National Research Council Canada | Conseil national de recherches Canada

NRC · CNRC

# *Annual Report to Parliament 2010-2011*

## *Access to Information Act*

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## INTRODUCTION

The purpose of the *Access to Information Act* is to provide a right of access to information contained in records under the control of a government institution. The information is subject to certain limited and specific exemptions. The *Act* is intended to complement and not replace existing procedures for access to government information.

In accordance with Section 72 of the *Access to Information Act*, this twenty-seventh Annual Report on the administration of the *Access to Information Act* at the National Research Council of Canada (NRC) describes how NRC discharged its responsibilities in relation to the *Act* in the fiscal year 2010-2011. The Annual Report is further tabled in Parliament in accordance with section 72 of the *Access to Information Act*.

## NATIONAL RESEARCH COUNCIL CANADA - MANDATE

The National Research Council of Canada (NRC) is an agency of the Government of Canada established in 1916 under the NRC Act. Its mandate is to help build an innovative, knowledge-based economy for Canada through research and development, technology commercialization and industry support.

As stated in the NRC Act, the agency is responsible for: undertaking, assisting or promoting scientific and industrial research in different fields of importance to Canada; establishing, operating and maintaining a national science library; publishing and selling or otherwise distributing such scientific and technical information as the Council deems necessary; investigating standards and methods of measurement; working on the standardization and certification of scientific and technical apparatus and instruments and materials used or usable by Canadian industry; operating and administering any astronomical observatories established or maintained by the Government of Canada; administering NRC's research and development activities, including contributions used to support a number of international activities; and providing vital scientific and technological services to the research and industrial communities.

## DELEGATION OF AUTHORITY

The NRC President has delegated the responsibilities associated with the administration of the *Access to Information Act* to the Secretary General. The Access to Information and Privacy (ATIP) office is part of the Secretary General's Office (SGO). Operational responsibility for the application of the *Act* has been delegated to the Access to Information and Privacy Coordinator.

A detailed signed Delegation Order can be found at Annex A.

## ORGANIZATIONAL STRUCTURE

The Secretary General has overall responsibility for ensuring that NRC's policies, procedures and practices are in line with the application and administration of the *Access to Information Act*. National Research Council of Canada has procedures in place to process all formal access to information requests. These requests are

processed by the Access to Information and Privacy Coordinator who has the authority to access all records held by NRC. The ATIP office works closely with the Records Manager, IRAP ATIP liaison officer, HR ATIP liaison officer and Senior Management across the organization.

The ATIP office, under the guidance of the Secretary General, is comprised of one full-time Coordinator and one Officer. The office is responsible for the coordination and implementation of policies, guidelines and procedures to ensure the organization's compliance with the *Access to Information Act*. To that end, the office provides the following services to the organization:

- Promotes awareness of the *Access to Information Act* within the organization
- Processes and manages access to information requests and complaints
- Manages the electronic management system
- Responds to access-related matters in the Management Accountability Framework
- Processes consultations received from other institutions
- Provides advice and guidance to employees and senior officials on access related matters
- Prepares an Annual Report to Parliament
- Coordinates updates to the Info Source publications
- Reviews departmental documents, such as audit and evaluation reports, prior to their proactive disclosure on the organization's website, Parliamentary Questions and Harassment Reports
- Develops internal procedures
- Participates in forums for the ATIP community, such as the Treasury Board Secretariat ATIP Community meetings and working groups.

In accordance with Section 71 of the *Access to Information Act*, the NRC-Canada Institute for Scientific and Technical Information (NRC-CISTI) and the various Information Centres are the designated locations where the public may inspect manuals used by employees to administer or carry out programs or activities that affect the public. While the main NRC-CISTI library is located in Building M-55, NRC Montreal Road Campus, Ottawa, Ontario, other NRC-Information Centres exist in various locations across the country.

## INTERPRETATION OF STATISTICAL REPORT

Annex B provides a summarized statistical report on the *access* requests received and processed by the National Research Council of Canada from 1 April 2010 to 31 March 2011. This section provides an interpretation of the statistical report.

During the fiscal year, NRC received fifty-seven (57) new access to information requests. The breakdown of the requests received during the fiscal period is as follows: four (4) from the media, one (1) from academia, sixteen (16) from business, five (5) organizations and thirty-one (31) from the public. Two requests (2) were outstanding from the previous fiscal year, for a total of fifty-nine (59) requests to process in the 2010-2011 fiscal year.

