



**Office of the
Chief Electoral
Officer**

Period ending March 31, 2009

**Annual Report on the
*Access to Information Act***

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Chief Electoral Officer of Canada

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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 second annual report submitted to Parliament in accordance with section 72 of the *Act*. The report presents an overview of our activities and describes how the Access to Information and Privacy (ATIP) Directorate carried out its responsibilities under the *Access to Information Act* during the reporting period of April 1, 2008 to March 31, 2009.

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 that reports directly to 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
- conduct voter education and information programs
- provide support to the independent commissions in charge of adjusting the boundaries of federal electoral districts following each decennial census
- 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 appoints, trains and supports 308 returning officers and 30 field liaison officers across Canada. It maintains the National Register of Electors, as well as electoral geography information that provide the basis for preparing maps and other geographic products used during electoral events.

The agency 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*
- 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, the agency recommends to Parliament 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 provisions of expert advice when Parliament studies electoral reform.

Structure of the Access to Information and Privacy Directorate

The ATIP Directorate is part of the Legal Services Sector and is managed on a full-time basis by the agency's ATIP Coordinator, to whom the Chief Electoral Officer has delegated all the powers, functions and duties of administering the *Access to Information Act*. A copy of the delegation order setting out the responsibilities under that *Act* appears at the end of this report (see Appendix 1).

The ATIP Directorate has four full-time equivalent positions. Three positions were staffed on an indeterminate basis, two of which were vacant to start the year and required the completion of a competition. A secondment agreement was put in place to fill the fourth position. The services of consultants and students provided additional support.

The ATIP Directorate is responsible for the following activities:

- processing requests under the *Access to Information Act* and the *Privacy Act*;
- responding to consultation requests from other government institutions;
- providing ongoing legal and business advice and guidance to senior management and agency staff on Access and Privacy legislation and related matters;
- monitoring institutional compliance with the aforementioned *Acts*, regulations and 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 regarding the application of the above 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;
- developing and delivering awareness training to Elections Canada managers and employees to ensure departmental responsiveness to the legal obligation imposed on them by both *Acts* and *Regulations*;
- coordinating the annual update of the agency's descriptions of its organization and its record holdings for inclusion in the Treasury Board publication Info Source;
- representing Elections Canada by participating in ATIP community forums, such as the Treasury Board Secretariat ATIP Community Meetings; and
- developing and implementing internal policies pertaining to privacy.

Report on the administration of the *Access to Information Act*

This section provides information about the processing of requests under the *Access to Information Act*. Appendix 2 provides a statistical summary of the access to information requests received and/or finalized in 2008-2009.

Number of Requests

Received during the reporting period	77
Outstanding from previous period	<u>3</u>
TOTAL	80

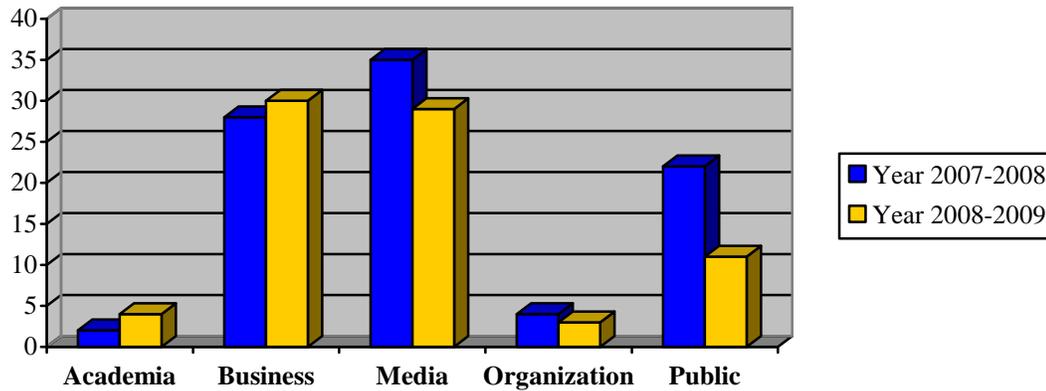
This represents a slight decrease from the previous reporting period in which the agency received 91 requests, 88 of which were completed during the reporting period.

Sources of Requests Received

Elections Canada received 77 formal requests for information under the *Act* during the period from April 1, 2008 to March 31, 2009. These requests came from five sources with 29 requests (38%) originating from the media, 30 requests (39%) from business sources, 11 requests (14%) from the public, 3 requests (4%) from organizations or individuals affiliated to a political party and 4 requests (5%) from the academic community.

