

# **Annual Report to Parliament**

## *Access to Information Act*

**National Capital Commission**

**for the period from April 1, 2016 to March 31, 2017**



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## **INTRODUCTION**

The *Access to Information Act* gives Canadian citizens, as well as people and corporations present in Canada the right to have access to federal government records that are not of a personal nature. The *Access to Information Act* complements, but does not replace other procedures for obtaining government information. It is not intended to limit in any way the access to government information that is normally available to the public upon request. This annual report to Parliament was prepared and shall be tabled in accordance with Section 72 of the *Access to Information Act*.

The National Capital Commission (NCC) is a Crown corporation that was created by Parliament in 1959 as the steward of federal lands and buildings in Canada's Capital Region. The corporation is responsible for planning, as well as taking part in the development, conservation and improvement of Canada's Capital Region. The NCC is governed by a national board of directors. The NCC reports to Parliament through the Minister of Canadian Heritage.

The *National Capital Act* defines the NCC's mandate. The NCC fulfills its mandate through the following areas of activity:

- setting the long-term planning direction for federal lands in Canada's Capital Region;
- guiding and controlling the use and development of federal lands in Canada's Capital Region;
- managing, conserving and protecting NCC assets (including Gatineau Park, the Greenbelt, the NCC real property portfolio, and other assets such as bridges, pathways and parkways); and
- maintaining heritage sites in Canada's Capital Region, such as the official residences and commemorative sites.

## **STRUCTURE OF THE ATIP OFFICE**

The Access to Information and Privacy (ATIP) Office is part of the Legal Services and Commission Secretariat Branch of the NCC. It is responsible for the administration of the *Access to Information Act* and the *Privacy Act* for the corporation. The Chief of ATIP acts as the institutional coordinator and is assisted by two ATIP officers.

The ATIP Office ensures that the NCC meets its legislated obligations in replying to requests with support from a network of ATIP branch representatives in each of the corporation's program areas.

# STATISTICS

The following statistics describe the administration of the *Access to Information Act* within the NCC for the period of April 1, 2016, to March 31, 2017, as found in the attached Appendix A.

## **Requests Received Under the *Access to Information Act***

During the period, 96 *Access to Information Act* requests were received. This is slightly less than was received in 2015–2016. Including the 21 requests carried over from the previous reporting period, the ATIP Office worked on processing 117 requests in total, and completed 102 in 2016–2017.

The number of pages reviewed for the purpose of responding to access requests increased from 27,466 pages in 2015–2016 to 47,757 pages in 2016–2017. These figures represent only those formal *Access to Information Act* requests completed, and do not account for the number of pages reviewed and processed for currently active files.

The statistics show that most of the 96 requests received during the period originated from the general public (43), followed by the media (36), organizations (9), academia (2) and the business community (1). Five requesters did not identify themselves.

Of the 102 requests completed, the NCC was able to disclose all records in 13 cases and disclosed records in part in 69 cases. In 13 instances, no records were found that were relevant to the wording of the requests submitted and, in four cases, the requests were abandoned by the requesters. There was no instance where records were completely excluded, but the records of three requests were all exempted. No requests were transferred to another institution.

In 30 cases, the responsive records were released in paper format. The NCC was able to provide records electronically in 52 cases.

A total of 48 requests were processed within 30 calendar days. In some cases, it was necessary to take extensions to process requests. In other cases, requests could not be completed within the reporting timeframe. Fourteen requests were completed within 60 days, and 40 requests took longer than 60 days to complete. The NCC responded to 88 percent of the completed requests within the legislated timeframe.

Extensions were invoked a number of times, with a majority of these exceeding 30 days. Consultations with other institutions accounted for most of the extensions.

The NCC was unable to meet the statutory deadline for 12 requests processed in 2016–2017.

The NCC also received 27 requests for consultation from other government institutions, a slight increase over the 26 of the previous reporting period. All consultations had been

completed at the end of 2016–2017, including one request that had been carried over from the preceding year. For the 28 requests closed, 925 pages required review, which is a significant decrease over the 2,482 reviewed in the previous reporting period. All consultations but one were responded to within 60 days, with a majority of these (15) completed within 15 days.

Since the 2012–2013 fiscal year, the NCC has received 497 *Access to Information Act* requests, and the numbers of pages reviewed and pages released have increased steadily in the past three years.

