



The Correctional Investigator
Canada

L'Enquêteur correctionnel
Canada

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

April 1, 2019 to March 31, 2020

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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, 2019 and ending March 31, 2020. This report is submitted in accordance with section 94 (1) 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 C).

While the responsibilities of the ATIP Coordinator are assigned to the Director of Legal Services and Coordination, 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.

The OCI is not subject to any agreements under section 96 of the *Access to Information Act*.

During the Reporting Period:

Thirty-four (34) requests were received and there were two (2) outstanding from the previous reporting period. Seventeen (17) of these requests were disclosed in part, five (5) were released in their entirety, none exempted in their entirety, two (2) were abandoned, six (6) had no existing records, one (1) was transferred and four (4) were carried forward to the next reporting period. Extensions were needed for nine (9) of the requests. No informal requests were received this year.

The Office could not meet the statutory response time for five (5) requests during the reporting period. In all five (5) of those requests, the delays were attributable to delays within our own office.

The OCI responded to 84.4% of requests within the legislated timelines.

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.

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 two (2) complaints during the reporting period. Both complaints remain active at the time of writing this report.

COVID-19 Measures

As of March 14, 2020, the OCI moved into a state of emergency along with the rest of the Federal Government. Our offices were shut down and restricted to limited access. Within 2 weeks, the OCI was able to have the ATIP Consultant working remotely and continue with file processing.

The office has experienced some delays with response times during this period due to other ATIP offices not being able to respond to consultations on time as well as the office managing other state of emergency priorities however for the most part the OCI has been able to maintain regular service levels.

There was one (1) new request received between March 14, 2020 and March 31, 2020. That request was carried forward into the following year.

Costs

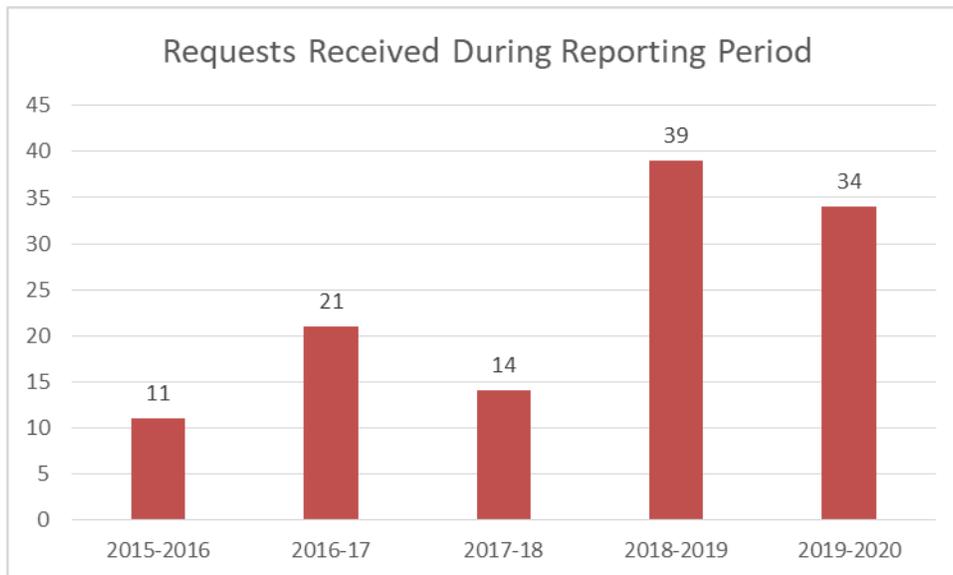
For 2019-20, the costs directly associated with the administration of the *Access to Information Act* are estimated at \$47,123.

