

**Office of the Chief Electoral Officer**

*Access to Information Act*  
**Annual Report 2007–2008**

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## **Introduction**

The purpose of the *Access to Information Act* is to extend the present laws of Canada to provide a right of access to information in records under the control of a government agency, in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific and that decisions on the disclosure of government information should be reviewed independently of government.

The Office of the Chief Electoral Officer became subject to the *Access to Information Act* on April 1, 2007 and this is its first annual report submitted to Parliament on that matter in accordance with section 72 of the Act. The report presents an overview of our activities and describes how the Office carried out its responsibilities under the *Access to Information Act* during the reporting period of April 1, 2007 to March 31, 2008.

## **Mandate of the Office of the Chief Electoral Officer**

The Office of the Chief Electoral Officer, commonly known as Elections Canada, is an independent, non-partisan agency set up by Parliament. Its mandate is to be prepared at all times to conduct a federal general election, by-election or referendum, administer the political financing provisions of the *Canada Elections Act*, monitor compliance and enforce electoral legislation. Elections Canada is also mandated to conduct voter education and information programs, and provide support to the independent commissions in charge of adjusting the boundaries of federal electoral districts following each decennial census. Finally, Elections Canada may carry out studies on alternative voting methods and, with the approval of Parliament, test electronic voting processes for future use during electoral events.

In fulfillment of this mandate, Elections Canada strives to ensure that all voters have access to the electoral process; provides information and education programs to citizens about the electoral system; maintains the National Register of Electors; monitors compliance with electoral law and enforces the legislation; and maintains readiness to conduct electoral events.

Elections Canada appoints, trains and supports 308 returning officers across Canada, as well as other election officers and temporary election staff in Ottawa. It develops and maintains electoral geography information for preparing maps and other geographic products used during electoral events.

Elections Canada also registers political entities, including political parties, electoral district associations, candidates, leadership contestants, third parties that engage in election advertising, and referendum committees; administers the allowances, reimbursements and subsidies paid to eligible candidates, registered political parties and auditors; monitors compliance with the *Canada Elections Act*; and discloses information on registered parties and electoral district associations, nomination contestants and

leadership contestants of registered parties, candidates, third parties, and referendum committees, including their financial returns.

In addition, Elections Canada recommends to Parliament legislative amendments for the better administration of the *Canada Elections Act*. It does this through the statutory reports of the Chief Electoral Officer after electoral events, as well as through the provision of expert advice when Parliament studies electoral reform.

## **Structure of the Access to Information and Privacy Directorate**

The 2007–2008 fiscal year was the first year that the Office of the Chief Electoral Officer was subject to the *Access to Information Act*, following the enactment of the *Federal Accountability Act*. In order to fulfill the new obligations, Elections Canada established the Access to Information and Privacy (ATIP) Directorate.

The newly established ATIP Directorate is part of the Legal Services Sector and is managed on a full-time basis by the General Counsel and ATIP Coordinator, who exercises all powers, functions and duties of administering the *Privacy Act*, as delegated by the Chief Electoral Officer. A copy of the delegation order setting out the responsibilities under the *Access to Information Act* appears at the end of this report (see Appendix 1).

The ATIP Directorate is responsible for the following activities:

- processing requests under the *Access to Information Act* and *Privacy Act*;
- responding to consultation requests from other government institutions;
- providing ongoing legal and business advice and guidance to senior management and department staff on access and privacy legislation;
- monitoring the agency's compliance with ATIP legislation, relevant procedures and policies;
- acting on behalf of Elections Canada in dealings with the Treasury Board Secretariat, the Offices of the Information and Privacy Commissioners and other government institutions about the application of the legislation as it relates to Elections Canada;
- preparing annual reports to Parliament, in addition to other statutory reports and material that may be required by central agencies;
- promoting awareness of the ATIP legislation, the regulations and relevant procedures throughout Elections Canada;
- coordinating updates to Info Source manuals.

# **Processing of requests received under the *Access to Information Act***

## **Statistical report on requests received**

This section provides information about the processing of requests under the *Access to Information Act*. The statistical report can be found in Appendix 2.