The following graph categorizes the number of requests received by source for the reporting period as well as those received in fiscal year 2007-2008.

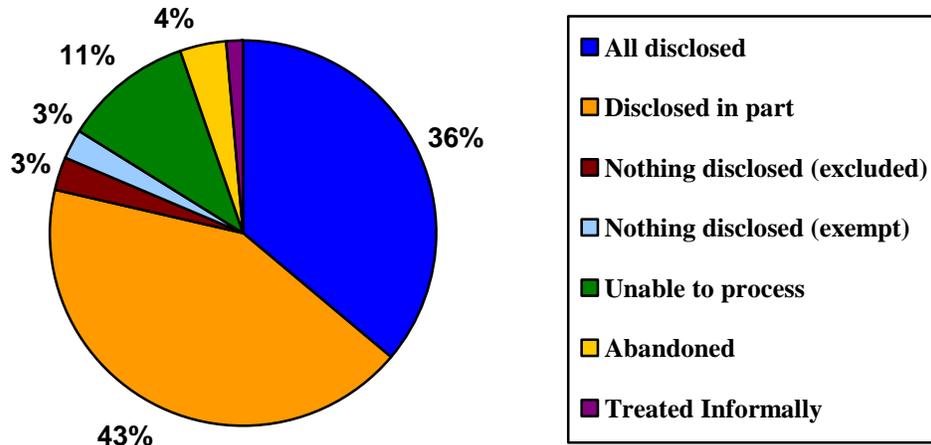
Requests by Source



Disposition of completed requests

Of the 75 requests completed during the reporting period, the disposition was as follows:

- **All disclosed:** Applicants were granted access to all of the records requested in 36% of cases, or in 27 of 75 completed requests.
- **Disclosed in part:** Applicants were granted access to portions of the records in 43% of cases, or 32 of 75 completed requests.
- **Nothing disclosed (excluded):** In two (2) cases, records were excluded pursuant to the ATIA as the information sought was publicly available on Elections Canada's website at www.elections.ca.
- **Nothing disclosed (exempt):** In two (2) cases, no records were disclosed as exemptions were applied. One of these requests involved documents relating to an investigation being carried out by the Commissioner of Canada Elections and thus the exemption at section 16.3 of the *Access to Information Act* applied. The second request was for an interview questionnaire protected under section 22 of the *Act* as it is intended to be used in future competitions.
- **Unable to process:** There were eight (8) cases where the ATIP Directorate was unable to process the requests. In these cases every effort was made to contact the applicants and obtain the necessary information required to process the requests.
- **Abandoned:** Three (3) requests were abandoned by the applicant.
- **Treated informally:** One (1) of the formal requests was treated on an informal basis.



Volume of pages reviewed

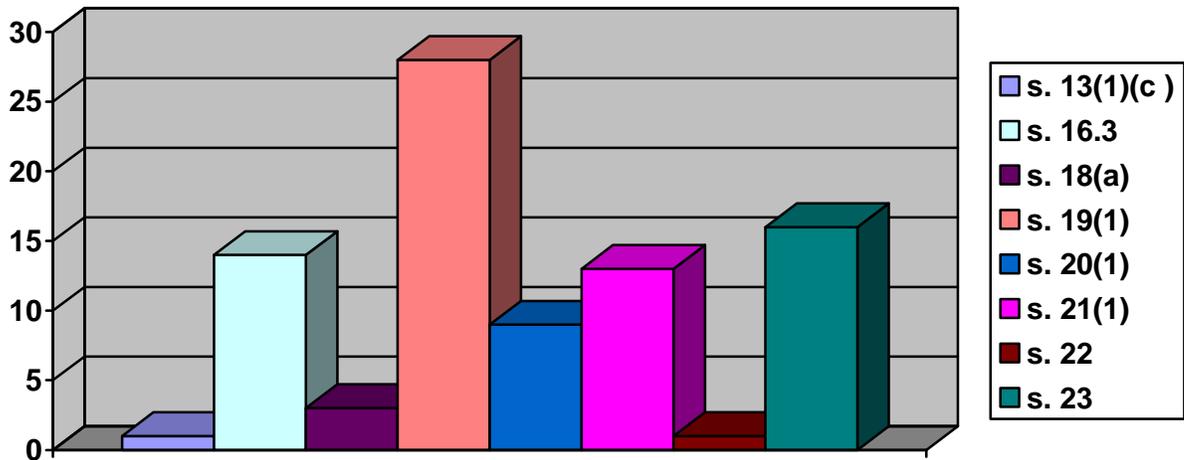
A total of 9,944 pages of records were reviewed during the reporting period compared to 6,906 for the previous year, which represents an increase of 3,038 pages, or 44%. It is also worth noting that our ratio of pages released to those reviewed increased by 13% over the previous fiscal year.

