



The Correctional Investigator  
Canada

L'Enquêteur correctionnel  
Canada

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

**April 1, 2020 to March 31, 2021**

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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, 2020 and ending March 31, 2021. This report is submitted in accordance with section 94 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 July 31, 2020 (see Appendix C).

While the responsibilities of the ATIP Coordinator are assigned to the Director and Legal Counsel, 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*;

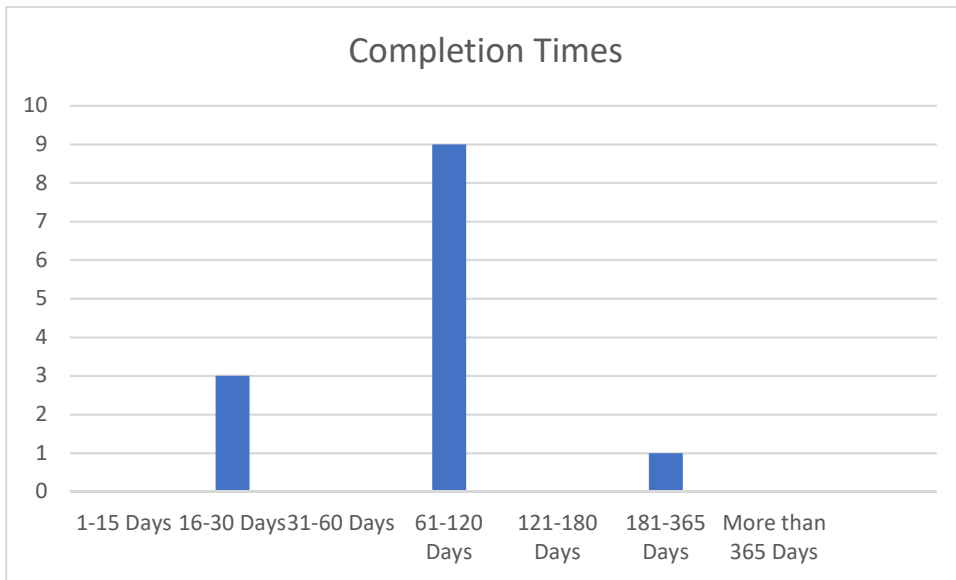
- Developing and maintaining policies, procedures and guidelines to ensure the *Act* is respected;
- Promoting awareness of the *Act* to ensure the OCI's responsiveness to the obligations imposed on the government;
- Monitoring the OCI's compliance with the *Act*, regulations and relevant procedures 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:

Fifteen (15) requests were received and there were four (4) outstanding from the previous reporting period. Of these requests:

- Ten (10) were disclosed in part (76.92%)
- One (1) was released in its entirety (7.69%)
- None were exempted in their entirety
- None were abandoned
- None had no existing records
- Two (2) were transferred (15.38%)
- Six (6) were carried forward to the next reporting period



Extensions were taken for five (5) of the requests. Extensions were taken to consult with other government departments. There were two (2) informal requests received this year.

The Office could not meet the statutory response time for eight (8) requests during the reporting period. In seven (7) of the eight (8) requests, the delays were attributable to delays within our own office.

The OCI responded to 38.5% of requests within the legislated timelines. Although our office has been able to receive new requests both by mail and electronically, completing requests within legislated timelines presented challenges. The reasons for delay included a new electronic retrieval process that had to be implemented to allow processing requests off site; COVID-19 priorities within the institutions; limited access to the main office and to printed files and documents; and challenges related to the health of staff members. Since a majority of requesters are under custody and have no access to electronic communications, the administrative process of a number of requests require presence in the workplace, which was limited due to physical distancing measures.

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.

Two training sessions were provided during the reporting period to address the expectations under the new streamlined retrieval process for OPIs. All staff attended, for a total of 41 employees. Advice, guidance and recommendations were provided by the consultant on an as required basis to Management and staff.

Because of the move to a work-from-home environment, several new procedures were implemented including scanning and emailing new requests received to the ATIP consultant; and, the electronic retrieval of records. Although this new retrieval process will help the office to be more efficient and fiscally and environmentally responsible, it did take staff several months to adapt to. We expect this process to continue to be streamlined and improved as time goes on.

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

## COVID-19 Related Measures

The OCI continues to function in a state of emergency along with the rest of the Federal Government. Our office transitioned well to a work-from-home environment however delays were experienced in implementing new procedures once we understood that the stay-at-home orders were going to be have a long-term impact.

As previously mentioned, 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.

