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National Research Council Canada Conseil national
de recherches Canada

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***Annual Report to Parliament
2011-2012***

Access to Information Act

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I. INTRODUCTION

The purpose of the *Access to Information Act* is to provide a right of access to information contained in records under the control of government institutions. The information is subject to certain limited and specific exemptions. The *Act* is intended to complement and not replace existing procedures for access to government information.

In accordance with Section 72 of the *Access to Information Act*, this twenty-eighth Annual Report on the administration of the *Access to Information Act* at the National Research Council of Canada (NRC) describes how NRC discharged its responsibilities in relation to the *Act* in the fiscal year 2011-2012. The Annual Report is to be tabled in Parliament in accordance with section 72 of the *Access to Information Act*.

The National Research Council of Canada (NRC) is an agency of the Government of Canada established in 1916 under the NRC Act. Its mandate is to help build an innovative, knowledge-based economy for Canada through research and development, technology commercialization and industry support.

As stated in the NRC Act, the agency is responsible for: undertaking, assisting or promoting scientific and industrial research in different fields of importance to Canada; establishing, operating and maintaining a national science library; publishing and selling or otherwise distributing such scientific and technical information as the Council deems necessary; investigating standards and methods of measurement; working on the standardization and certification of scientific and technical apparatus and instruments and materials used or usable by Canadian industry; operating and administering any astronomical observatories established or maintained by the Government of Canada; administering NRC's research and development activities, including contributions used to support a number of international activities; and providing vital scientific and technological services to the research and industrial communities.

II. DELEGATION OF AUTHORITY

The NRC President has delegated the responsibilities associated with the administration of the *Access to Information Act* to the Executive Vice President and Secretary General and the Director, Corporate Governance. Operational responsibility for the application of the *Act* has been delegated to the Access to Information and Privacy Coordinator.

A detailed signed Delegation Order can be found at Annex A.

III. ORGANIZATIONAL STRUCTURE

The Executive Vice President and Secretary General has overall responsibility for ensuring that NRC's policies, procedures and practices are in line with the application and administration of the *Access to Information Act*. As shown in the Delegation Order, the Executive Vice President and Secretary General has delegated some of her authority to the Director, Corporate Governance and to the Access to Information and Privacy (ATIP) Coordinator. The NRC Access to Information and Privacy (ATIP) office is part of the NRC Secretary General's Office (SGO).

The NRC ATIP office is comprised of one full-time Coordinator and one Officer. The NRC ATIP office works closely with the Records Services, Industrial Research Assistance Program ATIP liaison officer, Human Resources ATIP liaison officer, Corporate Communications and senior management across the organization. Procedures are in place to process all formal access to information requests. These requests are processed by the Access to Information and Privacy Coordinator who has the authority to access all records held by NRC.

The ATIP office is responsible for the coordination and implementation of policies, guidelines and procedures to ensure the organization's compliance with the *Access to Information Act*. To that end, the office provides the following services to the organization:

- Promotes awareness of the *Access to Information Act* within the organization
- Processes and manages access to information requests and complaints
- Manages the electronic management system
- Responds to access-related matters in the Management Accountability Framework
- Processes consultations received from other institutions
- Provides advice and guidance to employees and senior officials on access related matters
- Prepares an Annual Report to Parliament
- Coordinates updates to the Info Source publications
- Reviews departmental documents, such as audit and evaluation reports, prior to their proactive disclosure on the organization's website, Parliamentary Questions and Harassment Reports
- Develops internal procedures
- Participates in forums for the ATIP community, such as the Treasury Board Secretariat ATIP Community meetings and working groups.

In accordance with Section 71 of the *Access to Information Act*, the NRC-Canada Institute for Scientific and Technical Information (NRC-CISTI) and the various Information Centres are the designated locations where the public may inspect manuals used by employees to administer or carry out programs or activities that affect the public. While the main NRC-CISTI library is located in Building M-55, NRC Montreal Road Campus, Ottawa, Ontario, other NRC-Information Centres exist in various locations across the country.

