

Annual Report to Parliament

ACCESS TO INFORMATION ACT

APRIL 1, 2020 TO MARCH 31, 2021



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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 94 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 Public Services and Procurement.

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

During the reporting period, the Access to Information and Privacy (ATIP) Office was part of the Public, Legal and Corporate Affairs 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 three ATIP analysts.

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, 2020, to March 31, 2021, as found in the attached Appendix A.

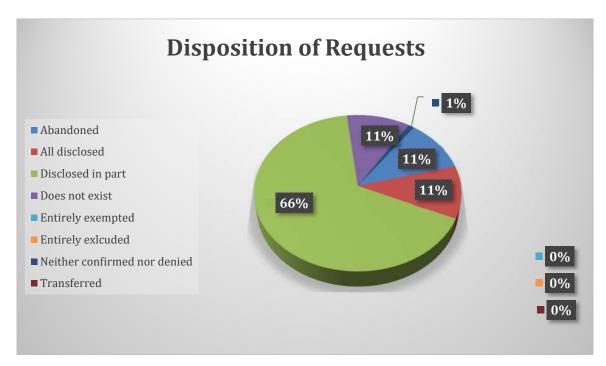
Requests Received Under the Access to Information Act

During the period, 88 *Access to Information Act* requests were received. This is more than were received in 2019–2020. Including the 9 requests carried over from the previous reporting period, the ATIP Office worked on processing 97 requests in total, and completed 65 in 2020–2021.

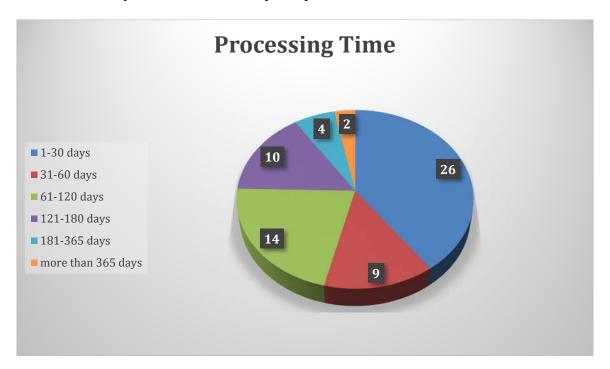
The number of pages reviewed for the purpose of responding to access requests increased from 26,681 pages in 2019–2020 to 28,187 pages in 2020–2021. These figures represent only those formal *Access to Information Act* requests completed, and do not account for the number of pages reviewed for currently active files.

The statistics show that most of the 88 requests received during the period originated from the media (35), followed by the general public (25), organizations (16), academia (9) and the business community (2). One requester did not identify themself.

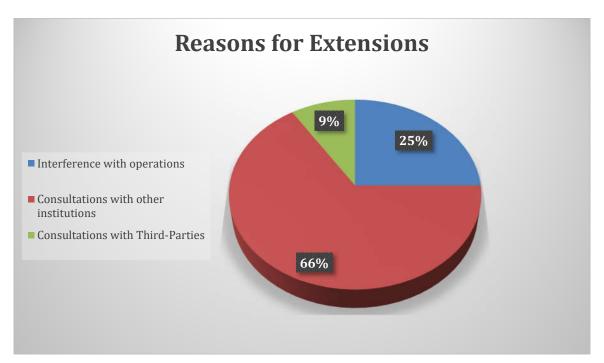
The following pie-chart shows the disposition of the 65 requests that were completed during the year.



The NCC responded to 86 percent of the completed requests within the legislated time frame and was able to provide records electronically in all cases. The NCC was unable to meet the statutory deadline for nine requests processed in 2020–2021.

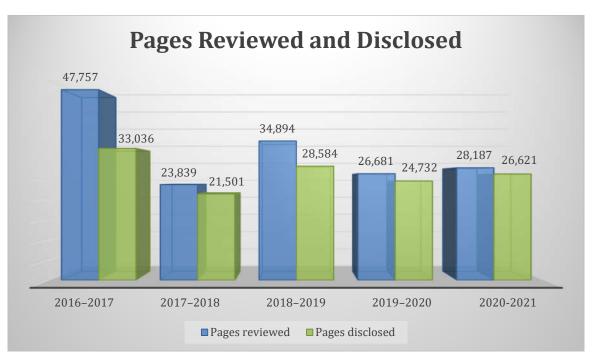


Extensions were invoked several times. Most of these exceeded 30 days. The vast majority were to enable consultations with other institutions.



