

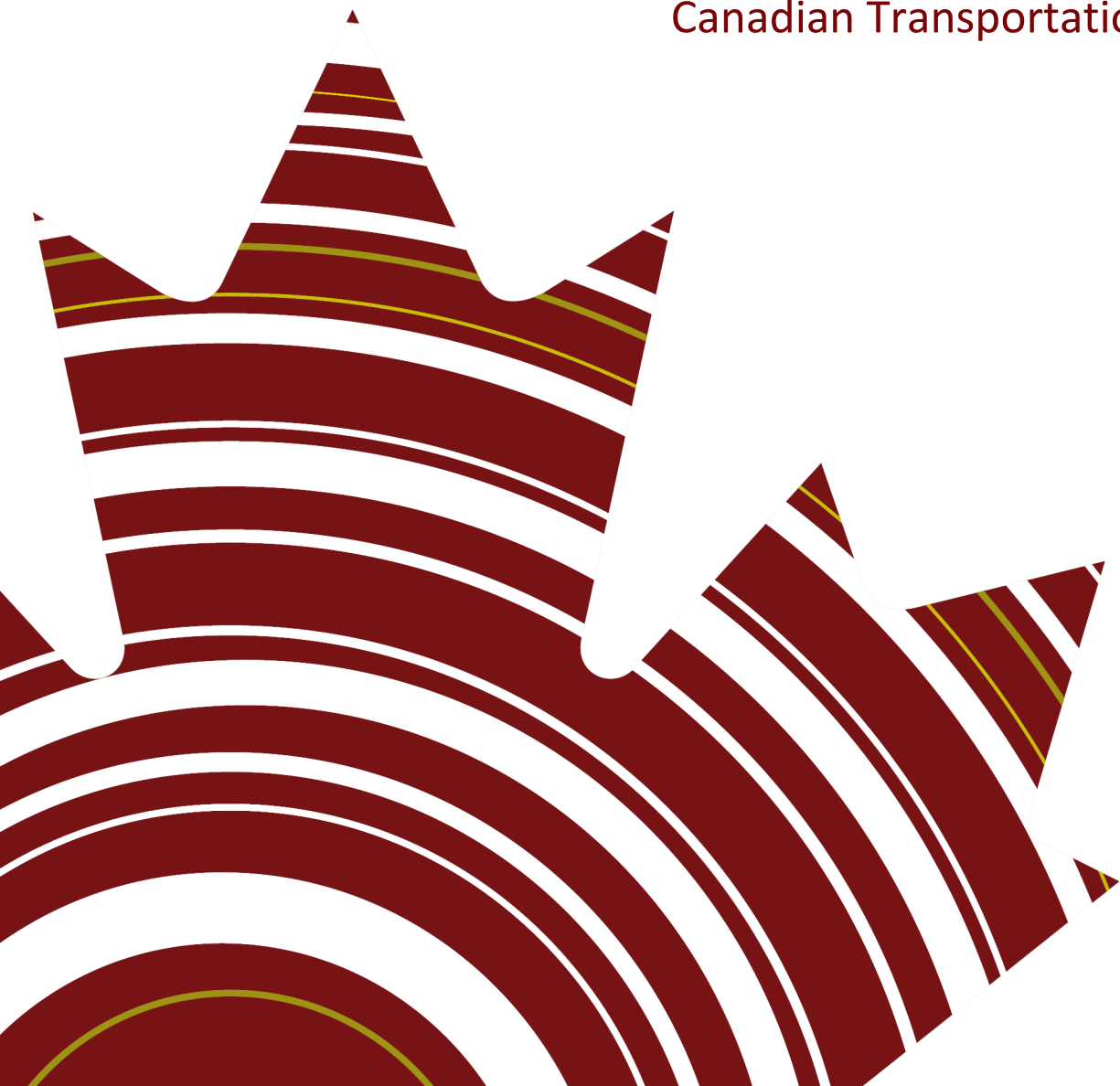


Canadian  
Transportation  
Agency

Office  
des transports  
du Canada

# 2020-2021 Annual Report on the administration of the *Access to Information Act*

Canadian Transportation Agency



Canada 

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# Introduction

The *Access to Information Act* (ATIA), enacted in 1983, grants Canadian citizens, permanent residents and any person or corporation present in Canada the right to access the records of federal institutions subject to the ATIA. This right enables individuals to access or obtain copies of records of a government institution, subject to specific and limited circumstances under the ATIA. The ATIA complements other policies and procedures to make government information available to the public, such as open-government initiatives and proactive disclosure.

Section 94 of ATIA requires that at the end of each fiscal year, the head of every federal government institution prepare a report to Parliament on the administration of the ATIA within the institution.

Under section 20 of the *Service Fees Act*, the appropriate authority must have a report tabled in Parliament on the fees within the jurisdiction of the responsible authority that are payable.

This Annual Report is tabled in Parliament under section 94 of the ATIA and section 20 of the *Service Fees Act*. This report describes how the Canadian Transportation Agency (Agency) fulfilled its responsibilities under these acts for the period beginning April 1, 2020, ending March 31, 2021, and during the COVID-19 pandemic.

## About the Agency

The Agency is an independent, quasi-judicial tribunal and regulator that has, with respect to all matters necessary for the exercise of its jurisdiction, all the powers of a superior court.

