

NATIONAL CAPITAL COMMISSION  
COMMISSION DE LA CAPITALE NATIONALE

# Annual Report to Parliament

*ACCESS TO INFORMATION ACT*

APRIL 1, 2018 TO MARCH 31, 2019

Canada





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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, 2018, to March 31, 2019, as found in the attached Appendix A.

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

During the period, 82 *Access to Information Act* requests were received. This is more than was received in 2017–2018. Including the 23 requests carried over from the previous reporting period, the ATIP Office worked on processing 105 requests in total, and completed 92 in 2018–2019.

The number of pages reviewed for the purpose of responding to access requests increased from 23,839 pages in 2017–2018 to 34,894 pages in 2018–2019. 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 82 requests received during the period originated from the media (35), followed by the general public (29), academia (8), organizations (4) and the business community (1). Five requesters did not identify themselves.

Of the 92 requests completed, the NCC was able to disclose all records in eight cases, and disclosed records in part in 66 cases. In six instances, no records were found that were relevant to the wording of the requests submitted and, in 10 cases, the requests were abandoned by the requesters. There was one instance where records were completely excluded, and no instance where records were all exempted. The existence of records was neither confirmed nor denied for one request. No requests were transferred to another institution.

In 24 cases, the responsive records were released in paper format. The NCC was able to provide records electronically in 50 cases.

A total of 37 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 time frame. Nine requests were completed within 60 days, and 46 requests took longer than 60 days to complete. The NCC responded to 90 percent of the completed requests within the legislated time frame.

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 nine requests processed in 2018–2019.

The NCC also received 20 requests for consultation from other government institutions, a decrease from the 26 of the previous reporting period. All consultations had been completed at the end of 2018–2019. For the 20 requests closed, including one carried over from the previous year, 685 pages required review, which is an increase from the 459 pages reviewed in the previous reporting period. All consultations but three were responded to within 30 days, with half of these (10) completed within 15 days.

Since the 2014–2015 fiscal year, the NCC has received 449 *Access to Information Act* requests, and the number of pages reviewed each year has fluctuated significantly.

Fiscal year	Number of requests closed	Number of pages reviewed	Number of pages released
2014–2015	93	40,501	17,115
2015–2016	111	27,446	21,629
2016–2017	102	47,757	33,036
2017–2018	58	23,839	21,501
2018–2019	92	34,894	28,584

### **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 18, Economic interests of Canada; subsection 15(1) International affairs and defence; section 13, Information obtained in confidence; section 14, Federal-provincial affairs; subsection 16.5, *Public Servants Disclosure Protection Act*; section 22, Testing procedures; and subsection 22.1, Internal audits.

### **Exclusions Invoked**

Exclusions were invoked twice during the reporting period. Subsection 68(a) was applied in both cases.

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

A total of 3.02 full-time equivalents were used to administer the *Access to Information Act* within the NCC. Salaries and administration costs amounted to \$330,673. Operational costs for this fiscal year amounted to \$7,797. Application fees totalling \$355 were collected during this reporting period. No other fees were collected. Fees were waived four 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)

([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 2018–2019, the ATIP Office received 187 requests for records either previously released or to be released through a formal request still being processed. This number represents an increase from the 89 requests received in the previous reporting period. Counting requests carried over from previous fiscal years, a total of 189 requests were completed, resulting in the release of 76,013 pages of records.

## 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, which has been in place since 2009, was updated during this reporting period.

## 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 chief executive officer, 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 July 22, 2018, 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. The Canada School of Public Service Access to Information and Privacy online course was completed by 77 new permanent employees, representing a 98.5 percent completion rate.

## **COMPLAINTS AND INVESTIGATIONS**

Four complaints related to four requests were received in 2018–2019. Two complaints were carried over from 2017–2018. Three complaints were closed before the end of this reporting period.

The first complaint received pertained to a request for information about a contract with the University of Vermont for the analysis of the forest cover. The complaint concerned the validity of the extension. This complaint was settled, since the request had already been completed prior to the start of the Office of the Information Commissioner's investigation.

