



2006–07
Annual Report on
the *Access to Information Act* and
the *Privacy Act*



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This document is also available in alternative formats on request.

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1. Report on the *Access to Information Act*

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 Treasury Board of Canada 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 and 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.

Administration

The Access to Information and Privacy (ATIP) Coordinator and the Senior Director, Ministerial Services, 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 of Canada Secretariat and to ensure compliance with the legislation. Copies of the approved Treasury Board of Canada Secretariat Delegation Orders can be found at Annex C.

During 2006–07, the ATIP Office continued to conduct training sessions for employees on a regular basis. These sessions provided over 203 participants with an overview of the acts and a better understanding of their obligations and the process within the Secretariat. Upon request, customized sessions were also given to divisional teams or individual branches or sectors.

Information Holdings

A description of the classes of institutional records held by the Treasury Board of Canada Secretariat can be found in the following Info Source publications for 2006–07: *Sources of Federal Government Information* and *Sources of Federal Employee Information*. The Secretariat does not have any exempt banks.

Info Source can be accessed through public and academic libraries and constituency offices of federal members of Parliament, as well as on the Internet, at <http://www.infosource.gc.ca/>.

Reading Room

A reading room is available for individuals wanting to review Treasury Board of Canada 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 Secretariat library is located at:

L'Esplanade Laurier, East Tower, 11th Floor
140 O'Connor Street
Ottawa, Ontario K1A 0R5
Telephone: (613) 996-5491

Requests Under the *Access to Information Act*

During the reporting period of April 1, 2006, to March 31, 2007, the Treasury Board of Canada Secretariat received a total of 398 new requests under the *Access to Information Act*. This represents an increase of 87 requests (28 per cent) over last year, in which a total of 311 requests were received. Twenty-seven requests were carried forward from 2005–06.

Forty-one of the 398 new requests (10 per cent) were either transferred or re-directed to other federal institutions, or could not be processed. A total of 357 requests were for Secretariat records.

Media made up the largest access client group of the Secretariat. Of the 398 requests received during the 2006–07 reporting period, 123 (39 per cent) came from this group.

The substance of the requests covered the entire range of matters issuing from the Treasury Board's role as the government's general manager and the employer of the federal public service. For example, requests were made for information relating to the *Federal Accountability Act* and changes to the *Access to Information Act*, the expenditure management restraint exercise, climate change, and pension plan issues. As well, information was requested on general management policies and directives pertaining to such matters as contracting, travel, classification standards, and employee benefits, and specific requests dealt 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. Responding to formal ATI requests involved the page-by-page review of more than 42,282 pages, over 29,444 of which were recommended for release. Of 271 requestors, 268 wanted copies of the information requested. The remaining 3 chose to examine the information and select specific copies. This number is down from last year, as the ATIP Office can now offer information on CD-ROM at no extra charge, thereby eliminating the costs for photocopies.

Other Requests

During this same period, the Secretariat received 221 *Access to Information Act* consultation requests from other departments involving Secretariat records or issues, an increase of 22 such requests (11 per cent) over last year.

The ATIP Office also processed 7 informal requests (not subject to the Act) 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 emails or telephone calls from potential applicants who were redirected to informal routes in order to obtain the information they sought.

The ATIP Office moreover 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, proactive disclosures on travel and hospitality, information management issues, security of information, and draft policies, to the review of documents for the Office of the Auditor General of Canada.

Disposition of Completed Requests

Three hundred and eighty requests were completed in 2006–07. The disposition of the completed requests was as follows:

- ▶ 51 fully disclosed (13 per cent);
- ▶ 210 partially disclosed (55 per cent);
- ▶ 3 exempted in entirety (1 per cent);
- ▶ 10 excluded in entirety (3 per cent);
- ▶ 41 transferred to another institution (11 per cent);
- ▶ 16 abandoned by applicants (4 per cent);
- ▶ 42 could not be processed (11 per cent); and
- ▶ 7 treated informally (2 per cent).

