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Chair

Mr. David Chatters

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•(1105)

[English]

The Acting Chair (Mr. David Tilson (Dufferin—Caledon, CPC)): Good morning, ladies and gentlemen. I will call the meeting to order.

This is the Standing Committee on Access to Information, Privacy and Ethics. The orders of the day are pursuant to Standing Order 32 (5), report of the Information Commissioner for the fiscal year ended March 31, referred to the committee of Monday, June 6, 2005.

We have a number of guests before us. We have representatives from the Canada Revenue Agency, the Correctional Service of Canada, and Human Resources and Skills Development Canada. We have been referring to you behind your backs as the A-team, I might add, which is why you're here.

I believe the clerk has informed you, Monsieur Chartier, Ms. Himelfarb, and Madame Lalonde, that you would speak in that order and that each would speak, hopefully, for less than 10 minutes each, and then we will have questions from members of the committee. That's how the process will work. Good morning to you, and thank you for coming.

Monsieur Chartier, we will start with you.

[Translation]

Mr. Jean Chartier (Assistant Commissioner, Public Affairs Branch, Canada Revenue Agency): Thank you very much, Mr. Chairman.

Today I have with me Danielle Jean-Venne, Director of our Access to Information and Privacy Directorate.

On behalf of the Canada Revenue Agency, I want to thank the committee for this opportunity to outline the factors that have enabled us to achieve and maintain a high level of compliance with the Access to Information Act.

[English]

To start with, I would like to take just a few moments to explain the unique context within which the Canada Revenue Agency functions. Then I will highlight some specific steps the agency has taken to ensure full compliance with our obligations under the Access to Information Act.

The CRA touches the lives of virtually all Canadians. We administer tax laws and benefit programs for the federal government, but also for several provincial and territorial governments and even for some first nations.

As Canada's tax administrator, the agency must abide by the very stringent confidentiality provisions set out in section 241 of the Income Tax Act, section 295 of the Excise Tax Act, and similar provision in the Excise Act. In complying with the Privacy Act and the Access to Information Act, the agency must ensure that these specific confidentiality requirements and tax laws are also fully respected.

It's important to realize that these confidentiality provisions in tax laws are not there to limit transparency. They are there to protect the rights and privacy of taxpayers. Tax laws require individuals and businesses to provide any information the agency believes is necessary to assess their taxes. The taxpayer cannot refuse to provide that information. In turn, and to ensure that the government does not abuse these powers to demand information, Parliament made it an offence, punishable by up to a year in jail, to share taxpayer information for any other reason than the administration of tax laws.

[Translation]

Needless to say, our employees take these confidentiality provisions very seriously. However, these provisions are not a barrier to openness and transparency, or an excuse to fail to achieve the high compliance standards set by the Information Commissioner. This situation does, however, require extra care to ensure taxpayer information is not released by mistake. That is just the context within which we operate, and one of the many challenges we face in providing fair, efficient and transparent administration of the ATI Act.

As you are aware, CRA was rated "A" by the Information Commissioner in its compliance with the Access to Information Act. While we are proud of our achievement, we do not take our current success for granted. As recently as 1999, we received an "F" rating from the Information Commissioner. This was much more than a mark on a report card to us. Efficient and effective administration of a voluntary-compliance tax system depends largely on maintaining the trust and respect of taxpayers towards our institution. Failure to comply with the Access to Information Act could and still can easily jeopardize the Agency's reputation for transparency.

The Agency made a clear decision in 1999 to strive for the highest standard of compliance as determined by the Information Commissioner. With concerted efforts at all levels of the organization, we achieved a complete turnaround in just three years.

[English]

So how did we do it? One key factor in our success was the eight-day rule established by then Commissioner Rob Wright in 1999. Branches met and continue to comply with this directive to provide to our ATIP directorate all records requested under the act within eight calendar days.

The agency also allocated additional funds to recruit, develop, and retain ATIP analysts. Last year, some of our experienced analysts transferred to the Canada Border Services Agency when it became a separate organization. By rapidly allocating resources to recruit and develop new staff, the agency compensated for this sudden loss of expertise and was still able to maintain an A grade for the rating period April 1 to November 30, 2004.