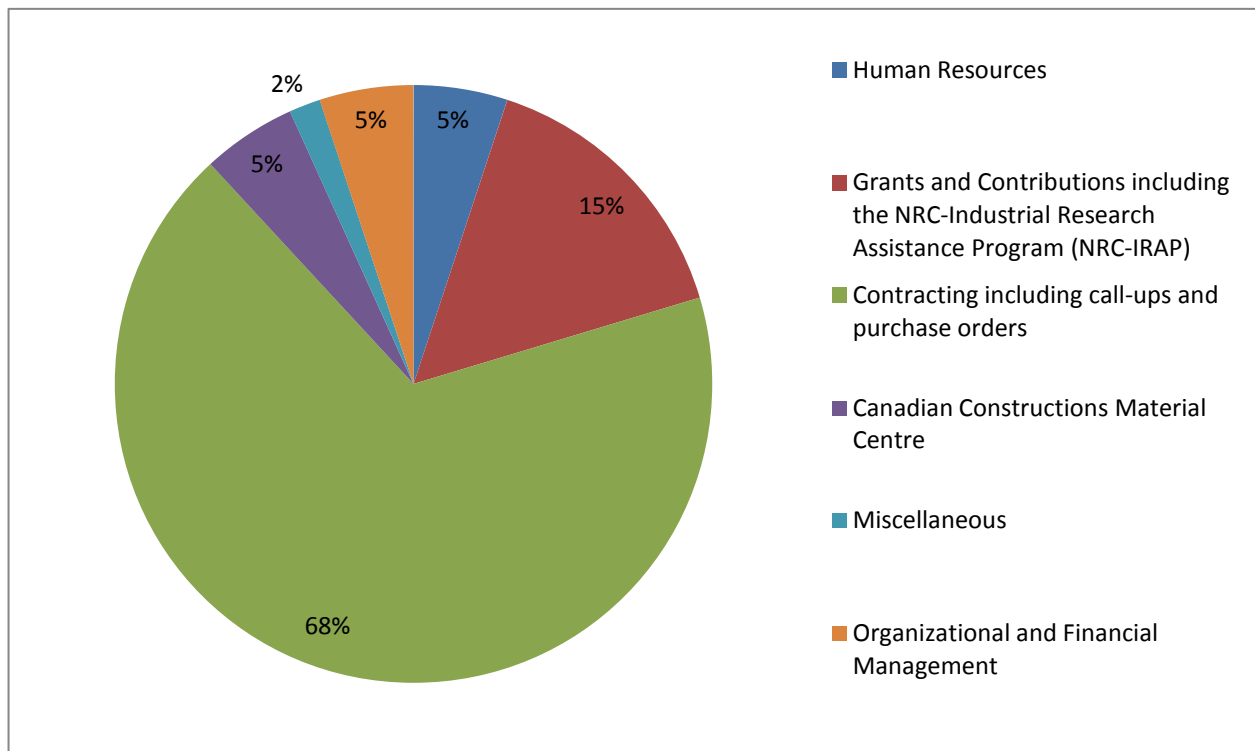
IV. INTERPRETATION OF STATISTICAL REPORT

Annex B provides a summarized statistical report on the access requests received and processed by the National Research Council of Canada from 1 April 2011 to 31 March 2012. This section provides an interpretation of the statistical report.

During the fiscal year, NRC received sixty-seven (67) new access to information (ATI) requests. The breakdown of the source of requestors received during the fiscal period is as follows: four (6) from the media, none (0) from academia, thirteen (13) from business, organization (2) organizations and forty-six (46) from the public. Four requests (4) were outstanding from the previous fiscal year, for a total of seventy-one (71) requests to process in the 2011-2012 fiscal year.

