



The Correctional Investigator
Canada

L'Enquêteur correctionnel
Canada

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

April 1, 2018 to March 31, 2019

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INTRODUCTION

The Office of the Correctional Investigator is pleased to submit to Parliament its Annual Report on the administration of the *Access to Information Act (ATIA)* for the fiscal year commencing on April 1, 2018 and ending March 31, 2019. This report is submitted in accordance with section 72 of the *Act*. This report is tabled in Parliament by the Minister of Public Safety and Emergency Preparedness.

The *Access to Information Act* took effect on July 1, 1983. The *ATIA* gives Canadian citizens, permanent residents and any person and corporation present in Canada a right of access to information contained in government records, subject to certain specific and limited exceptions.

OUR MANDATE

The Office of the Correctional Investigator is mandated by Part III of the *Corrections and Conditional Release Act* as an Ombudsman for federal offenders. The primary function of the Office is to investigate and bring resolution to individual offender complaints. The Office as well, has a responsibility to review and make recommendations on the Correctional Service's policies and procedures associated with the areas of individual complaints to ensure that systemic areas of concern are identified and appropriately addressed.

OUR MISSION

As the ombudsman for federally sentenced offenders, the Office of the Correctional Investigator serves Canadians and contributes to safe, lawful and humane corrections through independent oversight of the Correctional Service of Canada by providing accessible, impartial and timely investigation of individual and systemic concerns. While an independent organization, the Office of the Correctional Investigator is part of the Public Safety and Emergency Preparedness Portfolio.

ACCESS TO INFORMATION ACTIVITIES

The Minister of Public Safety and Emergency Preparedness is the designated head of the institution for the *Access to Information Act*. The Correctional Investigator has been delegated full authority under the *Access to Information Act* by the Minister. Full authority under the *Act* has also been delegated to the Access to Information and Privacy Coordinator. The delegation of authority to administer the *Act* was confirmed by the Minister of Public Safety and Emergency Preparedness on November 30, 2015 (see Appendix B).

While the responsibilities of the ATIP Coordinator are assigned to the Director of Corporate Services and Planning, the actual processing of requests and any associated activities are generally carried out by a consultant. Given the limited number of requests, it is felt that this is the most cost effective utilization of resources and delivery of these activities.

The ATIP Coordinator is accountable for the development, coordination and implementation of effective policies, guidelines, systems and procedures to ensure the responsibilities under the *Access to Information Act* are met and to enable appropriate processing and proper disclosure of information. The Coordinator is also responsible for related policies, systems and procedures emanating from the *Act*.

The main activities of the ATIP Coordinator include:

- Processing requests under the *Act*;
- Developing and maintaining policies, procedures and guidelines to ensure the *Act* is respected;
- Promoting awareness of the *Act* to ensure the OCI's responsiveness to the obligations imposed on the government;
- Monitoring the OCI's compliance with the *Act*, regulations and relevant procedures and policies;
- Preparing annual reports to Parliament and other statutory reports, as well as other material that may be required by central agencies;
- Representing the OCI in dealings with the Treasury Board Secretariat, the Information Commissioner and other government agencies regarding the application of the *Act* as they relate to the OCI; and

- Supporting the OCI in meeting its commitments in relation to greater openness and transparency through proactive disclosure of information and the disclosure of information through informal avenues.

During the Reporting Period:

Thirty-nine (39) requests were received and there were two (2) outstanding from the previous reporting period. Twenty-seven (27) of these requests were disclosed in part, two (2) were released in their entirety, none exempted in their entirety, one (1) was abandoned, nine (9) had no existing records, none were transferred and two (2) were carried forward to the next reporting period. Extensions were needed for twenty-three (23) of the requests. Only four (4) informal requests were received this year.

The Office could not meet the statutory response delays for twelve (12) requests during the reporting period. In ten (10) of those twelve (12) requests, the delays were attributable to consultation timeframes with Correctional Services Canada. As is the standard, CSC is most often given ten (10) days to respond to a consultation. Where possible, extensions are provided when requested by CSC.

Since the fall of 2016, CSC has established service standards for consulting with their department. These service standards include the following:

NUMBER OF PAGES	NUMBER OF DAYS*
1-10	30 days
11-50	60 days
51-100	90 days
101-200	120 days
201+	Please contact CSC's ATIP office for a time estimate.

Although the said service standards were apparently intended to be temporary, it appears they have become permanent.

This year CSC response times to our consultations were an average of 129 days to review an average of 212 pages.

