



Law Commission  
of Canada

Commission du droit  
du Canada

## ANNUAL REPORT TO PARLIAMENT 2023-2024

### *Access to Information Act*



Canada

# Table of Contents

Introduction .....	3
Purpose of the <i>Access to Information Act</i> .....	3
Mandate of the Law Commission of Canada .....	3
Organizational Structure .....	4
Delegation Order.....	6
Performance and Statistics .....	7
Number of Requests .....	7
Compliance Rate, Completion Times, and Extensions .....	7
Deemed Refusal Rate .....	8
Outstanding Requests .....	8
Disposition of Completed Requests.....	8
Requests, Exemptions, and Exclusions.....	9
Informal Requests .....	<b>Error! Bookmark not defined.</b>
Proactive Publication .....	9
Sources and Types of Requests .....	10
Format of Information Released .....	10
Consultations .....	10
Active Complaints .....	10
Fees and Costs.....	11
Policies, Guidelines, Procedures and Initiatives.....	11
Advice.....	12
Complaints, Investigations and Federal Court Cases .....	12
Complaints Filed.....	12
Completed Investigations.....	12
Review by the Federal Court of Canada.....	13
Monitoring Compliance .....	13
Annex A: Delegation Order .....	14
Annex B: Proactive Publications Requirements Tables .....	15

## Introduction

We are pleased to table the Annual Report to Parliament on the administration of the Access to Information Act (the Act) for fiscal year 2023-2024, as required under section 94 of the Act. This report is also prepared and tabled in accordance with section 20 of the Service Fees Act.

### Purpose of the Access to *Information Act*

The Act was proclaimed into force on July 1, 1983.

The Act gives Canadian citizens, permanent residents and any person and corporation present in Canada the right to seek access to federally controlled information and records, subject to specific and limited exceptions. The Act complements but does not replace existing 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. Section 94 of the Act requires that the head of every government institution prepare for submission to Parliament an annual report on the administration of the Act within the institution during each fiscal year.

This 1<sup>st</sup> Annual Report on the administration of the Act is intended to describe how the Law Commission of Canada (hereinafter referred to as “the Commission”) administered its responsibilities during the 2023-2024 fiscal year (hereinafter “during the reporting period”).

### Mandate of the Law Commission of Canada

The Law Commission of Canada is an independent body that provides non-partisan advice to the federal government on matters relating to the improvement, modernization, and reform of Canadian laws. First established as the Law Reform Commission of Canada in 1971 and re-established as the Law Commission of Canada in 1997, the Commission became operational again as of June 6, 2023.

The mandate of the Law Commission of Canada is derived from the *Law Commission of Canada Act*, which came into force in April 1997. The mandate of the Commission is “to consider the changing needs of Canadian society through the study, review, and innovative development of Canada’s law and legal systems”