The agency has also upgraded information management systems to enable weekly tracking of ATIP statistics. Quick corrective action can be taken when we detect any slippage in meeting our ATIP service standards.

Innovation has also been another critical success factor for us. The agency has adopted a number of innovative approaches that in some cases even exceed the performance standards set by the Information Commissioner. Let me quickly highlight a few.

On the governance side, responsibility for administration of ATIP legislation has been fully delegated to the ATIP director. At an operational level, incoming requests are routinely reviewed to determine if they could be handled less formally without formal ATIP process. As well, the agency has created satellite ATIP teams in Vancouver and Montreal to improve service at the regional level. We also maintain 33 reading rooms across the country where the public can view documents. Finally, we're also making innovative use of the Internet and Intranet for public awareness and of the Intranet for internal sharing of ATIP training and briefing materials.

•(1110)

[Translation]

While we have been meeting the high standard set by the Information Commissioner, the Agency is not immune to some common challenges and pressures facing ATIP managers all across government. Here are a few examples:

The number of ATIP requests is not just increasing, the requests are more complex and are more likely to require consultation with other departments or private-sector stakeholders before records can be released.

Between Privacy Act and ATIP requests, our analysts processed 4,736 requests in 2004-2005, a 170 per cent increase since 1999. That is an average of nearly 80 requests per analyst last year.

For ATIP alone, we received three times as many requests last year as in 1999-2000, that is 1,861 compared to 595 five years earlier. The number of pages reviewed for ATIP requests has grown five-fold, to 566,000 last year from 114,000 in 2000.

Finally, requests for access to large volumes of records in electronic format have enormous implications for the workload of ATIP analysts. They must still review every page of every electronic document to ensure that the confidentiality provisions of tax laws as well as ATIP requirements are respected.

[English]

In conclusion, Mr. Chairman, I want to suggest that the secret of the agency's success is that since 1999 we have given priority at all levels in the organization to ensuring that we consistently achieve the highest possible compliance standard for processing of access to information requests.

ATIP is a clear priority for CRA senior management. The agency has allocated additional resources to face the increased level of requests but also resources to recruit, develop, and retain staff. We have adopted innovative approaches in technology solutions. We have provided training and awareness sessions on ATIP requirements for staff at all levels and across the country.

More importantly, our record demonstrates a commitment to maintaining the same high standards for processing of access to information requests that we expect of our tax and benefit administration programs.

In a very real sense, the agency recognizes access to information as a key element of the core services we provide to build trust in the tax system as well as to promote taxpayer compliance with the tax laws. The investments in people, innovative processes, and service improvements over the past six years are a clear demonstration of our commitment to continue meeting the standard of ideal compliance as defined by the Information Commissioner.

•(1115)

[Translation]

Thank you, Mr. Chairman. I would be pleased to try to answer any questions committee members may have.

[English]

The Acting Chair (Mr. David Tilson): I think we'll wait until we've heard from the other two groups, sir.

Just for the record, and to draw it to the attention of the other two groups, I assume it's your colleague who is sitting next to you. Perhaps you could introduce her.

Mr. Jean Chartier: With me is Danielle Jean-Venne. She is the director of the access to information directorate within CRA.

The Acting Chair (Mr. David Tilson): Thank you, sir.

Next is the Correctional Service of Canada, Ms. Himelfarb. Perhaps you would introduce your colleague as well.

Ms. Frum Himelfarb (Acting Assistant Commissioner, Corporate Development, Correctional Service Canada): With me is Mr. Todd Sloan, who is the director of ATIP for the Correctional Service of Canada.

[Translation]

Thank you, Mr. Chairman.

[English]

I'm pleased to appear before the committee today on this important issue. The Correctional Service of Canada is proud of the improvements we've made in responding to access to information requests led by Mr. Sloan and his team.

Responding to access to information requests poses particular challenges in a correctional environment. We are committed to living up to the letter and spirit of the act. After all, we serve as models to those who have broken the law. Like other organizations, we do this in a manner that fully respects privacy, but we must also do this in the context of our overriding commitment to public safety.