The Agency oversees the very large and complex [Canadian transportation system](#), which is essential to the economic and social well-being of Canadians.

The Agency's decision makers are regular [Members](#) appointed by the Governor-in-Council (GIC) and temporary Members appointed by the Minister of Transport from a GIC-approved roster. Members' key functions include making adjudicative rulings, regulations, and regulatory determinations, as well as designating Agency staff to exercise the role of enforcement officers.

The Agency has three core mandates:

- To help ensure that the national transportation system runs efficiently and smoothly in the interests of all Canadians: those who work and invest in it; the producers, shippers, travellers and businesses who rely on it; and the communities where it operates.
- To protect the human right of persons with disabilities to an accessible transportation network.
- To provide consumer protection for air passengers.

To help advance these mandates, the Agency has three tools at its disposal:

- Rule making: The Agency develops and applies ground rules that establish the rights and responsibilities of transportation service providers and users and that level the playing field among competitors. These rules can take the form of binding regulations or less formal guidelines, codes of practice or interpretation notes.
- Dispute resolution: The Agency resolves disputes that arise between transportation service providers on the one hand, and their clients and neighbours on the other, using a range of tools from facilitation and mediation to arbitration and adjudication.
- Information provision: The Agency provides information on the transportation system, the rights and responsibilities of transportation service providers and users, and the Agency's legislation and services.

## Organizational structure of the ATIP Division

During this reporting period, the Access to Information and Privacy (ATIP) Division was part of the Secretariat, Registrar Services and Information Management Directorate (SRSIMD). The ATIP Division consists of an ATIP coordinator reporting to the director, SRSIMD, and an ATIP analyst.

The ATIP coordinator is responsible for the daily activities related to the administration and enforcement of the ATIA and the *Privacy Act* (PA), and for ensuring compliance with the requirements of legislation, policies and directives, as well as of any other ATIP policy instruments issued by the Treasury Board of Canada Secretariat (TBS).

Activities of the ATIP Division include:

- processing requests for information submitted under the ATIA and the PA in accordance with legislation, regulations, policies and TBS guidelines;
- providing advice and guidance to Agency managers and employees on the interpretation and application of the ATIA and the PA;
- developing and offering to Agency managers and employees training and awareness sessions on how to meet their obligations under the ATIA and the PA;
- developing policies, procedures and guidelines on how to enforce the ATIA and the PA, in accordance with the instructions issued by TBS;
- collaborating with the Office of the Information Commissioner and with the Office of the Privacy Commissioner on the resolution of complaints filed against the Agency;
- coordinating the updating of the Agency's Info Source publication;
- ensuring that the proactive publication requirements of Bill C-58 are met; and
- preparing statistical and annual reports for tabling in Parliament with respect to the administration and enforcement of the ATIA and the PA.

## Open court principle

In its role as a quasi-judicial tribunal, the Agency operates like a court when adjudicating disputes and is therefore bound by the open court principle. This means that the Agency's proceedings must be open and accessible to all Canadians.

Any submission or document filed with the Agency as part of its formal adjudication process will be made part of the public record without redaction, unless a claim for confidentiality has been made to and accepted by the Agency. Requests for information

about decisions issued in a dispute proceeding are processed informally, and records are released in their entirety unless a request for confidentiality was granted.

While requests for information on the public record are processed informally by other areas of the Agency, the ATIP Division must also apply the open court principle when these records form part of a response to a request made under the ATIA.

## **Delegation order**

Delegation orders set out the powers, duties and functions for the administration of the ATIA that have been delegated by the head of the institution, and specify to whom they have been delegated.

In May 2016, the Chair and Chief Executive Officer, as head of the Agency, delegated full authority for the administration of the ATIA to the persons holding the positions of director of SRSIMD and of chief corporate ATIP officer, as well as partial authority to the persons holding the positions of ATIP coordinator and of ATIP analyst.

A copy of the signed delegation instrument is included in Appendix A.

## **Highlights of 2020–2021 statistical report**

### **COVID-19: Impact on operations**

This year's reporting reflects the Government of Canada's ongoing measures to reduce the spread of the COVID-19 virus in order to protect the health and safety of the population and public servants, and to maintain its services to citizens.

To protect the health and wellness of ATIP employees, the Agency provided the necessary equipment and tools to optimize telework and electronic processes. Despite some initial network challenges, this new way of working allowed the ATIP Division to continue its operations, respect citizens' right of access and meet its obligations under the ATIA and the PA.

To optimize the Agency's internal processes and client services in the administration of the ATIA and the PA, the ATIP Division undertook the following initiatives:

### **Enabling employees to stay productive:**

- ATIP employees have been working from home since the beginning of the COVID-19 pandemic.
- ATIP employees have been provided with the necessary equipment to work from home: laptops, mobile devices, work surfaces, keyboards, headphones, computer mice, chairs etc., access to the Agency's Virtual Private Network (VPN) and a help-line service with the Information Technology (IT) Unit to remedy any technical problems and difficulties with the equipment, AccessPro Case Management (APCM) system, AccessPro Redaction (APR) system and GoAnywhere Secure Mail for the disclosure of the records to requesters.
- ATIP employees have been provided with new resources to respond to the unusual workload: a senior ATIP consultant was hired to work on the backlog requests and re-vamping the APCM system; and two administrative assistants were hired to perform administrative tasks and the importation of electronic records into the APR system. This year, the ATIP Division processed 68,038 pages and disclosed 12,344 pages of ATIA requests.
- ATIP employees have been provided with assistance from internal resources from the Information Management (IM) and IT for the retrieval and the digitization of the records for processing. These resources were required to maintain the workflow in the processing of requests and responding to the requesters within the established timeline.
- ATIP employees have maintained their services and activities by using different channels to communicate with their internal Agency clients, requesters and external requesters. The internal communications were done by emails, instant messaging (Skype and Microsoft Teams), mobile phone, video conferencing; and the external communications with the requesters were done by emails or mobile phone.