NRC completed sixty-four (64) access to information requests during this reporting period. Seven requests (7) were carried over into the next fiscal year. The subject of the requests related to varied sectors across the organization as follows:

- Human Resources 3
- Grants and Contributions including the NRC-Industrial Research Assistance Program (NRC-IRAP) 9
- Contracting including call-ups and purchase orders 40
- Canadian Constructions Materials Centre 3
- Miscellaneous 1
- Organizational and Financial Management 3



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 organization. In addition, extensions are invoked when consultations are necessary to comply with the request or section 27(1) of the *Act*. NRC invoked an extension in the case of eleven (11) requests. The extensions were mainly due to records contained confidential business information that required third party consultations.

In summary, out of sixty-four (64) completed requests, forty-seven (47) were completed in 30 days or less, seven (7) were completed within 31 to 60 days, nine (9) were completed between 61 and 120 days. One of the files exceeded 365 days as it was under investigation with the Office of the Information Commissioner; it remained active until the requestor abandoned the request. All levels of NRC worked diligently to ensure a high performance in meeting statutory deadlines.

NRC is asked by other government organizations for its views on disclosure of information that had originated within the National Research Council Canada. This reporting year, thirty-four (34) consultation requests were received from other government departments. The ATIP office works closely with the office of primary interest at NRC to respond effectively to these requests.

The exemptions section of the Statistical Report is intended to identify the number of requests in cases where specific types of exemptions were invoked. NRC involved exemptions pursuant to sections 18(b), 19(1), 20(1) (b)(c)(d), and 21(1)(a)(b), of the *Act*.

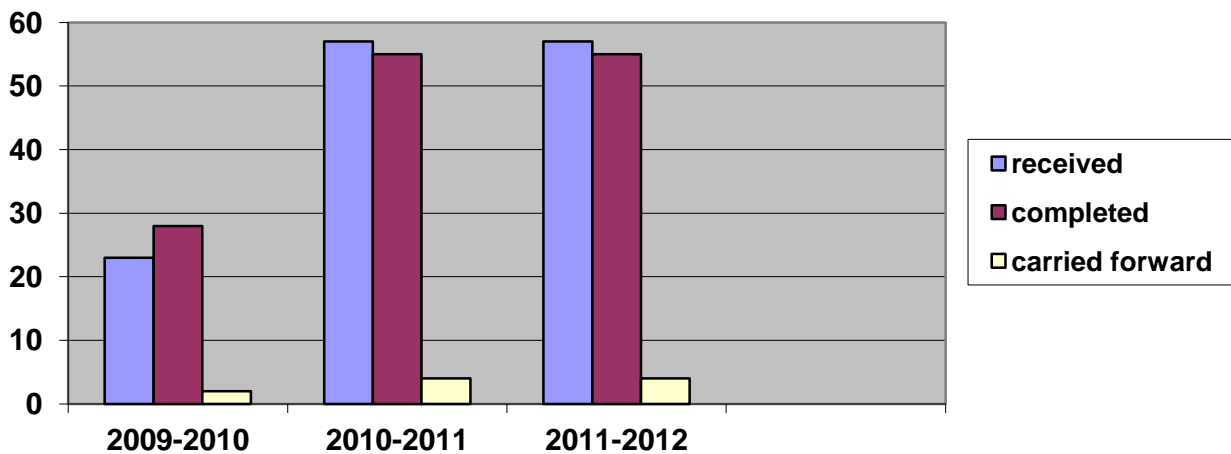
Section 18(b)(economic interests of Canada) was invoked in one (1) case where the information would have prejudiced NRC's competitive position. Section 19 (Personal Information) was invoked in ten (10) cases and was applied to the information that is considered personal and where individual consent was not obtained. Section 20 (Third Party Information) was invoked in five (5) cases. The exemption applied pursuant to section 20 involves confidential business information belonging to a third party. The third parties in question were consulted pursuant to section 27 of the *Act* and provided substantial rationales in support of the protection of their information.

In the past year, Section 21 (Advice, etc.) was invoked in three (3) cases. The information severed under this section is considered part of NRC's business operations which include internal advice, recommendations and deliberations between Senior NRC Officials. The release of this information would have compromised the integrity of NRC's decision-making process and the candidness of discussions.