Completion Time and Extensions

The 380 requests completed in 2006–07 were processed in the following time frames:

- ▶ 242 within 30 or fewer days (64 per cent);
- ▶ 50 within 31 to 60 days (13 per cent);
- ▶ 71 within 61 to 120 days (19 per cent); and
- ▶ 17 in 121 or more days (4 per cent).

Of the 380 requests, 372 (98 per cent) were completed within allowable time limits. This represents a 3 per cent improvement in the Secretariat's overall performance in this area over last year, when the response rate was assessed at 95 per cent. Several factors have contributed to the improvement in the Secretariat's on-time response rate over the past couple of fiscal years, including the completion of staffing actions, weekly performance statistical reports at the sector or branch level, improved case file management, and information sessions with Secretariat officials and branch contacts.

In 114 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 with other government institutions or third parties.

Exemptions Invoked

The Secretariat invoked exemptions under the Act a total of 484 times, as follows:

- ▶ 5 times under section 14, exempting records injurious to federal-provincial affairs;
- ▶ 23 times under section 15, exempting records expected to be injurious to the conduct of international affairs and the defence of Canada;
- ▶ 24 times under section 16, exempting records containing law enforcement and investigation information;
- ▶ 11 times under section 18, exempting records expected to prejudice the economic interests of Canada;
- ▶ 169 times under section 19, exempting records containing personal information;
- ▶ 76 times under section 20, exempting records containing third-party business information;
- ▶ 121 times under section 21, exempting records containing information relating to the internal decision-making processes of government;
- ▶ 1 time under section 22, exempting records containing audit and test procedures;
- ▶ 28 times under section 23, exempting records related to solicitor-client privilege;
- ▶ 22 times under section 24, exempting records restricted by specific statutory prohibitions; and
- ▶ 4 times under section 26, exempting records to be published.

Exclusions Cited

Exclusions were invoked a total of 103 times under section 68 for published or purchasable material or section 69 for confidences of the Queen's Privy Council for Canada. The Treasury Board of Canada Secretariat's responsibilities include providing administrative support to the Treasury Board, a Cabinet committee. The Secretariat consequently controls a large number of documents classified as Cabinet confidences.

Complaints, Investigations, and Federal Court Cases

Treasury Board of Canada Secretariat clients filed 14 new complaints with the Information Commissioner in 2006–07, an increase of 4 complaints over 2005–06, in which a total of 10 complaints were received.

The reasons for the complaints were as follows:

- ▶ 2 related to time limits in processing or time extensions taken;
- ▶ 7 concerned the exemption or exclusion of information; and
- ▶ 5 concerned missing records.

During this fiscal year, 5 complaint investigations were completed and the conclusions were as follows:

- ▶ 2 complaints were resolved;
- ▶ 2 complaints were determined to be not substantiated; and
- ▶ 1 complaint was determined to be well-founded, not resolved.

The well-founded, not resolved case dealt with a complaint to the Information Commissioner that Treasury Board Implementation Report (IR) No. 78 constituted an improper interference with the pre-existing right of access to the travel and expense claim records of prime ministers, ministers, and ministerial exempt staff. The Commissioner considered the complaint to be well-founded, not resolved, and recommended to the President of the Treasury Board that IR No. 78 and Information Notice 2002-04 be withdrawn and that a new implementation report be issued in conformity with his finding. The Secretariat is currently reviewing the Information Commissioner's recommendations.

Sixteen complaints have been carried forward to 2007–08.

On August 2, 2002, an Application for Judicial Review was filed in the Federal Court to examine a decision by the Treasury Board of Canada Secretariat to deny access to requested records, which were deemed to be in part Cabinet confidences. On November 3, 2006, the Federal Court of Canada dismissed the applicant's motion and his application for judicial review was struck. This court case, referenced as T-1221-02, is now closed. There were no new court cases for 2006–07.