## Running effective operations:

- The ATIP Division has ensured transparency in the ATIP process in relation to the “Duty to Assist” requirements, by maintaining proactive communication with the requesters in order to provide timely and complete responses.
- The ATIP Division has worked remotely with partial capacity to process ATIP requests and meet the ATIA and PA obligations. TBS acknowledged the ongoing impact of COVID-19 on the ATIP process capacity of institutions and collected data on their processing situations to disclose to the public. TBS sent weekly questionnaires to all of the institutions subject to the ATIA and collected data on their ATIP request capacity during the COVID-19 pandemic, which included a monthly questionnaire on the capacity to receive and process consultation requests from other government institutions. The results of the data collected from the two questionnaires are published on the Open Government website: [Results of the ATIP Request Capacity Questionnaire - Open Government Portal \(canada.ca\)](#) and are included in Appendix C – Supplemental Statistical Report of this report.
- The ATIP Division has provided ongoing support and guidance to Agency's employees and management with regards to the application of the ATIA, PA, digital processing process and related materials.
- The ATIP Division has continued to coordinate the processing of Agency's proactive disclosure of information under Bill C-58. The business impacts of COVID-19 did not interfere with the Agency's publishing on the Open Canada website.
- The ATIP Division has notified the requesters of the possible delays for the Agency to process their requests on time due to COVID-19. The institutions were provided with standardized messages from TBS to use in their communications with their requesters. The ATIP Division has included this standard message in the acknowledgement letters, clarification letters and extension letters.
- The ATIP Division has digitized all of the aspects relating to the processing of the ATIA and PA requests: the ATIP letters, the offices of primary interest (OPIs) tasking notification for the search of the records of any format responsive to a request, the Statement of Completeness form and signature, and the release of the records to the requester.



- The ATIP Division has begun the review of the APCM administration list to delete obsolete information. This streamlining of the APCM will facilitate the tracking and the processing of the ATIP requests and provide ATIP employees and senior management with up-to-date information on the status of the ATIA and PA requests they receive. It is worth mentioning that this will enable the system to automatically generate data for the Agency's statistical annual reporting as opposed to having to generate it manually as in the previous years.
- The ATIP Division along with the other institutions' ATIP offices, have been actively participating in TBS's Online Request Service Pilot Project (ATIP Online Request Service [AORS]). This initiative simplifies the process of requesting government records by providing a convenient solution, which enables Canadians to submit their ATIP requests and application fees online. In 2020-2021, the Agency received 100% of the 54 ATIA requests through the AORS.
- The ATIP Division has participated actively in the virtual TBS ATIP Community meetings. These meetings aim to update the ATIP community on ATIP considerations with regard to the Acts, policies, guidelines, and to share best practices on processing requests during COVID-19.

## Requests received under the ATIA, consultations and informal requests

During the reporting period, the Agency received 54 new ATIA requests, 24 (80%) more than the 30 requests received in 2019-2020. The Agency had a total of 68 active requests, 14 of which were outstanding from the previous fiscal year. The Agency closed 63 requests within the prescribed timelines and carried over five to the 2021-2022 fiscal year. A total of 49 of the 63 requests (78%) were closed within the legislated timeline.

In addition, the Agency received and completed 12 consultation requests under the ATIA from other government institutions, involving records of potential interest to the Agency. No consultations were carried over to the next fiscal year.

Processing informal requests for information is a shared responsibility at the Agency. The 3 requests received during the reporting period were completed within the

timelines agreed upon with the requesters. Of the 3 informal requests, 2 were completed within 15 days, 1 was completed within 30 days.

In addition, the ATIP Division responded to over 100 requests received (by mobile phone or email) from Agency employees for advice and recommendations on the administration of ATIA.

## Overview of requests received and closed over the last five years

Reporting year	Requests received	Requests closed *	Consultation requests	Informal requests
2020-2021	54	63	12	3
2019-2020	30	26	25	17
2018-2019	32	24	8	16
2017-2018	44	47	10	35
2016-2017	30	26	11	2

\* Includes outstanding requests from the previous fiscal year



## Disposition of closed requests

The Agency disposed of the 63 closed requests as follows: 7 (11%) all disclosed; 28 (44%) disclosed in part; 4 (6%) requests abandoned; 3 (5%) requests transferred and 21 (33%) requests for which no records exist.

## Completion of time and extensions for closed requests

Of the 63 requests closed during the reporting period, 29 (46%) were completed within 30 days; 5 (8%) were completed within 60 days; 14 (22%) were completed within 120 days; 8 (13%) were completed within 180 days; 6 (10%) were completed within 365 days; and 1 (1%) was completed in more than 365 days.