The figures, as reflected in the chart below, indicate the number of requests received and processed over the past three years. The figures do not reflect requests processed informally or other queries that have been received and processed in the ATIP office.

The significant trends indicate in an increase in access to information requests, more specifically from media and the public. There is a decrease in exemptions invoked from

the previous year which may be due to the increase in contracting requests. The statistics reflect indicate an increase in completion time. The increase in media as a source of requestor reflects a trend that results from organizational changes.



The annual statistical report for the fiscal year 2011-2012 is included at the end of this chapter, as Annex B.

V. ACCESS TO INFORMATION-RELATED TRAINING AND EDUCATION

The ATIP office is committed to providing ongoing development and training to NRC's employees.

During the fiscal year, the ATIP office implemented, in collaboration with Records Services, an Information Awareness Campaign, which included five internal messages related to the *ATI* and *Privacy Acts*. As part of this campaign, a formal ATIP and Managing NRC Information Course (3 hours) was developed and promoted by way of the NRC Human Resources Learning Catalogue. The five following courses scheduled for delivery were offered through this joint initiative:

- 28 April 2011: twelve participants
- 23 June 2011: twenty participants
- 30 August 2011: nineteen participants
- 22 September 2011: eighteen participants
- 15 December 2011 fourteen participants.

The following training sessions were offered in addition to the formal course programming:

- 16 May 2011: Material Management Officers : twenty participants
- 19 May 2011: Communications Branch : twenty-three participants
- 7 June 2011: IMSB Strategic Services Directorate : thirteen participants.

Informal debriefings and new employee orientation was provided to a new Communications Officer and Vice President. One Director requested a refresher ATIP training session.

Within the context of our roles and responsibilities, NRC's ATIP office reviewed a total of 76 parliamentary questions received for the period of April 2011 to March 2012. In addition, seven (7) harassment reports, both preliminary and final, were reviewed from a privacy perspective.

All training sessions included information on the privacy legislation which has been accounted for in the *Privacy Act* annual report.

VI. NEW PROCEDURES, GUIDELINES AND DIRECTIVES

As part of NRC's ongoing response to the Treasury Board Secretariat (TBS) directives relevant to Access to Information and Privacy (ATIP) legislation and administration, our Senior Executive Committee (SEC) was informed of the development of three supporting documents: 1. Privacy Protocol for Non-Administrative Purposes, 2. Privacy Impact Assessment Handbook and 3. Privacy Impact Assessment Template. In addition, SEC approved the new NRC Policy Governing the Management of Personal Information. These documents in addition to an Access to Information and Privacy Best Practices guidelines were posted on NRC's internal website. These tools have complemented the training sessions and have been effective in generating greater awareness within the organization.

VII. COMPLAINTS

Three complaints were filed against NRC in 2011-2012. In file number A2011-0026 and file A2011-0043, the requestor alleged that NRC improperly applied exemptions so as to deny access to records. File number A2011-0047, the requestor complained that NRC failed to provide the records. These three investigations are ongoing with the Office of the Information Commissioner.

The outstanding complaint from fiscal year 2010-2011 (A2010-0010) is ongoing with the Office of the Information Commissioner.

The outstanding complaint (A2009-0010) made against NRC in 2009-2010 concerning the time extension and the files were closed and not substantiated. The Office of the Information Commissioner further informed the ATIP office that requestor had abandoned the request for records.

ANNEX A: DELEGATION ORDER

Access to Information and Privacy Acts Delegation Order

Décret de la délégation en vertu des Lois sur l'Accès à l'information et sur la Protection des renseignements personnels

The President of the National Research Council of Canada, pursuant to section 73 of the *Access to Information Act* and the *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the person occupying on an acting basis the position, to exercise the powers and functions of the President as the head of a government institution, under the section of the *Acts* set out in the schedule opposite each position. This Designation Order supersedes all previous designation orders.