Key to our approach is ensuring that all staff understands the real value of ATIP and the principles upon which it is based. Building a culture of commitment to access and privacy helps staff to look beyond the everyday aspects of the function to see the benefit to Canadians.

Broadly speaking, our experience is that maintaining a high level of performance in access to information requires the following. First, as I indicated, it's a question of attitude or culture. Clear signals from the top and consistent messages are essential to ensure awareness and a commitment to high performance. Second, the right and sufficient resources in the right structures are essential, especially as demand and complexity go up. Clearly, the professional staff with access to initial and refresher training is key. Third, intelligent use of technology is essential to efficient processing, monitoring, and control. Finally, holding senior managers to account for ATIP performance ensures the commitment of the organization.

In part, we attribute our ATIP improvements to a number of simple practices. For example, we've established an ATIP contact in every sector at our national headquarters to coordinate and streamline the process of retrieving required records. This person knows the sector's policies and practices and knows whom to consult to move things forward. He or she works closely with our analysts to move things along.

ATIP coordinators are also in place at our regional headquarters and in all institutions to ensure that the process functions smoothly at all levels. Sector heads are held to account for the retrieval process. They are informed of all retrieval requests and are notified if responses are late. We generally limit our retrieval turnaround to seven days, which I understand is a shorter period than some other departments.

ATIP division makes extensive use of available technology to manage our process and to provide information to analysts. At weekly management meetings we anticipate shifts in workload and make adjustments before problems become crises. We've also developed a knowledge management tool that provides ready access to relevant law, policy, best practices, and operational precedents,

and we provide regular training to all of our analysts and awareness sessions to all of our staff.

Perhaps key is appropriate resources properly used. In this respect, we've been provided with sufficient positions to handle the workload. Even more important is the quality of our staff and our learning and mentoring process. We are currently further professionalizing and accrediting our staff. Part of this process will involve the successful completion of university-level courses at the University of Alberta. We know we will have to continue to adapt and improve to maintain our high performance rating.

Before closing, I should address recent criticism of our disclosures of staff information and security-related information to offenders. I wish to assure this committee that all of our responses to requests for access comply with ATIP legislation, and we give scrupulous attention to issues of individual safety and institutional security. Security and operational experts are consulted whenever our staff see any potential repercussions resulting from the release of information. Many of our staff have in fact had operational experience in institutions, so they are particularly sensitive to any possibility of endangering staff.

• (1120)

We would be happy to provide a technical briefing to members of this committee to allay any concerns you might have. I should also mention that, to address any staff anxieties that may have resulted needlessly from the allegations made, we have begun discussions with and are providing information to a number of our unions.

Thank you for your attention. I would ask that you direct your questions to Mr. Todd Sloan, our director of ATIP.

The Acting Chair (Mr. David Tilson): Thank you, Ms. Himelfarb.

Madame Lalonde of the Department of Human Resources and Skills Development, good morning to you.

Would you introduce your colleague as well?

Ms. Jan Lalonde (Assistant Deputy Minister, Ministerial and Communications Services Branch, Department of Human Resources and Skills Development): I will do that. Thank you, Mr. Chairman, and thank you for the invitation this morning.

I'm very pleased to be here with my team and pleased that the committee has taken the opportunity to recognize our efforts to obtain an A rating.

[Translation]

Thank you for inviting me here today.

My name is Jan Lalonde and I am the Assistant Deputy Minister, Ministerial and Communications Services Directorate, HRSDC. My directorate is responsible for applying the provisions of the Access to Information Act at HRSDC.

I'd like to introduce Jean Dupont, Acting Director for ATI and Privacy, as well as Sylvie-Chaput Soumis, who is a member of my team. She is the Acting Director, ATI and Privacy Directorate.

[English]

We're very proud of our achievements in being able to get an A grade, and I thought it was important to recognize the team that has helped us to achieve this accomplishment.

[Translation]

I will be speaking to you today about my department's efforts to secure and maintain an "A" rating.