Fees

During the reporting period, total fees collected were \$1,155 in application fees and \$1,257.30 for reproduction, searching, and preparation costs.

Costs

During 2006–07, the ATIP Office incurred an estimated \$356,626 in salary costs and \$27,477 in administrative costs to administer the *Access to Information Act*.

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

Statistical Report on the *Access to Information Act*

This report can be found at Annex A.

2. Report on the *Privacy Act*

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.

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140 O'Connor Street
Ottawa, Ontario K1A 0R5
Telephone: (613) 996-5491

Requests Under the *Privacy Act*

During the reporting period of April 1, 2006, to March 31, 2007, the Treasury Board of Canada Secretariat received a total of 27 new requests under the *Privacy Act*, and 4 were carried forward from 2005–06.

Of the 27 new requests, 22 (81 per cent) were either transferred or re-directed to other federal institutions or could not be processed. A total of 8 requests were for Secretariat records.

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 Secretariat involvement.

Other Requests

During this same period, the Treasury Board of Canada Secretariat responded to 10 *Privacy Act* consultation requests from other departments involving Secretariat records or issues.

The ATIP Office moreover 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, information management issues, privacy impact assessments, security of information, and privacy caveats, to the review of draft policies.

Disposition of Completed Requests

Thirty requests were completed in 2006–07. One request was carried forward to the 2007–08 fiscal year.

The disposition of the completed requests was as follows:

- ▶ 8 partially disclosed (27 per cent);
- ▶ 9 transferred or re-directed to another institution (30 per cent); and
- ▶ 13 could not be processed (43 per cent).

Completion Time and Extensions

The 30 requests completed in 2006–07 were processed in the following time frames:

- ▶ 24 within 30 or fewer days (80 per cent);
- ▶ 3 within 31 to 60 days (10 per cent);
- ▶ 2 within 61 to 120 days (7 per cent); and
- ▶ 1 in 121 or more days (3 per cent).

Of the 30 requests, 29 (97 per cent) were completed within the allowable time limits.

In 6 instances, the Secretariat found it necessary to seek an extension to the prescribed time limit to consult with other government institutions.

Exemptions Invoked

The Secretariat invoked exemptions 13 times, as follows:

- ▶ 1 time under section 22, exempting records containing law enforcement and investigation information;
- ▶ 7 times under section 26, exempting records containing personal information; and
- ▶ 5 times under section 27, exempting records related to solicitor-client privilege.

Exclusions Invoked

There were no exclusions invoked for 2006–07.

Complaints, Investigations, and Federal Court Cases

One new complaint was registered with the Privacy Commissioner in 2006–07. The reason for the complaint was as follows:

- ▶ time limits for processing.

One complaint investigation was completed during the fiscal year, and the conclusion was as follows:

- ▶ not substantiated.

No complaints were carried forward to 2007–08.

Privacy Impact Assessments

Three privacy impact assessments (PIAs) and 1 preliminary privacy impact assessment (PPIA) were initiated for the 2006–07 period. These are all in the development stage. None has been completed or forwarded to the Office of the Privacy Commissioner.

Data Matching and Sharing Activities

There were no data matching and sharing activities undertaken for 2006–07.

Disclosures Under Paragraphs 8(2)(a) to (m) of the *Privacy Act*

Advice on disclosures pursuant to paragraph 8(2)(a) was sought in regard to various issues, more specifically, from managers wishing to urgently access systems of absent employees for work-related purposes, and in relation to an initiative to disclose the Secretariat's executive performance management agreements on the departmental intranet.

There were no subsection 8(2) disclosures to entities external to the Treasury Board of Canada Secretariat during 2006–07.

Costs

During 2006–07, the ATIP Office incurred an estimated \$27,477 in salary costs and \$938 in administrative costs to administer the *Privacy Act*.

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

Statistical Report on the *Privacy Act*

This report can be found at Annex B.