Since the 2016-2017 fiscal year, the NCC has received 367 *Access to Information Act* requests. The following charts show the work completed during this period.





The NCC also received 15 requests for consultation from other government institutions, an increase from the 11 of the previous reporting period. All consultations had been completed at the end of 2020–2021. For the 15 requests closed, 558 pages required review, which is a significant decrease from the 1,578 pages reviewed in the previous reporting period. All consultations, but one, were responded to within 30 days, with eight of these completed within 15 days after being received.

Exemptions Invoked

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

Exclusions Invoked

Exclusions were invoked on two requests during the reporting period. Both were pursuant to paragraph 68(a), Published material.

Operational Costs to Administer the Access to Information Act

A total of 3.85 full-time equivalents were used to administer the *Access to Information Act* within the NCC. Salaries and administration costs amounted to \$434,265. Operational costs for this fiscal year amounted to \$34,265. Application fees totalling \$395 were collected during this reporting period. No other fees were collected. Fees were waived 9 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 the Open Government website. 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 2020–2021, the ATIP Office received 77 requests for records either previously released or to be released through a formal request still being processed. This number represents an increase from the 69 requests received in the previous reporting period. Counting requests carried over from previous fiscal years, a total of 56 requests were completed, resulting in the release of 14,065 pages of records.

Impact of the COVID-19 Pandemic

On March 14, 2020, all NCC employees, with a few exceptions, were asked to work from home. ATIP staff were able to continue processing requests with few difficulties, as the ATIP office had already transformed most of its processes to enable teleworking. The retrieval of paper-based records was virtually halted, but all requesters were understanding and focused their requests on electronically available records. Although the NCC ATIP office was able to process requests, most third parties and government institutions did not have the capacity to reply in a timely manner to NCC consultations to enable the complete review of all the records. In this context, the ATIP office decided to disclose the portions to the requesters that did not require consultations in the interim when possible.

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.

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 95 of the *Access to Information Act*.

The chief executive officer and the chief of ATIP had complete delegated authority. The ATIP analysts had 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 86 new permanent employees, representing a 87 percent completion rate.

COMPLAINTS AND INVESTIGATIONS

Two complaints were received in 2020–2021. One complaint alleged that not all the records held by the NCC had been provided. The other alleged that the extension was not reasonable. Three complaints were carried over from 2019–2020.

Four complaints were closed before the end of this reporting period. Three complaints related to the application of exemptions were not substantiated by the Office of the Information Commissioner (OIC). The other complaint closed was received within the same year and related to the length of an extension. Since the request was closed within the extended timeframe, the OIC did not render findings on the validity of the extension but rather closed the complaint as resolved.

MONITORING OF PROCESSING TIME

ATIP staff regularly monitored the time taken to process active access to information requests and met weekly to review all active requests.



Statistical Report on the Access to Information Act

Name of institution: National Capital Commission

Reporting period: 2020-04-01 to 2021-03-31

Section 1: Requests Under the Access to Information Act

1.1 Number of requests

	Number of Requests
Received during reporting period	88
Outstanding from previous reporting period	9
Total	97
Closed during reporting period	65
Carried over to next reporting period	32

1.2 Sources of requests

Source	Number of Requests
Media	35
Academia	9
Business (private sector)	2
Organization	16
Public	25
Decline to Identify	1
Total	88

1.3 Informal requests

Completion Time									
1 to 15							Total		
52	4	0	0	0	0	0	56		

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

Canadä

Section 2: Decline to act vexatious, made in bad faith or abuse of right requests

	Number of Requests
Outstanding from previous reporting period	0
Sent during reporting period	0
Total	0
Approved by the Information Commissioner during reporting period	0
Declined by the Information Commissioner during reporting period	0
Carried over to next reporting period	0