[English]

I'll begin by providing a brief history of the Information Commissioner's report card over the past few years as it relates to my department and to its predecessor.

The Information Commissioner graded the former HRDC in 2004. More than 20% of our requests were responded to late for the period from April 1, 2003, to November 30, 2003, and as such, the department received an F grade in the Information Commissioner's report card.

In response to that report card, the deputy minister at the time, Mr. Wayne Wouters, sent a letter to Mr. Reid assuring him that the department would improve its response times. The department adopted an ATI improvement plan, and I will speak more specifically to that plan as we move through the deck.

In his 2005 annual report, Mr. Reid graded HRSDC. The department received an A grade, since less than 5% of the responses were late. So in terms of our performance, in just one year we were able to move from an F to an A.

On page 3 of the deck, I'll provide you with some additional details about our ATI improvement plan.

In June 2004, the deputy minister sent an e-mail to all executive heads, implementing the zero tolerance policy for late responses. At a national management board meeting, the deputy minister also stated to executive heads that he had committed personally to the Information Commissioner that the department's grade in the next report card would improve. He reminded them of their obligation to respect the timelines imposed by the Access to Information Act, and he advised them that the zero tolerance policy for late responses was in effect.

As well, in the past, media lines and final approval from executive heads and briefings to senior management were required on almost all of the information requests. In 2004 we streamlined those activities.

In the deputy minister's e-mail to the executive heads, he included some tools to assist them and their staff in improving their performance with regard to timelines. The compliance report we produce is a quarterly report prepared by the ATIP directorate that details the compliance by each branch and region in meeting the department's service standards. It lists the number of requests sent to each branch and region, the average number of days taken by each branch and region to provide the documents in response to a request, the time taken to provide sign-off, the amount of time taken by the ATIP directorate to review the documents, and the department's compliance with timelines as a whole. This report is shared with each branch and region on a quarterly basis.

When a branch or region is challenged by the department's service standards in a given time, the director general responsible for ATIP meets with that executive head to discuss why they're experiencing that difficulty. In addition, the ATIP directorate is always available to meet with the ATI liaison officer to discuss best practices. As well, every week, the director general responsible for ATIP sends an e-mail to every executive head who has an outstanding action that is late, reminding him or her that the documents or sign-off must be provided in order to ensure that the timelines are respected as established in the act.

• (1125)

[Translation]

A document detailing the roles and responsibilities of ATI liaison officers and regional programs has been posted on our intranet site. These guidelines will help liaison officers do their job effectively and are available to all departmental employees. Guidelines to assist in determining if media lines are required are also posted on our intranet site.

The Access to Information and Privacy Directorate provides ongoing training to employees at national headquarters and in the regions. Training is provided to groups, and on a one-on-one basis. In 2004-2005, we held 30 training sessions on the ATI Act. During the current fiscal year, we have given 18 courses.

[English]

And how does our model work?

As you know, under the Access to Information Act, departments generally have 30 calendar days to respond to requests. This is usually equivalent to 20 working days, depending, of course, on the number of statutory holidays in the given 30-day period.

The time to process the request is allotted as follows. When the ATIP directorate receives an ATI request, an e-mail is sent to the executive head of that branch or region that's responsible for the requested documents, as well as the appropriate ATI liaison officer. Each branch and region has an ATI liaison officer who is responsible for retrieving the documents and preparing recommendations on disclosure.

The program has eight working days to provide the documents with the recommendations to the ATI directorate. Once the directorate receives the documentation from the branch or region, it has eight working days to review the documents for exemptions.

If consultations are necessary or if the request is for a large volume of documents, the ATIP directorate obtains an extension, as permitted by the act, and conducts the necessary consultations.

Next, if required, the ATIP directorate returns a copy of the release package to the branch or region for final sign-off. The release package is sent to the requester on the 20th working day. At the same time, an e-mail is sent to all branches and regions that were involved to inform them that the file is now closed.

In terms of statistics for our branch, in 2004-05 the department responded to 301 requests under the Access to Information Act, corresponding to over 65,000 pages. So far this year, HRSDC has responded to 192 ATI requests, corresponding to almost 40,000 pages. This seems to have been a fairly consistent trend over the last few years.