Annex A: Statistical Report on the Access to Information Act



Government of Canada
Gouvernement du Canada

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

| | | | | | | |
|---|---------------------|--------------------------------------|------------------------------------|--|--------------|--|
| Institution TREASURY BOARD OF CANADA SECRETARIAT SECRÉTARIAT DU CONSEIL DU TRÉSOR DU CANADA | | | | Reporting period Période visée par le rapport 4/1/2006 to/à 3/31/2007 | | |
| Source | Media Médias 123 | Academia Secteur universitaire 15 | Business Secteur commercial 110 | Organization Organisme 85 | Public 65 | |

| 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 | 398 |
| Outstanding from previous period En suspens depuis la période antérieure | 27 |
| TOTAL | 425 |
| Completed during reporting period Traitées pendant la période visée par le | 380 |
| Carried forward Reportées | 45 |

| II Disposition of requests completed Disposition à l'égard des demandes traitées | | | |
|---|-----|--|------------|
| 1. All disclosed Communication totale | 51 | 6. Unable to process Traitement impossible | 42 |
| 2. Disclosed in part Communication partielle | 210 | 7. Abandoned by applicant Abandon de la demande | 16 |
| 3. Nothing disclosed (excluded) Aucune communication (exclusion) | 10 | 8. Treated informally Traitement non officiel | 7 |
| 4. Nothing disclosed (exempt) Aucune communication (exemption) | 3 | TOTAL | 380 |
| 5. Transferred Transmission | 41 | | |

| III Exemptions invoked Exemptions | | | | | | | |
|---|----------------|------------------|----|------------------|-----|------------------|----|
| S. Art. 13(1)(a) | 0 | S. Art. 16(1)(a) | 10 | S. Art. 18(b) | 4 | S. Art. 21(1)(a) | 52 |
| (b) | 0 | (b) | 0 | (c) | 0 | (b) | 34 |
| (c) | 0 | (c) | 0 | (d) | 5 | (c) | 19 |
| (d) | 0 | (d) | 0 | S. Art. 19(1) | 169 | (d) | 16 |
| S. Art. 14 | (a) 1 (b) 4 | S. Art. 16(2) | 14 | S. Art. 20(1)(a) | 0 | S. Art. 22 | 1 |
| S. 15(1) International rel. Art. Relations intern. | 0 | S. Art. 16(3) | 0 | (b) | 45 | S. Art. 23 | 28 |
| Defence Défense | 23 | S. Art. 17 | 0 | (c) | 28 | S. Art. 24 | 22 |
| Subversive activities Activités subversives | 0 | S. Art. 18(a) | 2 | (d) | 3 | S. Art. 26 | 4 |

| IV Exclusions cited Exclusions citées | | | |
|--|----|------------------|----|
| S. Art. 68(a) | 2 | S. Art. 69(1)(c) | 7 |
| (b) | 0 | (d) | 3 |
| (c) | 0 | (e) | 31 |
| S. Art. 69(1)(a) | 20 | (f) | 1 |
| (b) | 0 | (g) | 39 |

| V Completion time Délai de traitement | |
|--|-----|
| 30 days or under 30 jours ou moins | 242 |
| 31 to 60 days De 31 à 60 jours | 50 |
| 61 to 120 days De 61 à 120 jours | 71 |
| 121 days or over 121 jours et plus | 17 |

| 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 | 5 | 70 |
| Third party Tiers | 0 | 39 |
| TOTAL | 5 | 109 |

| 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 | 258 |
| Examination Examen de l'original | 0 |
| Copies and examination Copies et examen | 3 |

| IX Fees Frais | | | |
|---|------------|--|-------------------|
| Net fees collected Frais nets perçus | | | |
| Application fees Frais de la demande | \$1,150.00 | Preparation Préparation | \$40.00 |
| Reproduction | \$287.20 | Computer processing Traitement informatique | \$0.00 |
| Searching Recherche | \$930.10 | TOTAL | \$2,407.30 |
| Fees waived Dispense de frais | | No. of times Nombre de fois | \$ |
| \$25.00 or under 25 \$ ou moins | | 118 | \$628.40 |
| Over \$25.00 De plus de 25 \$ | | 4 | \$169.00 |

