

Canada Council for the Arts

Annual Report
Access to Information Act

1 April 2010 to 31 March 2011



**Canada Council
for the Arts**

**Conseil des Arts
du Canada**

Supporting Canadian Creativity

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Access to Information Act

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Introduction

Access to Information Act

The *Access to Information Act* (the 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 2010 to 31st March 2011.

About 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 18,000 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 750 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.

For more information about the Canada Council for the Arts, please visit our website at: www.canadacouncil.ca .

Access to Information Infrastructure

Access to Information and Privacy Office (ATIP 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 responding to access requests, providing professional advice and training within the Canada Council.

During the reporting period, the ATIP Office consisted of a Coordinator and one part-time, temporary support staff (the equivalent of 1.5 person years). In the Canada Council organizational structure, the ATIP Office reports to the Director, Finance and Administration.

Delegation of Authority

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. The Delegation Order is attached as Appendix B.

Reading Rooms

Section 71 of the *Access to Information Act* requires government institutions to provide facilities where members of the public may obtain information such as *Info Source*. In accordance with the *Access to Information Act*, an area on the premises of this institution has been designated as a public reading room. The address is:

350 Albert Street
Ottawa, Ontario

Requests under the *Access to Information Act*: Statistical Figures, Interpretation and Explanation

Part I: Statistical Report

The Canada Council for the Arts' statistical report summarizing *Access to Information Act* activity is attached as Appendix A and covers the period between April 1, 2010 and March 31, 2011.

Number of Access Requests

During the fiscal year 2010-2011, the Council received 89 formal requests. No requests were carried over from the previous reporting period representing a total of 89 active requests. However one request is carried forward into fiscal year 2011-2012. See Appendix A for the Report on the *Access to Information Act*.

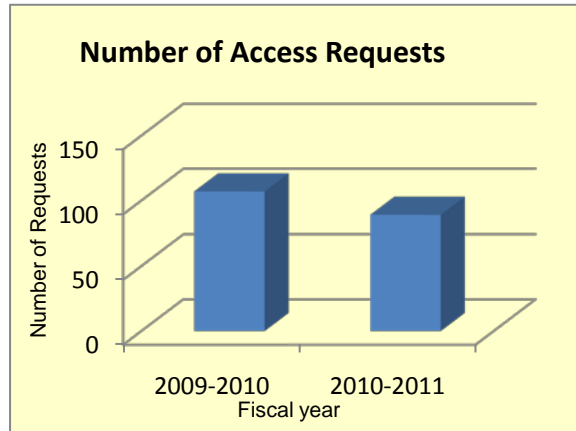
The requests received by the ATIP Office cover a full range of topics relevant to the Canada Council's roles and responsibilities. Some of the most frequently requested information related to external assessment reports regarding specific grant applications, the funding of specific programs and organizations,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



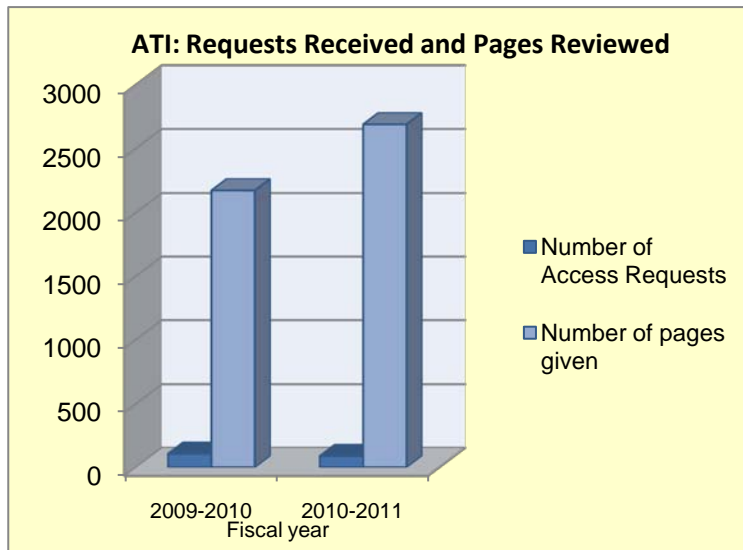
Case Load

During fiscal year 2010-2011 the Canada Council for the Arts received and completed processing 88 of 89 (99%) active requests.