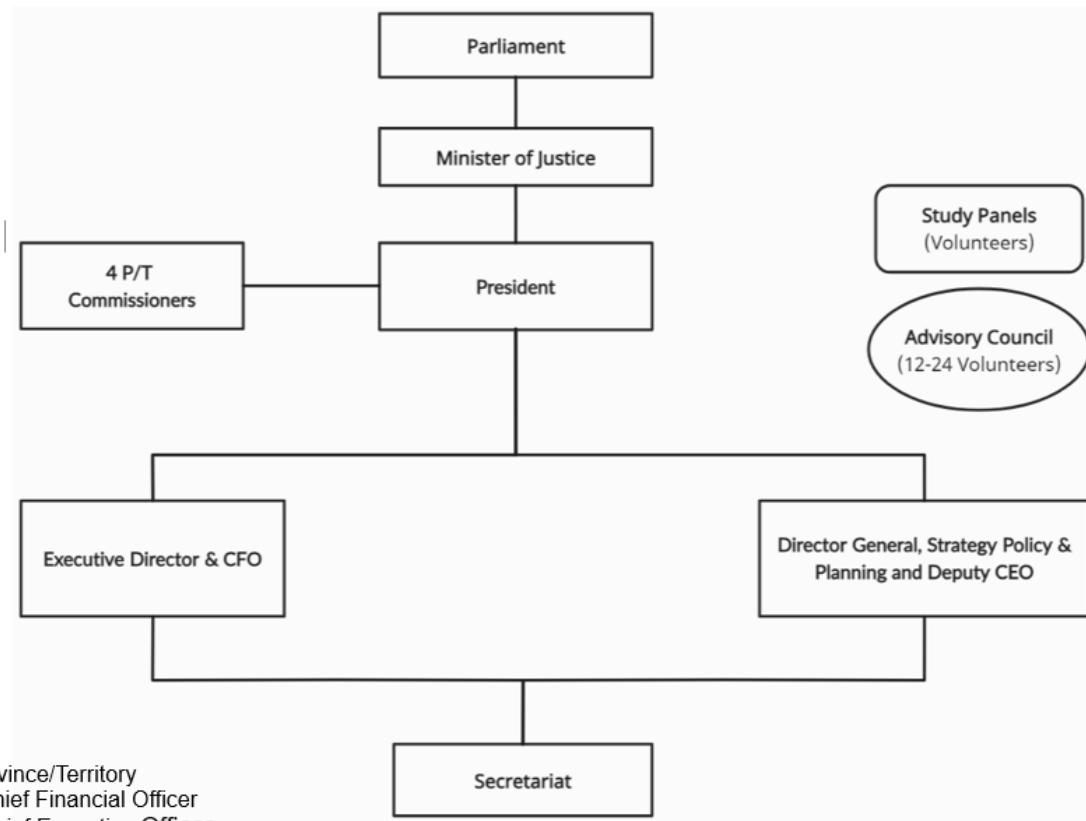
Non-partisan in nature and distinct from advocacy groups, the LCC offers leadership and guidance on the responsible and responsive evolution of law in the lives of people across Canada.

## Organizational Structure

The Law Commission is an independent departmental corporation accountable to Parliament through the Minister of Justice. The Governor in Council appoints the President and four part-time Commissioners on the recommendation of the Minister for terms not exceeding five years. The Commission is supported by a small Secretariat headed by an Executive Director.

The Commission has an Advisory Council of up to 24 volunteers who reflect Canada's socio-economic and cultural diversity and represent a broad range of disciplines. The Council provides advice on the Commission's strategic direction, long-term research program, performance review, and other relevant matters.

Study panels are appointed as needed to provide advice on specific research projects. Each panel is headed by a Commissioner and comprises volunteers with expertise in multiple disciplines and members of affected communities. To support the study panels, research contracts are given to recognized experts in the private sector and academia.



As of 2023-2024, on behalf of the Law Commission of Canada, the Department of Justice's Access to Information and Privacy (ATIP) Office is responsible for the administration of the Act including the processing of access to information and privacy requests and complaints, and consultations with other government departments and third parties, and monitoring compliance to meet statutory obligations and timelines.

In 2023-24, the Director of the ATIP Office reported to the Senior General Counsel and Director General of the Legal Practices Branch under the direction of the Assistant Deputy Minister and Chief Financial Officer of the Management Sector. The Director is accountable for the development, coordination and implementation of effective policies, guidelines, systems, and procedures to efficiently process requests under the Act.

During the reporting period, the Department's ATIP Office had no full-time equivalent (FTE) positions working on access to information requests and privacy files. We are in the process of implementing and exploring various possibilities, for example by using the services of the paralegal center, the use of NUIX software, additional training to our staff and OPIs as well as the implementation of the new ATIPXpress system. We have begun to see the results that will be even more evident in the future with a strengthened internal capacity.

The ATIP Office is organized into three units:

- The Operational Unit works with the Department to process incoming access to information and privacy requests.
- The Privacy, Policy and Programs Unit develops ATIP policies, provides advice on privacy related matters, updates annual reports and other statutory reports.
- The Complaints Unit processes complaints and works closely with the Office of the Information Commissioner (OIC) and the Office of the Privacy Commissioner (OPC).

In addition, the ATIP Office is currently working on modernizing its ATIP management system and is building a team with information technology experts in order to achieve better performance. The team will prepare and better assist the transition to the new platform.

Under section 96 of the Act institutions reporting to the same minister can partner to share request-processing services. The Department of Justice has not entered into any such service sharing agreements.

The Department's ATIP Office is comprised of a dedicated workforce committed to access to information and the protection of privacy. This work includes:

- The timely processing of requests under the Act and assisting clients in accordance with the principles for assisting applicants.