| X Costs Coûts | |
|---|------------------|
| Financial (all reasons) Financiers (raisons) (\$000) | |
| Salary Traitement | 356,626.0 |
| Administration (O and M) Administration (fonctionnement et maintien) | 27,477.0 |
| TOTAL | 384,103.0 |
| Person year utilization (all reasons) Années-personnes utilisées (raisons) | |
| Person year (decimal format) Années-personnes (nombre décimal) | 6.50 |

Annex B: Statistical Report on the *Privacy Act*



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 4/1/2006 to/à 3/31/2007 |
|---|---|

| 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 | 27 |
| Outstanding from previous period En suspens depuis la période antérieure | 4 |
| TOTAL | 31 |
| Completed during reporting period Traitées pendant la période visée par le | 30 |
| Carried forward Reportées | 1 |

| II Disposition of requests completed Disposition à l'égard des demandes traitées | |
|--|-----------|
| 1. All disclosed Communication totale | 0 |
| 2. Disclosed in part Communication partielle | 8 |
| 3. Nothing disclosed (excluded) Aucune communication (exclusion) | 0 |
| 4. Nothing disclosed (exempt) Aucune communication (exemption) | 0 |
| 5. Unable to process Traitement impossible | 13 |
| 6. Abandoned by applicant Abandon de la demande | 0 |
| 7. Transferred Transmission | 9 |
| TOTAL | 30 |

| 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) | 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 | 7 |
| 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 | 24 |
| 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 | 6 | 0 |
| Translation Traduction | 0 | 0 |
| TOTAL | 6 | 0 |

| 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 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 | 8,222.0 |
| Administration (O and M) Administration (fonctionnement et maintien) | 938.0 |
| TOTAL | 9,160.0 |
| Person year utilization (all reasons) Années-personnes utilisées (raisons) | |
| Person year (decimal format) Années-personnes (nombre décimal) | 0.50 |

Annex C: Delegation Orders for the Treasury Board of Canada Secretariat

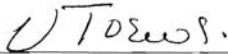
Treasury Board Secretariat

Secrétariat du Conseil du Trésor

DELEGATION ORDER

ACCESS TO INFORMATION ACT

I, the undersigned, President of the Treasury Board, pursuant to Section 73 of the *Access to Information Act*, hereby authorize the Access to Information and Privacy Coordinator and the Senior Director of Ministerial Services, to exercise signing authorities or perform any of the President's powers, duties or functions specified in the attached Schedule A.



President of the Treasury Board
Président du Conseil du Trésor

Date : JAN 16 2007

ARRÊTÉ AUTORISANT LA DÉLÉGATION DE POUVOIRS

ACCÈS À L'INFORMATION

Je, soussigné, Président du Conseil du Trésor, autorise, en vertu de l'article 73 de la *Loi sur l'accès à l'information*, le Coordonnateur de l'accès à l'information et de la protection des renseignements personnels ainsi que le Directeur principal des services ministériels, à exercer au nom du Président les pouvoirs de signer, les attributions, les fonctions et les pouvoirs détaillés dans l'annexe A ci-jointe.

TREASURY BOARD SECRETARIAT
SECRETARIAT DU CONSEIL DU TRÉSOR

DELEGATION ORDER
PRIVACY ACT

I, the undersigned, President of the Treasury Board, pursuant to Section 73 of the *Privacy Act*, hereby authorize the Access to Information and Privacy Coordinator and the Senior Director of Ministerial Services, to exercise signing authorities or perform any of the President's powers, duties or functions specified in the attached schedule B.