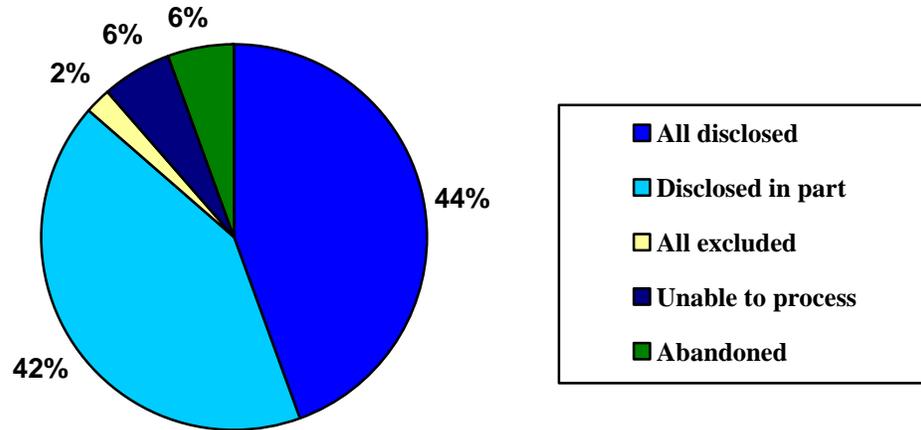
### **Number of Requests Received**

Elections Canada received 91 formal requests for information under the Act during the period from April 1, 2007, to March 31, 2008. These requests came from five sources: 38 percent came from the media (35 requests), 31 percent originated from business sources (28 requests) and 24 percent came from the public (22 requests). The remaining 7 percent were divided into four requests from organizations and two requests from academia. Three requests were carried over into the new fiscal year. The ATIP Directorate also responded to six inter-governmental consultations.

### **Disposition of completed requests**

Of the 91 requests received, 88 were completed before March 31, 2008. They were resolved of as follows:

- **All disclosed:** Requesters were granted access to all of the records requested in 39 cases (44 percent).
- **Disclosed in part:** Requesters were granted access to portions of the records in 37 cases (42 percent). Information was withheld in accordance with applicable exemptions.
- **Nothing disclosed (all excluded):** In two instances (2 percent), records were excluded from the ATIA as the information sought was publicly available.
- **Unable to process:** In five cases (6 percent), requests could not be processed either because no records existed or the requesters did not provide sufficient information to allow retrieval of the pertinent records.
- **Abandoned by requester:** In five cases (6 percent), the requester abandoned the request either by formally withdrawing it or by not responding to correspondence from the ATIP Directorate.



**Figure 1** – Disposition of completed requests in percentages

***Exemptions invoked***

The 2007–2008 Statistical Report identifies the number of requests for which specific types of exemptions were invoked. If Elections Canada applied five different exemptions to a request, one exemption under each relevant section would be reported for a total of five. However, if the same exemption was claimed several times in the same request, it is captured in the statistics only once.

Subsection 19(1) (personal information) and paragraph 18(a) (economic interests) were the two most claimed exemptions. They were claimed on 32 and 16 files respectively.

***Method of access***

In all 76 instances where access was granted, Elections Canada provided requesters with either a paper copy or an electronic version of the material.

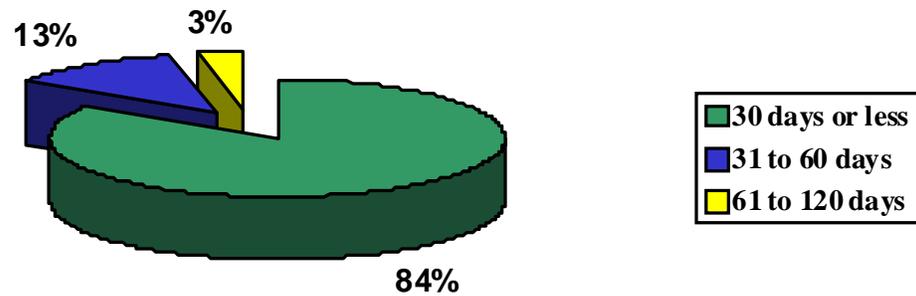
***Extension of the time limit***

The *Access to Information Act* stipulates that government institutions must respond within 30 days following the receipt of a request. It allows extension of the time limit if the request is for a large volume of records, the processing of which would unreasonably interfere with the operations of the institution. Also, institutions may claim an extension if necessary consultations can not be completed within the initial 30-day period.