An analysis of the statistical figures reveals a 17% decrease in the number of requests completed (88) during fiscal year 2010-2011 compared to the number of requests completed (106) during the previous fiscal year 2009-2010.



The volume of pages requiring line-by-line review — and the associated work — increased to 2,690 pages in 2010-2011 compared to 2,175 in 2009-2010, an increase of 21%.

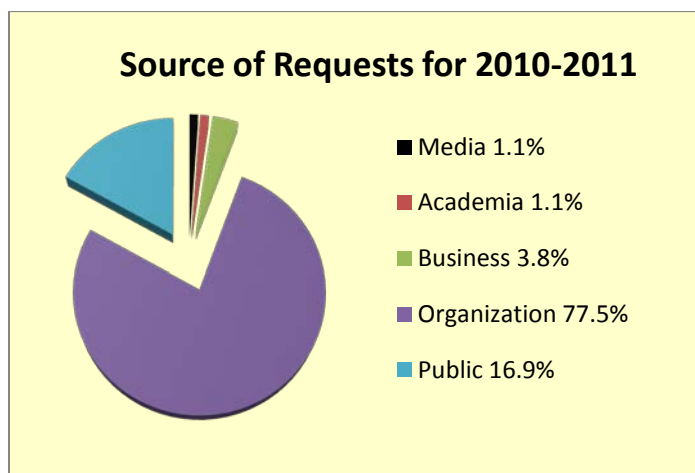




Source of Requests

A breakdown of the sources of requests received by the Canada Council for the Arts is represented as:

- 69 from organizations (77.5%);
- 15 from the public (16.9%);
- 3 from businesses (3.4%);
- 1 from academia (1.1%); and
- 1 from the media (1.1%).



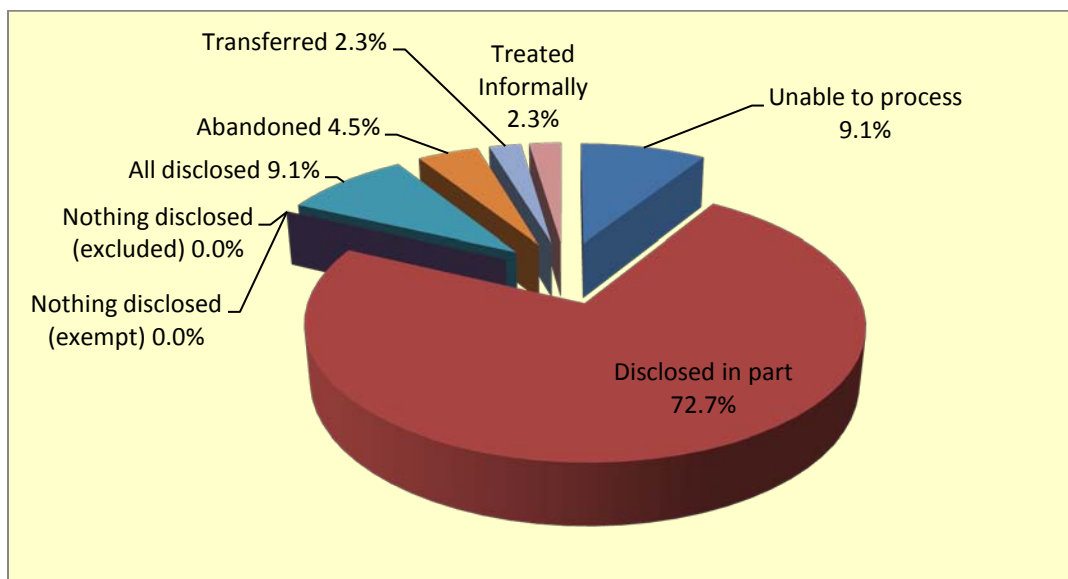
Part II: Disposition of Completed Requests

