

Catalogue no. 89260007  
ISSN 2818-503X



# Statistics Canada Annual Report on the Access to Information Act, 2021-2022

Release date: October 26, 2022



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## Note of appreciation

Canada owes the success of its statistical system to a long-standing partnership between Statistics Canada, the citizens of Canada, its businesses, governments and other institutions. Accurate and timely statistical information could not be produced without their continued co-operation and goodwill.

Published by authority of the Minister responsible for Statistics Canada

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## Introduction

The *Access to Information Act* establishes the principle that the general public has the right to access information controlled by federal government institutions, and that exceptions should be limited and specific.

The Annual Report on the Administration of the *Access to Information Act* is prepared and submitted, in accordance with section 94(1) of this Act and covers the period from April 1, 2021, to March 31, 2022. The report is tabled in Parliament.

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

By virtue of section 24 of the *Access to Information Act*, which is a mandatory provision, information collected under the *Statistics Act*, and protected by section 17 of that Act, cannot be made available to anyone attempting to obtain it using the *Access to Information Act*. This exception enables the Agency to continue giving a clear and unqualified assurance to its respondents that the confidentiality provisions of the *Statistics Act* are preserved by the *Access to Information Act*.

The administration of the access to information legislation within Statistics Canada is the responsibility of the Director of the Office of Privacy Management and Information Coordination, who is also the ATIP Coordinator and the Chief Privacy Officer for the Agency.

### **Administration of the *Service Fees Act***

The Statistics Canada Annual Report is prepared and tabled in Parliament in accordance with section 20 of the *Service Fees Act*, as listed in Schedules I, I.1 and II of the Financial Administration Act (FAA).

## Organizational Structure and Mandate

Statistics Canada's mandate derives primarily from the *Statistics Act*. The Act requires that the Agency collect, compile, analyze and publish statistical information on the economic, social, and general conditions of the country and its citizens. The Act also requires that Statistics Canada co-ordinate the national statistical system, specifically to avoid duplication in the information collected by government. To this end, the Chief Statistician may enter into joint data-collection or data-sharing agreements with provincial and territorial statistical agencies, as well as with federal, provincial, and territorial government departments pursuant to provisions of the Act.

Statistics Canada is also working with Canadians to help educate the population on the differences between requests for datasets, data tables and custom data tabulations and requests for Access to Information for existing records under the control of the institution. Data requests are handled by the Statistics Canada InfoStats program specifically.

The *Statistics Act* specifically requires Statistics Canada to conduct a Census of Population and a Census of Agriculture every five years as it did in 2021. The Act also gives the Agency substantial powers to request information for statistical purposes through surveys of Canadian businesses and households. Under the Act, the Chief Statistician determines whether a survey will be mandatory or voluntary. Statistics Canada has generally made voluntary household data collection other than the Census of Population and the Labour Force Survey, as the latter produces key economic data. The Census of Agriculture and most other business surveys are mandatory. Refusal to participate in a mandatory survey is subject to legal penalties.

By law, Statistics Canada can also access administrative records, including personal and business tax data, credit information, customs declarations, and birth and death records. Such records are critical sources of statistical information that enable the Agency to reduce reporting burden on businesses and individual respondents. Statistics Canada is considered a leader among the world's statistical agencies in reducing reporting burden by using administrative data.

These mechanisms help Statistics Canada fulfill its commitment to ensuring that Canadians have all of the key information on Canada's economy, society, and environment that they require to function effectively as citizens and decision makers in a rapidly evolving world. Information is important to Canadians and the Statistics Canada's Trust Centre is committed to protecting it. For more than 100 years, Statistics Canada has collected, analyzed and reported the data obtained from the public, respecting and protecting the rightful privacy of Canadians.