During the reporting period, Elections Canada extended the time limit on three requests. In one instance, an extension of up to 30 days was required because the file consisted of a large volume of records and it was not possible to process it within the initial time limit. In the two remaining instances, an extension of up to 60 days was required because of the need to conduct consultations.

## ***Completion time***

Of the 88 completed requests, 74 (84 percent) were processed within the initial 30-day time limit. Eleven requests (13 percent) were finalized in 31 to 60 days and the remaining three requests (3 percent) were closed in 61 to 120 days. Eleven requests were not processed within the statutory time limit.



**Figure 2** – Completion time in percentages

It should be noted that the requests processed after the 30-day statutory time limit occurred during the first quarter of the year, when the ATIP Directorate had just been established. During the second and third quarters there was a clear improvement in response time.

## ***Informal requests***

During the reporting period, the ATIP Directorate received 14 informal requests outside the scope of the ATIA for reports or statements filed by candidates with the Chief Electoral Officer. Section 541 of the *Canada Elections Act* states that these records are public and they may be inspected by any person on request during business hours. It is the practice of the ATIP Directorate to transfer such requests to the office of primary interest for processing, as this type of information is not subject to the *Access to Information Act*.

## **Awareness and training activities**

In an effort to heighten employee awareness of the *Access to Information Act*, the ATIP Directorate hosted 19 information sessions during the reporting period, in which 218 participants took part. Since Elections Canada became subject to the ATIA on April 1, 2007, the sessions presented an overview of the statute and explained the roles and responsibilities of employees and management in relation to the ATIA.

Given the recent establishment of the directorate, employees of the ATIP Directorate attended as many training sessions and conferences as possible relating to the processing of ATIP requests, reporting obligations, and information management. ATIP staff also attended the vast majority of training sessions provided by the Treasury Board Secretariat on matters relating to the ATIA. These sessions covered topics such as the application of specific exemptions, the levying of fees, Info Source requirements and extension of time limits.

Among the conferences attended that specifically focused on access to information issues were the Riley Seminar “Access to Information: The Next Challenges”, the Canadian Access and Privacy Association (CAPA) 2007 Annual Conference, and various ATIP community meetings. These learning opportunities were invaluable to understanding the general access to information matters that Elections Canada has to address in the administration of its mandate.

## **Complaints and judicial review**

Elections Canada received no complaints and was not involved in any judicial reviews arising from its administration of the *Access to Information Act*.

# **Appendix 1**

## **Delegation of Authority Under Section 73 of the *Access to Information Act***

07-05-11 15:06 RCVD

*ACCESS TO INFORMATION ACT* DELEGATION ORDER

The Chief Electoral Officer of Canada, in accordance with section 73 of the *Access to Information Act*, hereby designates the person holding the position set out below, or the person acting in that position, to exercise the powers and perform the duties and functions of the Chief Electoral Officer of Canada, as the head of the government institution under the Act.