Fiscal year	Number of requests closed	Number of pages reviewed	Number of pages released
2012–2013	112	56,461	23,355
2013–2014	88	36,334	17,801
2014–2015	93	40,501	17,115
2015–2016	111	27,446	21,629
2016–2017	102	47,757	33,036

### **Exemptions Invoked**

For the NCC, the majority of the exemptions invoked fell under section 21, Operations of Government—Advice; subsection 19(1), Personal information; section 20, Third Party Information; section 16, Law enforcement and investigations, and Security; and section 23, Solicitor-client privilege. Other exemptions applied included section 24, Statutory prohibitions against disclosure; section 18, Economic interests of Canada; section 13, Information obtained in confidence; and section 22, Testing procedures, tests and audits.

### **Exclusions Invoked**

Only one exclusion, related to published materials, was invoked during the reporting period.

### **Operational Costs to Administer the *Access to Information Act***

A total of 2.39 full-time equivalents were used to administer the *Access to Information Act* within the NCC. Salaries and administration costs amounted to \$306,482. A consultant was hired during the reporting period to assist with the workload. Operational costs for this fiscal year amounted to \$31,985, including the cost of the consultant. Application fees totalling \$410 were collected during this reporting period. No other fees were collected. Fees were waived 14 times, and no refunds were made during the reporting period.

## **Posting of Closed Requests**

Following Treasury Board guidelines, the NCC maintained a list of completed *Access to Information Act* requests on **open.canada.ca** ([http://open.canada.ca/en/search/ati?f%5B0%5D=ss\\_ati\\_organization\\_en%3ANational%20Capital%20Commission](http://open.canada.ca/en/search/ati?f%5B0%5D=ss_ati_organization_en%3ANational%20Capital%20Commission)).

The public could view this list and then contact the ATIP Office to obtain copies of the previously released records. In some cases, requesters contacted the ATIP Office and asked about current, active requests. These individuals asked to receive copies of the requests once processing had been completed. In 2016–2017, the ATIP Office received 130 requests for records either previously released or to be released through a formal request still being processed. This number represents an increase over the 117 requests received in the previous reporting period. Counting requests carried over from previous fiscal years, a total of 96 requests were completed, resulting in the release of 24,582 pages of records. Thirty-eight informal requests remain active.

## **INSTITUTIONAL POLICIES AND PROCEDURES**

The NCC has several Corporate Administrative Policies and Procedures (CAPPs). Specifically, the CAPP on Access to Information helps to ensure that the NCC fulfills its obligations under the *Access to Information Act*.

This policy provides guidance to employees with respect to the application of the *Access to Information Act*, and outlines the responsibilities of the Executive Management Committee, senior managers, branch representatives, managers and employees.

This policy has been in place since 2009, and no amendments have been made since that time.

## **DELEGATION OF AUTHORITY**

The chair of the NCC is designated as head of the institution by virtue of the “*Access to Information Act* Heads of Government Institution Delegation Order (SI/83-113, as amended)”. The chair is responsible for administering the *Access to Information Act*.

The chair has delegated the authority under the *Access to Information Act* to key officials within the organization, in accordance with section 73 of the *Access to Information Act*.

The general counsel and commission secretary and the chief of ATIP have complete delegated authority. The ATIP officers have limited delegation for the application of specific exemptions.

A copy of the delegation order, signed April 9, 2013, is attached for reference (*see Appendix B*).

## **EDUCATION AND TRAINING**

ATIP awareness/information sessions are offered, in both official languages, to NCC employees at large. One training session was conducted for 6 participants.

## **COMPLAINTS AND INVESTIGATIONS**

One delay complaint was received in 2016–2017, and two were carried over from 2015–2016. The three delays that were the subject of complaint were due to the need to review high volumes of responsive records for certain requests, in addition to the above-normal workload being managed by the ATIP Office. All complaints were closed before the end of this reporting period.

The first complaint from 2015–2016 pertained to a request for information about the renovation of and maintenance work at 24 Sussex Drive. Records were not released within the timeframe allowed by the legislation. The ATIP Office was able to devote the time and effort necessary to complete the file, but only after a complaint had been lodged. The file was completed in May 2016 and, within the same month, the Office of the Information Commissioner concluded that the complaint was well-founded and resolved.

The second and third complaints were received in 2015–2016 and 2016–2017, respectively. The requests dealt with records regarding the relocation of the Ottawa Hospital Civic Campus, to land consisting of 60 acres of the Central Experimental Farm. In these cases, delays were due to the large number of records and to the complexity of the files. The files were completed in January 2017 and, within the same month, the Office of the Information Commissioner concluded that the complaints were well-founded and resolved.

No further complaints have been received, and no complaints are active at the end of this reporting period.

## **MONITORING OF PROCESSING TIME**

ATIP staff regularly monitor the time taken to process active access to information requests, and meet weekly to review all active requests. The general counsel and commission secretary is provided with a weekly status report for all requests, active, recently completed and those about to be closed.