The 88 completed requests were classified as follows:

Disposition category	Explanation (number of cases and percentage)
<i>All disclosed</i>	8 cases (9.1%) - All information requested was disclosed to the applicant without the application of exemptions or exclusions.
<i>Disclosed in part</i>	64 cases (72.7%) - Only a portion of the information requested was disclosed because the remainder was exempt and/or excluded.
<i>Nothing disclosed (excluded)</i>	no instances (0.0%) - There was no disclosure because all of the information requested qualified for an exclusion.
<i>Nothing disclosed (exempt)</i>	no cases (0.0%) - There was no disclosure because all of the information requested qualified for an exemption.
<i>Unable to process</i>	8 cases (9.1%) - Requests were made under the wrong jurisdiction (e.g. provincial, municipal), there was insufficient information to locate any relevant information, or requests for records were not under the control of the Canada Council for the Arts.
<i>Abandoned</i>	4 requests (4.5%) - The applicant formally withdrew the request or the applicant did not respond to a notice indicating that the request will be closed if the applicant did not respond within the time period specified by the institution.
<i>Transferred</i>	2 requests (2.3%) - Requests were transferred to another government institution that has a greater interest in the records sought.



<i>Treated Informally</i>	2 cases (2.3%) - Requests were treated informally when it was determined, through consultation with the applicant that processing a formal request could be discontinued in favour of providing the information informally, i.e. outside the processes defined by the Act.
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Consultations

During the reporting period, the ATIP Office did not receive any requests for consultation for the release of Canada Council for the Arts records from other federal institutions.

Part III: Exemptions Invoked

In the processing of requests, exemptions were invoked 71 times; however all related records were partially disclosed. Information can be denied under more than one exemption. Exemptions most commonly applied by the Canada Council were:

s. 19(1)	63 times for records containing personal information
s. 20(1)(b)	3 times for third party records containing confidential financial supplied to the Canada Council for the Arts by a third party and is treated consistently in a confidential manner by the third party
s. 20(1)(c)	2 times for third party information of which could reasonably be expected to result in material loss or gain to, or could reasonably be expected to prejudice the competitive position of, a third party
s 20(1)(d)	3 times for third party information the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of a third party



The following exemptions were not invoked during this reporting period.

Part III – Exemptions invoked

Paragraph 13(1)(e)	not invoked
Subsection 16.1(1)(a)	not invoked
Subsection 16.1(1)(b)	not invoked
Subsection 16.1(1)(c)	not invoked
Subsection 16.1(1)(d)	not invoked
Subsection 16.2(1)	not invoked
Subsection 16.3	not invoked
Subsection 16.4(1)(a)	not invoked
Subsection 16.4(1)(b)	not invoked
Subsection 16.5	not invoked
Subsection 18.1(1)(a)	not invoked
Subsection 18.1(1)(b)	not invoked
Subsection 18.1(1)(c)	not invoked
Subsection 18.1(1)(d)	not invoked
Subsection 20(1)(b.1)	not invoked
Subsection 20.1	not invoked
Subsection 20.2	not invoked
Subsection 20.4	not invoked
Subsection 22.1(1)	not invoked

Part IV: Exclusions Cited

Exclusions under section 68 (published materials) and 69(1) (confidences of the Queen’s Privy Council for Canada) were not invoked during this reporting period.