The ATIA allows institutions to extend the time limit to process a request for the following reasons:

- paragraph 9(1)(a): the request is for a large number of records or necessitates a search through a large number of records, and meeting the original time limit would unreasonably interfere with the operations of the government institution;
- paragraph 9(1)(b): consultations are necessary to comply with the request that cannot reasonably be completed within the original time limit; or
- paragraph 9(1)(c): notice of the request is given pursuant to subsection 27(1) of the ATIA.

Due to the number of ATIP requests that the ATIP Division received this year, the large volume of records requested, the limited tools and resources for the search of the records, the review and processing of voluminous pages, the preparation of a number of consultation packages to third parties, and the emergency situation of COVID-19, the ATIP Division determined that it could not meet legislative timelines for some of the ATIA requests and obtained extensions of time to complete their processing. The requesters were notified of any extensions taken by the ATIP Division in the course of the processing of their requests.

Extended processing time was required for 34 (54%) of the 63 requests closed during the reporting period in the following disposition breakdown: 6 requests (18%) for which records were all disclosed were extended under paragraph 9(1)(a); 20 requests (59%) for which records were disclosed in part were extended under paragraph 9(1)(a); 5 requests (15%) for which no records exist were extended under paragraph 9(1)(a); and 3 requests (9%) for which records were disclosed in part were extended under paragraph 9(1)(c).

However, 14 (22%) of the 63 closed requests were closed past the legislated timelines for the following reasons: 11(79%) requests for interference with operations due to the workload and 3 (21%) requests for external consultations. From these 14 requests, 2 (14%) were completed with no time extension taken, and 12 (86%) requests were completed with time extensions taken.

## Exemptions and exclusions

Exemptions and exclusions are the only grounds to withhold information found in records that are requested under ATIA, and their application is limited and specific. During the reporting period, sections 16, 19, 20, 21 and 23 were used by Agency to deny access to the requested records.

Section 16 allows for the refusal to disclose information that could reasonably be expected to facilitate the commission of an offence. This provision was invoked in 1 request.

Section 19 allows for the refusal to disclose personal information about an individual other than the individual who made the request. This provision was invoked in 20 requests.

Section 20 allows for the refusal to disclose third-party information (subject to the requirement for notification in section 27), including but not limited to, trade secrets, confidential financial, commercial, scientific or technical information, and information used for emergency management plans. As defined in [section 3 of the Access to Information Act](#), “third party” means “any person, group of persons or organization other than the person that made the request or a government institution.” The definition of third party encompasses government bodies and ATIP offices to which the Act does not apply. This provision was invoked in 27 requests.

Section 21 allows for the refusal to disclose certain records relating to the activities of government institutions. This provision was invoked in 29 requests.

Section 23 allows for the refusal to disclose personal information that is subject to solicitor-client privilege or the professional secrecy of advocates and notaries or to litigation privilege. This provision was invoked in 8 requests.

The ATIA states that certain types of records are excluded from its application, specifically, records to which the public has access (section 68) and records containing Confidences of the Queen's Privy Council for Canada (section 69). The Agency did not invoke exclusions for any requests completed during the reporting period.

The Agency's statistical report on the ATIA for reporting year 2020-2021 is provided in Appendix B and the 2020-2021 Supplemental Statistical Report on the *Access to Information Act* and *Privacy Act* in Appendix C.

## **Fees for the purposes of the *Service Fees Act***

The *Service Fees Act* requires a responsible authority to report annually to Parliament on the \$5 application fee collected by the institution under the ATIA.

With respect to the \$5 application fee collected under the ATIA, the information below is reported by the Agency in accordance with the requirements of section 20 of the *Service Fees Act*.

In accordance with the Interim Directive on the Administration of the ATIA, issued on May 5, 2016, and the changes to the ATIA that came into force on June 21, 2019, the Agency waives all fees prescribed by the ATIA and Regulations, other than the \$5 application fee set out in paragraph 7(1)(a) of the Regulations.

Accordingly, the Agency charged requesters the prescribed \$5 application fee under ATIA to process their ATI requests. Of the 54 requests received during the reporting period, the Agency collected \$210 worth of application fees (total of 42 requests) and waived a total of \$60 of application fees to requesters (total of 12 requests).

The Agency's total cost of operation for the administration of the ATIA comes to \$201,201, including \$108,873 of employee salary and \$92,328 in professional services, contracts and program resources. The Agency reported no overtime for this period.

The Agency reports a total of 4 employees that were dedicated to the ATIA activities, whether as full-time, part-time or casual employees, or as consultants.

## **Training and awareness**

During this reporting period, the ATIP Division has delivered no formal training. However, the ATIP Division continued its outreach to Agency managers and employees. The ATIP Division provided ongoing guidance and recommendations on the application and interpretation of the ATIA, and communicated TBS policies and guidelines through ongoing dialogue, informal discussions and group training to enable Agency employees to better meet the requirements of the ATIA.

## **Policies, guidelines, procedures and initiatives**

The ATIP Division continued its efforts to improve and update its processes and guidelines for processing ATIP requests to enable Agency employees, particularly the ATIP liaison officers (LOs) and OPIs, to better understand their responsibilities and the importance of their role in the processing (searching and retrieving) of records under the ATIA in order to maximize the efficiency in processing requests and ensure that requesters receive the requested information in a timely manner.

