



**Canada Council
for the Arts**

**Conseil des Arts
du Canada**

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

1 April 2009 to 31 March 2010

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Annual Report 2009-2010
Access to Information Act

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Introduction

The [Access to Information Act](#) gives Canadian citizens, permanent residents and corporations located in Canada a right of access to information in federal government records, subject to specific and limited exceptions. Pursuant to section 72, information provided in this report provides an overview of how the [Access to Information Act](#) was administered by The Canada Council for Arts during the reporting period of 1st April 2009 to 31st March 2010.

Mandate of the Canada Council for the Arts

The Canada Council for the Arts is a federal Crown corporation created by an Act of Parliament in 1957 ([Canada Council for the Arts Act](#)) "to foster and promote the study and enjoyment of, and the production of works in the arts."

The Canada Council offers a broad range of grants and services to professional Canadian artists and arts organizations in music, theatre, writing and publishing, visual arts, dance, media arts and integrated (interdisciplinary) arts. It further seeks to raise public awareness of the arts through its communications, research and arts promotion activities.

The Canada Council awards prizes and fellowships every year to approximately 200 artists and scholars. The Canadian Commission for UNESCO and the Public Lending Right Commission operate within the Canada Council. The Canada Council Art Bank, which contains has some 17,300 works of contemporary Canadian art in its collection, rents to the public and private sectors.

The Canada Council is governed by an 11-member Board. The Chair, the members of the Board and the Director of the Canada Council are appointed by the Governor in Council for fixed terms. The Canada Council relies heavily on the advice of artists and arts professionals from all parts of Canada (some 800 serve annually as jurors, or peer assessors) and works in close co-operation with federal, provincial and municipal cultural agencies and departments. The Canada Council reports to Parliament through the Minister of Canadian Heritage. The annual budget allocation from Parliament is supplemented by endowment income, donations and bequests.

The Access to Information and Privacy Office

The Access to Information and Privacy Office (ATIP Office) is responsible for administering the *Access to Information Act* within the Canada Council for the Arts (the Canada Council). Its mandate is to act on behalf of the Director of the Canada Council in ensuring compliance with legislation, regulations, and government policy, and to create organizational directions, including standards, in all matters relating to the *Act*. This includes the processing of access requests, providing professional advice and training within the Canada Council. The powers, duties and functions of the administration of the *Access to Information Act* have been fully delegated by the Director of the Canada Council. See Appendix D for the Canada Council Delegation Order.

During the reporting period, the ATIP Office consisted of a Coordinator and one part-time, temporary support staff (the equivalent of 1.39 person years). In the Canada Council organizational structure, the ATIP Office reports to the Director, Finance and Administration.

Administration of Requests under the *Access to Information Act*

Access Requests

The Access to Information and Privacy Office received a total of 106 formal requests during the reporting period of 1st April 2009 to 31st March 2010. This represents an increase of 9 (or 9%) requests over the previous year. One request was carried over from the previous reporting period for a total of 106 active requests. See Appendix A for the Report on the *Access to Information Act*.

The requests received by the ATIP Office cover a full range of topics relevant to the Canada Council's roles and responsibilities. Some of the most frequently requested information related to external assessment reports regarding specific grant applications, the funding of specific programs and organizations, listings of grant applicants by program, including funding criteria, peer assessment process, and policies. Also, a significant number of third party requests were received to disclose grant application information.

Applicant Sources

The majority requests under the *Access to Information Act* to the Canada Council originated from other organizations (85.8%) and from the public (9.4%). The remaining requests were from businesses (3.8%), academia (1.0%), and the media (0%).

Disposition of Completed Requests

One hundred and six requests were completed by the end of March 2010. Of the requests completed, the majority resulted in either a partial disclosure of information (94 requests) or full disclosure of information (6 requests). One request was transferred, three requests could not be processed and two requests were abandoned. All requests were treated formally (see Appendix B).

Completion Time and Extensions

The 106 completed requests for 2009-2010 were processed in the following timeframes:

| Number of requests | Completed within | Percentage |
|--------------------|------------------|------------|
| 100 | 30 days or less | 94.3% |
| 5 | 31 to 60 days | 4.7% |
| 1 | 61 to 120 days | 16% |
| 0 | 121 or more days | 0% |

In 6 cases, the Canada Council required a 30-day time extension to allow for document searching or consultation with third parties.

Exemptions / Exclusions

In the processing of requests, exemptions to withhold information were invoked 99 times. The exemptions most commonly applied by the Canada Council were:

| Section of the <i>ATI Act</i> | Description | Number of times invoked |
|-------------------------------|---|-------------------------|
| 19(1) | personal information about an individual other than the individual who made the request | 91 |
| 20(1) | records containing third-party business information | 5 |
| 16(1) | information obtained in the course of an audit | 2 |
| 18(a) | information concerning on-going contractual negotiations | 1 |

Exemption 13 (information obtained in confidence) was not invoked during this reporting period. Exclusions under section 68 (published materials) and 69(1) (confidences of the Queen's Privy Council for Canada) were not applied during this reporting period (see Appendix C).