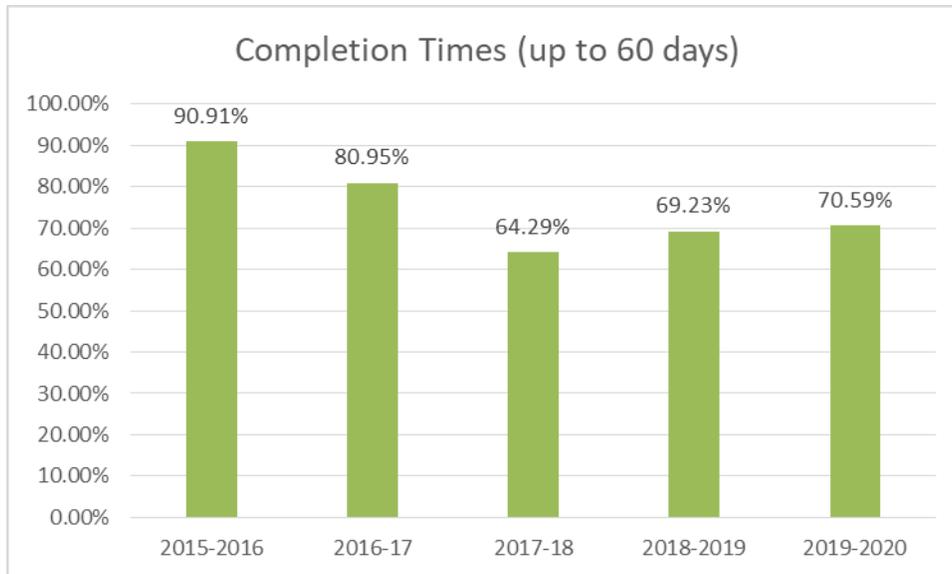
Staff	\$15,530
Consultant fees	\$31,593

The associated employee resources for 2019-20 are estimated at 0.44 FTE for administering the *Access to Information Act*.

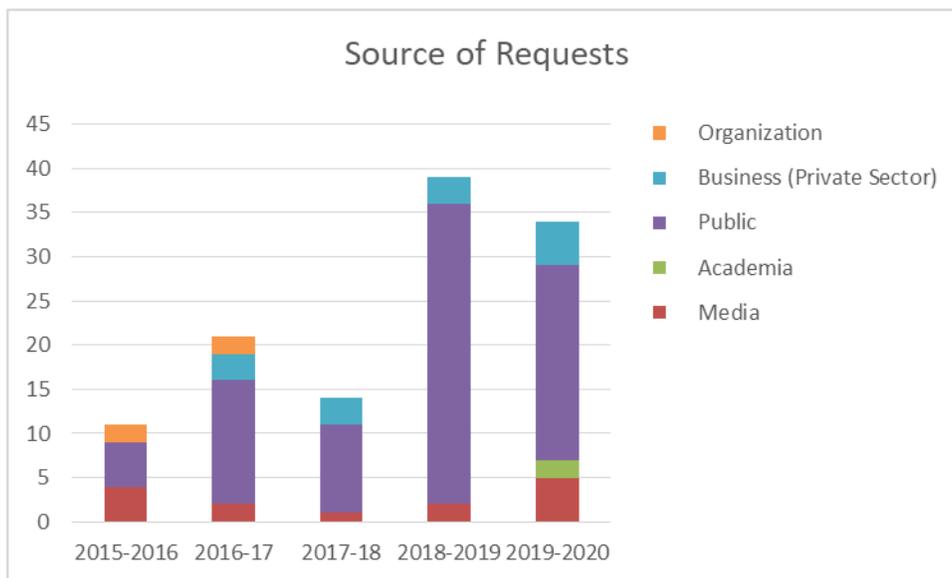
HISTORICAL TREND ANALYSIS

Over a five year period, from 2015-16 to 2019-20, the OCI received an average of twenty-three (23) requests annually; the lowest number of requests received in a reporting period was eleven (11) 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 75% completion rate of requests processed between 1-60 days. The average completion time within 30 days was 42% of all requests; and, the average completion time between 30 and 60 days was 33% of all requests.