NRC completed the processing of a total of fifty-five (55) access to information requests during this reporting period. Four requests (4) were carried over into the next fiscal year. The nature of the requests applied to varied sectors across the organization as follows:

- Human Resources including requests for personal information 11
- Grants and Contributions including the NRC-Industrial Research Assistance Program (NRC-IRAP) 8
- Contracting including call-ups and purchase orders 31
- Intellectual Property Program 1
- Canadian Constructions Material Centre 3
- Non-specific and Transferred to another Department 2
- Organizational Management 1

Section 9 of the *Act* provides for the extension of the statutory time limits if consultations are necessary or if the request is for a large volume of records and processing the request within the original time limit would unreasonably interfere with the operations of the organization. NRC invoked an extension in the case of eight (8) requests.

In summary, out of fifty (55) completed requests, forty-five (45) were completed in 30 days or less, six (6) were completed within 31 to 60 days, three (3) were completed between 61 and 120 days and one (1) was completed in 121 days. All levels of NRC worked diligently to ensure a high performance in meeting statutory deadlines.

NRC is asked by other government organizations for its views on disclosure of information that had originated within the National Research Council Canada. This reporting year, thirty-four (34) consultation requests were received from other government departments. The ATIP office works closely with the office of primary interest at NRC to respond effectively to these requests.

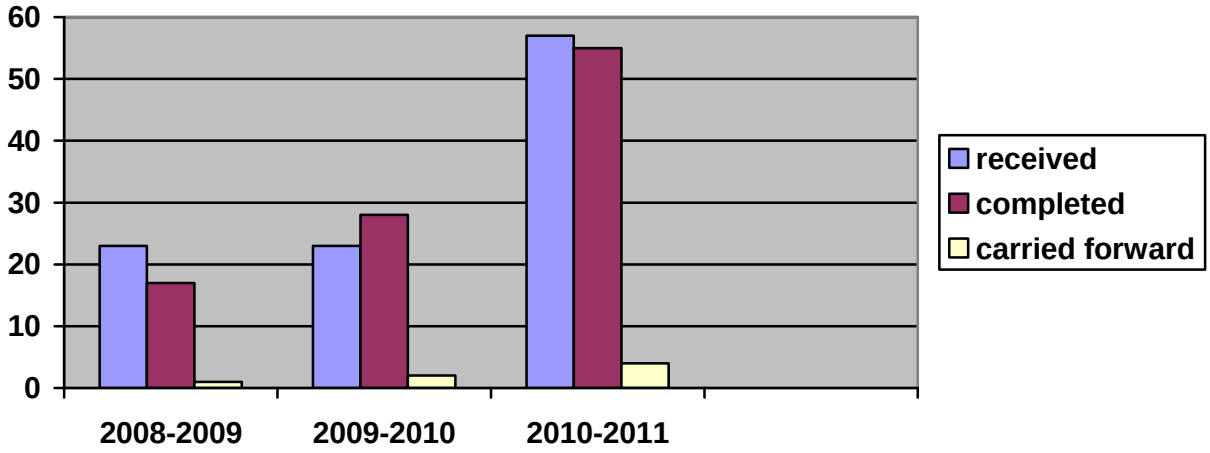
The exemptions section of the Statistical Report is intended to identify the number of requests in cases where specific types of exemptions were invoked. NRC involved exemptions pursuant to sections 13(1)(c), 18(a), 18(b), 18(c), 19(1), 20(1)(a) (b)(c)(d), 21(1)(a)(b)(d), 22, 23 and 26 of the *Act*.

Section 13(1)(c) (information obtained in confidence) is a mandatory exemption that was invoked in one case. Section 18 (economic interests of Canada) was invoked in five (5) cases where the information would have prejudiced NRC's competitive position. Section 19 (Personal Information) was invoked in ten cases and was applied to the information that is considered personal and where individual consent was not obtained. Section 20 (Third Party Information) was invoked in twenty-one (21) cases. The exemption applied pursuant to section 20 involves confidential business information belonging to a third party. The third parties in question were consulted pursuant to section 27 of the *Act* and provided substantial rationales in support of the protection of their information.

In the past year, Section 21 (Advice, etc.) was invoked seven (7) times. The information severed under this section is considered part of NRC's business operations which include internal advice, recommendations and deliberations between Senior NRC

Officials. The release of this information would have compromised the integrity of NRC's decision-making process and the candidness of discussions, be they about internal assessments, business plans or future strategies. Section 22 (testing procedures, tests and audits) was invoked once (1). Section 23 (Solicitor – Client Privilege) was invoked once (1). The release of this information would have revealed confidential information provided by NRC's legal advisors.

The figures, as reflected in the chart below, indicate the number of requests received and processed over the past three years. The figures do not reflect requests processed informally or other queries that have been received and processed in the ATIP office.




The annual statistical report for the fiscal year 2010-2011 is included at the end of this chapter, as Annex B.

**ACCESS TO INFORMATION-RELATED TRAINING AND EDUCATION**

The ATIP office is committed to providing ongoing development and training to NRC's employees.