## Statistical Report on the Access to Information Act

Name of institution: National Capital Commission

Reporting period: 2016-04-01 to 2017-03-31

### Part 1: Requests Under the Access to Information Act

#### 1.1 Number of requests

	Number of Requests
Received during reporting period	96
Outstanding from previous reporting period	21
<b>Total</b>	<b>117</b>
Closed during reporting period	102
Carried over to next reporting period	15

#### 1.2 Sources of requests

Source	Number of Requests
Media	36
Academia	2
Business (private sector)	1
Organization	9
Public	43
Decline to Identify	5
<b>Total</b>	<b>96</b>

#### 1.3 Informal requests

Completion Time							Total
1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
21	32	15	23	1	2	2	96

**Note:** All requests previously recorded as “treated informally” will now be accounted for in this section only.

## Part 2: Requests Closed During the Reporting Period

### 2.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	1	9	1	2	0	0	0	13
Disclosed in part	0	19	13	25	3	3	6	69
All exempted	0	2	0	1	0	0	0	3
All excluded	0	0	0	0	0	0	0	0
No records exist	7	6	0	0	0	0	0	13
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	2	2	0	0	0	0	0	4
Neither confirmed nor denied	0	0	0	0	0	0	0	0
<b>Total</b>	<b>10</b>	<b>38</b>	<b>14</b>	<b>28</b>	<b>3</b>	<b>3</b>	<b>6</b>	<b>102</b>

### 2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	0	16(2)	0	18(a)	3	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	4	20.2	0
13(1)(c)	1	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	1	16(2)(c)	31	18(d)	0	21(1)(a)	26
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	24
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	14
14(a)	1	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	1
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	3
15(1)	0	16.1(1)(d)	0	19(1)	46	22.1(1)	0
15(1) - I.A.*	2	16.2(1)	0	20(1)(a)	0	23	18
15(1) - Def.*	0	16.3	0	20(1)(b)	23	24(1)	7
15(1) - S.A.*	0	16.4(1)(a)	0	20(1)(b.1)	0	26	1
16(1)(a)(i)	0	16.4(1)(b)	0	20(1)(c)	4		
16(1)(a)(ii)	0	16.5	0	20(1)(d)	1		
16(1)(a)(iii)	1	17	0				
16(1)(b)	0						
16(1)(c)	1						
16(1)(d)	0						

\* I.A.: International Affairs    Def.: Defence of Canada    S.A.: Subversive Activities

## 2.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
68(a)	1	69(1)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(a)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(b)	0	69(1)(g) re (c)	0
68.1	0	69(1)(c)	0	69(1)(g) re (d)	0
68.2(a)	1	69(1)(d)	0	69(1)(g) re (e)	0
68.2(b)	1	69(1)(e)	0	69(1)(g) re (f)	0
		69(1)(f)	0	69.1(1)	0

## 2.4 Format of information released

Disposition	Paper	Electronic	Other Formats
All disclosed	10	3	0
Disclosed in part	20	49	0
<b>Total</b>	30	52	0

## 2.5 Complexity

### 2.5.1 Relevant pages processed and disclosed

Disposition of Requests	Number of Pages Processed	Number of Pages Disclosed	Number of Requests
All disclosed	231	160	13
Disclosed in part	46969	32876	69
All exempted	557	0	3
All excluded	0	0	0
Request abandoned	0	0	4
Neither confirmed nor denied	0	0	0

### 2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	12	87	1	73	0	0	0	0	0	0
Disclosed in part	35	1080	16	3386	5	3241	10	12904	3	12265
All exempted	1	0	2	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	4	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	52	1167	19	3459	5	3241	10	12904	3	12265

### 2.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	2	1	0	0	3
Disclosed in part	24	9	0	0	33
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	1	0	0	1
Neither confirmed nor	0	0	0	0	0
<b>Total</b>	26	11	0	0	37

### 2.6 Deemed refusals

#### 2.6.1 Reasons for not meeting statutory deadline

Number of Requests Closed Past the Statutory Deadline	Principal Reason			
	Workload	External Consultation	Internal Consultation	Other
12	10	1	1	0

#### 2.6.2 Number of days past deadline

Number of Days Past Deadline	Number of Requests Past Deadline Where No Extension Was Taken	Number of Requests Past Deadline Where An Extension Was Taken	Total
1 to 15 days	0	2	2
16 to 30 days	0	1	1
31 to 60 days	0	0	0
61 to 120 days	0	1	1
121 to 180 days	0	0	0
181 to 365 days	2	1	3
More than 365 days	1	4	5
<b>Total</b>	3	9	12