## **Transition to a digital ATIP request process**

During this period, the ATIP Division continued the improvement and updating project that reviewed the request processing, the retrieval of the records and APCM functionality. Despite the ongoing review, the material for the retrieval of the ATIA and PA requests is fully digitized. The project has brought the ATIP Division from a paper-based operation to an effective paperless operation with the following actions:

- The OPIs work with electronic forms to submit their records, recommendations and their collection of confirmation signatures. These electronic forms have ensured continuity in the processing of requests and compliance with statutory deadlines.

- The OPIs' search for records is done electronically and the records found are provided in electronic format only to the ATIP Division. The OPIs search the shared drives, their own emails and their personal drives, while IM searches for the pertinent records in the Records, Document and Information Management System (RDIMS) and paper files.
- The eDOCS RM Admin Tool is used by the ATIP Division to create ATIP files in the Agency's File Plan in RDIMS, the Agency's corporate repository for record-keeping. The ATIP Division does not keep any paper records of ATIP requests.
- A new shared folder named "SearchResults" has been put in place to enable the OPIs to download their records resulting from their searches. The ATIP Division can easily upload the records from the mailbox into the APR for review.
- The approvals for the disclosure of the ATIA and PA requests records are completed by the ATIP director through APCM.
- The records are electronically disclosed to the requester with the Agency secure file transfer system "GoAnywhere." The ATIP Division is now able to securely disclose records larger than 30MB to the requester.

In order for the ATIP Division to process all the ATIA requests within the legislative timeline at a percentage of 100%, the ATIP Division, in collaboration with the LOs and OPIs, is continuing to improve its processing efficiency for greater productivity.

## Proactive disclosure

The Government of Canada is working hard to enhance the role of Parliament and the proactive disclosure of information so that Canadians are better able to hold Parliament, their government, and public sector officials to account.

The Agency is committed to transparency and the highest ethical standards. As a result, in compliance with [Bill C-58](#), and with the coordinating of the proactive disclosing process by the ATIP Division, the Agency has continued to proactively disclose the required publications within requested deadlines during COVID-19.

All of the Agency's 2020-2021 published proactive disclosures are listed below and are accessible on the [Open government portal](#) and/or the [Agency websites](#).

- [Travel and hospitality expenses](#)
- [Contracts over \\$10,000](#)
- [Reclassification of positions](#)
- [Briefing note titles and numbers](#)
- [Completed access requests](#)
- [Access to Information and Privacy Annual Reports](#)
- [Info Source](#)

## Summary of key files and actions taken on complaints or audits

During the reporting period, the Agency received from the ATIP Division of the Information Commissioner (OIC) 4 notices of intention to investigate under section 32. The Agency received two complaints on one request; one complaint for the delay to respond to the request was resolved by the OIC, and one complaint relating to the exemptions applied to the disclosed records is still active with the OIC. The third complaint was for the delay to respond to the request, which the OIC ceased to investigate, and the fourth complaint on the conduct of the search for records is still active with the OIC.

## Monitoring compliance

During the reporting period, the Agency continued to use APCM to track and monitor all administrative activities and set due dates in order to meet statutory timelines. Due dates for all actions were communicated to LOs, OPIs and reminders were sent as required. All actions taken have also been detailed in a separate tracking tool, and the status of each request was communicated weekly to the Director, SRSIMD, to review the performance, priorities and issues in the processing of requests.

These measures have continued despite the impact of COVID-19.



# Public Reading Room

The ATIA requires government institutions to provide facilities where the public may inspect any manual used by employees of the institution in administering or carrying out programs or activities of the institution that affect the public. A reading room is located at the Agency's ATIP Division offices at 15 Eddy Street, 17<sup>th</sup> floor in Gatineau, Quebec.

During the COVID-19 pandemic, the Agency did not receive any requests for public consultation.

# Appendix A: May 2016 Delegation Order

## CANADIAN TRANSPORTATION AGENCY

### DELEGATION ORDER *ACCESS TO INFORMATION ACT, ACCESS TO INFORMATION REGULATIONS, PRIVACY ACT AND PRIVACY REGULATIONS*

The Chairman and Chief Executive Officer of the Canadian Transportation Agency, pursuant to section 73 of the *Access to Information Act* and section 73 of the *Privacy Act*, designates the persons holding the positions set out in the attached Schedule, or the persons occupying on an acting basis those positions, to exercise the powers, duties and functions of the Chairman and Chief Executive Officer as the head of the Canadian Transportation Agency, under the provisions of the Acts and related regulations set out in the Schedule opposite to each position. This designation replaces all previous delegation orders.



