reviewed the written and understood guidelines and processes that affect ATIP activities inside and outside of IPRA
- Ascertained if current guidelines and processes can be adhered to realistically and whether or not changes are needed
- Focused on areas where delay is consistent and determine causes and remedies available

***Criterion 3.3 The type and level of ATIP automation in Industry Canada provides an adequate level of support to the processes required.***

- Reviewed the two major ATIP systems, *ATIPflow* and *ATIPimage* to determine if their functionality, platform, security, usability and other critical factors are adequate.
- Ensured that IPRA has the training and support, hardware and software and related infrastructure (like photocopying and telecom) needed to operate its automated activities effectively
- Determined the feasibility of further automation, including use of the Internet and electronic exchange of data between requesters and the department

***Criterion 3.4 ATIP performance in Industry Canada is optimized***

- Reviewed plans to achieve greater compliance (e.g. number of requests meeting the 30 day deadline) and ensure that activities are underway to achieve the expected result
- Reviewed the final report of the Task Force on Access to Information and Privacy released in June and ascertain which recommendations could be applied to Industry Canada

**ACTION PLAN**  
**INFORMATION AND PRIVACY RIGHTS ADMINISTRATION**

RECOMMENDATION	MANAGEMENT RESPONSE AND PROPOSED ACTION	RESPONSIBLE OFFICIAL	ACTION COMPLETION DATE
<p><b>Design and Operation of the ATIP Framework</b></p> <ul style="list-style-type: none"> <li>The IPRA unit should be provided with sufficient resources to enable it to effectively carry out its responsibilities. These responsibilities would include the provision of training and policy advice to departmental officials on an as required basis.</li> </ul> <p>The IPRA unit head should be staffed at a level commensurate with the responsibilities of the position.</p>	<p>IPRA will be preparing and submitting a proposal requesting additional resources (FTEs and funding) to the Comptroller's Branch for consideration and approval. Additionally, a plan of action will be created to develop regular and formal ATIP training courses for the department in association with HR.</p> <p>In June/02, a proposal was submitted to HR requesting the reclassification of the head of IPRA. Discussions were held with HR officials in September/02. Additional argumentation is being prepared for further consideration and assessment.</p>	<p>K. Eadie</p> <p>K. Eadie</p> <p>P.Legault</p>	<p>- proposal to be submitted April/03</p> <p>- Fall 2003</p> <p>- March 2003</p>



RECOMMENDATION	MANAGEMENT RESPONSE AND PROPOSED ACTION	RESPONSIBLE OFFICIAL	ACTION COMPLETION DATE
<p>• The ATIP unit should acquire the latest releases of ATIP<i>image</i> and ATIP<i>flow</i> (when it becomes available), and provide training in both packages where needed.</p> <p>Consideration should be made to making ATIP<i>Image</i> available to sectors, thereby replacing photocopying with scanning technology at the source.</p>	<p>ATIPI<i>mage</i> was to be updated this fiscal year, but due to budget constraints, the update was postponed until next fiscal year as well as any related training for ATIP staff.</p> <p>With respect to making ATIPI<i>Image</i> available to sectors, serious consultation, consideration and analysis is required before implementing such an option as it could have a substantial impact on all sectors processes and workload and could be costly.</p> <p>The ATIP Office will establish a closer working partnership with the CIO and hopes to participate in several joint ventures to improve, streamline and facilitate the information management within the department which would have positive impact on the ATIP process.</p> <p>One possible venture may be a pilot project to upload electronic documents via IC's intranet site directly to ATIPI<i>Image</i> which could be very efficient and effective in reducing the time taken to retrieve some of the information held by the department.</p>	<p>K. Eadie</p> <p>K. Eadie</p>	<p>Fall 2003</p> <p>over the course of fiscal year 2003-04</p>

Approved:

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Senior General Counsel