Because the majority of the documents requested from my Office require consultation with CSC, consultation response times are greatly impacting the Office's ability to complete our reviews in a timely fashion. Over the past year, I have decided that in cases where CSC does not or cannot respond on time, my Office would proceed with the response to the requesters as long as there are no apparent concerns with content based in my Office's view. This approach has allowed my Office to ensure timely responses to requesters.

Monitoring, by the ATIP Coordinator, of the time required to process these access requests was completed in preparing the historical trend analysis in this report. The Executive Director and the ATIP Coordinator are advised by way of a briefing note when requests are not closed within the required time limits. The briefing note advises of the reason for the late response, which is typically a late or never received response from other government departments on a consultation.

No training sessions were provided during the reporting period. Advice, guidance and recommendations were provided by the consultant on an as required basis to Management and staff.

There were no new OCI-specific access related procedures, policies or guidelines implemented.

The OCI received no complaints during the reporting period.

For 2018-19, the costs directly associated with the administration of the *Access to Information Act* are estimated at \$45,014.

Staff	\$11,069
Consultant fees	\$33,945

The associated employee resources for 2018-19 are estimated at 0.48 FTE for administering the *Access to Information Act*.

HISTORICAL TREND ANALYSIS

Over a five year period, from 2014-15 to 2018-19, the OCI received an average of eighteen (18) requests annually; the lowest number of requests received in a reporting period was eight (8) and the highest number of requests received in a reporting period was thirty-nine (39). Over the last five years the OCI has maintained a 68% completion rate of requests processed between 1-60 days. The average completion time within 30 days was 36% of all requests; and, the average completion time between 30 and 60 days was 32% of all requests.

The Source of the Requests was most often the Public with an average of thirteen (13) requests followed by the Media with an average of two (2) requests. With regards to the number of pages processed, an average of four thousand, eight hundred and sixty-four (4,864) was recorded; the highest number of pages processed in a reporting period was seven thousand six hundred and thirty-seven (7,637); the lowest number of pages processed in a reporting period was three thousand, one hundred and sixty-two (3,162).

The most frequently used exemptions were:

- 19(1): 48%
- 16(1)(d): 10%
- 21(1)(b): 10%

A total of fifty-nine (59) extensions for consultations were recorded for an average of twelve (12) extensions per reporting period; the highest number of extensions in one reporting period was twenty-three (23); the lowest number of extensions in one reporting period was four (4).

A total of thirty-three (33) consultations were received from other government organizations for an average of six (6) consultations per reporting period.

This baseline data will continue to be used in future years to assess trends, inform ongoing improvement in the processing of ATI requests and implementing corrective measures where necessary.

APPENDIX A

Statistical Report



Statistical Report on the Access to Information Act

Name of institution: Office of the Correctional Investigator

Reporting period: 2018-04-01 to 2019-03-31

Part 1: Requests Under the Access to Information Act

1.1 Number of requests

	Number of Requests
Received during reporting period	39
Outstanding from previous reporting period	2
Total	41
Closed during reporting period	39
Carried over to next reporting period	2

1.2 Sources of requests

Source	Number of Requests
Media	2
Academia	0
Business (private sector)	3
Organization	0
Public	34
Decline to Identify	0
Total	39

1.3 Informal 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	
4	0	0	0	0	0	0	4

Note: All requests previously recorded as “treated informally” will now be accounted for in this section only.

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	0	1	1	0	0	0	0	2
Disclosed in part	4	1	10	10	0	2	0	27
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	0	9	0	0	0	0	0	9
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	1	0	0	0	0	0	0	1
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	5	11	11	10	0	2	0	39

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)	0	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	0	20.2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	2	18(d)	0	21(1)(a)	1
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	4
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	0
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	0
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	0
15(1)	0	16.1(1)(d)	0	19(1)	21	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	0
15(1) - Def.*	0	16.3	0	20(1)(b)	0	24(1)	0
15(1) - S.A.*	0	16.4(1)(a)	0	20(1)(b.1)	0	26	0
16(1)(a)(i)	1	16.4(1)(b)	0	20(1)(c)	0		
16(1)(a)(ii)	0	16.5	0	20(1)(d)	0		
16(1)(a)(iii)	0	17	0				
16(1)(b)	0						
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)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(a)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(b)	0	69(1)(g) re (c)	0
68.1	0	69(1)(c)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(d)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(e)	0	69(1)(g) re (f)	0
		69(1)(f)	0	69.1(1)	0

2.4 Format of information released

Disposition	Paper	Electronic	Other Formats
All disclosed	2	0	0
Disclosed in part	26	1	0
Total	28	1	0

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	29	29	2
Disclosed in part	7637	7181	27
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	1
Neither confirmed nor denied	0	0	0