## **Delegation Order**

The delegation order exercises the powers and functions of the Minister as the head of a government institution, pursuant to section 95(1) of the *Access to Information Act*. The current detailed list of authorities under the *Access to Information Act* was formally delegated by the Minister of Innovation, Science and Economic Development as of May 2021 (Appendix A), provides full delegated authority to the Director and Assistant Director of the Office of Privacy Management and Information Coordination.

## **Resources**

The Access to Information and Privacy (ATIP) Office operates within an allocation of 4.5 persons/year. One ATIP Manager, two Senior ATIP analysts, and two ATIP analysts work full time on the processing of requests. There were no service agreements under section 73.1 of the Privacy Act to which Statistics Canada was party during the reporting period

## **Statistical report**

The statistical report provides aggregate data on the application of the *Access to Information Act* (Appendix B). This information is made public annually and is included with the annual report.

## Implementation: Access to Information

### Access to Information requests

During the reporting period, from April 1, 2021, to March 31, 2022, Statistics Canada received 79 new access to information requests. In addition, 56 requests were carried forward from the previous reporting period, for a total of 135 requests. Of the total, 97 requests were completed; leaving 38 to be carried forward to the next reporting period.

Business and the public were the largest client groups, as they represented 54 of the 79 requests that were received during the reporting period.

<b>Disposition of requests completed during reporting period</b>	
Fully disclosed	26
Partially disclosed	16
Nothing disclosed	2
No records exist	33
Abandoned	18
Transferred	2
<b>Total</b>	<b>97</b>

For the completed requests, all records were either disclosed in full or in part for 42 requests, the information was fully exempted/excluded for 2 requests, no records existed for 33 requests, 18 requests were abandoned by the requestors and 2 requests were transferred to another federal institution.

In responding to the formal access to information requests, 25,550 pages were reviewed and 4,849 pages were released. A total of 41 requestors received information electronically via e-post, and 1 was provided in paper format.

The following table shows the latest five-year trend of the Agency's processing of access to information requests.

<b>Fiscal Year</b>	<b>Requests Received</b>	<b>Requests Completed</b>	<b>Number of Pages Processed</b>	<b>Number of Pages Released</b>
<b>2021/2022</b>	<b>79</b>	<b>97</b>	<b>25,550</b>	<b>4,849</b>
<b>2020/2021</b>	<b>98</b>	<b>84</b>	<b>5,888</b>	<b>4,480</b>
<b>2019/2020</b>	<b>141</b>	<b>134</b>	<b>5,031</b>	<b>3,748</b>
<b>2018/2019</b>	<b>154</b>	<b>128</b>	<b>6,020</b>	<b>5,467</b>
<b>2017/2018</b>	<b>115</b>	<b>116</b>	<b>10,254</b>	<b>7,222</b>



## Types of records requested

The substance of the requests covered the entire range of matters pertaining to Statistics Canada's role and included the following types of records relating to:

- Census and various other statistical information;
- the administration and communications of the Agency;
- data breaches;
- professional service contracts;
- Briefing notes to the Chief Statistician.

## Other requests

From April 1, 2021, to March 31, 2022, Statistics Canada also received 75 *Access to Information Act* consultation requests from other departments and organizations. The Agency was asked to review 6,900 pages of information. The Access to Information and Privacy Office processed 75 consultations, including some reported from the previous year. Forty-six (46) consultations were completed within 1-15 days, twenty-three (23) consultations were completed within 16-30 days, four (4) consultations were completed within 31-60 days, one (1) was completed within 61-120 days, and one (1) was completed within 181-365 days.

Summaries of completed *Access to Information Act* requests are available on the "Open Government Portal". Requests for copies of these completed requests, as well as requests not processed under the Act, are classified as informal requests. This fiscal year, forty-one (41) requests were processed informally. Zero (0) requests were carried over to the next fiscal year.