**ARRÊTÉ AUTORISANT LA
DÉLÉGATION DE POUVOIRS
PRÉVUS DANS LA *LOI SUR LA
PROTECTION DES
RENSEIGNEMENTS PERSONNELS***

Je, soussigné, Président du Conseil du Trésor, autorise, en vertu de l'article 73 de la *Loi sur la protection des renseignements personnels*, le Coordonnateur de l'accès à l'information et protection des renseignements personnels et le Directeur principal des services ministériels, à exercer au nom du Président les pouvoirs de signer, les attributions, les fonctions et les pouvoirs détaillés dans l'annexe B ci-jointe.



President of the Treasury Board
Président du Conseil du Trésor

Date : JAN 16 2007

Schedule A

Sections of the *Access to Information Act* to Be Delegated

| <u>Section of the Act</u> | <u>Powers, Duties, Functions</u> |
|---------------------------|---|
| 7 | Respond to request for access within 30 days; give access or give notice |
| 8 | Transfer a request to the government institution with greater interest; give written notice of the transfer to the applicant |
| 9 | Extend time limits for responding to request and give notice to Information Commissioner of extension of over 30 days |
| 10 | Issue notice where access refused |
| 11 | Administer the collection of fees |
| 12(2)(b) | Decide whether to translate requested record(s) |
| 12(3)(b) | Convert record(s) in an alternative format, when necessary and reasonable |
| 13(1) | Shall refuse to disclose any record obtained in confidence from another government |
| 13(2) | May disclose any record referred to in 13(1) if the other government consents to the disclosure or makes the information public |
| 14 | May refuse to disclose any record if reasonably injurious to the conduct of Federal-Provincial affairs |
| 15 | May refuse to disclose any record if reasonably injurious to international affairs and defence or the detection, prevention, or suppression of subversive or hostile activities |
| 16 | May refuse to disclose any record pertaining to law enforcement and investigations, to information that could reasonably be expected to facilitate the commission of an offence, to confidential information on policing services for provinces or municipalities |
| 17 | May refuse to disclose any record that could reasonably threaten the safety of individuals |
| 18 | May refuse to disclose any record that could |

- reasonably be expected to be materially injurious to the economic interests of Canada
- 19 Shall refuse to disclose any record that contains personal information as defined in section 3 of the *Privacy Act*
- 20 Shall refuse to disclose any record that contains third party information
- 21 May refuse to disclose any record that contains information related to the operations of government
- 22 May refuse to disclose any record that contains information relating to testing or auditing procedures
- 23 May refuse to disclose any record that contains information subject to solicitor-client privilege
- 24 Shall refuse to disclose any record that is subject to statutory prohibitions as set out in Schedule II
- 25 Shall sever any information that can be disclosed
- 26 May refuse to disclose any record on reasonable grounds that such material is to be published within a 90 day period or longer
- 27(1) Shall give notice to a third party of the intent to disclose any records that may contain third party information
- 27(4) May extend the time limit for third party notification
- 28(1)(b) Shall within 30 days after notice is given to third party as per Section 27(1), give notice of the decision to disclose any record pertaining to the third party
- 28(2) Waive the requirements for a written representation by a third party
- 28(4) Disclose a record pertaining to Third Party following 20 days from the notice having been issued to a third party of the decision to disclose, unless the third party requests a review of the decision as per section 44

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| 29(1) | Give written notice to the applicant and to any involved third party of the Department's decision to disclose information on the recommendation of the Information Commissioner |
| 33 | Shall advise the Information Commissioner of any third party notified under section 27(1) when given notice of an investigation or that would have been notified had disclosure been intended |
| 35(2) | Right to make representation to the Information Commissioner in the course of an investigation |
| 37(1)(b) | Receive Information Commissioner's report of findings and recommendations and give notice of action taken or reasons why no action was taken |
| 37(4) | Give complainant access to a record after 37(1)(b) where a notice is required |
| 43(1) | Give notice to a third party of an application for a Court review under section 41 or 42 |
| 44(2) | Give notice to an applicant of the third party's application for Court review under section 44 |
| 52(2) | Request that sections 41 or 42 hearings held in camera be heard and determined in the National Capital Region |
| 52(3) | Request and be given right to make representations <i>ex parte</i> in Section 52 |
| 68,69 | Deny any record that is excluded in the Act |
| 71(1) | Provide facilities for the public to inspect manuals |
| 71(2) | Exclude any exempt information contained in manuals before the manuals are inspected by the public |
| 72(1) | Prepare Annual Report to Parliament |
| 77 | Responsibilities conferred on the head of the institution by the regulations made under section 77 |