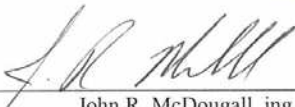
En vertu de l'article 73 de la *Loi sur l'accès à l'information* et de la *Loi sur la protection des renseignements personnels*, le Président du Conseil national de recherches du Canada délègue aux personnes exerçant les fonctions indiquées en annexe ci-après, ainsi qu'à la personne occupant à titre intérimaire ledit poste, les attributions dont il est, en sa qualité de responsable d'une institution fédérale, investi par les articles des *Lois* mentionnées en regard de chaque tel poste. Le présent décret de délégation remplace et annule tout décret antérieur.

Schedule / Annexe

Position / Poste	Access to Information Act and Regulations / Loi sur l'accès à l'information et règlements	Privacy Act and Regulations / Loi sur la protection des renseignements personnels et règlements
Secretary General/Secrétaire général	Full authority / Autorité absolue	Full authority / Autorité absolue
Director, Governance/Directeur, Gouvernance	Full authority / Autorité absolue	Full authority / Autorité absolue
Access to Information and Privacy Coordinator/ Coordonnateur, Accès à l'information et protection des renseignements personnels	Sections/articles 7(a), 8(1), 9, 11(2) to/à (6), 12(2)(3), 26, 27(1) and/et (4), 28(1),(2) and/et (4), 29(1), 33, 37(4), 43(1), 44(2)	Sections/articles 8(2)(j), 8(4), 8(5), 9(1), 9(4), 10, 14, 15, 17(2)(b), 18(2), 31, 35(1), 35(4), 36(3), 37(3), 51(2)(b)

Dated, at the City of Ottawa
this 18 day of Jan., 2012

Daté, en la ville d'Ottawa
ce 18 jour de janvier 2012



John R. McDougall, ing.,
President of the National Research Council of Canada
Président du Conseil national de recherches du Canada

ANNEX B: STATISTICAL REPORT



Government of Canada / Gouvernement du Canada

Statistical Report on the Access to Information Act

Name of institution: National Research Council

Reporting period: 4/1/2011 to 3/31/2012

PART 1 – Requests under the Access to Information Act

1.1 Number of Requests

	Number of Requests
Received during reporting period	67
Outstanding from previous reporting period	4
Total	71
Closed during reporting period	64
Carried over to next reporting period	7

1.2 Sources of requests

Source	Number of Requests
Media	6
Academia	0
Business (Private Sector)	13
Organization	2
Public	46
Total	67

PART 2 – Requests closed during the reporting period

2.1 Disposition and completion time

Disposition of requests	Completion Time							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	
All disclosed	26	8	3	1	0	0	0	38
Disclosed in part	0	2	1	7	0	0	0	10
All exempted	0	0	0	1	0	0	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	7	1	1	0	0	0	0	9
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	2	0	0	0	1	3
Treated informally	2	1	0	0	0	0	0	3
Total	35	12	7	9	0	0	1	64

2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests	Section	Number of requests
13(1)(a)	0	16(2)(a)	0	18(a)	0	20.1	0
13(1)(b)	0	16(2)(b)	0	18(b)	1	20.2	0
13(1)(c)	0	16(2)(c)	0	18(c)	0	20.4	0
13(1)(d)	0	16(3)	0	18(d)	0	21(1)(a)	2
13(1)(e)	0	16.1(1)(a)	0	18.1(1)(a)	0	21(1)(b)	3
14(a)	0	16.1(1)(b)	0	18.1(1)(b)	0	21(1)(c)	0
14(b)	0	16.1(1)(c)	0	18.1(1)(c)	0	21(1)(d)	0
15(1) - I.A.*	0	16.1(1)(d)	0	18.1(1)(d)	0	22	0
15(1) - Def.*	0	16.2(1)	0	19(1)	10	22.1(1)	0
15(1) - S.A.*	0	16.3	0	20(1)(a)	0	23	0
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(b)	5	24(1)	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(b.1)	0	26	0
16(1)(a)(iii)	0	16.5	0	20(1)(c)	3		
16(1)(b)	0	17	0	20(1)(d)	3		
16(1)(c)	0						
16(1)(d)	0						