Consultations

During the reporting period, the ATIP Office received a total of 4 requests for consultation from other federal institutions. The federal departments which most frequently consulted with the Canada Council were Canadian Heritage (3 requests) and Foreign Affairs and International Trade Canada (1 request).

Fees and Costs

During the reporting period, total fees collected were \$100.00. Of this amount, \$20 was for application fees, and \$80 for searching and preparation.

The Access to Information and Privacy Office incurred \$90,000 in salary costs and \$86,000 in administrative costs to administer the *Access to Information Act*.

Complaints, Investigation and Reviews to the Federal Court

Four complaints/investigations are under review by the Office of the Information Commissioner. As of the end of this reporting period the Canada Council has not received key recommendations.

No appeals were filed by applicants with the Federal Court of Canada during the reporting period.

Education and Training Activities

To increase the knowledge and understanding of Access to Information across the Canada Council, 9 awareness sessions were delivered, providing basic information on the purpose and provisions of the *Access to Information Act*, as well as the roles and responsibilities of the Canada Council employees and the ATIP Office.

| Title | Date | Presenter | Attendees | Attendance % (average 220 employees) |
|---|--------------------|---|-----------|---|
| ATIP Training | April 27, 2009 | Canadian Heritage | 21 | 46% |
| Formation AIPRP | April 27, 2009 | Patrimoine canadien | 19 | |
| ATIP Training | April 28, 2009 | Canadian Heritage | 15 | |
| Formation AIPRP | April 28, 2009 | Patrimoine canadien | 18 | |
| ATIP Training | September 23, 2009 | Canadian Heritage | 12 | |
| Formation AIPRP | September 23, 2009 | Patrimoine canadien | 4 | |
| ATIP Training | September 24, 2009 | Canadian Heritage | 5 | |
| Formation AIPRP | September 24, 2009 | Patrimoine canadien | 7 | |
| ATIP 101- Thresholds / Introduction à l'AIPRP- SEUILS (Officer's Forum) | June 29 & 30, 2009 | Law Offices of Kris Klein, a professional corporation | 82 | 37% |

These sessions were not mandatory.

Information about Access to Information is provided on the Canada Council for the Arts' website site. The website describes the ATIP Office's roles and responsibilities and provides information on the *Access to Information Act*.

Reporting

The ATIP Office met its reporting obligations for the reporting period, by providing timely input to Info Source. The statistical report on the *Access to Information Act* was provided to the Treasury Board Secretariat.

Internally, ATI reports and recommendations were provided to program activities on a regular basis. ATI policies, guidelines and procedures are currently under revision.

June 2010

Appendix A Annexe A

| Government of Canada / Gouvernement du Canada | | REPORT ON THE ACCESS TO INFORMATION ACT / RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION | | | |
|---|--|--|---|---|--------------|
| Institution Canada Council for the Arts / Conseil des Arts du Canada | | Reporting period / Période visée par le rapport 1 April 2009 - 31 March 2010 / 1 avril 2009 au 31 mars 2010 | | | |
| Source | Media / Médias 0 | Academia / Secteur universitaire 1 | Business / Secteur commercial 4 | Organization / Organisme 91 | Public 10 |
| I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information | | | II Disposition of requests completed / Disposition à l'égard des demandes traitées | | |
| Received during reporting period / Reçues pendant la période visée par le rapport | 106 | 1. All disclosed / Communication totale | 6 | 6. Unable to process / Traitement impossible | 3 |
| Outstanding from previous period / En suspens depuis la période antérieure | 1 | 2. Disclosed in part / Communication partielle | 94 | 7. Abandoned by applicant / Abandon de la demande | 2 |
| TOTAL | 107 | 3. Nothing disclosed (excluded) / Aucune communication (exclusion) | 0 | 8. Treated informally / Traitement non officiel | 0 |
| Completed during reporting period / Traitées pendant la période visée par le rapport | 106 | 4. Nothing disclosed (exempt) / Aucune communication (exemption) | 0 | TOTAL | 106 |
| Carried forward / Reportées | 1 | 5. Transferred / Transmission | 1 | | |
| III Exemptions invoked / Exceptions invoquées | | | V Completion time / Délai de traitement | | |
| S. Art. 13(1)(a) | S. Art. 16(1)(a) | 2 | S. Art. 18(b) | S. Art. 21(1)(a) | |
| (b) | (b) | | (c) | (b) | |
| (c) | (c) | | (d) | (c) | |
| (d) | (d) | | S. Art. 19(1) | (d) | 91 |
| S. Art. 14 | S. Art. 16(2) | | S. Art. 20(1)(a) | S. Art. 22 | |
| S. 15(1) International rel. / Art. Relations intern. | S. Art. 16(3) | | (b) | S. Art. 23 | 5 |
| Defence / Défense | S. Art. 17 | | (c) | S. Art. 24 | |
| Subversive activities / Activités subversives | S. Art. 18(a) | 1 | (d) | S. Art. 25 | |
| IV Exclusions cited / Exclusions citées | | | VI Extensions / Prorogations des délais | | |
| S. Art. 68(a) | S. Art. 69(1)(c) | | 30 days or under / 30 jours ou moins | 100 | |
| (b) | (d) | | 31 to 60 days / De 31 à 60 jours | 5 | |
| (c) | (e) | | 61 to 120 days / De 61 à 120 jours | 1 | |
| S. Art. 69(1)(a) | (f) | | 121 days or over / 121 jours ou plus | 0 | |
| (b) | (g) | | | | |
| VII Translations / Traduction | | | VIII Method of access / Méthode de consultation | | |
| Translations requested / Traductions demandées | | 1 | Copies given / Copies de l'original | | 100 |
| Translations prepared / Traductions préparées | English to French / De l'anglais au français | 1 | Examination / Examen de l'original | | 0 |
| | French to English / Du français à l'anglais | 0 | Copies and examination / Copies et examen | | 0 |
| IX Fees / Frais | | | X Costs / Coûts | | |
| Net fees collected / Frais net perçus | | | Financial (all reasons) / Financiers (raisons) | | |
| Application fees / Frais de la demande | 20 | Preparation / Préparation | 40 | Salary / Traitement | \$ 90,000 |
| Reproduction | | Computer processing / Traitement informatique | | Administration (O and M) / Administration (fonctionnement et maintien) | \$ 86,000 |
| Searching / Recherche | 40 | TOTAL | 100 | TOTAL | \$ 176,000 |
| Fees waived / Dispense de frais | | No. of times / Nombre de fois | \$ | Person year utilization (all reasons) / Années-personnes utilisées (raison) | |
| \$25.00 or under / 25 \$ ou moins | | 102 | \$ 510 | Person year (decimal format) / Années-personnes (nombre décimal) | |
| Over \$25.00 / De plus de 25 \$ | | 0 | \$ 0 | 1.36 | |