- Processing consultation requests submitted by other federal institutions on Department of Justice and the Commission documents located in their files and on records that may be subject to solicitor client privilege.
- Providing advice and guidance to senior management and all employees of the Commission on ATIP-related matters, as well as training and awareness sessions.
- Responding to complaints and negotiating with the Information Commissioner and Privacy Commissioner.
- Liaison on behalf of the Commission with the Treasury Board Secretariat (TBS), the Information and Privacy Commissioners of Canada and other government departments and agencies regarding the application of the Act;
- Coordinating, reviewing, approving and publishing statutory reports such as the Annual Reports to Parliament;
- Developing, coordinating and implementing policies, procedures and guidelines for the orderly implementation of the Act by the Commission; and
- Modernizing ATIP processes and the ATIP Management Technologies by building a small team that evaluates new digital solutions that can reduce business processes, reduce time needed for requests, increase quality and helps all stakeholders more easily engage in the process.

## Delegation Order

The ATIP Director has full authority delegated by the Minister for the administration of the *Act*.

For the purpose of increased executive oversight, full authority is also conferred to the Deputy Minister, the Associate Deputy Minister, the Assistant Deputy Minister and Chief Financial Officer, Management Sector, and the Chief Information Officer. A copy of the Commission's Delegation Order can be found in Annex A of this report.

## Performance and Statistics

The Law Commission of Canada is committed to transparency and accountability under the Act and continues to work to improve its performance to deliver the highest standards of service for access to information requests.

### Number of Requests

Overview of requests received and completed by the Commission pursuant to the Act:

Fiscal Year	# of Requests Received	# of Requests Completed	# of Pages Processed	# of Pages Released
2023-24	1	1	0	0

The Commission received one (1) request during the reporting period, and no outstanding requests were carried over from previous years.

During the reporting period, one request was completed. In addition, no requests were carried-forward into fiscal year 2024-2025. There were no formal access to information requests or pages reviewed, or partially disclosed. The number of pages reported to be processed in this reporting period only captures pages from closed files. In 2023-2024, no pages were processed on files that are not yet closed. Additionally, no pages were processed and released informally.

### Compliance Rate, Completion Times, and Extensions

The one request received was completed within the 16 to 30 days legislated timelines under the Act in 2023-2024.

The Commission did not find it necessary to seek extensions on any requests under section 9(1)(a) for interference with operations, 9(1)(b) for required consultations, or 9(1)(c) for third party consultations.

## Deemed Refusal Rate

The Commission's deemed refusal rate in this reporting period (i.e., the percentage of Access to Information requests that received a response beyond the deadline required under the Act) was 0%, as no requests were received, and no requests were closed past legislative timelines.

## Outstanding Requests

TBS collects statistical data from specific institutions on the volume of their outstanding access to information requests and requests for personal information. The Commission carried-forward 0 requests over to the next reporting period.

<b>Fiscal year open requests were received</b>	<b>Open requests that are within legislated timelines as of March 31, 2023</b>	<b>Open requests that are beyond legislated timelines as of March 31, 2023</b>	<b>Total</b>
<b>Received in 2023-2024</b>	0	0	0

## Disposition of Completed Requests

Of the 1 request completed this reporting period:

- For 1 request, the Commission did not have responsive records to provide; and
- 0 requests were abandoned by the applicant.
- 0 requests were fully disclosed;
- 0 requests were partially disclosed;
- 0 requests were exempted in their entirety;
- 0 requests were neither confirmed nor denied; and
- 0 requests were transferred to other government departments.

## Requests, Exemptions, and Exclusions

### Exemptions Invoked

The Commission did not invoke any exemptions under the Act any requests.

### Exclusions Cited

There were no exclusions invoked pursuant to section 68 of the Act (published material or material available for purchase by the public) and section 69 (confidences of the King's Privy Council for Canada) of the Act.

## Informal Requests

The ATIP Office at the Department of Justice proactively publishes on the [Open Government Portal](#) summaries of completed access to information requests that do not contain personal or third party information. Members of the public can submit informal requests for a copy of the previously released information without having to pay the application fee.