Part IV – Exclusions cited

Subsection 68.1	not cited
Subsection 68.2(a)	not cited
Subsection 68.2(b)	not cited
Subsection 69.1(1)	not cited

Part V: Completion Times

The 88 completed requests for 2010-2011 were processed in the following timeframes:

Number of requests	Completed within	Percentage
87	30 days or less	98.8%



0	31 to 60 days	0%
1	61 to 120 days	1.2%
0	121 or more days	0%

Part VI: Extensions

In 1 instance, the Canada Council found it necessary to extend beyond a 61-days time extension allowing for third party consultations.

Part VII: Translations

No translations were required to respond to 2010-2011 access requests.

Part VIII: Method of Access

"Method of Access" refers to the method that requesters have chosen to access their records, including the choice to receive copies of their records or to examine the records onsite at the Canada Council for the Arts.

Copies of the original records were the preferred method of access in 72 cases where the information was disclosed in part or all disclosed.

Part IX: Fees

During the reporting period, total fees collected were \$110.00. Of this amount, \$10 was for application fees, and \$100 for preparation as authorized under the *Access to Information Regulations*. The cost of processing for the first five hours is not charged by the Canada Council for the Arts as prescribed under the Act. In 69 instances the Canada Council waived access fees valuing \$345.

Part X: Costs

The Canada Council for the Arts invested a total of \$123,200.00 in the management of the *Access to Information Act*. Salary costs account for \$79,200 and administrative costs to administer the *Access to Information Act* account for \$44,000. Staffing for FY 2010-2011 amounted to 1.196 person years. This does not reflect the costs of consulting areas of expertise within the Council to assist in identifying sensitive information requested under the Act.





Training and Awareness

Training for ATIP Practitioners

Learning opportunities provided by the Information and Privacy Policy Division of the Treasury Board of Canada Secretariat were attended by ATIP practitioners of the Canada Council for the Arts. These sessions continue to enhance the competencies of the practitioners. In addition, the ATIP Coordinator attended an access rights and technology session.

Training and Awareness Initiatives for Canada Council for the Arts Employees

To raise awareness and understanding of accessibility to Information across the Canada Council, 2 information sessions were delivered in collaboration with the Reference and Documentation Centre and Human Resources, providing basic relationship information between information accessibility, Records Management and the roles and responsibilities of the Canada Council employees. The session attracted 100 employees.

Date	Presentation	Attendees	Attendance % (approximately 260 employees)
English Session November 29, 2010	Information Management Extreme Makeover – relationship between information accessibility, Records management and staff (DVD presentation – Public Works and Government Services Canada)	58	22%
French Session December 1, 2010	Information Management Extreme Makeover – relationship between information accessibility, Records management and staff (DVD presentation – Public Works and Government Services Canada)Canada)	42	16%

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*.



Access to Information Policies, Guidelines and Procedures

During this reporting period there was no new policy, guideline or procedural developments related to the Access to Information Act.

Complaints and Court Applications for Reviews

Complaints to the Information Commissioner

During 2010-2011, no complaints under the Access to Information Act were filed with the Office of the Information Commissioner of Canada (OIC). However, 4 complaints from FY 2008-2009 related to 2 access requests are under review by the Office of the Information Commissioner in 2010-2011. Two are on-going into Fiscal year 2011-2012.

The final dispositions by OIC for two complaints were:

1. Not well founded (closed) – the Access to Information Act was applied correctly
2. Discontinued (closed) – the complaint was withdrawn or abandoned by the complainant.

Applications/Appeals Submitted to the Federal Court or the Federal Court of Appeal

There were no applications or appeals submitted to the Federal Court or the Federal Court of Appeal during fiscal year 2010-2011.