Section 3: Requests Closed During the Reporting Period

3.1 Disposition and completion time

	Completion Time								
Disposition of Requests	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	Than 365 Days	Total	
All disclosed	0	5	1	1	0	0	0	7	
Disclosed in part	1	5	8	13	10	4	2	43	
All exempted	0	0	0	0	0	0	0	0	
All excluded	0	0	0	0	0	0	0	0	
No records exist	3	4	0	0	0	0	0	7	
Request transferred	0	0	0	0	0	0	0	0	
Request abandoned	7	0	0	0	0	0	0	7	
Neither confirmed nor denied	1	0	0	0	0	0	0	1	
Decline to act with the approval of the Information Commisioner	0	0	0	0	0	0	0	0	
Total	12	14	9	14	10	4	2	65	

3.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	0	16(2)	2	18(a)	0	20,1	0
13(1)(b)	0	16(2)(a)	0	18(b)	6	20,2	0
13(1)(c)	0	16(2)(b)	1	18(c)	0	20,4	0
13(1)(d)	1	16(2)(c)	23	18(d)	3	21(1)(a)	4
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	10
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	1
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	0
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	0
15(1)	0	16.1(1)(d)	0	19(1)	39	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	8
15(1) - Def.*	0	16,3	0	20(1)(b)	13	23,1	0
15(1) - S.A.*	0	16,31	0	20(1)(b.1)	0	24(1)	1
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(c)	16	26	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(d)	0		
16(1)(a)(iii)	0	16,5	0			_	
16(1)(b)	0	16,6	0				
16(1)(c)	0	17	0				
16(1)(d)	0	* I.A.:	International A	- ffairs Def.:	Defence of	Canada	S.A.: Subvers

3.3 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

3.4 Format of information released

Paper	Electronic	Other
0	50	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of Pages	Number of Pages	
Processed	Disclosed	Number of Requests
28187	26621	58

3.5.2 Relevant pages processed and disclosed by size of requests

		han 100 rocessed	Pa	101-500 Pages Processed		000 ocessed		-5000 rocessed	More Than 5000 Pages Processed	
Disposition	Number of Requests	Pages Disclosed	Number of Request s	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	6	35	1	189	0	0	0	0	0	0
Disclosed in part	19	672	17	3596	2	1084	4	10355	1	10690
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	7	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	1	0	0	0	0	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0	0	0
Total	33	707	18	3785	2	1084	4	10355	1	10690

3.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees			Total
All disclosed	2	0	0	0	2
Disclosed in part	33	0	0	0	33
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0
Total	35	0	0	0	35

3.6 Closed requests

3.6.1 Number of requests closed within legislated timelines

	Requests closed within legislated timelines
Number of requests closed within legislated timelines	56
Percentage of requests closed within legislated timelines (%)	86,2

3.7 Deemed refusals

3.7.1 Reasons for not meeting legislated timelines

	Principal Reason						
Number of Requests Closed Past the Legislated Timelines	Interference with Operations / Workload	External Consultation	Internal Consultation	Other			
9	2	3	2	2			

3.7.2 Requests closed beyond legislated timelines (including any extension taken)

Number of Days Past Legislated Timelines	Number of Requests Past Legislated Timeline Where No Extension Was Taken	Number of Requests Past Legislated Timeline Where an Extension Was Taken	Total
1 to 15 days	1	2	3
16 to 30 days	0	1	1
31 to 60 days	0	3	3
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	1	1
More than 365 days	0	1	1
Total	1	8	9

3.8 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Section 4: Extensions

4.1 Reasons for extensions and disposition of requests

		9(1)(b) Co	onsultation	
Disposition of Requests Where an Extension Was Taken	9(1)(a) Interference With Operations	Section 69	Other	9(1)(c) Third-Party Notice
All disclosed	0	0	2	0
Disclosed in part	11	0	27	4
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Decline to act with the approval of the Information Commisioner	0	0	0	0
Total	11	0	29	4

4.2 Length of extensions

	9(1)(a)	9(1)(b) Co		
Length of Extensions	Interference With Operations	Section 69	Other	9(1)(c) Third-Party Notice
30 days or less	3	0	8	2
31 to 60 days	1	0	8	2
61 to 120 days	4	0	6	0
121 to 180 days	2	0	6	0
181 to 365 days	0	0	1	0
365 days or more	1	0	0	0
Total	11	0	29	4