TBS/SCT 350-62 (Rev. 1999/03)





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Appendix B

| Discrepancies |
|--|
| There are no discrepancies to report in 2009-2010. |

Annexe B

| Divergences |
|--|
| Il n'y a aucune anomalie à rapporter en 2009-2010. |

Appendix C

**Additional Reporting Requirements for
2009-2010
*Access to Information Act***

In addition to the reporting requirements addressed in form TBS/SCT 350-62 "Report on the Access to Information Act", institutions are required to report on the following using this form:

Part III – Exemptions invoked

Section 13
Subsection 13(e) ____0____

Section 14
Subsections 14(a) ____0____
14(b) ____0____

Part IV – Exclusions cited:

Subsection 69.1 ____0____

The Canada Council for the Arts did not undertake any of the activities noted above during the reporting period.

Annexe C

**Exigences additionnelles en
matière d'établissement de
rapports pour 2009-2010
*Loi sur l'accès à l'information***

En plus des exigences relatives à l'établissement de rapports dont on traite au formulaire TBS/SCT 350-62, « Rapport concernant la Loi sur l'accès à l'information », les institutions sont tenues de déclarer ce qui suit, en utilisant le présent formulaire :

Partie III – Exceptions invoquées

Article 13
Paragraphe 13(e) ____0____

Article 14
Paragraphe 14(a) ____0____
14(b) ____0____

Partie IV – Exclusions citées

Paragraphe 69.1 ____0____

Le Conseil des Arts du Canada n'a pas entrepris l'une ou l'autre des activités susmentionnées durant la période de rapport.

APPENDIX D

ANNEXE D

**Canada Council
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*Access to Information Act
and
Privacy Act
Designation Order*

*Arrêté sur la délégation en vertu de
la Loi sur l'accès à l'information
et
la Loi sur la protection des
renseignements personnels*



BY THIS ORDER made pursuant to sections 73 of the **Access to Information Act** and the **Privacy Act**, I hereby designate the person holding the position of Director, Finance & Administration Division and Access to Information and Privacy Coordinator to exercise or perform all of the powers, duties and functions of the head of a government institution under the Act, insofar as they may be exercised or performed in relation to the **Canada Council for the Arts** as per attached Appendix A.

This delegation order supersedes any previous order executed pursuant to section 73 of the Acts.

PAR LE PRÉSENT ARRÊTÉ pris en vertu des l'articles 73 de la **Loi sur l'accès à l'information** et de la **Loi sur la protection des renseignements personnels**, je délègue au titulaire des postes de Directeur, La Division des finances et de l'administration et de Coordinatrice de l'accès à l'information et de la protection des renseignements personnels les attributions se apportant au **Conseil des Arts du Canada** qui me sont confiées aux termes de cette loi en ma qualité de responsable d'une institution fédérale selon l'Annexe A attaché.

Cet arrêté de délégation remplace tout arrêté précédent pris en vertu des l'articles 73 de les Loi.

May 11, 2009
Date

Robert Luman

Director / Directeur

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