The Advantages of
Electronically Processing
Freedom of Information Requests:

The MNR Experience

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This publication is also available on the IPC website.

Disclaimer

This report is based on the experiences of the Ministry of Natural Resources with respect to its use of freedom of information case management and imaging software. This report should not be viewed as an endorsement of any software.

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Executive Summary

In 1998–99, the Ministry of Natural Resources (MNR) implemented case management and document imaging software to assist with the processing of requests made under the *Freedom of Information and Protection of Privacy Act*.

The software does not change the fact that the Analyst must review most records on a line-by-line basis. The line-by line review of records is the major cost associated with processing requests and remains significant.

However, the system does provide efficiencies in identifying duplicates resulting in fewer records to review, generating correspondence, and maintaining contact information about requesters, key ministry staff, FOI staff in other ministries and governments, and others that are contacted during the process. The system also generates the numbers necessary to complete the Year End Statistical Report for the Office of the Information and Privacy Commissioner/Ontario (IPC) — a time consuming process without the benefit of a case management system.

Other benefits include improved customer service, improved timeline monitoring, improved consistency in request processing procedures leading to business process analysis and improvement, improved accuracy, improved consultations to affected parties, improved management reporting, reduced document handling costs, and reduced risk from inconsistently applying exemptions to similar records within and between requests.

The use of FOI case management and imaging software is not a "silver bullet" to ensure compliance with the legislation. Efficient and effective processing of freedom of information requests is dependent upon knowledgeable personnel, appropriate staffing levels, executive and staff commitment to the *Act*, and good business processes. However, the use of FOI case management and imaging software contributes to more efficient and accurate request processing, less risk and better customer service.

Background

Processing Access Requests

Processing access requests under the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act* (the *Acts*) involves the retrieval and analysis of potentially large volumes of paper records. Each page of these records must be examined on a line-by-line basis to determine its responsiveness to the request, whether mandatory exemptions apply, whether the institution chooses to claim discretionary exemptions, and whether any information affects the interests of others. Each responsive record must be tracked throughout the request life cycle. In a manual environment, multiple copies of the responsive records must be maintained and exempted information must be transferred in a consistent and timely manner from working copies to release copies of records. Lastly, before granting access to records which the institution believes might contain third party information or personal information that might constitute an unjustified invasion of personal privacy, those records must be identified and tracked to allow for notification and a right of appeal.

In addition to records management, the processing of access requests also involves: the exchange of correspondence with the requester and with third parties; and the maintenance of statistical information to monitor compliance with legislated procedures and time frames, and to generate management information and compliance reports.

FOI Software Acquisition by MNR

Until 1998, access requests received by MNR were processed by Freedom of Information (FOI) contacts within the field and main office branches under the general direction of the Information and Privacy Co-ordinator (the Co-ordinator). In 1998–99, access request processing was centralized within the Information and Privacy Unit. The change to a centralized business model required hiring additional FOI office staff and acquiring software tools in order to improve the efficiency of processing access requests.

MNR acquired two products: a case management and workflow software, and an imaging system (the FOI software). Implementation of the software was phased in over two years to minimize staff impacts.

Software Description

MNR uses a case management software package that maintains information about current and historic access requests. Request information is stored by type (access to general records, access to one's own personal information, consultations from other parties, etc.). Visual flags and a comprehensive reporting module allow the Co-ordinator and Analyst to monitor request timelines and workloads. Electronic and paper correspondence is generated from standard templates. A statistics module generates program management information and enables accurate compliance reporting for senior management and the Information and Privacy Commissioner's annual report.

The imaging software allows paper records to be scanned into electronic files for review. Severances, exemptions, consultations, notes and other information are applied to the documents electronically. Document information feeds the correspondence and statistics modules within the case management software.

Software Benefit Analysis

Processing access requests creates three areas of risk. The first risk factor is workflow management as it pertains to both matters related to procedures specified in the *Acts* and institution's own procedures. The second risk factor is errors that can occur related to records management (e.g. duplicate records are not processed consistently). The third risk factor is a failure to provide good customer service to the public.