In conclusion, I would just like to say the department is committed to the letter and the spirit of the act. HRSDC's policy goal of "on time all the time" has been maintained, and we were able to achieve this goal by tracking the compliance of senior officials very carefully.

I'm also pleased to report that for the period April 1, 2005, to November 1 this year, the department will receive another A rating from the Office of the Information Commissioner. So for requests processed during that period, we were late responding to requests less than 5% of the time.

In conclusion, I would say the support from the top and the tracking from the bottom are the keys to our success.

I would like to thank the chairman and the members of the committee for the opportunity to share with you our success strategies. I'd be pleased to answer any questions.

Merci.

• (1130)

The Acting Chair (Mr. David Tilson): Thank you very much.

I'm sure members of the committee do have some questions or comments to make to all of you. We go in rounds. The first round is seven minutes per caucus, which includes the question and the answer. It's rarely followed, but I try.

Mr. Lukiwski.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you very much, Mr. Chairman.

I thank you all for coming. As our chairman stated, we have only seven minutes and there are three organizations to deal with, so I'll try to be brief, and hopefully all of you can be brief in your responses as well.

First, I guess, congratulations are in order. We have had witnesses before us who have received Fs on their report card, and I can assure you that the questioning there took a slightly different tone than perhaps what we're going to be asking you here today. So kudos to

all of you for coming in with As, particularly those who have raised their marks from Ds and Fs.

My first question is to all of you, and I'll start with Mr. Chartier and then move down the line in the order in which you made your presentations. One of the key problems that we've heard from other witnesses who have appeared before the committee who received Fs or lower grades than you have was the lack of resources they had to deal with the number of ATI requests.

I'd like all of you to respond briefly, if you could. Have you had to increase your staffing complement to deal with the requests, and is that what you would consider one of the primary reasons for receiving As in your report card?

Mr. Chartier.

Mr. Jean Chartier: Thank you for that question. The experience of the Canada Revenue Agency, given the grade we received back in 1999, really was a wake-up call for us. As I may have mentioned in my opening statement, this was thought to be a challenge to our ability to ensure trust and integrity in our program.

So very quickly the agency committed itself to review the resource level available for that particular workload. Very quickly we made a case for the increasing workload and we tried to equate the workload with the required resources. This is one of the critical elements that really allowed us to raise the bar and be able to respond more effectively.

Mr. Tom Lukiwski: Thank you for that, but very quickly then, you're saying you did increase the staff complement within your organization?

Mr. Jean Chartier: Absolutely we did.

Mr. Tom Lukiwski: Can you give me a percentage?

Mr. Jean Chartier: I guess we almost doubled the number of FTEs or full-time equivalents over the last six years.

Mr. Tom Lukiwski: Thank you.

Ms. Himelfarb or Mr. Sloan, same question.

Mr. Todd Sloan (Director, Access to Information and Privacy, Correctional Service Canada): Thank you. Yes, an adequate number of resources is important, and there was an increase in the number of analysts and managers on the access side.

I think it's important to underline that it's not just the number of people but the way in which they are used that's important. At any given time, confidence in the number of resources you have can come asunder. ATIP, in terms of how many requests you're likely to get in any given year in the public service, can change vastly. It has happened to us and it has happened to other departments. For the people who got the Fs and Bs and Cs and Ds, there but for the grace of how many requests we have received go we.

I think, though, you have to be able to use your resources effectively and apply the tools that are necessary to permit staff to do their work. That's why we've begun a knowledge management tool so there will be automatic, at-the-fingertips access to necessary information for our analysts and our supervisors.

And as well, since our shop receives both a large number of privacy and access to information requests, we're into a project where all our analysts will be able to respond to both types of requests as soon as they come up. We're also trying to provide accreditation for our analysts to ensure they have a high standard of knowledge and ability. I think those elements together, rather than simply the number of resources, is important.

The short answer to your question is that I'd put the number of resources in the top three...but it's not necessarily the determining factor.

