



Public Health
Agency of Canada

Agence de la santé
publique du Canada

2010-2011 Annual Report

on the *Access to Information Act*

Canada 

2010-2011 Annual Report on the *Access to Information Act*
is available on the [PHAC web site](#).

Également disponible en français [sur le site Web de l'ASPC](#) sous le titre :
Rapport annuel 2010-2011 sur la
Loi sur l'accès à l'information.

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Section 1: Introduction

The *Access to Information Act*¹ (*ATI Act*) was proclaimed on July 1, 1983. The Act has been amended as a result of the Royal Assent of the *Federal Accountability Act* on December 12, 2006. Certain provisions came into force on December 12, 2006, while others took effect on April 1, 2007 and September 1, 2007.

The *ATI Act* gives Canadian citizens and individuals present in Canada a broad right of access to information contained in government records subject to certain specific and limited exceptions.

Section 72 of the *ATI Act* requires the head of every government institution to submit an annual report to Parliament on the administration of the Act within the institution for each fiscal year.

This Annual Report provides a summary of the management and administration of the *ATI Act* within the Public Health Agency of Canada (PHAC) for the fiscal year 2010-2011.

For further information or to make a request under the *Access to Information Act*, please direct your inquiries to:

Access to Information and Privacy Office
Public Health Agency of Canada
130 Colonnade Road, A.L. 6503F
Ottawa, Ontario K1A 0K9
Tel: 613-948-8197
Fax: 613-957-9093

¹ Revised Statutes of Canada, Chapter A-1, 1985.

1.1 Background on the Agency

Public health involves the organized efforts of society to keep people healthy and to prevent injury, illness and premature death. It includes programs, services and policies that protect and promote the health of all Canadians. In Canada, public health is a responsibility that is shared by the three levels of government in collaboration with the private sector, non-government organizations, health professionals and the public.

In September 2004, the [Public Health Agency of Canada](#) (the Agency) was created within the federal [Health Portfolio](#) to deliver on the Government of Canada's commitment to increase its focus on public health in order to help protect and improve the health and safety of all Canadians and to contribute to strengthening the health care system.

The Agency has the responsibility to:

- contribute to the prevention of disease and injury, and to the promotion of health;
- enhance the quality and quantity of surveillance data and expand the knowledge of disease and injury in Canada;
- provide federal leadership and accountability in managing public health emergencies;
- serve as a central point for sharing Canada's expertise with the rest of the world and for applying international research and development to Canada's public health programs; and
- strengthen intergovernmental collaboration on public health and facilitate national approaches to public health policy and planning.

1.2 Organization

The Access to Information and Privacy (ATIP) Office is part of the Planning, Reporting and Risk Management Division of the Emergency Management and Corporate Affairs Branch within PHAC. The ATIP Office has seven full-time equivalents to fulfill PHAC's obligations under the Access to Information and Privacy Acts. The staff in the ATIP Office in 2010–11 consisted of seven employees: the Director and six officers at various levels. The ATIP officers' work ranges from processing complex and/or voluminous files to more routine, straightforward requests. The ATIP Director served as the Agency's ATIP Coordinator throughout the reporting year.

1.3 Info Source

Info Source is a series of publications containing information about, and/or collected by, the Government of Canada. The primary purpose of *Info Source* is to assist individuals in exercising their rights under the *Access to Information Act and the Privacy Act*. *Info Source* also supports the federal government's commitment to facilitate access to information regarding its activities.

During this reporting period, the ATIP Office re-organized the content of its *Info Source* chapters, including the descriptions of its information holdings, by institutional functions, programs and activities. The Agency's chapter is now laid out in line with its Program Activity Architecture. Under this approach, all classes of records and personal information banks are directly linked to the relevant institutional program and/or activity.

1.4 Reading Room

Section 71 of the *Access to Information Act* requires government institutions to provide facilities where members of the public may obtain information such as *Info Source*. The following Public Health Agency Canada location has been designated as a public reading room.

344B - 130 Colonnade Road
Ottawa, Ontario

1.5 Training and Education Activities for 2010-2011

The ATIP Office continued to provide advice and training on the provisions of the *ATI and Privacy Acts* and their impact on PHAC programs and initiatives.