Fiscal Year	Number of pages reviewed	Number of pages released	Percentage of pages released
2007-2008	6 906	4 769	69%
2008-2009	9 944	8 127	82%

Exemptions invoked

The 2008-2009 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.

The chart below provides a visual of how many times each exemption was applied. The three most common exemptions applied were subsection 19(1) to protect personal information, section 23 for solicitor-client privilege and section 16.3 to protect information being used for investigative purposes by Elections Canada.

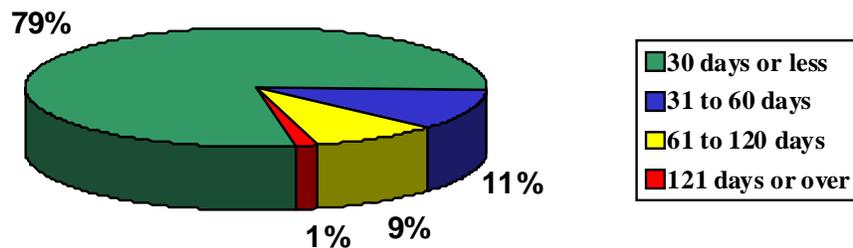


Exclusions cited

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 A indicates the number of requests for which exclusions were invoked – 2 for section 68 and none for section 69. As mentioned above, if an exclusion is applied several times within the same request, it is reported only once.

Completion time

Of the 75 formal requests completed during the reporting period, 79% or 59 requests were completed within the 30-day time limit. There were a further eight (8) requests or 11%, completed within 31 to 60 days, seven (7) requests or 9% were completed within 61 to 120 days and one (1) request finalized in more than 120 days. The request that took more than 120 days was for a large number of records which were subject to consultations with four government departments accounting for the delay in responding.



Extension of the time limit

Section 9 of the *Act* provides for the extension of the statutory time limits if consultations are necessary or 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 institution.

There were a total of ten (10) extensions taken during the reporting period. Four (4) of these were taken for search time or volume of records, three (3) for consultations with other departments and three (3) for third party consultations. Four (4) of these extensions were for 30 days or less and six (6) were for 31 days or more.

Method of access

In all cases where information was disclosed Elections Canada provided either paper copies or in electronic format when the applicant's preference was stated.

Fees

The fees collected during the reporting period amounted to \$390.00. In accordance with Treasury Board policy, it is the agency's practice to waive fees where the total owing per request amounts to less than \$25. Elections Canada waived fees in 2008-2009 in 59 cases for a total of \$548.85.

Costs

For 2008-2009, the costs directly associated with the administration of the *Access to Information Act* are estimated at \$142,726.70 for salary and \$119,483.53 for operations and maintenance and other administrative expenses. The ATIP Directorate employee resources for 2008-2009 are estimated at 2.03 FTEs for administering the *Access to Information Act*. In addition to processing formal requests, these figures include costs for improving internal processes, acquisition of an ATIP specific software, responding to informal requests from the general public, reviewing audit reports prior to public dissemination, responding to requests from within the agency for advice and guidance on access related matters and providing training sessions to promote awareness of the *Access to Information Act*.

Complaints and judicial review

Elections Canada received one complaint during this reporting period. The complainant alleged that the agency failed to disclose all records pertaining to a request and questioned the exemptions applied. The investigation into this complaint is ongoing and

Elections Canada is working with the Office of the Information Commissioner to resolve the situation to the satisfaction of all parties involved.

Consultations and Informal requests

Consultations

Four (4) formal consultations from other institutions were processed by Elections Canada during this fiscal year.

Informal requests

In addition to the formal requests, the ATIP Directorate received 21 informal requests for financial reports or statements filed by candidates with the Chief Electoral Officer.