During the fiscal year, the ATIP office launched, in collaboration with Records Services, an Information Awareness Campaign. As part of this campaign, an ATIP and Managing NRC Information Course (3 hours) was developed and promoted by way of the Human Resources Learning Catalogue. Five courses are scheduled for delivery in 2011-2012.

The ATIP office and Records Services delivered an Information Management awareness session as part of the NRC Business Advantage Seminar Series (15 participants). An awareness session was delivered jointly to the Central Business Support team (10 participants). A privacy-specific session with some reference to the access to information legislation was delivered via teleconference to the management team of NRC Institute for Fuel Cell Innovation (12 participants). An overview of the two laws and NRC procedures was delivered to a new employee in the Contracting Services team.

A notice was posted on the internal website to encourage all employees to participate in Canada's Right to Know Week 2010. The number of participants was not tracked.

## NEW PROCEDURES, GUIDELINES AND DIRECTIVES

NRC's ATIP office has implemented two new guidelines and procedures this year in response to TBS's renewal initiative. One of these is specific to the Access to Information legislation. The ATIP Coordinator informed the Senior Executive Council of the new TBS directives and sought to obtain approval of two procedural documents: Procedures for *Suspected Obstruction of Right of Access* and *Guidelines on Privacy Breaches*. These two documents were approved and implemented at NRC in December 2010. Further to this process, direct training on the implications of these procedures was given to the Finance Management team (10 participants).

The ATIP office with the support of the Communications Branch improved the internet pages (internal and external). Principles for Assisting Requestors have been posted in addition to the two new procedural documents. These principles are now being included in the acknowledgement letters to the requestors. Further procedural changes have been implemented in the contracting field. A Privacy and Access to Information notice was included in the professional services contracting process checklist. These tools have complemented the training sessions and have been effective in generating greater awareness within the organization.

The ATIP office continues to work diligently on implementing the requirements further to the TBS directives. The ATIP office continues to work with the staff of Treasury Board Secretariat to capture the information necessary to satisfy the requirements identified in the Management Accountability Framework (MAF). This year, NRC received a strong MAF rating.

## COMPLAINTS

There was one new complaint made against NRC in 2010-2011 (A2010-0010). The requestor alleged that NRC unjustifiably denied access to records and failed to provide all records responsive to the request. Further to the complaint, additional records were released to the requestor. The investigation is ongoing with the Office of the Information Commissioner.

The two outstanding complaints made against NRC in 2009-2010 are pending with the Office of the Information Commissioner.

The two outstanding complaints from fiscal year 2008-2009 have been closed. The file A2008-0002 was discontinued and A2008-0008 was abandoned.

## ANNEX A: DELEGATION ORDER

### Access to Information and Privacy Acts Delegation Order

### Décret de la délégation en vertu des Lois sur l'Accès à l'information et sur la Protection des renseignements personnels

The President of the National Research Council of Canada, pursuant to section 73 of the *Access to Information Act* and the *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the person occupying on an acting basis the position, to exercise the powers and functions of the President as the head of a government institution, under the section of the *Acts* set out in the schedule opposite each position. This Designation Order supersedes all previous designation orders.

En vertu de l'article 73 de la *Loi sur l'accès à l'information* et de la *Loi sur la protection des renseignements personnels*, le Président du Conseil national de recherches du Canada délègue aux personnes exerçant les fonctions indiquées en annexe ci-après, ainsi qu'à la personne occupant à titre intérimaire ledit poste, les attributions dont il est, en sa qualité de responsable d'une institution fédérale, investi par les articles des *Lois* mentionnées en regard de chaque tel poste. Le présent décret de délégation remplace et annule tout décret antérieur.

**Schedule / Annexe**

| Position / Poste | Access to Information Act and Regulations / Loi sur l'accès à l'information et règlements | Privacy Act and Regulations / Loi sur la protection des renseignements personnels et règlements |
|---|---|---|
| Secretary General/Secrétaire général | Full authority / Autorité absolue | Full authority / Autorité absolue |
| Access to Information and Privacy Coordinator/ Coordonnateur, Accès à l'information et protection des renseignements personnels | Sections/articles 7(a), 8(1), 9, 11(2) to/à (6), 12(2)(3), 26, 27(1) and/et (4), 28(1),(2) and/et (4), 29(1), 33, 37(4), 43(1), 44(2) | Sections/articles 8(2)(j), 8(4), 8(5), 9(1), 9(4), 10, 14, 15, 17(2)(b), 18(2), 31, 35(1), 35(4), 36(3), 37(3), 51(2)(b) |

Dated, at the City of Ottawa
this 27 day of May, 2010

Daté, en la ville d'Ottawa
ce 27 jour de Mai 2010

John R. McDougall, ing., FCAE, FEC, OStJ
President of the National Research Council of Canada
Président du Conseil national de recherches du Canada