- Twenty-three (23) presentations on *Info Source* and *Privacy* were delivered to over 100 PHAC employees.
- Procedures were streamlined to better assist the offices of primary interest with their retrieval processes to ensure that established timelines are respected.
- Five ATIP presentations were delivered to 60 employees from various programs.

1.6 Highlights and Accomplishments for 2010-2011

PHAC continued to improve the timeliness, efficiency and accuracy of responses to *Access to Information (ATI)* requests. All available standard classes of records applicable to the Agency's information holdings were included in updates to *Info Source*. There was also enhanced engagement of senior management through weekly and quarterly reporting on retrieval deadlines. Of note, PHAC received a "Strong" rating by the Treasury Board Secretariat for Line of Evidence 12.4 (*Access to Information*) in the most recent round of the Management Accountability Framework assessments.

1.7 Delegation of Authority

The responsibilities associated with the administration of the *ATI Act* are delegated to the PHAC ATIP Coordinator by the Minister of Health.

Please see Appendix A for a copy of the delegation instrument.

Section 2: Report on the Administration of the Access to Information Act

The number of requests received under the *ATI Act* decreased from 205 in 2009-2010 to 143 in 2010-2011; however, the total number of pages increased by almost 200% to 211,224 in 2010-2011. Thirty requests were carried forward to 2011-2012.

Appendix B provides a statistical summary of the access to information requests received and/or treated in 2010-2011.

2.1 Requests Made under the Access to Information Act

As in previous years, the requests spanned all of PHAC's activities.

Received in 2010-2011	143
Outstanding from 2009-2010	63
TOTAL	206

Historical comparisons

	2007-2008	2008-2009	2009-2010	2010-2011
Requests received	119	112	205	143
Requests completed	103	110	160	176
Previous period	N/A	16	18	63

2.2 Sources of Requests Received

Business	50
Media	49
Public	33
Organizations	9
Academia	2

2.3 Disposition of Requests Completed

The 176 requests cited in Appendix B were resolved in the following manner:

- 35 requests resulted in the release of all information sought;
- 82 requests resulted in partial disclosures;
 - Section 19 was the most invoked section of the *ATI Act*.
- 11 requests were withheld;
 - 3 requests were withheld entirely pursuant to the following sections of the *ATI Act*:
 - 68 (published materials)
 - 69(1) (confidences of the Queen's Privy Council)
 - 8 requests were withheld entirely pursuant to the following sections of the *ATI Act*:
 - 19 (personal information)
 - 20 (third party information)
 - 22.1 (internal audits)
 - 26 (information to be published)
- for 23 requests, no relevant records under the control of the Agency existed;
- 23 requests were abandoned (requests are considered abandoned when the applicant formally withdraws the request or when he/she does not respond to correspondence sent by the ATIP Office);
- one request was treated informally; and
- one request was transferred.

Total Pages Examined: 114,792

Total Pages Released: 16,851

2.4 Exemptions Invoked

As noted in Appendix B, PHAC invoked exemptions under sections 13, 14, 15, 16, 18, 19, 20, 21, 22, 22.1, 23, 24, and 26 of the *Act*. Appendix B shows the number of requests where specific types of exemptions were invoked to sever information. For example, if, in processing a request, five different exemptions were applied by PHAC, one exemption under each relevant section would be reported for a total of five. If the same exemption is claimed several times for the same request, it is reported only once in Appendix B.

2.5 Exclusions Cited

The Act does not apply to published material pursuant to section 68 and to confidences of the Queen's Privy Council pursuant to section 69. Appendix B provides information on the number of requests where exclusions were invoked.

If under one request, two different exclusions were claimed, one exclusion under each relevant section would be reported for a total of two. If the same exclusion is applied several times for the same request, it is reported only once in Appendix B.

2.6 Extension of Time Limits

Section 9 of the Act provides for the extension of the statutory time limits if consultations are necessary, or if the request is for a large volume of records, and processing the request within the original time limit would unreasonably interfere with the operations of the Agency.