Reporting Requirements

The Canada Council for the Arts met its ATIP reporting obligations for the reporting period, by providing timely input to *Info Source*. The *Access to Information Act* Annual Report 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 2011



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 2010 to 31 March 2011 / 1 avril 2010 au 31 mars 2011			
Source	Media / Médias: 1	Academia / Secteur universitaire: 1	Business / Secteur commercial: 3	Organization / Organisme: 69	Public: 15
I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information					
Received during reporting period / Reçues pendant la période visée par le rapport	89				
Outstanding from previous period / En suspens depuis la période antérieure	0				
TOTAL	89				
Completed during reporting period / Traitées pendant la période visée par le rapport	88				
Carried forward / Reportées	1				
II Disposition of requests completed / Disposition à l'égard des demandes traitées					
1. All disclosed / Communication totale	8	6. Unable to process / Traitement impossible	8		
2. Disclosed in part / Communication partielle	64	7. Abandoned by applicant / Abandon de la demande	4		
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0	8. Treated informally / Traitement non officiel	2		
4. Nothing disclosed (exempt) / Aucune communication (exemption)	0	TOTAL	88		
5. Transferred / Transmission	2				
III Exemptions invoked / Exceptions invoquées					
S. Art. 13(1)(a)	0	S. Art. 16(1)(a)	0	S. Art. 18(b)	0
(b)	0	(b)	0	(c)	0
(c)	0	(c)	0	(d)	0
(d)	0	(d)	0	S. Art. 19(1)	63
S. Art. 14	0	S. Art. 16(2)	0	S. Art. 20(1)(a)	0
S. 15(1) International rel. / Relations intern.	0	S. Art. 16(3)	0	(b)	3
Defence / Défense	0	S. Art. 17	0	(c)	2
Subversive activities / Activités subversives	0	S. Art. 18(a)	0	(d)	3
IV Exclusions cited / Exclusions citées					
S. Art. 68(a)	0	S. Art. 69(1)(c)	0		
(b)	0	(d)	0		
(c)	0	(e)	0		
S. Art. 69(1)(a)	0	(f)	0		
(b)	0	(g)	0		
V Completion time / Délai de traitement					
30 days or under / 30 jours ou moins	87				
31 to 60 days / De 31 à 60 jours	0				
61 to 120 days / De 61 à 120 jours	1				
121 days or over / 121 jours ou plus	0				
VI Extensions / Prorogations des délais					
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus			
Searching / Recherche	0	0			
Consultation	0	0			
Third party / Tiers	0	1			
TOTAL	0	1			
VII Translations / Traduction					
Translations requested / Traductions demandées	0				
Translations prepared / Traductions préparées	English to French / De l'anglais au français	0			
	French to English / Du français à l'anglais	0			
VIII Method of access / Méthode de consultation					
Copies given / Copies de l'original	72				
Examination / Examen de l'original	0				
Copies and examination / Copies et examen	0				
IX Fees / Frais					
Net fees collected / Frais net perçus					
Application fees / Frais de la demande	\$10.00	Preparation / Préparation	\$100.00		
Reproduction	0	Computer processing / Traitement informatique	0		
Searching / Recherche	0	TOTAL	\$110.00		
Fees waived / Dispense de frais					
\$25.00 or under / 25 \$ ou moins	No. of times / Nombre de fois		\$		
Over \$25.00 / De plus de 25 \$	69		\$ 345.00		
	0		\$ 0		
X Costs / Coûts					
Financial (all reasons) / Financiers (raisons)					
Salary / Traitement	\$ 79,200.00				
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 44,000.00				
TOTAL	\$ 123,200.00				
Person year utilization (all reasons) / Années-personnes utilisées (raison)					
Person year (decimal format) / Années-personnes (nombre décimal)	1.196				

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





APPENDIX B

ANNEXE B

Canada Council
for the Arts

Conseil des Arts
du Canada

*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.

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.