## Costs

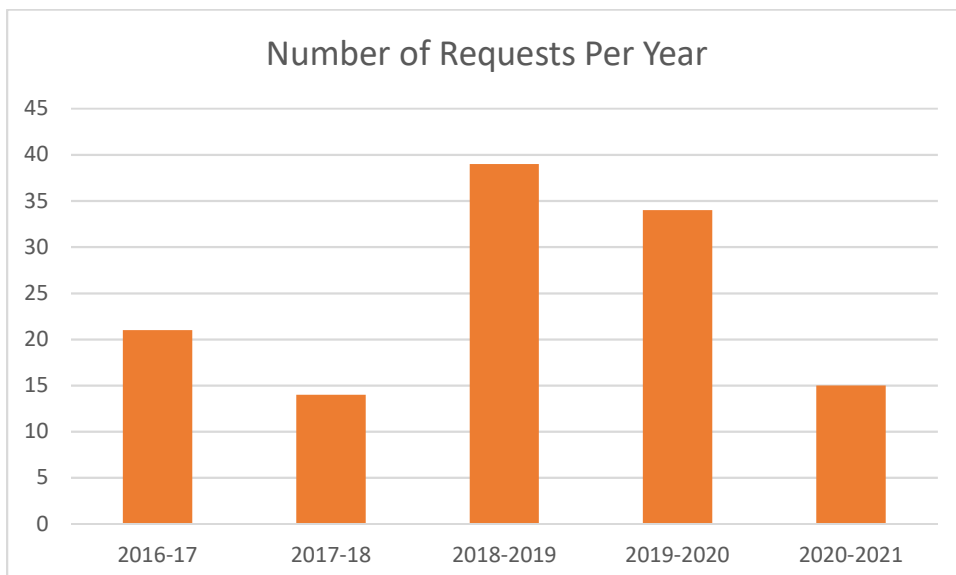
For 2020-21, the costs directly associated with the administration of the *Access to Information Act* are estimated at \$38,575.

Staff	\$12,989
Consultant fees	\$22,544
Other	\$3,042

The associated employee resources for 2020-21 are estimated at 0.343 FTE for administering the *Access to Information Act*.

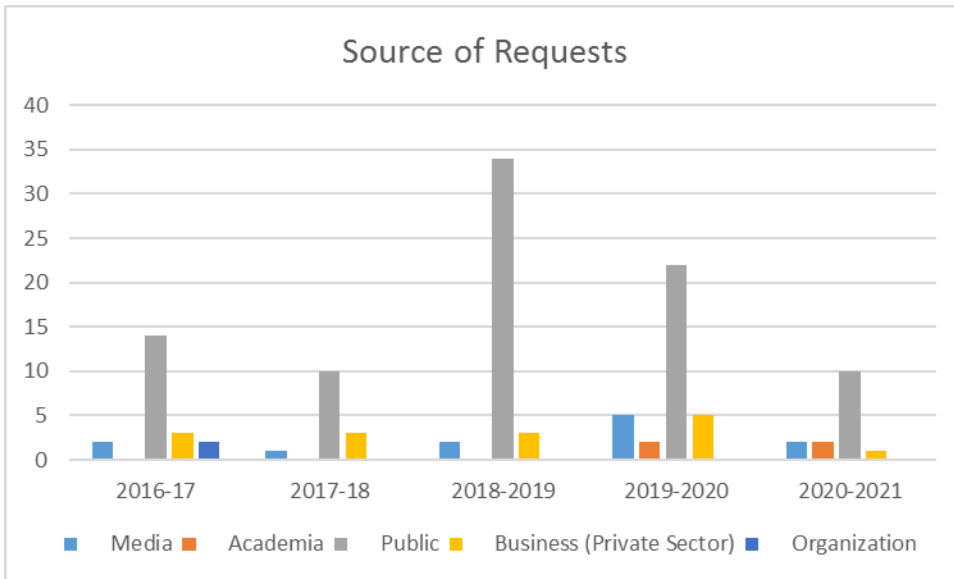
## FIVE-YEAR HISTORICAL TREND ANALYSIS

Over a five-year period, from 2016-17 to 2020-21, the OCI received an average of twenty-four (24) requests annually.