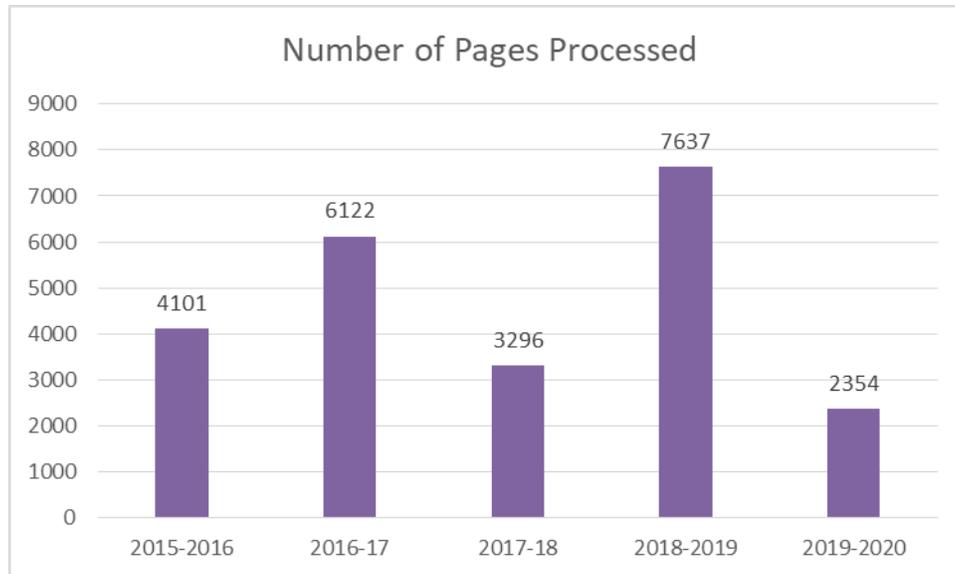




The Source of the Requests was most often the Public with an average of seventeen (17) requests followed by the Media and Business with an average of two (2) requests.



With regards to the number of pages processed, an average of four thousand, seven hundred and two (4,702) 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 two thousand, three hundred and fifty-four (2,354).



The most frequently used exemptions were:

- 19(1): 50%
- 16(1)(d): 11%
- 21(1)(b): 10%

A total of fifty-eight (58) extensions for consultations were recorded for an average of eleven (11) extensions per reporting period; the highest number of extensions in one reporting period was twenty-two (22); the lowest number of extensions in one reporting period was five (5).

A total of thirty-four (34) 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: 2019-04-01 to 2020-03-31

Section 1: Requests Under the Access to Information Act

1.1 Number of requests

	Number of Requests
Received during reporting period	34
Outstanding from previous reporting period	2
Total	36
Closed during reporting period	32
Carried over to next reporting period	4

1.2 Sources of requests

Source	Number of Requests
Media	5
Academia	2
Business (private sector)	5
Organization	0
Public	22
Decline to Identify	0
Total	34

1.3 Informal requests

Completion Time							
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	Total
0	0	0	0	0	0	0	0

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

Section 2: Decline to act on vexatious, made in bad faith or abuse of right requests

	Number of Requests
Outstanding from previous reporting period	0
Sent during reporting period	0
Total	0
Approved by the Information Commissioner during reporting period	0
Declined by the Information Commissioner during reporting period	0
Carried over to next reporting period	0

Section 3: Requests Closed During the Reporting Period

3.1 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	3	1	0	1	0	0	0	5
Disclosed in part	3	3	5	4	2	0	0	17
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	5	1	0	0	0	0	0	6
Request transferred	1	0	0	0	0	0	0	1
Request abandoned	2	0	0	0	0	0	0	2
Neither confirmed nor denied	0	0	0	1	0	0	0	1
Decline to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0
Total	14	5	5	6	2	0	0	32

3.2 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)	0	18(d)	0	21(1)(a)	1
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	2
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)	18	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	23.1	0
15(1) - S.A.*	0	16.31	0	20(1)(b.1)	0	24(1)	0
16(1)(a)(i)	2	16.4(1)(a)	0	20(1)(c)	0	26	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(d)	0		
16(1)(a)(iii)	1	16.5	0				
16(1)(b)	0	16.6	0				
16(1)(c)	2	17	0				
16(1)(d)	5						

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

3.3 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

3.4 Format of information released

Paper	Electronic	Other
22	0	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
2354	2295	25

3.5.2 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	5	61	0	0	0	0	0	0	0	0
Disclosed in part	11	316	5	1337	1	581	0	0	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	2	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	1	0	0	0	0	0	0	0	0	0
Total	19	377	5	1337	1	581	0	0	0	0

3.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	1	0	0	0	1
Disclosed in part	11	0	0	0	11
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	1	0	0	0	1
Total	13	0	0	0	13

3.6 Closed requests

3.6.1 Number of requests closed within legislated timelines

	Requests closed within legislated timelines
Number of requests closed within legislated timelines	27
Percentage of requests closed within legislated timelines (%)	84.4

3.7 Deemed refusals

3.7.1 Reasons for not meeting legislated timelines

Number of Requests Closed Past the Legislated Timelines	Principal Reason			
	Interference with Operations / Workload	External Consultation	Internal Consultation	Other
5	0	0	0	5