Schedule B

Sections of the *Privacy Act* to Be Delegated

| <u>Section of the Act</u> | <u>Powers, Duties Functions</u> |
|---------------------------|--|
| 8(2) | Generally disclose personal information on the basis of the requirements of subsection 8(2) |
| 8(2)(e) | Disclose personal information on the written request of an investigative body |
| 8(2)(j) | Disclose personal information for research or statistical purposes |
| 8(2)(m) | Disclose personal information in the public interest or in the interest of the individual |
| 8(4) | Retain copy of 8(2)(e) requests and disclosed records |
| 8(5) | Notify the Privacy Commissioner in writing of disclosure under paragraph 8(2)(m) |
| 9(1) | Retain records of use |
| 9(4) | Notify the Privacy Commissioner of consistent use of personal information and update index accordingly |
| 10 | Include personal information in personal information banks |
| 14 | Respond to request for access within 30 days; give access or give notice |
| 15 | Extend time limit for responding to request for access |
| 16 | Issue notice where access refused |
| 17(2)(b) | Decide whether to translate requested information |
| 17(3)(b) | Decide whether to give access in an alternative format |
| 18(2) | May refuse to disclose information contained in exempt bank |

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| 19(1) | Shall refuse to disclose information obtained in confidence from another government |
| 19(2) | May disclose any information referred to in 19(1) if the other government consents to the disclosure or makes the information public |
| 20 | May refuse to disclose information if injurious to the conduct of Federal-Provincial affairs |
| 21 | May refuse to disclose if injurious to international affairs and defence or preventing or suppressing subversive or hostile activities |
| 22 | May refuse to disclose information prepared by an investigative body, information injurious to the enforcement of a law, or information injurious to the security of penal institutions |
| 23 | May refuse to disclose information prepared by an investigative body for security clearances |
| 24 | May refuse to disclose information collected by the Canadian Penitentiary Service, the National Parole Service, or the National Parole Board while individual was under sentence if conditions in section are met |
| 25 | May refuse to disclose information which could reasonably threaten the safety of individuals |
| 26 | May refuse to disclose information about another individual, and shall refuse to disclose such information where disclosure is prohibited under section 8 |
| 27 | May refuse to disclose information subject to solicitor-client privilege |
| 28 | May refuse to disclose information relating to the individual's physical or mental health where disclosure contrary to the best interest of the individual |
| 31 | Receive notice of investigation by the Privacy Commissioner |
| 33(2) | Right to make representations to the Privacy Commissioner in the course of investigation |
| 35(1) | Receive Privacy Commissioner's report of findings and recommendations and give notice |

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| | of action taken |
| 35(4) | Give complainant access to information after 35(1)(b) notice |
| 36(3) | Receive Privacy Commissioner's report of findings and recommendations concerning the review of exempt information banks and, if appropriate, give notice to the Commissioner |
| 37(3) | Receive report of Privacy Commissioner's findings after compliance investigation |
| 51(2)(b) | Request that Section 51 hearing be held in the National Capital Region |
| 51(3) | Request and be given right to make representations <i>ex parte</i> in Section 51 hearings |
| 69 | Deny information that is excluded in the Act |
| 72(1) | Prepare Annual Report to Parliament |
| 77 | Responsibilities conferred on the head of the institution by the regulations made under section 77 which are not included in the above |