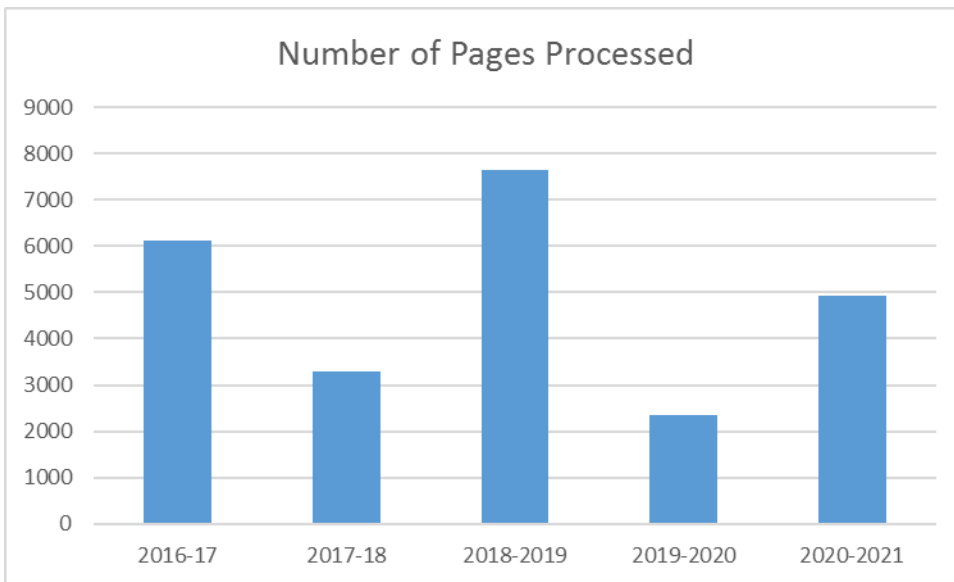


Over the last five years, the OCI has maintained a 57% completion rate of requests processed between 1-60 days.

The Source of the Requests remains the most often the Public with an average of eighteen (18) requests followed by Business and Media with an average of three (3) and two (2) requests respectively.



Concerning the number of pages processed, an average of three thousand, eight hundred and eighty-two (3,882) was recorded.

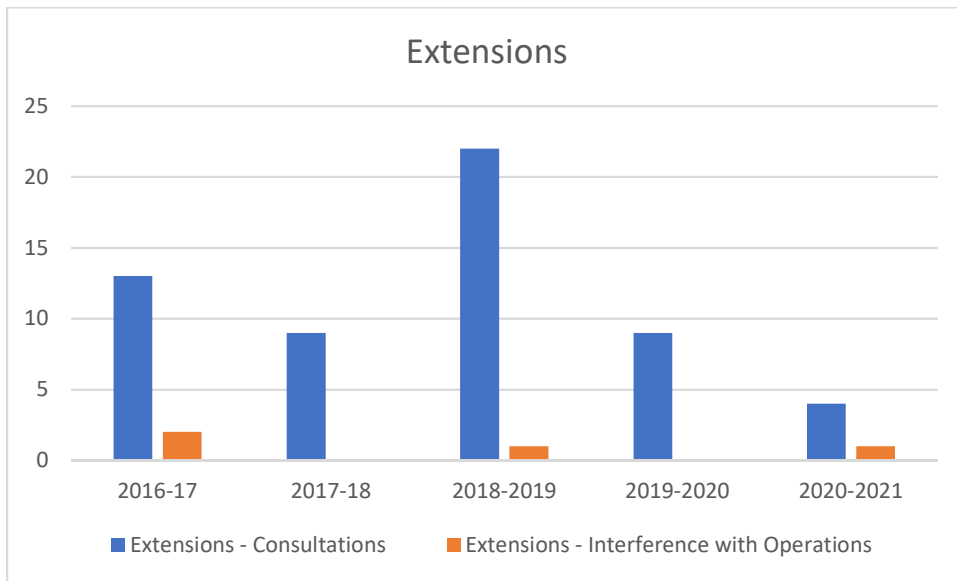


The most frequently used exemptions were:

- 19(1) at 52%
- 16(1)(d) at 14%
- 21(1)(b) at 10%

A total of fifty-four (54) extensions for consultations were recorded for an average of eleven (11) extensions per reporting period. The drastic change in consultation extensions in 2020-2021 can be explained by the Covid-19 pandemic. The large majority of our consultations are done with Correctional

Service Canada, their office asked us to not consult with them during this time unless necessary, to help alleviate the backlog in their office.



A total of twenty-seven (27) consultations were received from other government organizations for an average of five (5) 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  
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 95 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 95 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

<u>Position</u>	<u>Sections of the Access to Information Act and Regulations</u>
<u>Poste</u>	<u>Articles de la Loi sur l'accès à l'information et Règlement</u>
Correctional Investigator Enquêteur correctionnel	Full Authority Autorité absolue
Executive Director Directrice exécutive	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 31 th day of July, 2020.