Education and Training Activities

In 2008-2009, the ATIP Directorate undertook many initiatives to increase awareness and improve client service under the *Access to Information Act* and the *Privacy Act*. There was a total of 13 sessions delivered to approximately 200 Elections Canada staff. This included the delivery of awareness sessions to increase knowledge and understanding of ATIP throughout the agency. Four refresher sessions were held with the OPIs regarding ATIP internal processes, their roles and responsibilities under the legislation, the provision of advice and guidance regarding the identification of sensitive information, and the sharing of tips regarding the handling of information.

The ATIP Directorate staff pursued training opportunities including sessions held by the Treasury Board Secretariat, the University of Alberta, the Canadian Association of Professional Access and Privacy Administrators, and the Canadian School of Public Service.

Treasury Board Secretariat Working Group on Statistical Reporting

Elections Canada's ATIP Directorate had the opportunity to participate in the Working Group that was put together by the Treasury Board Secretariat to revise the Annual Statistical Reports. This involved attending regular monthly meetings and reviewing and providing input on the proposed changes being put forward. This allowed us to express the concerns we have as a small organization and allowed us to gain insight regarding what information will need to be tracked in the future. Through our participation in this project we achieved a better understanding and appreciation of the reporting process.

Appendix 1

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

The Chief Electoral Officer • Le directeur général des élections

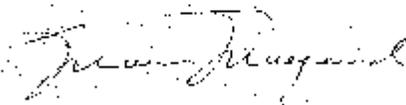
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ACCESS TO INFORMATION ACT DELEGATION ORDER

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: 1st June 2007

Signature: 

Appendix 2

Access to Information Statistical Report 2008–2009



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

Institution Elections Canada				Reporting period / Période visée par le rapport 2008-04-01 to / à 2009-03-31	
Source	Media / Médias 29	Academia / Secteur universitaire 4	Business / Secteur commercial 30	Organization / Organisme 3	Public 11

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	77
Outstanding from previous period / En suspens depuis la période antérieure	3
TOTAL	80
Completed during reporting period / Traitées pendant la période visées par le rapport	75
Carried forward / Reportées	5

II Disposition of requests completed / Disposition à l'égard des demandes traitées

1. All disclosed / Communication totale	27	6. Unable to process / Traitement impossible	8
2. Disclosed in part / Communication partielle	32	7. Abandoned by applicant / Abandon de la demande	3
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	2	8. Treated informally / Traitement non officiel	1
4. Nothing disclosed (exempt) / Aucune communication (exemption)	2	TOTAL	75
5. Transferred / Transmission	0		

III Exemptions invoked / Exceptions invoquées

S. Art. 13(1)(a)	0	S. Art. 16(1)(a)	0	S. Art. 18(b)	0	S. Art. 21(1)(a)	5
(b)	0	(b)	0	(c)	0	(b)	4
(c)	1	(c)	2	(d)	0	(c)	1
(d)	0	(d)	0	S. Art. 19(1)	28	(d)	3
S. Art. 14	0	S. Art. 16(2)	1	S. Art. 20(1)(a)	3	S. Art. 22	1
S. 15(1) International rel. / Relations interm.	0	S. Art. 16(3)	0	(b)	1	S. Art. 23	16
Defence / Défense	0	S. Art. 17	0	(c)	5	S. Art. 24	0
Subversive activities / Activités subversives	0	S. Art. 18(a)	3	(d)	0	S. Art. 26	0

IV Exclusions cited / Exclusions citées

S. Art. 68(a)	2	S. Art. 69(1)(c)	0
(b)	0	(d)	0
(c)	0	(e)	0
S. Art. 69(1)(a)	0	(f)	0
(b)	0	(g)	0

V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	59
31 to 60 days / De 31 à 60 jours	8
61 to 120 days / De 61 à 120 jours	7
121 days or over / 121 jours ou plus	1

VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	2	2
Consultation	2	1
Third party / Tiers		3
TOTAL	4	6

VII Translations / Traduction

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 consultation

Copies given / Copies de l'original	59
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

IX Fees / Frais

Net fees collected / Frais net perçus			
Application fees / Frais de la demande	\$390.00	Preparation / Préparation	0
Reproduction	0	Computer processing / Traitement informatique	0
Searching / Recherche	0	TOTAL	\$390.00
Fees waived / Dispense de frais		No. of times / Nombre de fois	\$
\$25.00 or under / 25 \$ ou moins		51	\$201.05
Over \$25.00 / De plus de 25 \$		8	\$347.80

X Costs / Coûts

Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 142726.70
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 119483.53
TOTAL	\$ 262210.23
Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	2.03