Section 5: Fees

	Fee (Collected	Fee Waived or Refunded			
Fee Type	Requests	Amount	Requests	Amount		
Application	79	\$395	9	\$45		
Other fees	0	\$0	0	\$0		
Total	79	\$395	9	\$45		

Section 6: Consultations Received From Other Institutions and Organizations

6.1 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	13	535	2	23
Outstanding from the previous reporting period	0	0	0	0
Total	13	535	2	23
Closed during the reporting period	13	535	2	23
Carried over to next reporting period	0	0	0	0

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

	N	Number of Days Required to Complete Consultation Requests							
Recommendation	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	Than 365 Days	Total	
Disclose entirely	7	3	1	0	0	0	0	11	
Disclose in part	0	2	0	0	0	0	0	2	
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	
Total	7	5	1	0	0	0	0	13	

6.3 Recommendations and completion time for consultations received from other organizations

	N	Number of Days Required to Complete Consultation Requests						
Recommendation	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	Than 365 Days	Total
Disclose entirely	0	0	0	0	0	0	0	0
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	1	0	0	0	0	0	0	1
Other	0	1	0	0	0	0	0	1
Total	1	1	0	0	0	0	0	2

Section 7: Completion Time of Consultations on Cabinet Confidences

7.1 Requests with Legal Services

		han 100 rocessed				501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
Number of Days	Number of Requests	Pages Disclosed	Number of Request	Pages Disclosed	Number of Requests		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	
Total	0	0	0	0	0	0	0	0	0	0	

7.2 Requests with Privy Council Office

		han 100 rocessed		00 Pages essed	501-1 Pages Pr			-5000 rocessed		han 5000 Processed
Number of Days	Number of Requests	Pages	Number of Request	Pages Disclosed	Number of Requests		Number of Requests		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
Total	0	0	0	0	0	0	0	0	0	0

Section 8: Complaints and investigations

Section 32 Notice of intention to investigate	Subsection 30(5) Ceased to investigate	Section 35 Formal representations	Section 37 Reports of finding received	Section 37 Reports of finding containing recommendations issued by the Information Commissioner	Section 37 Reports of finding containing orders issued by the Information Commissioner
2	0	2	4	0	0

Section 9: Court Action

9.1 Court actions on complaints received before June 21, 2019 and on-going

Section 41 (before June 21, 2019)	Section 42	Section 44
0	0	0

9.2 Court actions on complaints received after June 21, 2019

Section 41 (after June 21, 2019)				
Complainant (1)	omplainant (1) Institution (2) Third Party (3) Privacy Commissioner (4) Total			
0	0	0	0	0

Section 10: Resources Related to the Access to Information Act

10.1 Costs

Expenditures		Amount
Salaries		\$401 640
Overtime		\$8 391
Goods and Services		\$24 234
Professional services contracts \$15 036		
Other	\$9 198	
Total		\$434 265

10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	3,800
Part-time and casual employees	0,000
Regional staff	0,000
Consultants and agency personnel	0,050
Students	0,000
Total	3,850

Note: Enter values to three decimal places.

Supplemental Statistical Report on the Access to Information Act and Privacy Act

Name of institution:	National Capital Commission				
Danarting nariad	2020 04 04	to	2021 02 21		
Reporting period:	2020-04-01	IO .	2021-03-31		

Section 1: Capacity to Receive Requests

Enter the number of weeks your institution was able to receive ATIP requests through the different channels.

	Number of Weeks
Able to receive requests by mail	52
Able to receive requests by email	52
Able to receive requests through the digital request service	0

Section 2: Capacity to Process Records

2.1 Enter the number of weeks your institution was able to process paper records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Paper Records	0	52	0	52
Protected B Paper Records	0	52	0	52
Secret and Top Secret Paper Records	0	52	0	52

2.2 Enter the number of weeks your institution was able to process electronic records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Electronic Records	0	0	52	52
Protected B Electronic Records	0	0	52	52
Secret and Top Secret Electronic Records	52	0	0	52





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 ARÉÉ et direigeante de l'audit interne	10(2), 16.5	22.3	

Marc Seaman

Chairperson/Président

Jun 22/18 Date