During the 2023-2024 reporting period, the Commission received no informal requests, and there were no requests that were outstanding from previous reporting periods. The Commission did not complete any requests as a result, nor did they re-release any pages. This number does not include emails or telephone calls from potential applicants who the ATIP Office or Commission responded to or redirected to other institutions.

## Proactive Publication

The Law Commission of Canada ensure it is meeting its proactive publication requirements by publishing on the Open Canada Government website ([open.canada.ca](http://open.canada.ca)).

In terms of procedures to meet requirements, the Law Commission of Canada a micro-organization, and has a Memorandum of Understanding (MOU) with the Department of Justice. Through this MOU, data extraction for relevant transactions related to proactive disclosure is performed by JUS and final approval and upload to the open registry portal is performed by LCC staff. Refer to Annex B for the Proactive Publications Requirements Table.

## Sources and Types of Requests

During the 2023-2024 reporting period, the Commission received one request. The source of the request was public and received by mail.

## Format of Information Released

The Commission did not find any records to release in response to the one request received during the reporting period.

The Commission continues to use the delivery via E-post Connect, a service offered at no charge to the applicant, and the office's primary method of record delivery. It allows for secure delivery of records in an electronic format, circumvents the issue of email size restrictions and the need for the recipient to have a compatible device to access the records. Applicants can choose to receive information in an electronic format as no extra charge.

## Consultations

During the 2023-2024 reporting period, the Commission received no consultations from other government institutions and no consultations from organizations. There are no consultations outstanding from previous years which were carried over.

Fiscal Year	# of Requests Received	# Pages review	# of Requests Completed	# of Pages Reviewed
2023-2024	0	0	0	0

As no consultations were received, there were 0 completed and there is no information to report on completion times.

## Active Complaints

There are currently no active complaints with the OIC that are outstanding from previous reporting periods, and no complaints remain active after the 2023-2024 reporting period.

## Fees and Costs

The *Service Fees Act* requires a responsible authority to report annually to Parliament on the fees collected by the department.

With respect to fees collected under the *Access to Information Act*, the information below is reported in accordance with the requirements of section 20 of the *Service Fees Act*.

### Fees Collected

In accordance with the Interim Directive on the Administration of the *Access to Information Act*, issued on May 5, 2016 and the changes to the Act that came into force on June 21, 2019, the Commission may only charge an application fee of \$5.00, as set out in paragraph 7(1)(a) of the Regulations.

During the 2023-2024 reporting period, the Commission did not collect application fees.

### Fees Waived

Pursuant to section 11 of the Act, institutions can waive the application fee as deemed appropriate. In addition, the Commission waives all fees, other than the \$5 application fee, that may have been applicable to requests received prior to June 21, 2019.

This is in accordance with the Interim Directive on the Administration of the *Access to Information Act* that was in effect May 5, 2016, to July 12, 2022.

During the 2023-2024 reporting period, fees for 1 request (\$5.00) were waived.

### Cost of Operating the Program

There was no cost in administering the Act during the 2023-2024. There are policies and procedures under development which will be reflected in future annual reports.

These costs do not include resources expended by Commission's other sectors to meet the requirements under the Act.

## Policies, Guidelines, Procedures and Initiatives

The JUS ATIP Office onboarded the Law Commission of Canada in early 2024. Policies and procedures are still under development and will be reflected in future annual reports.

## Advice

On behalf of the Commission, the JUS ATIP Office acts as a resource for departmental officials, as well as those from other government institutions, offering advice and guidance on the provisions of the legislation and related policies.

## Complaints, Investigations and Federal Court Cases

### Complaints Filed

The JUS ATIP Office, on behalf of the Commission, created a dedicated team to manage complaints which serves as the primary liaison between the Department and the OIC. The team continues to work to strengthen relationships and improve performance.

During the 2023-2024 reporting period, the Commission received no new Notices of Intention to investigate from the OIC.

### Completed Investigations

No investigations were completed during the reporting period, nor carried forward from previous years. No key issues were raised as a result of any complaints.

Complaint findings are defined as follows:

**Well founded with recommendations:** If the head of the institution accepted the OIC recommendations and remedial action was taken by the institution to the satisfaction of the OIC, the matter is considered resolved and no further action by the OIC is necessary;

**Well founded without recommendations:** The institution took remedial action to the satisfaction of the OIC during the course of the investigation. The OIC did not need to provide a recommendation to the head of the institution.