• (1135)

Mr. Tom Lukiwski: I thank you for that, and I think you're right, but specifically—because I'll get to a budget question in just a moment—how many additional analysts have you hired, or percentage-wise, how have you increased your complement of analysts in the last year?

Mr. Todd Sloan: In the last year we haven't.

Mr. Tom Lukiwski: You have not?

Mr. Todd Sloan: No.

Mr. Tom Lukiwski: Ms. Lalonde.

Ms. Jan Lalonde: We've been fairly fortunate in our department to have a steady state, if you will, so we have not increased the number of analysts over the last year.

Mr. Tom Lukiwski: Thank you very much.

Mr. Chartier, just based on budget then, you say you roughly doubled staff. What impact does that have on your budget.

Mr. Jean Chartier: What impact did it have on our budget?

Mr. Tom Lukiwski: How much did your budget increase with the hiring of...?

Mr. Jean Chartier: I can even give you some specific numbers. Back in 1999 we basically had an overall budget, which encompassed both the salary and what we call the O and M budget. We went from \$1.9 million to the level we currently have of \$3.3 million, so it was a substantial increase.

Mr. Tom Lukiwski: So a significant increase.

I'll deal specifically with the CCRA: Mr. Chartier, since you were one of the three organizations that increased your staff complement, were all of these permanent employees or were some of these contractors specifically hired to deal with the ATI requests?

Mr. Jean Chartier: They were mainly permanent employees, for sure.

Mr. Tom Lukiwski: Government employees?

Mr. Jean Chartier: Yes.

Mr. Tom Lukiwski: Okay. Thank you.

How much time do I have left, Mr. Chair?

The Acting Chair (Mr. David Tilson): Less than a minute.

Mr. Tom Lukiwski: We might get back to this, but I'll go very quickly to Mr. Sloan. In her presentations Ms. Himelfarb dealt with an issue of some controversy right now, and that's offenders utilizing ATI requests to get information. There has been a lot of speculation—wild speculation perhaps at times—as to what kinds

of information they are requesting. Could you shed some light on that very briefly and on the types of requests you may be most commonly receiving from some of your offenders?

Mr. Todd Sloan: Offenders live in institutions, which in a way are like other communities but for the obvious security aspects. They have programs, they have issues of allowances, they have issues of transfers and where they are being placed, and there are other issues that may or may not be related to security and safety.

The vast majority of the requests they make are very uncontroversial and related to things that apply to them specifically. For example, they want extra information under a privacy request to buttress their case for transfer to a lower level or prior to release. They want information on how canteen funding is being administered within the institution. They want to know when they are entitled to certain services, such as, in one case, what the hours are for access to the telephone.

The Acting Chair (Mr. David Tilson): We're going to have to—

Mr. Todd Sloan: They may wish to know about a policy that applies to them, which is available on the Correctional Service website. The vast majority of requests are of this type, analogous to the types of requests somebody in a municipality would ask their municipal government.

Mr. Tom Lukiwski: Thank you.

The Acting Chair (Mr. David Tilson): The Conservatives got an extra minute and a half there.

Mr. Laframboise.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Thank you, Mr. Chairman.

Mr. Chartier, in your presentation, you told us about how the number of requests had increased since 1999. Do you have any figures for 2004-2005? Are the numbers increasing, or has the situation more or less stabilized?

Mr. Jean Chartier: From 2003-2004 to 2004-2005, the number of requests were up 11.6 per cent, increasing from 1,668 to 1,861.

• (1140)

Mr. Mario Laframboise: Are you also seeing an increase in the number of records that you have to review?

Mr. Jean Chartier: In terms of the number of pages, the increase is far more substantial. We have gone from reviewing 344,000 pages to reviewing 566,000 pages.

This is due in large part to the nature of the requests which is constantly evolving, particularly requests for access to records in electronic format. Generally speaking, that translates into an increase in the number of pages reviewed.

Mr. Mario Laframboise: Obviously, when you refer to 2004-2005, you're including recent data. Do you have any figures for the current fiscal year?

Mr. Jean Chartier: For this year?

Mr. Mario Laframboise: Yes.