# ANNEX B: STATISTICAL REPORT

Government of Canada / Gouvernement du Canada

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

| Institution | National Research Council Canada - Conseil national de recherches Canada | Reporting period / Période visée par le rapport |
|---|---|---|
| | | 04/01/2010 to/à 03/31/2011 |

| Source | Media / Médias | Academia / Secteur universitatire | Business / Secteur commercial | Organization / Organisme | Public |
|---|---|---|---|---|---|
| | 4 | 1 | 16 | 5 | 31 |

**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 | 57 |
| Outstanding from previous period / En suspens depuis la période antérieure | 2 |
| TOTAL | 59 |
| Completed during reporting period / Traitées pendant la période visées par le rapport | 55 |
| Carried forward / Reportées | 4 |

**II** *Dispositon of requests completed / Disposition à l'égard des demandes traitées*

| | | | | | |
|---|---|---|---|---|---|
| 1. | All disclosed / Communication totale | 23 | 6. | Unable to process / Traitement impossible | 15 |
| 2. | Disclosed in part / Communication partielle | 13 | 7. | Abandoned by applicant / Abandon de la demande | 3 |
| 3. | Nothing disclosed (excluded) / Aucune communication (exclusion) | 0 | 8. | Treated informally / Traitement non officiel | 0 |
| 4. | Nothing disclosed (exempt) / Aucune communication (exemption) | 0 | TOTAL | | 55 |
| 5. | Transferred / Transmission | 1 | | | |

**III** *Exemptions invoked / Exceptions invoquées*

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| S. Art. 13(1)(a) | 0 | S. Art. 16(1)(a) | 0 | S. Art. 18(b) | 2 | S. Art. 21(1)(a) | 2 |
| (b) | 0 | (b) | 0 | (c) | 1 | (b) | 4 |
| (c) | 1 | (c) | 0 | (d) | 0 | (c) | 0 |
| (d) | 0 | (d) | 0 | S. Art. 19(1) | 10 | (d) | 1 |
| S. Art. 14 | 0 | S. Art. 16(2) | 0 | S. Art. 20(1)(a) | 3 | S. Art.22 | 1 |
| S. 15(1) Art. International rel. / Relations interm. | 0 | S. Art. 16(3) | 0 | (b) | 9 | S. Art 23 | 1 |
| Defence / Défense | 0 | S. Art. 17 | 0 | (c) | 4 | S. Art. 24 | 0 |
| Subversive activities / Activités subversives | 0 | S. Art. 18(a) | 2 | (d) | 5 | S. Art 26 | 1 |

**IV** *Exclusions cited / Exclusions citées*

| | | | |
|---|---|---|---|
| S. Art. 68(a) | 0 | S. Art. 69(1)(c) | 0 |
| (b) | 0 | (d) | 0 |
| (c) | 0 | (e) | 0 |
| S. Art. 69(1)(a) | 0 | (f) | 0 |
| (b) | 0 | (g) | 0 |

**V** *Completion time / Délai de traitement*

| | |
|---|---|
| 30 days or under / 30 jours ou moins | 45 |
| 31 to 60 days / De 31 à 60 jours | 6 |
| 61 to 120 days / De 61 à 120 jours | 3 |
| 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 |
|---|---|---|
| Searching / Recherche | 3 | 0 |
| Consultation | 2 | 2 |
| Third party / Tiers | 0 | 1 |
| TOTAL | 5 | 3 |

**VII** *Translations / Traduction*

| | | |
|---|---|---|
| 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 | 36 |
| Examination / Examen de l'original | 0 |
| Copies and examination / Copies et examen | 0 |

**IX** *Fees / Frais*

| Net fees collected / Frais net perçus | | | |
|---|---|---|---|
| Application fees / Frais de la demande | $265.00 | Preparation / Préparation | $0.00 |
| Reproduction | $0.00 | Computer processing / Traitement informatique | $0.00 |
| Searching / Recherche | $0.00 | TOTAL | $265.00 |

| Fees waived / Dispense de frais | No. of times / Nombre de fois | $ |
|---|---|---|
| $25.00 or under / 25 $ ou moins | 2 | $ 30.00 |
| Over $25.00 / De plus de 25 $ | 0 | $ 0 |

**X** *Costs / Coûts*

| Financial (all reasons) / Financiers (raisons) | |
|---|---|
| Salary / Traitement | $ 76,499.00 |
| Administration (O and M) / Administration (fonctionnement et maintien) | $ 4,750.00 |
| TOTAL | $ 81,249.00 |

| Person year utilization (all reasons) / Années-personnes utilisées (raison) | |
|---|---|
| Person year (decimal format) / Années-personnes (nombre décimal) | 1 |

TBS/SCT 350-62 (Rev. 1999/03)