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

2.3 Exclusions

Section	Number of requests	Section	Number of requests	Section	Number of requests
68(a)	0	69(1)(a)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(b)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(c)	0	69(1)(g) re (c)	0
68.1	0	69(1)(d)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(e)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(f)	0	69(1)(g) re (f)	0
				69.1(1)	0

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	33	2	3
Disclosed in part	8	1	1
Total	41	3	4

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of requests	Number of pages processed	Number of pages disclosed	Number of requests
All disclosed	7417	7417	38
Disclosed in part	2099	1701	10
All exempted	28	28	1
All excluded	0	0	0
Request abandoned	0	0	3

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less than 100 pages processed		101-500 pages processed		501-1000 pages processed		1001-5000 pages processed		More than 5000 pages processed	
	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed
All disclosed	34	305	2	548	1	564	0	0	1	6000
Disclosed in part	4	204	5	735	1	762	0	0	0	0
All exempted	1	28	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	3	0	0	0	0	0	0	0	0	0
Total	42	537	7	1283	2	1326	0	0	1	6000

2.5.3 Other complexities

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	0	0	0	1	1
Disclosed in part	1	0	0	1	2
All exempted	0	0	0	1	1
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
Total	1	0	0	3	4

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of requests closed past the statutory deadline	Principal Reason			
	Workload	External consultation	Internal consultation	Other
12	0	9	2	1

2.6.2 Number of days past deadline

Number of days past deadline	Number of requests past deadline where no extension was taken	Number of requests past deadline where an extension was taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	1	1
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	1	1

2.7 Requests for translation

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

PART 3 – Extensions

3.1 Reasons for extensions and disposition of requests

Disposition of requests where an extension was taken	9(1)(a) Interference with operations	9(1)(b) Consultation		9(1)(c) Third party notice
		Section 69	Other	
All disclosed	0	0	2	0
Disclosed in part	1	0	2	7
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	1	0	0	0
Total	2	0	4	7

3.2 Length of extensions

Length of extensions	9(1)(a) Interference with operations	9(1)(b) Consultation		9(1)(c) Third party notice
		Section 69	Other	
30 days or less	1	0	2	2
31 to 60 days	0	0	2	4
61 to 120 days	1	0	0	1
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	2	0	4	7

PART 4 – Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of requests	Amount	Number of requests	Amount
Application	66	\$335	0	\$0
Search	0	\$0	0	\$0
Production	0	\$0	0	\$0
Programming	0	\$0	0	\$0
Preparation	0	\$0	0	\$0
Alternative format	0	\$0	0	\$0
Reproduction	0	\$0	0	\$0
Total	66	\$335	0	\$0

PART 5 – Consultations received from other institutions and organizations

5.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during reporting period	34	929	1	25
Outstanding from the previous reporting period	0	0	0	0
Total	34	929	1	25
Closed during the reporting period	33	889	1	25
Pending at the end of the reporting period	1	40	0	0

5.2 Recommendations and completion time for consultations received from other government 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	than 365 days	
Disclose entirely	24	3	0	0	0	0	0	27
Disclose in part	3	1	1	0	0	0	0	5
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	1	0	0	0	0	0	0	1
Total	28	4	1	0	0	0	0	33

5.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	
Disclose entirely	1	0	0	0	0	0	0	1
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
Total	1	0	0	0	0	0	0	1

PART 6 – Completion time of consultations on Cabinet confidences

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
Total	0	0

PART 7 – Resources related to the Access to Information Act

7.1 Costs

Expenditures		Amount
Salaries		\$81,496
Overtime		\$0
Goods and Services		\$17,291
• Professional services contracts	\$3,037	
• Other	\$14,254	
Total		\$98,787

7.2 Human Resources

Resources	Dedicated full-time to ATI activities	Dedicated part-time to ATI activities	Total
Full-time employees	1.00	0.00	1.00
Part-time and casual employees	0.00	0.00	0.00
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.00	0.00	0.00
Students	0.00	0.00	0.00
Total	1.00	0.00	1.00