The three other complaints received were submitted on three separate requests regarding an accident on a bike path. The complaints suggested that the NCC had improperly applied exemptions. The Information Commissioner had not completed the investigation of these three complaints at the end of the reporting period.

The two other complaints closed during the period, pertained to a request on the Chaudières, Albert and Victoria islands in the Ottawa River. The complaints suggested that the NCC had failed to provide all records responsive to the request and had improperly applied exemptions. The Information Commissioner determined that the NCC had provided all the relevant records. The first complaint was therefore not well founded. The Commissioner did find that the NCC had improperly invoked section 19(1) in one instance. After further research during the investigation, it was determined that one of the multiple landowners' names found in the records could be disclosed.

## **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: 2018-04-01 to 2019-03-31

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

#### 1.1 Number of requests

	Number of Requests
Received during reporting period	82
Outstanding from previous reporting period	23
<b>Total</b>	<b>105</b>
Closed during reporting period	92
Carried over to next reporting period	13

#### 1.2 Sources of requests

Source	Number of Requests
Media	35
Academia	8
Business (private sector)	1
Organization	4
Public	29
Decline to Identify	5
<b>Total</b>	<b>82</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	
150	36	2	1	0	0	0	189

**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	0	6	1	1	0	0	0	8
Disclosed in part	0	14	8	29	6	6	3	66
All exempted	0	0	0	0	0	0	0	0
All excluded	0	1	0	0	0	0	0	1
No records exist	5	1	0	0	0	0	0	6
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	8	1	0	0	0	1	0	10
Neither confirmed nor denied	0	1	0	0	0	0	0	1
<b>Total</b>	<b>13</b>	<b>24</b>	<b>9</b>	<b>30</b>	<b>6</b>	<b>7</b>	<b>3</b>	<b>92</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)	0	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	7	20.2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	1	16(2)(c)	31	18(d)	9	21(1)(a)	26
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	29
14	1	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	19
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	3
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	2
15(1)	0	16.1(1)(d)	0	19(1)	51	22.1(1)	2
15(1) - I.A.*	3	16.2(1)	0	20(1)(a)	2	23	23
15(1) - Def.*	0	16.3	0	20(1)(b)	16	24(1)	0
15(1) - S.A.*	0	16.4(1)(a)	0	20(1)(b.1)	0	26	0
16(1)(a)(i)	0	16.4(1)(b)	0	20(1)(c)	17		
16(1)(a)(ii)	0	16.5	2	20(1)(d)	8		
16(1)(a)(iii)	0	17	0				
16(1)(b)	1						
16(1)(c)	1						
16(1)(d)	0						

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

### New Exemptions

Section	Number of Requests
16.31 Investigation under the Elections Act	0
16.6 National Security and Intelligence Committee	0
23.1 Patent or Trademark privilege	0

## 2.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
68(a)	2	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)	0	69(1)(d)	0	69(1)(g) re (e)	0
68.2(b)	0	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	3	5	0
Disclosed in part	21	45	0
<b>Total</b>	24	50	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	58	58	8
Disclosed in part	32087	28526	66
All exempted	0	0	0
All excluded	0	0	1
Request abandoned	2749	0	10
Neither confirmed nor denied	0	0	1

### 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	8	58	0	0	0	0	0	0	0	0
Disclosed in part	27	762	22	5585	10	5504	5	5719	2	10956
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	1	0	0	0	0	0	0	0	0	0
Request abandoned	9	0	0	0	0	0	1	0	0	0
Neither confirmed nor denied	1	0	0	0	0	0	0	0	0	0
<b>Total</b>	46	820	22	5585	10	5504	6	5719	2	10956

### 2.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	2	0	0	0	2
Disclosed in part	50	0	0	0	50
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	1	0	0	0	1
Neither confirmed nor	0	0	0	0	0
<b>Total</b>	<b>53</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>53</b>