During 2010-2011, 97 requests were completed within 30 days, 14 requests were extended for 30 days, and another 65 requests required extensions of more than 60 days.

2.7 Completion Time

In 2010-2011, 86.9% (153) of the 176 completed requests were addressed within the prescribed legislative time frame:

- 55.1% (97 requests) within 1-30 days;
- 7.4% (13 requests) within 31-60 days;
- 7.4% (13 requests) within 61-90 days;
- 5.7% (10 requests) within 91-120 days; and
- 24.4% (43 requests) over 120 days.

2.8 Fees

The fees collected during the reporting period totalled \$945.70. In accordance with government policy, it is the Agency's practice to waive photocopy fees where the total owing per request amounts to less than \$25.

2.9 Costs

- Total salary costs associated with the *ATI Act* were \$412,267.80 for 2010-2011.
- Other administrative costs amounted to \$113,343.50.
- The total costs were \$525,611.30.
- The associated employee resources for 2010-2011 are estimated at 6.15 FTEs for administering the *ATI Act*.

These figures are strictly for the Agency's ATIP Office and do not reflect the costs to the Agency associated with the efforts of other organizational units to respond to requests (e.g., time to retrieve documents, etc.)

2.10 Complaints

Ten complaints regarding requests were lodged with the Office of the Information Commissioner (OIC) during this reporting period.

- four complaints alleged that the time taken by the Agency was excessive; two complaints were not well founded, two were abandoned.
- four complaints alleged that the exemptions invoked were not properly applied; three investigations are ongoing, the other is resolved.
- two complaints alleged deemed refusal; both complaints are considered resolved.

2.11 Court applications and appeals

In 2010-2011, there were three court applications submitted to the Federal Court (Trial Division) pursuant to section 44 of the *ATI Act*. Following negotiations with the applicant, the requests for judicial review were abandoned.

Section 3: Report on Access to Information Consultations and Informal Requests

3.1 Access to Information Consultations

PHAC received 110 requests for consultations from other government departments and agencies in 2010-2011, with 12 outstanding from 2009-2010.

A total of 112 access consultation requests were completed in 2010-2011. These requests amounted to a review of over 5,702 pages of information. After a thorough review of the files, PHAC determined that in 72 of the 112 requests completed, information pertaining to PHAC could be released in full.

Total Pages Examined: 5,702

3.2 Informal Access to Information Requests

There were 121 informal requests processed during this reporting period.

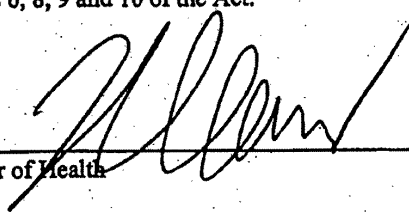
Total Pages Examined: 1,512

APPENDIX A: Delegation Order – Access to Information Act

Access to Information Act – Delegation Order

Pursuant to the powers of delegation conferred upon me by Section 73 of the *Access to Information Act*, the person exercising the functions and position of Access to Information and Privacy Coordinator for the Public Health Agency of Canada and the respective successor, including in the Coordinator's absence, a person or officer designated in writing to act in the place of the holder of such functions and position is hereby authorized to exercise these powers, duties or functions of the Minister as the head of the government institution under the Act, set out in the attached schedule.

The person exercising the functions and position of Access to Information and Privacy Coordinator for the Public Health Agency of Canada and the respective successor, including in the Coordinator's absence, a person or officer designated in writing to act in the place of the holder of such functions and position, is hereby authorized to exercise these powers, duties or functions of the Minister as the head of the government institution under the Act, set out in sections 6, 8, 9 and 10 of the Act.