**Well founded with order:** The OIC has found the complaint well-founded, and has issued an order to the institution to take certain actions to address the complaint.

**Not well founded:** As a result of the investigation, the OIC found that the institution applied the ATIA correctly.

Discontinued: The complaint was withdrawn or abandoned by the complainant before allegations were fully investigated. In some cases, the complainant did not respond to the OIC's request for representations within a reasonable time, or cannot be located.

Resolved: The complainant is satisfied with the resolution achieved through the OIC's intervention, or the matter central to the complaint is no longer at issue before the complaint has been fully investigated.

### Review by the Federal Court of Canada

No applications were filed before the Federal Court pursuant to section 41 of the *Act* during the 2023-2024 reporting period.

### Monitoring Compliance

On behalf of the Commission, the ATIP Office regularly monitors compliance with statutory requirements and timeliness associated with the processing of requests through ongoing communication with senior management and OPIs.

The workload was assessed, through the ATIP Case Management System, on a daily basis in order to ensure that workload was evenly distributed and effectively managed to meet statutory deadlines.

## Annex A: Delegation Order

 Department of Justice Canada Ministère de la Justice Canada

### Delegation Order for the *Access to Information Act and Privacy Act* Arrêté de délégation en vertu de la *Loi sur l'accès à l'information et la Loi sur la protection des renseignements personnels*

The Minister of Justice of Canada, pursuant to subsections 95(1) of the *Access to Information Act* and 73(1) of the *Privacy Act*, hereby delegates any powers, duties and functions under the Acts to the persons holding the positions set out in the schedule hereto, as well as to the persons occupying those positions on an acting basis. This delegation order replaces any previous delegation order.

En vertu des paragraphes 95(1) de la *Loi sur l'accès à l'information* et 73 (1) *Loi sur la protection des renseignements personnels*, le ministre de la Justice du Canada délègue les attributions suivantes aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire lesdits postes. Le présent arrêté de délégation remplace et annule tout autre arrêté de délégation.

#### Schedule/Annexe

POSITION/POSTE	Privacy Act and Regulations/ Loi sur la protection des renseignements personnels et règlements	Access to Information Act and Regulations/Loi sur l'accès à l'information et règlements
The Deputy Minister and Associate Deputy Minister / Sous-ministre et Sous-ministre délégué	<b>Full authority/Autorité absolue</b>	<b>Full authority/Autorité absolue</b> (including for the Act as it was prior to June 21, 2019/incluant la Loi telle qu'elle existait avant le 21 juin 2019)
The Director, Access to Information and Privacy Office/Le directeur, Bureau de l'accès à l'information et de la protection des renseignements personnels	<b>Full authority/Autorité absolue</b>	<b>Full authority/Autorité absolue</b> (including for the Act as it was prior to June 21, 2019/incluant la Loi telle qu'elle existait avant le 21 juin 2019)
The Chief Financial Officer and Assistant Deputy Management Sector and /Le dirigeant principal des Finances et Sous-ministre adjoint, Secteur de la gestion	<b>Full authority/Autorité absolue</b>	<b>Full authority/Autorité absolue</b> (including for the Act as it was prior to June 21, 2019/incluant la Loi telle qu'elle existait avant le 21 juin 2019)
The Senior General Counsel and Director General, Legal Practices Branch / Avocat général principal et Directeur général, Direction générale des pratiques juridiques	<b>Full authority/ Autorité absolue</b>	<b>Full authority/ Autorité absolue</b> (including for the Act as it was prior to June 21, 2019/incluant la Loi telle qu'elle existait avant le 21 juin 2019)
The Chief of Operations, Chief of Policy and Legal Counsel, Access to Information and Privacy Office /Le Chef des opérations, Chef des politiques et le Conseiller juridique, Bureau de l'accès à l'information et de la protection des renseignements personnels	15, and the mandatory provisions of section 26 for all records / 15 et les dispositions obligatoires de l'article 26 pour tous les documents	8(1), 9, 11, and the mandatory provisions of section 19 for all records /8(1), 9, 11 et les dispositions obligatoires de l'article 19 pour tous les documents
The Senior Access to Information and Privacy Advisors / Les conseillers principaux en accès à l'information et protection des renseignements personnels	15 for all records/15 pour tous les documents	8(1) and 9 for all records/8(1) et 9 pour tous les documents

Dated, at the City of Ottawa, this 14 day of April, 2023. Daté, en la ville d'Ottawa, ce 14 jour de avril 2023.