POSITION

SECTIONS OF THE  
*ACCESS TO INFORMATION ACT*

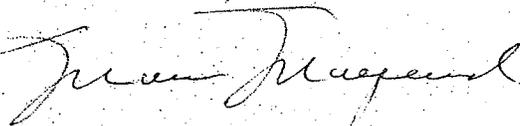
Access to Information and Privacy  
Coordinator

All sections

Date:

1<sup>er</sup> mai, 2007

Signature:



## **Appendix 2**

### **Access to Information Statistical Report 2007–2008**



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

Institution <b>Elections Canada</b>			Reporting period / Période visée par le rapport <b>2007-04-01 to / à 2008-03-31</b>		
Source	Media / Médias <b>35</b>	Academia / Secteur universitaire <b>2</b>	Business / Secteur commercial <b>28</b>	Organization / Organisme <b>4</b>	Public <b>22</b>

<b>I</b> 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	<b>91</b>
Outstanding from previous period / En suspens depuis la période antérieure	<b>0</b>
<b>TOTAL</b>	<b>91</b>
Completed during reporting period / Traitées pendant la période visée par le rapport	<b>88</b>
Carried forward / Reportées	<b>3</b>

<b>II</b> Disposition of requests completed / Disposition à l'égard des demandes traitées			
1. All disclosed / Communication totale	<b>39</b>	6. Unable to process / Traitement impossible	<b>5</b>
2. Disclosed in part / Communication partielle	<b>37</b>	7. Abandoned by applicant / Abandon de la demande	<b>5</b>
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	<b>2</b>	8. Treated informally / Traitement non officiel	
4. Nothing disclosed (exempt) / Aucune communication (exemption)		<b>TOTAL</b>	<b>88</b>
5. Transferred / Transmission			

<b>III</b> Exceptions invoked / Exceptions invoquées					
S. Art. 13(1)(a)		S. Art. 16(1)(a)		S. Art. 18(b)	<b>2</b>
(b)		(b)		(b)	<b>2</b>
(c)		(c)		(c)	
(d)		(d)		S. Art. 19(1)	<b>32</b>
S. Art. 14		S. Art. 18(2)	<b>1</b>	S. Art. 20(1)(a)	<b>1</b>
S. 15(1) International rel. / Relations intern.		S. Art. 16(3)		(b)	<b>3</b>
Defence / Défense		S. Art. 17		(c)	
Subversive activities / Activités subversives		S. Art. 18(a)	<b>16</b>	(d)	

<b>IV</b> Exclusions cited / Exclusions citées		
S. Art. 68(a)	<b>2</b>	S. Art. 69(1)(c)
(b)		(d)
(c)		(e)
S. Art. 69(1)(a)		(f)
(b)		(g)

<b>V</b> Completion time / Délai de traitement	
30 days or under / 30 jours ou moins	<b>74</b>
31 to 60 days / De 31 à 60 jours	<b>11</b>
61 to 120 days / De 61 à 120 jours	<b>3</b>
121 days or over / 121 jours ou plus	

<b>VI</b> Extensions / Prolongations des délais		
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	<b>1</b>	
Consultation	<b>1</b>	
Third party / Tiers		
<b>TOTAL</b>	<b>2</b>	

<b>VII</b> Translations / Traduction	
Translations requested / Traductions demandées	
Translations prepared / Traductions préparées	English to French / De l'anglais au français
	French to English / Du français à l'anglais

<b>VIII</b> Method of access / Méthode de consultation	
Copies given / Copies de l'original	<b>76</b>
Examination / Examen de l'original	
Copies and examination / Copies et examen	

<b>IX</b> Fees / Frais		
Net fees collected / Frais net perçus		
Application fees / Frais de la demande	<b>\$45.00</b>	Preparation / Préparation
Reproduction	<b>\$40.40</b>	Computer processing / Traitement informatique
Searching / Recherche		<b>TOTAL</b>
		<b>\$85.40</b>
Fees waived / Dépense de frais		No. of times / Nombre de fois
\$25.00 or under / 25 \$ ou moins		<b>67</b>
Over \$25.00 / De plus de 25 \$		<b>9</b>
		<b>\$</b>
		<b>\$489.50</b>
		<b>\$369.00</b>

<b>X</b> Costs / Coûts	
Financial (all reasons) / Financiers (raison(s))	
Salary / Traitement	<b>\$ 305,000.00</b>
Administration (O and M) / Administration (fonctionnement et maintien)	<b>\$ 78,000.00</b>
<b>TOTAL</b>	<b>\$ 383,000.00</b>
Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	<b>3.8</b>