The ATIP Office acted as a resource for Statistics Canada officials, offering advice and guidance on the provisions under the legislation. The office was consulted on the disclosure and collection of data on a wide range of matters, including:

- proactive publications to be posted on the open government portal;
- proactive disclosures on travel and hospitality;
- Management Accountability Framework assessments;
- security of information;
- reviews of audits to be posted on the internet;
- reviews of parliamentary questions and responses;
- updates to the ATIP internet and intranet sites;



- reviews of and updates to ATIP business practices and procedures.
- Support to raise awareness on information management

### Trends in the disposition of completed requests

The disposition of the 97 requests completed in 2021-2022 was as follows:

- 26 were fully disclosed (27%)
- 16 were partially disclosed (16%)
- 2 were exempt/excluded in entirety (2%)
- 18 were abandoned by applicants (19%)
- 33 information did not exist (34%)
- 2 were transferred to another department (2%)

Access to Information Requests (Fiscal Year)	2021-22
Requests Received	79
Requests Completed	97
<b>Requests Completed On-Time</b>	<b>54.6%</b>

Due to the exceptional measures taken to curb the spread of the COVID-19 pandemic and to protect the health and safety of federal employees, Statistics Canada maximized telework granting only limited employee access on-site. As a result, the lockdown restrictions further prevented employees from entering the building for lengthy periods of time which resulted in additional delays of being able to process requests. Staff also experienced connectivity and ATIP software accessibility issues that impeded the ATIP process. To address some of these challenges, new electronic procedures were created and implemented in order to accommodate remote work. On November 15, 2021, the ATIP office reached full processing capacity with the introduction of Statistics Canada's return to work place plan entitled "virtual-by-design environment".

### Public Interest Disclosure

No disclosures were made under paragraph 8(2)(m) of the *Privacy Act* during the reporting period.

### Completion time and extensions

Over half of all completed requests in 2021-22 (53 requests or 54%) were processed as prescribed by the Act and within the time required for all of them. Factors that contributed to Statistics Canada's timely



response rate over the past year are the training and information sessions held with senior leaders, and a new delegation order.

The compliancy rate for completed requests is as follows:

- 26 within 1 to 15 days (27%)
- 23 within 16 to 30 days (24%)
- 7 within 31 to 60 days (7%)
- 7 within 61 to 120 days (7%)
- 7 within 121 to 180 days (7%)
- 12 within 181 to 365 days (12%)
- 15 more than 365 days (16%)

Out of the 97 requests processed, an extension was taken in 34 cases for interference with operations of the department, and to consult with other federal institutions and third parties.

## **Exemptions and exclusions invoked**

The *Access to Information Act* allows and in some case requires that certain data not be released. In 2021-2022 the following sections of the Act were invoked:

Section 13(1) – Information obtained in confidence (2)

Section 16(2) – Law enforcement and investigations (7)

Section 18 – Economic interest of Canada (2)

Section 19(1) – Personal information (10)

Section 20(1) – Third party information (7)

Section 21(1) – Operations of government, advice, etc. (7)

Section 24(1) – Statutory prohibition against disclosure (6)

## **Fees**

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



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*

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 *Access to Information Act* that came into force on June 21, 2019, Statistics Canada waives all fees prescribed by the Act and Regulations, other than the \$5 application fee set out in paragraph 7(1)(a) of the Regulations. During the reporting period, \$395 was collected in application fees.

## Costs

During 2021-2022, the ATIP Office incurred an estimated \$238,263 in salary costs and \$0 administrative costs to administer the *Access to Information Act*. With the introduction of Statistics Canada's return to work place plan entitled "virtual-by-design environment", coupled with a remote workplace, the ATIP division has been able to reduce administrative costs for the fiscal year 2021-22.