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	2	29	0	0	0	0	0	0	0	0
Disclosed in part	13	408	9	2200	3	1548	2	3025	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	1	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	16	437	9	2200	3	1548	2	3025	0	0

2.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	2	0	0	0	2
Disclosed in part	17	0	0	0	17
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor	0	0	0	0	0
Total	19	0	0	0	19

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	10	1	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	1	3	4
16 to 30 days	0	3	3
31 to 60 days	0	2	2
61 to 120 days	0	2	2
121 to 180 days	0	0	0
181 to 365 days	0	1	1
More than 365 days	0	0	0
Total	1	11	12

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	1	0
Disclosed in part	1	0	21	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	1	0	22	0

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	18	0
31 to 60 days	0	0	3	0
61 to 120 days	0	0	1	0
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	1	0	22	0

Part 4: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	4	\$20	35	\$175
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	4	\$20	35	\$175

Part 5: Consultations Received From Other Institutions and Organizations

5.1 Consultations received from other Government of Canada institutions and organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during reporting period	6	194	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	6	194	0	0
Closed during the reporting period	6	194	0	0
Pending at the end of the reporting period	0	0	0	0

5.2 Recommendations and completion time for consultations received from other Government of Canada 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	More Than 365 Days	
Disclose entirely	6	0	0	0	0	0	0	6
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	6	0	0	0	0	0	0	6

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	More Than 365 Days	
Disclose entirely	0	0	0	0	0	0	0	0
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	0	0	0	0	0	0	0	0

Part 6: Completion Time of Consultations on Cabinet Confidences

6.1 Requests with Legal Services

Number of Days	Fewer 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
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

6.2 Requests with Privy Council Office

Number of Days	Fewer 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
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Part 7: Complaints and Investigations

Section 32	Section 35	Section 37	Total
0	0	0	0

Part 8: Court Action

Section 41	Section 42	Section 44	Total
0	0	0	0

Part 9: Resources Related to the Access to Information Act

9.1 Costs

Expenditures		Amount
Salaries		\$11,069
Overtime		\$0
Goods and Services		\$33,945
• Professional services contracts	\$33,945	
• Other	\$0	
Total		\$45,014

9.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0.17
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.31
Students	0.00
Total	0.48

Note: Enter values to two decimal places.

Access to Information Act	
Section	Number of Requests
16.31 Investigation under the Elections Act	0
16.6 National Security and Intelligence Committee	0
23.1 Patent or Trademark Privilege	0

APPENDIX B

Delegation Order

Access to Information Act Delegation Order

Arrêté sur la délégation en vertu de la
Loi sur l'accès à l'information

The Minister of Public Safety and Emergency Preparedness, pursuant to section 73 of the Access to Information Act, hereby designates the persons holding the positions set out in the schedule hereto to exercise the powers and perform the duties and functions of the Minister as head of a government institution, that is, the Office of the Correctional Investigator, under the sections of the Act set out in the schedule opposite each position.

En vertu de l'article 73 de la Loi sur l'accès à l'information, le Ministre de la Sécurité publique et de la Protection civile délègue aux titulaires des postes mentionnés à l'annexe ci-après les attributions dont il est, en qualité de responsable d'une institution fédérale, c'est à dire, Bureau de l'enquêteur correctionnel, investi par les articles de la Loi mentionnés en regard de chaque poste.

Schedule

Annexe

Position

Sections of the Access to Information Act and
Regulations

Poste

Articles de la Loi sur l'accès à l'information et
Règlement

Correctional Investigator
Enquêteur correctionnel

Full Authority
Autorité absolue

Executive Director and General Counsel
Directeur exécutif et avocat général

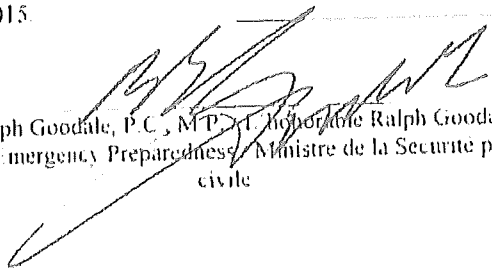
Full Authority
Autorité absolue

Access to Information and Privacy Coordinator
Coordonnateur, accès à l'information et protection
des renseignements personnels

Full Authority
Autorité absolue

Dated at the City of Ottawa this 30th day of
Nov, 2015.

Date en la ville d'Ottawa ce _____ ième jour de
_____, 2015


The Honourable Ralph Goodale, P.C., M.P., C. / L'honorable Ralph Goodale, C.P., député
Minister of Public Safety and Emergency Preparedness / Ministre de la Sécurité publique et de la Protection
civile