Scott Streiner  
Chairman and Chief Executive Officer

Dated, at the City of Ottawa, this 02 day of May, 2016

Section of the ATIA	Description	Authority delegated to			
Administration of the <i>Access to Information Act</i>		Chief Corporate ATIP Officer	Director IMTSD	ATIP Coordinator	ATIP Analyst
4(2.1)	<b>Responsibility of head of institution</b> <ul style="list-style-type: none"> <li>• make every reasonable effort to assist the person in connection to the request, respond to the request accurately, completely and, subject to the regulations, provide timely access to the record in the format requested</li> </ul>	X	X	X	X
7(a)	<b>Notice where access requested</b> <ul style="list-style-type: none"> <li>• give written notice to the requester as to whether or not access to records or parts thereof will be given</li> </ul>	X	X	X	X
7(b)	<ul style="list-style-type: none"> <li>• give access to the record or part thereof</li> </ul>	X	X	X	
8(1)	<b>Transfer of request</b> <ul style="list-style-type: none"> <li>• transfer a request to another government institution with a greater interest</li> </ul>	X	X	X	X
9	<b>Extension of time limits</b> <ul style="list-style-type: none"> <li>• extension of time limits and giving notices to requester and Information Commissioner</li> </ul>	X	X	X	X
11(2)(3)(4)(5)(6)	<b>Additional fees</b> <ul style="list-style-type: none"> <li>• assessing additional fees chargeable under the Act and section 7 of the regulations, notification to the requester, waiving of fees</li> </ul>	X	X	X	
12(2)(b)	<b>Language of access</b> <ul style="list-style-type: none"> <li>• determining if it is in the public interest to translate records requested in a particular official language</li> </ul>	X	X	X	

12(3)(b)	<b>Access to record in alternative format</b> • determining if the giving of access in an alternative format to a person with a sensory disability is necessary and reasonable	X	X	X	
<b>Exemption provisions of the ATIA</b>					
13	<b>Information obtained in confidence</b>	X	X	X	
14	<b>Federal-provincial affairs</b>	X	X		
15	<b>International affairs and defence</b>	X	X		
16	<b>Law enforcement and investigations</b>	X	X		
16.5	<b><i>Public Servants Disclosure Protection Act</i></b>	X	X		
17	<b>Safety of individuals</b>	X	X		
18	<b>Economic interests of Canada</b>	X	X		
18.1	<b>Economic interest of certain government institutions</b>	X	X		
19	<b>Personal information</b>	X	X	X	
20	<b>Third-party information</b>	X	X	X	
21	<b>Operations of government</b>	X	X		
22	<b>Testing procedures, tests and audits</b>	X	X	X	
22.1	<b>Internal audits</b>	X	X	X	
23	<b>Solicitor-client privilege</b>	X	X		
24	<b>Statutory prohibitions</b>	X	X	X	

Other provisions of the Act					
25	<b>Severance</b> <ul style="list-style-type: none"> <li>determining if exempt information can reasonably be severed from otherwise releasable information</li> </ul>	X	X	X	X
26	<b>Information to be published</b> <ul style="list-style-type: none"> <li>determining whether to refuse to disclose information that will be published within 90 days of the request</li> </ul>	X	X	X	X
27(1)(4)	<b>Third-party notification</b> <ul style="list-style-type: none"> <li>written notice to third parties of intent to disclose information that relates to them and extend time limits</li> </ul>	X	X	X	X
28(1)(2)(4)	<b>Third-party notification – representations</b> <ul style="list-style-type: none"> <li>review third-party representations and decide whether or not to disclose records and give written notice of the decision to the third party and waive the requirement to submit representations in writing.</li> </ul>	X	X	X	X
29(1)	<b>Disclosure on recommendation of the Information Commissioner</b> <ul style="list-style-type: none"> <li>written notification to the requester and third party(s) regarding the decision to disclose following a recommendation by the Information Commissioner</li> </ul>	X	X	X	
33	<b>Advise Information Commissioner of third-party involvement</b> <ul style="list-style-type: none"> <li>advise the Information Commissioner of any third party that was notified under subsection 27(1), or would have been notified if the CTA had intended to disclose the record</li> </ul>	X	X	X	X

35(2)(b)	<b>Right to make representations</b> <ul style="list-style-type: none"> <li>• make representations to the Information Commissioner in the course of an investigation of a complaint</li> </ul>	X	X	X	
37(1)	<b>Notice to Information Commissioner of taken or proposed</b> <ul style="list-style-type: none"> <li>• where appropriate, provide notice to the Commissioner of any action taken or proposed to be taken to implement recommendations, or reasons why no such action will be taken</li> </ul>	X	X	X	
37(4)	<b>Access to be given to complainant</b> <ul style="list-style-type: none"> <li>• where decision was made to provide access, provide access</li> </ul>	X	X	X	
43(1)	<b>Notice to third party (application to Federal</b> <ul style="list-style-type: none"> <li>• upon being given notice of an application to Federal Court for review under section 41 or 42, give written notice of the application to third party or parties</li> </ul>	X	X	X	
44(2)	<b>Notice to applicant (application to Federal Court by third party)</b> <ul style="list-style-type: none"> <li>• give written notice of the application to requester</li> </ul>	X	X	X	
52(2)(3)	<b>Special rules for hearings</b> <ul style="list-style-type: none"> <li>• for an application under section 41 or 42 relating to refusal to disclose (or appeal) by reason of 13(1)(a) or (b) or 15 (international affairs or defence), the institution concerned can request that the application be heard and determined in the National Capital Region, and can request to make representations ex parte</li> </ul>	X	X	X	