Mr. Jean Chartier: We've received exactly the same grade for the current year. Perhaps I can find out more for you, but I do know that to date, the number of requests received is in the 96 per cent range.

Mr. Mario Laframboise: I see.

Do you now have a stable workforce?

Mr. Jean Chartier: Since the Canada Borders Services Agency split from CRA last year, we have managed to stabilize not only our budgets, but the ATI Directorate as well. We have moved to hire some permanent employees, and they have received a substantial amount of training in recent months. I would have to say that we have brought a good measure of stability to the organization.

Mr. Mario Laframboise: Fine.

I have the same questions for Ms. Himelfarb and Mr. Sloan. Have you received more requests in 2005 or has there been no change?

Mr. Todd Sloan: Mr. Chairman, I can report that the number of ATI requests has increased by about 7 to 10 per cent. We received 531 such requests in fiscal year 2002-2003. The number of requests subsequently grew to 572 and then to 600. If that pace continues, we expect to receive approximately 650 requests this year. That's a significant number, not only in terms of requests, but in terms of actual number of pages. In view of the security and privacy related questions we receive, the process of analysing these requests page per page is very time-consuming.

Mr. Mario Laframboise: If your performance had to be rated for 2005, do you feel you deserve to receive more or less the same grade? Is the timeline for processing requests more or less the same?

Mr. Todd Sloan: Yes.

Mr. Mario Laframboise: Ms. Himelfarb, you note the following in the last paragraph of your submission:

I should also mention that to address any staff anxieties that may have resulted needlessly from the allegations, we have begun discussions with and are providing information to union representatives.

What might these allegations be?

Mr. Todd Sloan: Recently, certain statements reported by the media appear to indicate that information may have been disclosed that could prejudice the safety of employees. In our opinion, that is certainly not the case. There is no evidence of any such disclosures. Naturally, some Correctional Service staff may have been concerned about these reports. These are colleagues, because my staff are also Correctional Service of Canada employees.

We met with union leaders to identify concerns and to prepare an information kit to address these concerns and to provide, to the extent possible, the necessary information to help everyone understand how the system works.

Mr. Mario Laframboise: And how are things going? Did union representatives react positively to your approach?

Mr. Todd Sloan: All I can tell you is that the union officials with whom we spoke last week responded fairly positively to us. They are going to give us some example and we will be including them in the information that we will be disseminating to all employees.

●(1145)

Mr. Mario Laframboise: Ms. Lalonde, you find yourself in a somewhat different situation. You stated that you have received fewer requests this year than last year.

How do you explain the decrease in the number of ATI requests?

Ms. Jan Lalonde: I don't really think the numbers are down. The figures I quoted for this year cover only part of the year. In fact, I think we will see a slight increase in the number of requests received this year.

Mr. Mario Laframboise: You stated that you received 192 ATI requests for 2005-2006. When exactly were these figures compiled?

Ms. Jan Lalonde: That is the overall number of requests received to date.

Mr. Mario Laframboise: Therefore, that covers half of the year.

Ms. Jan Lalonde: That's correct.

Mr. Mario Laframboise: Therefore, even if the numbers increase slightly, you hope to maintain an "A" rating. Correct?

Ms. Jan Lalonde: I can confidently say at this time that we will maintain our "A" rating. We monitor how things are progressing to ensure that we maintain our rating.

Mr. Mario Laframboise: Do you have a permanent, stable workforce that enables you to meet your goals?

Ms. Jan Lalonde: Yes, we do.

Mr. Mario Laframboise: Thank you, Mr. Chairman.

[English]

The Acting Chair (Mr. David Tilson): Thank you.

Todd Sloan was my favourite hockey player years ago. I thought I'd tell you that. I don't know whether you're related to him or not.

Mr. Todd Sloan: He was mine too, Mr. Chairman.

The Acting Chair (Mr. David Tilson): But there is no relation?

Mr. Todd Sloan: No.

The Acting Chair (Mr. David Tilson): Mr. Lee.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Thanks, Mr. Chair.

First, congratulations to each of your departments for the improvements you've made in the ATI envelope.