Daté en la ville d'Ottawa ce 31 ième jour de juillet, 2020



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

APPENDIX B  
Statistical Report



## Statistical Report on the Access to Information Act

Name of institution: Office of the Correctional Investigator

Reporting period: 2020-04-01 to 2021-03-31

### Section 1: Requests Under the Access to Information Act

#### 1.1 Number of requests

	Number of Requests
Received during reporting period	15
Outstanding from previous reporting period	4
<b>Total</b>	<b>19</b>
Closed during reporting period	13
Carried over to next reporting period	6

#### 1.2 Sources of requests

Source	Number of Requests
Media	2
Academia	2
Business (private sector)	1
Organization	0
Public	10
Decline to Identify	0
<b>Total</b>	<b>15</b>

#### 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	
2	0	0	0	0	0	0	2

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

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

	Number of Requests
Outstanding from previous reporting period	0
Sent during reporting period	0
<b>Total</b>	<b>0</b>
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	0	1	0	0	0	0	0	1
Disclosed in part	0	1	0	8	0	1	0	10
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	0	0	0	0	0	0	0	0
Request transferred	0	1	0	1	0	0	0	2
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Decline to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>13</b>

### 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)	0
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	1
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)	1
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)	10	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)	0	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)	0	16.5	0				
16(1)(b)	0	16.6	0				
16(1)(c)	2	17	0				
16(1)(d)	3						

\* 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
1	10	0

### 3.5 Complexity

#### 3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
4924	4306	11

### 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	1	1	0	0	0	0	0	0	0	0
Disclosed in part	6	180	3	257	0	0	1	3868	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	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>7</b>	<b>181</b>	<b>3</b>	<b>257</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3868</b>	<b>0</b>	<b>0</b>

### 3.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	4	0	0	0	4
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	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0
<b>Total</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>

### 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	5
Percentage of requests closed within legislated timelines (%)	38.5

### 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
8	0	1	0	7

#### 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	1	1
16 to 30 days	0	0	0
31 to 60 days	5	0	5
61 to 120 days	1	1	2
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
<b>Total</b>	<b>6</b>	<b>2</b>	<b>8</b>

### 3.8 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>



## 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	1	0	4	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
Decline to act with the approval of the Information Commissioner	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>4</b>	<b>0</b>

### 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	0	0
31 to 60 days	1	0	2	0
61 to 120 days	0	0	2	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
<b>Total</b>	<b>1</b>	<b>0</b>	<b>4</b>	<b>0</b>

## Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Requests	Amount	Requests	Amount
Application	11	\$55	4	\$20
Other fees	0	\$0	0	\$0
<b>Total</b>	<b>11</b>	<b>\$55</b>	<b>4</b>	<b>\$20</b>

## 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	9	201	0	0
Outstanding from the previous reporting period	1	22	0	0
<b>Total</b>	10	223	0	0
Closed during the reporting period	10	0	0	0
Carried over to next reporting period	0	223	0	0

### 6.2 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	8	0	2	0	0	0	0	10
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
<b>Total</b>	8	0	2	0	0	0	0	10

### 6.3 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
<b>Total</b>	0	0	0	0	0	0	0	0

## Section 7: Completion Time of Consultations on Cabinet Confidences

### 7.1 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 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
More than 365	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 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
More than 365	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## 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
1	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		\$12,989
Overtime		\$0
Goods and Services		\$25,586
• Professional services contracts	\$22,544	
• Other	\$3,042	
<b>Total</b>		<b>\$38,575</b>

10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0.083
Part-time and casual employees	0.000
Regional staff	0.000
Consultants and agency personnel	0.260
Students	0.000
<b>Total</b>	<b>0.343</b>

Note: Enter values to three decimal places.

APPENDIX C  
Supplemental Statistical Report



## Supplemental Statistical Report on the Access to Information Act and Privacy Act

Name of institution: Office of the Correctional Investigator

Reporting period: 2020-04-01 to 2021-03-31

### Section 1: Capacity to Receive Requests

Enter the number of weeks your institution was able to receive ATIP requests through the different channels.

	Number of Weeks
Able to receive requests by mail	50
Able to receive requests by email	50
Able to receive requests through the digital request service	50

### Section 2: Capacity to Process Records

2.1 Enter the number of weeks your institution was able to process paper records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Paper Records	2	0	50	52
Protected B Paper Records	2	0	50	52
Secret and Top Secret Paper Records	2	50	0	52

2.2 Enter the number of weeks your institution was able to process electronic records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Electronic Records	2	0	50	52
Protected B Electronic Records	2	0	50	52
Secret and Top Secret Electronic Records	2	50	0	52