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

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

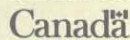
May 11, 2009
Date

Robert Siman

Director / Directeur

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**Delegation of Powers, Duties and Functions Pursuant to
Section 73 of the Access to Information Act**

Delegation		Position/Title
Sections of ATI Act	Powers, Duties or Functions	
4(2.1)	Responsibility of government institution	Director, Finance & Administration ATIP Coordinator
7(a)	Issue notice when access requested	Director, Finance & Administration ATIP Coordinator
7(b)	Giving access to record	Director, Finance & Administration ATIP Coordinator
8(1)	Transfer of request to another government institution or accept transfer from another institution	Director, Finance & Administration ATIP Coordinator
9	Extension of time limits	Director, Finance & Administration ATIP Coordinator
10	Where access is refused	Director, Finance & Administration ATIP Coordinator
11(2), (3), (4), (5), (6)	Additional fees and waiver of fees	Director, Finance & Administration ATIP Coordinator
12(2)(b)	Language of access	Director, Finance & Administration ATIP Coordinator
12(3)(b)	Access in an alternative format	Director, Finance & Administration ATIP Coordinator
13	Exemption – Information obtained in confidence	Director, Finance & Administration ATIP Coordinator
14	Exemption – Federal-provincial affairs	Director, Finance & Administration ATIP Coordinator
15	Exemption – International affairs and defense	Director, Finance & Administration ATIP Coordinator
16	Exemption – Law enforcement and investigations	Director, Finance & Administration ATIP Coordinator
16.5	Exemption – <i>Public Servants Disclosure Protection Act</i>	Director, Finance & Administration ATIP Coordinator
17	Exemption – Safety of individuals	Director, Finance & Administration ATIP Coordinator
18	Exemption – Economic interests of Canada	Director, Finance &



		Administration ATIP Coordinator
19	Exemption – Personal information	Director, Finance & Administration ATIP Coordinator
20	Exemption – Third-party information	Director, Finance & Administration ATIP Coordinator
21	Exemption – Operations of Government	Director, Finance & Administration ATIP Coordinator
22	Exemption – Testing procedures, tests and audits	Director, Finance & Administration ATIP Coordinator
22.1	Exemption – Audit working papers and draft audit reports	Director, Finance & Administration Division ATIP Coordinator
23	Exemption – Solicitor-client privilege	Director, Finance & Administration ATIP Coordinator
24	Exemption – Statutory prohibitions	Director, Finance & Administration ATIP Coordinator
25	Severability	Director, Finance & Administration ATIP Coordinator
26	Exception – Information to be published	Director, Finance & Administration ATIP Coordinator
27(1), (4)	Third-party notification	Director, Finance & Administration ATIP Coordinator
28(1)(b), (2), (4)	Third-party notification	Director, Finance & Administration ATIP Coordinator
29(1)	Where the Information Commissioner recommends disclosure	Director, Finance & Administration ATIP Coordinator
33	Advising Information Commissioner of third-party involvement	Director, Finance & Administration ATIP Coordinator
35(2)(b)	Right to make representations	Director, Finance & Administration ATIP Coordinator
37(1)	Findings of Information Commissioner	Director, Finance & Administration ATIP Coordinator
37(4)	Access to be given to complainant	Director, Finance & Administration ATIP Coordinator
43(1)	Notice to third party (application to Federal Court for review)	Director, Finance & Administration



		ATIP Coordinator
44(2)	Notice to applicant (application to Federal Court by third party)	Director, Finance & Administration ATIP Coordinator
52(2)(b), (3)	Special rules for hearings	Director, Finance & Administration ATIP Coordinator
69	Disclosure of Cabinet confidences	Director, Finance & Administration ATIP Coordinator
71(1)	Facilities for inspection of manuals	Director, Finance & Administration ATIP Coordinator
72	Annual report to Parliament	Director, Finance & Administration ATIP Coordinator

Access to Information Regulations

5	Inform person making request	Director, Finance & Administration ATIP Coordinator
6(1)	Transfer of request	Director, Finance & Administration ATIP Coordinator
7(2)	Search and preparation fees	Director, Finance & Administration ATIP Coordinator
7(3)	Production and programming fees	Director, Finance & Administration ATIP Coordinator
8	Providing access to record(s)	Director, Finance & Administration ATIP Coordinator
8.1	Limitations in respect of format	Director, Finance & Administration ATIP Coordinator