71(2)	<b>Exempted information severed from manuals</b> <ul style="list-style-type: none"> <li>• decision to refuse to disclose parts of manuals in accordance with exemption criteria</li> </ul>	X	X	X	
72	<b>Annual report</b> <ul style="list-style-type: none"> <li>• prepare and table the Annual Report to Parliament, including expenses, within prescribed timelines</li> </ul>	X	X	X	
<b>Responsibilities under the <i>Access to Information Regulations</i></b>					
6(1)	<b>Transfer of request</b> <ul style="list-style-type: none"> <li>• consent to process an access to information request transferred from another government institution within time limits set out in the Act</li> </ul>	X	X	X	X
7(2)	<b>Search and preparation fees</b>	X	X	X	
7(3)	<b>Production and programming fees</b>	X	X	X	
8	<b>Method of access</b>	X	X	X	
8.1	<b>Limitations in respect of format</b>	X	X	X	

# Appendix B: Statistical report on the *Access to Information Act*

Name of institution: Canadian Transportation Agency

Reporting period: 4/1/2019 to 3/31/2020

## Section 1: Requests under the *Access to Information Act*

### 1.1 Number of requests

	Number of requests
Received during the reporting period	54
Outstanding from previous reporting period	14
<b>Total</b>	68
Closed during the reporting period	63
Carried over to the next reporting period	5

### 1.2 Sources of the requests

Source	Number of requests
Media	0
Academia	0
Business (private sector)	6
Organization	14
Public	34
Decline to identify	0
<b>Total</b>	54

### 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	
2	1	0	0	0	0	0	3



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

	Number of requests
Outstanding from previous reporting period	0
Sent during the reporting period	0
<b>Total</b>	0
Approved by the Information Commissioner during the reporting period	0
Declined by the Information Commissioner during the reporting period	0
Carried over to the next reporting period	0

## Section 3: Requests closed during the reporting period

### 3.1 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	1	0	4	2	0	0	7
Disclosed in part	1	4	3	7	6	6	1	28
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	3	14	1	3	0	0	0	21
Request transferred	3	0	0	0	0	0	0	3
Request abandoned	2	1	1	0	0	0	0	4
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Declined by the Information Commissioner during the reporting period	0	0	0	0	0	0	0	0
<b>Total</b>	9	20	5	14	8	6	1	63

### 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)	1	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	0	20.2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	0	18(d)	0	21(1)(a)	13
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	13
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	3
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	2
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)	20	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)	12	23.1	0
15(1) - S.A.*	0	16.31	0	20(1)(b.1)	0	24(1)	0
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(c)	15	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						

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

### 3.3 Exclusions

Section	Number of requests	Section	Number of requests	Section	Number of requests
68(a)	0	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	35	0

### 3.5 Complexity

#### 3.5.1 Relevant pages processed and disclosed

Number of pages processed	Number of pages disclosed	Number of requests
68,038	12,344	39

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

Disposition	Less than 100 pages processed		101–500 pages processed	
	Number of requests	Pages disclosed	Number of requests	Pages disclosed
All disclosed	5	22	1	180
Disclosed in part	22	749	3	523
All exempted	0	0	0	0
All excluded	0	0	0	0
Request abandoned	4	0		
Neither confirmed nor denied	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0
<b>Total</b>	<b>31</b>	<b>771</b>	<b>4</b>	<b>703</b>

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

Disposition	501–1,000 pages processed		1,001–5,000 pages processed	
	Number of requests	Pages disclosed	Number of requests	Pages disclosed
All disclosed	0	0	1	4,871
Disclosed in part	0	0	3	5,999
All exempted	0	0	0	0
All excluded	0	0	0	0
Request abandoned	0	0	0	0
Neither confirmed nor denied				
Declined to act with the approval of the Information Commissioner	0	0	0	0
<b>Total</b>	0	0	4	10,870

Disposition	More than 5,000 pages processed	
	Number of requests	Pages disclosed
All disclosed	0	0
Disclosed in part	0	0
All exempted	0	0
All excluded	0	0
Request abandoned	0	0
Neither confirmed nor denied	0	0
Declined to act with the approval of the Information Commissioner	0	0
<b>Total</b>	0	0

### 3.5.3 Other complexities

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	0	0	0
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
<b>Total</b>	0	0	0	0	0

### 3.6 Closed requests

#### 3.6.1 Number of requests closed within legislated deadline

	Requests closed within legislated timelines
Number of requests closed within legislated timelines	49
Percentage of requests closed within legislated timelines (%)	77.8

### 3.7 Deemed refusals

#### 3.7.1 Reasons for not meeting legislated timelines

Number of requests closed past the legislated timelines	Principal reason			
	Interference with operations/ workload	External consultation	Internal consultation	Other
14	11	3	0	0

### 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	0	0	0
16 to 30 days	1	1	2
31 to 60 days	0	4	4
61 to 120 days	1	5	6
121 to 180 days	0	1	1
181 to 365 days	0	1	1
More than 365	0	0	0
<b>Total</b>	2	12	14

### 3.8 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

## Section 4: Extensions

### 4.1 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	6	0	0	0
Disclosed in part	20	0	0	3
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	5	0	0	0
Request abandoned	0	0	0	0
<b>Total</b>	31	0	0	3

## 4.2 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	2	0	0	0
31 to 60 days	6	0	0	1
61 to 120 days	22	0	0	0
121 to 180 days	0	0	0	1
181 to 365 days	1	0	0	1
More than 365	0	0	0	0
<b>Total</b>	31	0	0	3