Minister of Health

12/2/07
Date

**PUBLIC HEALTH AGENCY OF CANADA
SCHEDULE OF DELEGATION ORDER**

**DELEGATION OF POWERS, DUTIES AND FUNCTIONS PURSUANT TO SECTION
73 OF THE *ACCESS TO INFORMATION ACT***

SECTIONS OF ACT	POWERS, DUTIES OR FUNCTIONS	RESPONSIBLE POSITION
6	Clarify a request	ATIP Co-ordinator
7 (a)	Issue notice where access requested	ATIP Co-ordinator
8 (1)	Transfer to another institution or to accept transfer from another institution	ATIP Co-ordinator
9	Extension of time limits	ATIP Co-ordinator
11 (2),(3), (4),(5), (6)	Additional fees and waiver of fees	ATIP Co-ordinator
12 (2), (3)	Language of access	ATIP Co-ordinator
13	Refuse to disclose information obtained in confidence	ATIP Co-ordinator
14	Refuse to disclose information pertaining to federal-provincial affairs	ATIP Co-ordinator
15	Refuse to disclose information pertaining to international affairs and/or defence	ATIP Co-ordinator
16	Refuse to disclose information pertaining to law enforcement and investigations	ATIP Co-ordinator
17	Refuse to disclose information pertaining to the safety of individuals	ATIP Co-ordinator
18	Refuse to disclose information pertaining to the economic interest of Canada	ATIP Co-ordinator
19	Refuse to disclose personal information	ATIP Co-ordinator
19(2)(a)(b)(c)	Disclose personal information when authorized	ATIP Co-ordinator
20	Refuse to disclose or disclose third party information	ATIP Co-ordinator
21	Refuse to disclose information pertaining to advice and recommendations for the government institution.	ATIP Co-ordinator

22	Refuse to disclose information pertaining to testing procedures	ATIP Co-ordinator
23	Refuse to disclose information subject to solicitor-client privilege	ATIP Co-ordinator
24	Refuse to disclose information subject to statutory prohibitions	ATIP Co-ordinator
25	Sever information	ATIP Co-ordinator
26	Refuse to disclose information to be published	ATIP Co-ordinator
27 (1)(4)	Carry-out third party notification	ATIP Co-ordinator
28(1)(2)(4)	Receive third party representation; make a decision as to whether to disclose the record or part thereof and notify the third party of the right to appeal to the Federal court	ATIP Co-ordinator
29(1)	Disclose information on the recommendation of the Information Commissioner	ATIP Co-ordinator
33	Advise the Information Commissioner of third party involvement	ATIP Co-ordinator
35(2)	Make representations to the Information Commissioner during an investigation	ATIP Co-ordinator
37(4)	Give access to records	ATIP Co-ordinator
43(1)	Issue a notice to a third party of an application for Court review	ATIP Co-ordinator
44(2)	Issue a notice to an applicant that a third party has applied for Court review	ATIP Co-ordinator
52(2)(3)	Request special rules for hearings	ATIP Co-ordinator
69	Refuse to disclose Cabinet confidences	ATIP Co-ordinator
71(2)	Refuse to disclose information from manuals	ATIP Co-ordinator
72(1)	Prepare an Annual Report to Parliament	ATIP Co-ordinator
77	Carry out responsibilities conferred on the head of the institution by the regulations made under section 77 which are not included above	ATIP Co-ordinator

APPENDIX B: Statistical Report – Access to Information Act



Government of Canada / Gouvernement du Canada

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

Institution PUBLIC HEALTH AGENCY OF CANADA AGENCE DE LA SANTÉ PUBLIQUES				Reporting period / Période visée par le rapport 4/1/2010 to/à 3/31/2011	
Source	Media / Médias 49	Academia / Secteur universitaire 2	Business / Secteur commercial 50	Organization / Organisme 9	Public 33

I Requests under the Access to Information Act Demandes en vertu de la Loi sur l'accès à l'information	
Received during reporting period Reçues pendant la période visée par le rapport	143
Outstanding from previous period En suspens depuis la période antérieure	63
TOTAL	206
Completed during reporting period Traitées pendant la période visée par le rapport	176
Carried forward Reportées	30

II Disposition of requests completed Disposition à l'égard des demandes traitées			
1. All disclosed Communication totale	35	6. Unable to process Traitement impossible	23
2. Disclosed in part Communication partielle	82	7. Abandoned by applicant Abandon de la demande	23
3. Nothing disclosed (excluded) Aucune communication (exclusion)	3	8. Treated informally Traitement non officiel	1
4. Nothing disclosed (exempt) Aucune communication (exemption)	8	TOTAL	176
5. Transferred Transmission	1		