### 2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
<b>Total</b>	0	0	0

## Part 3: Extensions

### 3.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
All disclosed	0	0	2	0
Disclosed in part	6	0	36	4
All exempted	1	0	0	0
All excluded	0	0	0	0
No records exist	0	0	1	0
Request abandoned	0	0	0	0
<b>Total</b>	7	0	39	4

### 3.2 Length of extensions

Length of Extensions	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
30 days or less	0	0	14	1
31 to 60 days	2	0	11	1
61 to 120 days	4	0	13	2
121 to 180 days	0	0	1	0
181 to 365 days	1	0	0	0
365 days or more	0	0	0	0
<b>Total</b>	7	0	39	4

## Part 4: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	82	\$410	14	\$70
Search	0	\$0	0	\$0
Production	0	\$0	0	\$0
Programming	0	\$0	0	\$0
Preparation	0	\$0	0	\$0
Alternative format	0	\$0	0	\$0
Reproduction	0	\$0	0	\$0
<b>Total</b>	82	\$410	14	\$70

## Part 5: Consultations Received From Other Institutions and Organizations

### 5.1 Consultations received from other Government of Canada institutions and organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during reporting period	27	923	2	8
Outstanding from the previous reporting period	1	2	0	0
<b>Total</b>	28	925	2	8
Closed during the reporting period	28	925	2	8
Pending at the end of the reporting period	0	0	0	0

### 5.2 Recommendations and completion time for consultations received from other Government of Canada institutions

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
Disclose entirely	15	6	0	0	0	0	0	21
Disclose in part	2	2	1	0	0	0	0	5
Exempt entirely	1	0	0	1	0	0	0	2
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	18	8	1	1	0	0	0	28

### 5.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
Disclose entirely	2	0	0	0	0	0	0	2
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	2	0	0	0	0	0	0	2

## Part 6: Completion Time of Consultations on Cabinet Confidences

### 6.1 Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	0	0	0	0	0	0	0	0	0	0

### 6.2 Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	0	0	0	0	0	0	0	0	0	0

## Part 7: Complaints and Investigations

Section 32	Section 35	Section 37	Total
1	3	3	7

## Part 8: Court Action

Section 41	Section 42	Section 44	Total
0	0	0	0

**Part 9: Resources Related to the *Access to Information Act***

**9.1 Costs**

Expenditures		Amount
Salaries		\$274,497
Overtime		\$0
Goods and Services		\$31,985
• Professional services contracts	\$24,419	
• Other	\$7,566	
<b>Total</b>		<b>\$306,482</b>

**9.2 Human Resources**

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	2.23
Part-time and casual employees	0.16
Regional staff	0.00
Consultants and agency personnel	0.23
Students	0.00
<b>Total</b>	<b>2.62</b>

**Note:** Enter values to two decimal places.




## Designation Order

### Access to Information Act

In accordance with Section 73 of the *Access to Information Act*, the Chairperson of the National Capital Commission hereby delegates authority granted for the provisions of the *Access to Information Act* as indicated below. Any prior Designation Orders are hereby revoked.

<u>Position Title</u>	<u>Provisions of the <i>Access to Information Act</i></u>
1. Chairperson	7(a), 8(1), 9, 11(2), (3), (4), (5), (6), 12(2), (3), 13 to 26, 27(1), (4), 28(1), (2), (4), 29(1), 33, 35(2), 37(4), 43(1), 44(2), 52 (2), (3), 69, 71(2)
2. General Counsel and Commission Secretary, Legal Services and Commission Secretariat	7(a), 8(1), 9, 11(2), (3), (4), (5), (6), 12(2), (3), 13 to 26, 27(1), (4), 28(1), (2), (4), 29(1), 33, 35(2), 37(4), 43(1), 44(2), 52 (2), (3), 69, 71(2)
3. Chief, Access to Information and Privacy	7(a), 8(1), 9, 11(2), (3), (4), (5), (6), 12(2), (3), 13 to 26, 27(1), (4), 28(1), (2), (4), 29(1), 33, 35(2), 37(4), 43(1), 44(2), 52 (2), (3), 69, 71(2)
4. Officer, Access to Information and Privacy	7(a), 8(1), 9, 11(2), (3), (4), (5), (6), 13, 19(1) 20(1), (2), (3), (4), (5), (6), 23, 26, 27(1), (4), 28(1), (2), (4), 29(1), 33, 35(2), 37(4), 43(1), 44(2), 52 (2), (3), 69, 71(2)

  
\_\_\_\_\_  
Russell Mills, Chairperson  
National Capital Commission

  
\_\_\_\_\_  
Date