## Section 5: Fees

Fee Type	Fee collected		Fee waived or refunded	
	Requests	Amount	Requests	Amount
Application	42	\$210	12	\$60
Other fees	0	\$0	0	\$0
<b>Total</b>	42	\$210	12	\$20

## 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	12	99	0	0
Outstanding from previous reporting period	0	0	0	0
<b>Total</b>	12	99	0	0
Closed during the reporting period	12	99	0	0
Carried over to the next reporting period	0	0	0	0

### 6.2 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	11	1	0	0	0	0	0	12
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>	11	1	0	0	0	0	0	12



### 6.3 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	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>	0	0	0	0	0	0	0	0

## Section 7: Completion time of consultations on Cabinet confidences

### 7.1 Requests with Legal Services

Number of days	Fewer than 100 pages processed		101–500 pages processed		501–1000 pages processed	
	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed
1 to 15	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0
More than 365	0	0	0	0	0	0
<b>Total</b>	0	0	0	0	0	0

Number of days	1001–5,000 pages processed		More than 5,000 pages processed	
	Number of requests	Pages disclosed	Number of requests	Pages disclosed
1 to 15	0	0	0	0
16 to 30	0	0	0	0
31 to 60	0	0	0	0
61 to 120	0	0	0	0
121 to 180	0	0	0	0
181 to 365	0	0	0	0
More than 365	0	0	0	0
<b>Total</b>	0	0	0	0

## 7.2 Requests with Privy Council ATIP Office

Number of days	Fewer than 100 pages processed		101–500 pages processed		501–1,000 pages processed	
	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed
1 to 15	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0
More than 365	0	0	0	0	0	0
<b>Total</b>	0	0	0	0	0	0

Number of Days	1,001–5,000 pages processed		More than 5,000 pages processed	
	Number of requests	Pages disclosed	Number of requests	Pages disclosed
1 to 15	0	0	0	0
16 to 30	0	0	0	0
31 to 60	0	0	0	0
61 to 120	0	0	0	0
121 to 180	0	0	0	0
181 to 365	0	0	0	0
More than 365	0	0	0	0
<b>Total</b>	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 or orders issued by the Information Commissioner
4	0	0	2	0	0

## Section 9: Court action

### 9.1 Court actions on complaints received before June 21, 2019

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

### 9.2 Court action for complaints received after June 21, 2019

Section 41 (after June 21, 2019)				
Complainant (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		\$108,873
Overtime		\$0
Goods and services		\$92,328
• Professional services contracts	\$28,272	
• Other	\$64,056	
<b>Total</b>		<b>\$201,201</b>

### 10.2 Human Resources

Resources	Person-years dedicated to access to information activities
Full-time employees	1.500
Part-time and casual employees	1.650
Regional staff	0.000
Consultants and Agency personnel	1.000
Students	0.000
<b>Total</b>	<b>4.150</b>

# Appendix C: 2020-2021 Supplemental Statistical Report on the Access to Information Act and Privacy Act

## Section 1 – Capacity to receive requests

The following table reports the total number of weeks of received ATIP requests through the different channels between 2020-04-01 and 2021-03-31.

	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	52

## Section 2 – Capacity to process records

Table 2.1 – The following table reports the total number of weeks of processed paper records in different classification levels between 2020-04-01 and 2021-03-31.

	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

**Table 2.2 – The following table reports the total number of weeks of processed electronic records in different classification levels between 2020-04-01 and 2021-03-31.**

	<b>No capacity</b>	<b>Partial capacity</b>	<b>Full capacity</b>	<b>Total</b>
Unclassified – electronic records	0	52	0	<b>52</b>
Protected B – electronic records	0	52	0	<b>52</b>
Secret and Top Secret – electronic records	0	52	0	<b>52</b>

# Appendix D: Definitions of dispositions

These definitions provide a brief explanation of the disposition of the closed requests.

**All disclosed:** All the records relevant to the request were disclosed to the applicant (i.e., without the application of any exemptions or exclusions).

**All exempted:** No information was disclosed because all of the information requested qualified for exemption. For example, exemptions may be applied to personal information or information related to advice or recommendations developed by or for a government institution.

**All excluded:** No information was disclosed because all of the information requested qualified for exclusion. Excluded information would include publicly available information or Confidences of the Queen's Privy Council. The *Access to Information Act* does not apply to published material or material available for purchase by the public.

**Disclosed in part:** Only a portion of the information requested was disclosed because the remainder was exempt and/or excluded. For example, exemptions may be applied to personal information or information related to advice or recommendations developed by or for a government institution. Excluded information would include publicly available information or Confidences of the Queen's Privy Council. Excluded information is addressed in sections 68 and 69 of the *Access to Information Act*. The *Access to Information Act* does not apply to published material or material available for purchase by the public.

**Does not exist:** The request provided sufficient information to identify the specific information sought, but no relevant records were found.

**Neither confirmed nor denied:** The Department could neither confirm nor deny the existence of any records pertaining to the request.

**Request abandoned:** The request was abandoned either by the requester, or following a lack of response from the requester to a clarification letter.

**Request transferred:** The request was transferred to another government department that was better suited to respond to the request.