III Exemptions invoked Exemptions invoquées							
S. Art. 13(1)(a)	17	S. Art. 16(1)(a)	2	S. Art. 18(b)	2	S. Art. 21(1)(a)	43
(b)	0	(b)	0	(c)	0	(b)	28
(c)	9	(c)	0	(d)	1	(c)	22
(d)	1	(d)	0	S. Art. 19(1)	58	(d)	13
S. Art. 14	25	S. Art. 16(2)	26	S. Art. 20(1)(a)	14	S. Art. 22	1
S. 15(1) International rel. Art. Relations intern.	0	S. Art. 16(3)	0	(b)	13	S. Art. 23	7
Defence Défense	12	S. Art. 17	0	(c)	28	S. Art. 24	5
Subversive activities Activités subversives	0	S. Art. 18(a)	2	(d)	11	S. Art. 25	4

IV Exclusions cited Exclusions citées			
S. Art. 68(a)	2	S. Art. 69(1)(c)	0
(b)	0	(d)	0
(c)	1	(e)	3
S. Art. 69(1)(a)	7	(f)	0
(b)	0	(g)	1

V Completion time Délai de traitement	
30 days or under 30 jours ou moins	97
31 to 60 days De 31 à 60 jours	14
61 to 120 days De 61 à 120 jours	22
121 days or over 121 jours et plus	43

VI Extensions Prorogations des délais		
	30 days or under 30 jours ou moins	31 days or over 31 jours ou plus
Searching Recherche	18	31
Consultation	1	50
Third party Tiers	0	23
TOTAL	19	104

VII Translations Traductions		
	Translations requested Traductions demandées	
Translations prepared Traductions préparées	English to French De l'anglais au français	0
	French to English Du français à l'anglais	0

VIII Method of access Méthode de communication	
Copies given Copies de l'original	114
Examination Examen de l'original	0
Copies and examination Copies et examen	4

IX Fees Frais			
Net fees collected Frais nets perçus			
Application fees Frais de la demande	\$655.00	Preparation Préparation	\$48.70
Reproduction	\$102.00	Computer processing Traitement informatique	\$0.00
Searching Recherche	\$140.00	TOTAL	\$945.70
Fees waived Dispense de frais		No. of times Nombre de fois	\$
\$25.00 or under 25 \$ ou moins		27	\$186.00
Over \$25.00 De plus de 25 \$		18	\$928.00

X Costs Coûts	
Financial (all reasons) Financiers (raisons) (\$000)	
Salary Traitement	412,267.8
Administration (O and M) Administration (fonctionnement et maintien)	113,343.5
TOTAL	525,611.3
Person year utilization (all reasons) Années-personnes utilisées (raisons)	
Person year (decimal format) Années-personnes (nombre décimal)	6.15

APPENDIX C: Supplemental Reporting Requirements – *Access to Information Act*

In addition to the reporting requirements addressed in form TBS/SCT 350-62 "Report on the *Access to Information Act*", institutions are required to report on the following using this form:

Part III – Exemptions invoked

Paragraph 13(1)(e) - 0

Subsection 16.1(1)(a) - 0

Subsection 16.1(1)(b) - 0

Subsection 16.1(1)(c) - 0

Subsection 16.1(1)(d) - 0

Subsection 16.2(1) - 0

Subsection 16.3 - 0

Subsection 16.4(1)(a) - 0

Subsection 16.4(1)(b) - 0

Subsection 16.5 - 0

Subsection 18.1(1)(a) - 0

Subsection 18.1(1)(b) - 0

Subsection 18.1(1)(c) - 0

Subsection 18.1(1)(d) - 0

Subsection 20(1)(b.1) - 0

Subsection 20.1 - 0

Subsection 20.2 - 0

Subsection 20.4 - 0

Subsection 22.1(1) - 2

Part IV – Exclusions cited

Subsection 68.1 - 0

Subsection 68.2(a) - 0

Subsection 68.2(b) - 0

Subsection 69.1(1) - 0