## Training initiatives for Access to Information

In 2021-2022, the ATIP Office began developing a formal training program for all staff across the Agency, which began in April 2020. This included training to senior executives on ATIP processes and procedures in order to streamline records retrieval and approvals. ATIP also provided advice and expertise to senior leaders on their responsibilities under the Act and the related delegated authorities for proper records management, document retrieval and approval procedures. Information management awareness was also at the forefront of these discussions at the senior management tables, focusing heavily on best practices and the differences between transitory and information of business value. We also had targeted discussions and training towards the proper use of safe guarding of sensitive information in GCDOCS, including limited access rights, types of information and security classifications. Informal one-on-one and formal group training was made available to all staff within the Agency. The informal training assists staff in understanding their obligations under the Act, as well as informing them about policies and directives related to information at Statistics Canada. ATIP training, both formal and informal, was provided to approximately 12 employees. Approximately 600 employees were trained in the previous fiscal year (20-21), which reduced the amount of training needed this year (21-22), however ATIP training through the Canada School of Public Service was widely recommended.

## Policies, guidelines and procedures

The ATIP Office has a variety of tools in place to ensure that ATIP contacts are well informed about their roles and responsibilities for coordinating ATIP requests. These tools include a checklist outlining proper



protocol when providing responsive records to the ATIP office for access to information requests, and the appropriate contact from the ATIP team to seek clarification and guidance from throughout the process.

In 2021-2022, more concise and streamlined procedures were implemented in order to improve efficiencies with the retrieval of information and protocol for the overall ATIP process. This included modifying, updating and creating new templates, procedures, weekly workplans and achievable targets with key metrics that increased overall pages reviewed and processed as time went on.

## Complaints and investigations

There were five (5) complaints lodged against Statistics Canada with the Office of the Information Commissioner of Canada (OIC) during the reporting period. Four (4) complaints pertained to a time delay when providing records, and one (1) complaint related to the improper application of exemptions. The OIC deemed one (1) complaint pertaining to a time delay as resolved and no further investigation was to be conducted. Three (3) complaints regarding time delays and one (1) complaints regarding exemptions invoked are still ongoing. In order to address some of these issues, training and awareness has been offered both to employees within Statistics Canada, as well as those in the ATIP Office.

## Monitoring of the requests

At Statistics Canada, the ATIP Office processes and monitors requests by registering them in a comprehensive system known as Privasoft – Access Pro Case Management. An acknowledgment of the request and of the application fee of \$5.00 is sent to the client and a retrieval form is forwarded to the relevant program area (Office of Primary Interest (OPI)). If the OPI and/or the ATIP Office need to clarify the request, only the ATIP Office contacts the client, unless prior approval is provided by the client. Client names are always kept confidential.

The retrieval form provided to the OPI was created by the ATIP Office at Statistics Canada and is based upon the Policy on Access to Information and the Directive on the Administration of Access to Information from the Treasury Board Secretariat of Canada. The form includes the text of the request, the name and phone number of the ATIP Officer, and the date by which records are required (normally 5 to 10 days). It is noted on the form that the ATIP Office is required to report annually on the administrative costs related to requests and thus information is needed on the group(s) and level(s) of those involved in the retrieval, the amount of time spent working on the request (this includes time for search, retrieval, internal review (relevant or not to the request) and photocopying). The individuals providing the records are asked to identify any records which may be sensitive in nature (e.g., legal issues, Cabinet confidences, personal information, company information, advice to the Minister), which may require consultations, and/or which may generate media interest. The Director General, or appropriate delegate, of the program area sign-off the form.

The ATIP Office assists the program areas with the retrieval of records from day one. As 5 to 10 days are allowed for the retrieval, a follow-up is made on the fifth day. If additional time is required for the retrieval, this is when the program area is to notify the ATIP Office. An additional 1 to 5 days may be granted depending on the amount of work remaining. Once the documents are received from the OPI, the ATIP Office ensures the form is duly completed and that it has been signed by the appropriate manager. The ATIP Office then takes 5 to 10 days to review and process the records. If sensitive issues are identified in the submitted materials, 1-3 days prior to the release of the final version to the client, an e-mail is sent to Strategic Communications and Outreach Branch and to any other relevant programs to inform them of the release. The OPI and management are continually reminded of the importance of responding to ATIP requests in a timely and comprehensive manner.