### 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
9	5	1	0	3

#### 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	1	1
16 to 30 days	0	1	1
31 to 60 days	0	2	2
61 to 120 days	0	0	0
121 to 180 days	0	1	1
181 to 365 days	0	2	2
More than 365 days	0	2	2
<b>Total</b>	<b>0</b>	<b>9</b>	<b>9</b>

### 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>	<b>0</b>	<b>0</b>	<b>0</b>

## 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	0	1
Disclosed in part	15	0	36	11
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	1	0	1	0
<b>Total</b>	16	0	37	12

### 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	7	0	12	1
31 to 60 days	4	0	8	10
61 to 120 days	4	0	12	1
121 to 180 days	1	0	3	0
181 to 365 days	0	0	2	0
365 days or more	0	0	0	0
<b>Total</b>	16	0	37	12

## Part 4: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	82	\$355	7	\$35
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	\$355	7	\$35

## 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	19	673	1	23
Outstanding from the previous reporting period	1	12	0	0
<b>Total</b>	20	685	1	23
Closed during the reporting period	20	685	1	23
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	8	4	0	0	0	0	0	12
Disclose in part	1	3	3	0	0	0	0	7
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	1	0	0	0	0	0	0	1
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	10	7	3	0	0	0	0	20

### 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	0	0	0	0	0	0	0	0
Disclose in part	1	0	0	0	0	0	0	1
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>	1	0	0	0	0	0	0	1

## 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
4	4	3	11

## 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**

<b>Expenditures</b>		<b>Amount</b>
Salaries		\$323,725
Overtime		\$6,948
Goods and Services		\$7,797
• Professional services contracts	\$0	
• Other	\$7,797	
<b>Total</b>		<b>\$338,470</b>

**9.2 Human Resources**

<b>Resources</b>	<b>Person Years Dedicated to Access to Information Activities</b>
Full-time employees	2.76
Part-time and casual employees	0.26
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
<b>Total</b>	<b>3.02</b>



## Delegation Order / Arrêté de délégation

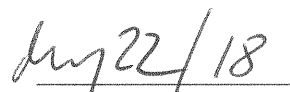
### *Access to Information Act and Privacy Act / Loi sur l'accès à l'information et de la Loi sur la Protection des renseignements personnels*

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

Conformément à l'article 73 de la *Loi sur l'accès à l'information* et de la *Loi sur la Protection des renseignements personnels*, le président de la Commission de la capitale nationale délègue, par le présent, l'autorité prévue dans les articles de ces *Lois*, ci-dessous mentionnés. Tous les arrêtés préalablement en vigueur sont révoqués.

Position/Poste	Provisions of the <i>Access to Information Act</i> / Articles de la <i>Loi sur l'accès à l'information</i>	Provisions of the <i>Privacy Act</i> / Articles de la <i>Loi sur la Protection des renseignements personnels</i>
Chief Executive Officer / Premier dirigeant	Full authority/Autorité absolue	Full authority/Autorité absolue
General Counsel and Commission Secretary / Avocat général et secrétaire de la Commission	Full authority/Autorité absolue	Full authority/Autorité absolue
Chief, Access to Information and Privacy (ATIP) / Chef, Accès à l'information et la protection des renseignements personnels (AIPRP)	Full authority/Autorité absolue	Full authority/Autorité absolue
Senior Analyst, ATIP / Analyste principal, AIPRP (RE-05)	7(a), 8(1), 9, 10(1), 11(2), (3), (4), (5), (6), 19(1), 24(1), 26, 27(1), (4), 33, 35(2)	14, 15, 17(2)(b), 26
Analyst, ATIP / Analyste, AIPRP (RE-04)	7(a), 8(1), 9, 10(1), 19(1), 24(1), 26, 27(1), (4), 33	14, 15, 17(2)(b), 26
Director AREE and Chief Audit Executive / Directeur ARÉE et dirigeante de l'audit interne	10(2), 16.5	22.3

  
Marc Seaman  
Chairperson/Président

  
Date