Workflow Management

Timeline Compliance

The *Acts* requires that the institution make a decision regarding access within 30 calendar days unless the timeline is extended for a reason permitted under the *Acts*. This is a key performance indicator which is monitored by the FOI software through the use of management reports and visual flags.

The system can also track time-dependent tasks within a request. Key activities such as record retrieval and third party consultations have customizable standard response periods associated with each activity. When a due date is approaching or has been exceeded, reports and visual indicators alert the Co-ordinator and Analyst that action is necessary.

Lastly, the software has the versatility to monitor timelines and record actions in response to internal inquiries, government inquiries (e.g., royal commissions), consultations with other governments and ministries, and privacy complaints.

Consistency

In the absence of detailed FOI policies, manual procedures allow for individual flexibility in processing requests. The way in which the Analyst tracks timelines and documents actions taken on a file may vary within the office. FOI software applies structure and consistency to the documentation of actions taken on a file. Two of the main benefits are that request files can be seamlessly reassigned to other Analysts in the office when the need arises, and consistent procedures allow MNR to perform business process analysis and improvement.

Work Management and Reporting

The FOI software maintains information on workflow and records management that can be analyzed to identify processing bottlenecks and to improve business processes. The reports address most aspects of access request processing and records management. For example:

- File status reports and actions-required-by-timeframes assist in establishing work priorities and work distribution among Analysts. These reports are extremely useful in an FOI office environment which receives a steady flow of incoming requests.

- Record search and retrieval time can be reviewed by program areas to determine if this activity contributes to processing bottlenecks. Since senior management may have performance targets related to record retrieval, decision review, and briefing material preparation, these reports enable managers to monitor performance.

- Records analysis reports and indices assist in managing large files, tracking severances and exemptions, and calculating fees.

The case management and workflow software maintains sufficient information to complete MNR's Year End Statistical Report for the IPC. Electronic case management and workflow software can substantially reduce the amount of effort required in producing an annual report when compared with a manual system.

Fee Assessment

The *Acts* are based on a user-pay principle. The fee assessment module in the software maintains a ledger of fees assessed and paid, and posts these calculations to correspondence and report documents as required.

Correspondence

The software links to customizable e-mail and word processing templates that automatically generate the required correspondence. Detailed retrieval requests to program areas, decision letters and other correspondence to requesters and affected persons can be quickly generated. Request-specific information (e.g., addressee, dates, fees, etc.) automatically populates the letter. These features save time and increase accuracy.

Records Management

Document Handling

The handling of large volumes of records is sometimes tedious and prone to error. FOI software significantly reduces the incidence of record-handling errors by:

- Searching for and identifying duplicate records so that records are processed only once, or where they differ slightly, can be easily compared. Record attachments can be separately indexed allowing identification during the duplicate search process.

- Using virtual "record stacks" (i.e., collections of records sharing some attribute assigned by the Analyst) to bundle categories of records for processing. This assists in maintaining organized record packages.

- Enabling severance application (i.e., point, click, and electronically "stamp" the exemption number on the page) which eliminates the need to maintain multiple copies of records, and the risk of improperly transposing severances to records being released. When records packages are printed as working copies or release copies, severances may optionally be printed as greyed-out or blacked-out sections respectively.

- Electronically sorting records by criteria such as date or author, which allows the Analyst to better understand the context of the records.

- Managing the complete or phased release of records so that there is a record of released documents.

Third Party Consultations

Institutions have a statutory obligation under the *Acts* to consult affected parties when contemplating disclosure of a record that might affect their interests. Complex requests sometimes require consultations to many parties. The software facilitates thorough consultations by enabling the identification and tracking of contact information for affected parties, and printing collections of records for each party to be consulted. Consultations are also tracked in the workflow tables with appropriate deadlines and actions identified.