3.7.2 Requests closed beyond legislated timelines (including any extension taken)

Number of Days Past Legislated Timelines	Number of Requests Past Legislated Timeline Where No Extension Was Taken	Number of Requests Past Legislated Timeline Where an Extension Was Taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	1	1
31 to 60 days	0	1	1
61 to 120 days	3	0	3
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	3	2	5

3.8 Requests for translation

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

Section 4: Extensions

4.1 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	0	0
Disclosed in part	0	0	9	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	0	0	9	0

4.2 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	0	0	6	0
31 to 60 days	0	0	2	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	0	0	9	0

Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Requests	Amount	Requests	Amount
Application	8	\$40	24	\$120
Other fees	0	\$0	0	\$0
Total	8	\$40	24	\$120

Section 6: Consultations Received From Other Institutions and Organizations

6.1 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	8	92	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	8	92	0	0
Closed during the reporting period	7	70	0	0
Carried over to next reporting period	1	22	0	0

7.2 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 Request	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
365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Section 8: Complaints and investigations

Section 32 Notice of intention to investigate	Subsection 30(5) Ceased to investigate	Section 35 Formal representations	Section 37 Reports of finding received	Section 37 Reports of finding containing recommendations issued by the Information Commissioner	Section 37 Reports of finding containing orders issued by the Information Commissioner
2	0	2	0	0	0

Section 9: Court Action

9.1 Court actions on complaints received before June 21, 2019 and on-going

Section 41 (before June 21, 2019)	Section 42	Section 44
0	0	0

9.2 Court actions on complaints received after June 21, 2019

Section 41 (after June 21, 2019)				
Complainant (1)	Institution (2)	Third Party (3)	Privacy Commissioner (4)	Total
0	0	0	0	0

Section 10: Resources Related to the *Access to Information Act***10.1 Costs**

Expenditures		Amount
Salaries		\$15,530
Overtime		\$0
Goods and Services		\$31,593
• Professional services contracts	\$31,593	
• Other	\$0	
Total		\$47,123

10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0.10
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.34
Students	0.00
Total	0.44

Note: Enter values to two decimal places

APPENDIX B

Supplemental Statistical Report Requests Affected by COVID-19 Measures

2019-2020 Supplemental Statistical Report – Requests affected by COVID-19 measures

In addition to completing the forms for the Statistical Reports on the ATIA and Privacy Act for 2019-20, institutions are asked to complete this Supplemental Report to help identify the impact of COVID-19 measures on institutional performance for 2019-20 and going forward. The data requirements are set out in the tables below.

Supplemental Statistical Report on the *Access to Information Act*

The following table reports the total number of formal requests received during two periods; 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 1 – Requests Received

		Column (Col.) 1
		Number of requests
Row 1	Received from 2019-04-01 to 2020-03-13	33
Row 2	Received from 2020-03-14 to 2020-03-31	1
Row 3	Total¹	34

¹ – Total for Row 3 should equal the total in the ATI Statistical Report section 1.1 Row 1

The following table reports the total number of requests closed within the legislated timelines and the number of closed requests that were deemed refusals during two periods 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 2 – Requests Closed

		Col. 1	Col. 2
		Number of requests closed within the legislated timelines	Number of requests closed past the legislated timelines
Row 1	Received from 2019-04-01 to 2020-03-13 and outstanding from previous reporting periods	27	5
Row 2	Received from 2020-03-14 to 2020-03-31	0	0
Row 3	Total²	27	5

² – Total for Row 3 Col. 1 should equal the total in the ATI Statistical Report section 3.6.1 Row 1 -- Total for Row 3 Col. 2 should equal the total in the ATI Statistical Report section 3.7.1. Col. 1 Row 1

The following table reports the total number of requests carried over during two periods; 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 3 – Requests Carried Over

		Col. 1
		Number of requests
Row 1	Requests received from 2019-04-01 to 2020-03-13 and outstanding from previous reporting period that were carried over to the 2020-2021 reporting period	3
Row 2	Requests received from 2020-03-14 to 2020-03-31 that were carried over to the 2020-2021 reporting period	1
Row 3	Total³	4

3 – Total for Row 3 should equal the total in the ATI Statistical Report section 1.1 Row 5

APPENDIX C

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.

Daté en la ville d'Ottawa ce _____ième jour de
_____, 2015

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