MINISTER OF JUSTICE

THE HONOURABLE DAVID LAMETTI



MINISTRE DE LA JUSTICE

L'HONORABLE DAVID LAMETTI

## Annex B: Proactive Publications Requirements Tables

All Government Institutions as defined in section 3 of the Access to *Information* Act

Legislative Requirement	Section	Publication Timeline	Institutional Requirement	Links to published proactive publication	# of Requests/Reports	Compliance
Travel expenses	82	Within 30 days after the end of the month of reimbursement	All programs	<a href="#">Travel and Hospitality Expense Reports (justice.gc.ca)</a>  <a href="#">Employees Listing - Travel and Hospitality Expense Reports (justice.gc.ca)</a>  <a href="#">Search Government Hospitality Expenses   Open Government -</a>	8	100%

				<a href="#">Government of Canada</a>		
<b>Hospitality expenses</b>	83	<b>Within 30 days after the end of the month of reimbursement</b>	<b>All programs</b>	<a href="#">Travel and Hospitality Expense Reports (justice.gc.ca)</a>  <a href="#">Employees Listing - Travel and Hospitality Expense Reports (justice.gc.ca)</a>  <a href="#">Search Government Hospitality Expenses   Open Government - Government of Canada</a>	<b>1</b>	<b>100%</b>
<b>Reports tabled in Parliament</b>	84	<b>Within 30 days after tabling</b>	<b>Ministerial Secretariat</b>	<a href="#">Open Government   Open Government,</a>	<b>N/A</b>	

				<a href="#">Government of Canada</a> <a href="#">Reports and Publications (justice.gc.ca)</a>		
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**Government entities or Departments, agencies, and other bodies subject to the Act and listed in Schedules I, I.1, or II of the *Financial Administration Act***

Legislative Requirement	Section	Publication Timeline	Institutional Requirement	Links to published proactive publication	# of Requests/Reports	Compliance
<b>Contracts over \$10,000</b>	86	<b>Q1-3: Within 30 days after the quarter Q4: Within 60 days after the quarter</b>	<b>Finance</b>	<a href="#">Search Government Contracts over \$10,000 (canada.ca)</a> <a href="#">Disclosure of Contracts (justice.gc.ca)</a> <a href="#">Disclosure of Legal Contracts (justice.gc.ca)</a>	<b>1</b>	<b>100%</b>

<b>Grants &amp; Contributions over \$25,000</b>	87	Within 30 days after the quarter	Finance	<a href="#">Grants and Contributions (canada.ca)</a>  <a href="#">Disclosure of Grant and Contribution Awards (justice.gc.ca)</a>	N/A	
<b>Packages of briefing materials prepared for new or incoming deputy heads or equivalent</b>	88(a)	Within 120 days after appointment	ATIP	<a href="#">Open Government   Open Government, Government of Canada</a>	N/A	
<b>Titles and reference numbers of memoranda prepared for a deputy head or equivalent, that is received by their office</b>	88(b)	Within 30 days after the end of the month received	ATIP	<a href="#">Open Government   Open Government, Government of Canada</a>	8	100%

Packages of briefing materials prepared for a deputy head or equivalent's appearance before a committee of Parliament	88(c)	Within 120 days after appearance	ATIP	<a href="#">Open Government</a>   <a href="#">Open Government, Government of Canada</a>	N/A	
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Government institutions that are departments named in Schedule I to the *Financial Administration Act* or portions of the core public administration named in Schedule IV to that Act (i.e. government institutions for which Treasury Board is the employer)

Legislative Requirement	Section	Publication Timeline	Institutional Requirement	Links to published proactive publication	# of Requests	Compliance
Reclassification of positions	85	Within 120 days after appearance	HR	<a href="#">Search Government Position</a> <a href="#">Reclassifications</a>   <a href="#">Open Government - Government of Canada</a>	4	100%