Accuracy

Analysts must ensure that work performed is accurate notwithstanding that, in addition to managing working copies of the records, they must also manage multiple copies of the records for the requester, affected parties, final documentation, and if there is an appeal, the IPC. The imaging software supports this process, because there is only one copy of each record (although it can reside in several virtual stacks or collections). As a result, the analyst is always working with the most up-to-date copy of the record. The analyst can remove severances at any time if MNR decides to waive a previously claimed exemption.

Archival Requests

The processing and storage of access requests over long time periods presents unique problems for FOI offices. It is not uncommon to receive requests that involve records which have already been the subject of previous requests. Without a practical method of comparing access requests, it is possible that the re-processing of identical records will result in inconsistent severance and exemption application.

The FOI software addresses this problem by maintaining an archival database of all requests processed. The database is searchable by keyword, timeframe, and other parameters. Records from archived requests can be migrated into new requests and can be compared using the duplicate search functions.

Customer Service

Improved customer service is a key performance measure in Ontario ministries. Improved FOI processes enhance customer service to both requesters and the affected persons.

MNR has a customized program (word processing macro that links to the FOI software database) that produces an extensive index of records and their disclosure status. Although record indexing is integral to request processing, MNR also believes providing a requester with a comprehensive index assists the requester in understanding the institution's decision regarding access to the records and in making an informed decision about whether to proceed with the request and whether to pay the fees.

Another improvement in customer service is the reduction of service costs to the public. If the requester can accept CD (compact disc) images, the FOI software can write releasable records, with exemptions blacked-out, to a CD, allowing MNR to charge lower fees for copies of records. For example, a 1000-page printed release package would result in copying charges of $200.00 while the same release package on CD would cost the requester $10.00.

Manual FOI processes usually involve producing copies of documents from copies of original documents. FOI software can accept documents directly from a document scanner, and certain types of graphics and word processing files. Therefore, all copies of records produced should be of similar quality to the source document. The result is that documents released to the requester are more legible.

Although the FOI software is primarily intended to operate in monochrome to provide good resolution yet conserve disk storage, the hardware and software can also be used to enhance customer service by reproducing colour graphs and photos on CD as part of the release package.

Finally, good customer service also involves responding to requester inquires. Because the request information is online and available to the Co-ordinator and all Analysts, general inquiries about request status can usually be responded to immediately. Good communications often result in fewer appeals.

Cautionary Notes

Every technology introduced into an organization has its potential drawbacks.

FOI software fundamentally changes the way in which an FOI office processes requests. Some individuals are more comfortable working in a technology-based environment than others. Since the case management software could be implemented separately from the imaging software, MNR chose to phase-in the two products over an extended period of time and hired additional analysts. As a result, the impact of moving from a paper-based to electronic system were minimized. The adverse impacts of changing business processes can also be mitigated through effective training plans.

Implementation of the new software increases dependence on technology, and the change from manual to electronic records processing does result in an increased vulnerability to the impacts of power outages and system interruptions.

FOI software is not inexpensive, and hard benefits are few since records must still be reviewed on a line-by-line basis. The business case for implementing this technology is based upon increased work capacity, improved customer service, fewer errors, and more consistent and robust business processes, all of which result in less risk to MNR.

Finally, MNR's FOI software package provides optional record security features such as encryption. The disadvantage of this is that records are irretrievable if the encryption keys are lost. Encryption keys (required to decode encrypted information) MUST be protected from loss or destruction. Guidance should be solicited from expert information technology staff and the software vendor before implementing this feature.

Conclusion

The use of FOI case management and imaging software is not a "silver bullet" to ensure compliance with the legislation. Efficient and effective processing of freedom of information requests is dependent upon knowledgeable personnel, appropriate staffing levels, executive and staff commitment to the *Acts*, and good business processes. However, the use of FOI case management and imaging software contributes to more efficient and accurate request processing, less risk and better customer service.