Here is my first question. Other ministries that have appeared before us have referred to what they call revisions in the delegation instrument in their plans in order to make improvements in their ministries in the ATI envelope. Have any of your ministries revised the delegation instrument as part of your plan to improve your ATI performance?

It's okay if you haven't; I'm just curious.

HRSDC?

Ms. Jan Lalonde: In the case of our department, there has been no need to do that, because the director has the delegated authority and has had it.

Mr. Derek Lee: Okay. And CSC?

Mr. Todd Sloan: There haven't been any substantive changes, apart from tweaking with respect to issues involving, for example, research information.

At the end of the day, what is important is that the access to information director be given effectually a strong role in creating the culture and making the decisions. I have always felt myself to be in that position within CSC, and I think that's what's important.

Mr. Derek Lee: So you haven't made revisions as part of it.

Mr. Todd Sloan: Just very—

Mr. Derek Lee: Very good. And the revenue agency?

Mr. Jean Chartier: In our case, we delegated full authority to the ATI director several years ago, so we already have it at the lowest level.

Mr. Derek Lee: Okay. That is part of the success here, is it, an appropriate delegation?

Mr. Jean Chartier: We think it may have accounted for part of it.

Mr. Derek Lee: Thank you.

To HRSDC, in your submission today you referred to the final phase of the process, the creation of media lines. Would you explain what that is?

Ms. Jan Lalonde: In some cases, if an item has been identified that may have an interest for the public, the communications shop would prepare media lines on that particular issue. But it's a separate process from the ATI issue, so that the production and releasing of information by the deadlines is not held up by any of that process.

Mr. Derek Lee: If the issue is identified as something that might be a public issue, then the department is alerted and media lines are prepared by somebody outside the ATI chain?

Ms. Jan Lalonde: That's correct.

Mr. Derek Lee: Okay, that's fine.

If I have any extra time, my colleague has a question.

The Acting Chair (Mr. David Tilson): You do have.

Mr. Powers.

Mr. Russ Powers (Ancaster—Dundas—Flamborough—Westdale, Lib.): Thank you.

Ms. Lalonde, you indicate in your report that the department had a failing grade in 2004 and you flipped it around in 2005. Had the department had any failing grades in advance of that?

Ms. Jan Lalonde: I'm going to ask my colleague, Monsieur Dupont.

• (1150)

Mr. Jean Dupont (Acting Director General, Corporate Communications Directorate and Services, Department of Human Resources and Skills Development): We didn't have any failing grades prior to that. The report card system came in at about that juncture.

Mr. Russ Powers: One of the things we've been finding when hearing from other delegations, the ones we were reviewing with regard to their F grades, is that they're proposing—and I'll get to Mr. Chartier—a substantial turnaround time that's required to get them to bring in a compliance such that they can deliver A grades in the

future. You aggressively turned this thing around inside a year. You've made a kind of overture to this, but are there any secrets? Was it a collective effort where everybody worked toward this? It's kind of amazing, with the magnitude of the area for which you have responsibility, that you were able to flip it around inside a year.

Ms. Jan Lalonde: The senior management attention to this is a very powerful tool. I would say that particularly the deputy minister's seizing this as an issue and encouraging his management team to also see it as a very important issue was part of it. The other part of it was our continual tracking and our continual reminders. In fact, we basically go back to each individual executive head before we're in a late situation, because we're constantly monitoring. I would say those are the two things that really helped us turn the situation around.

Mr. Russ Powers: Have I more time?

The Acting Chair (Mr. David Tilson): Yes, you have a minute and a half.

Mr. Russ Powers: To either Ms. Himelfarb or Mr. Sloan, has the Correctional Service of Canada ever achieved a failing grade?

Ms. Frum Himelfarb: Yes, two years ago.

Mr. Todd Sloan: Well, it would be three, actually.

Ms. Frum Himelfarb: Three. And we've since had As—two As.

Mr. Russ Powers: Could you attribute the success?

Ms. Frum Himelfarb: I think, as was stated, that the key is support from the top and consistent messages, and also accountability. We ensure that every one of our senior managers is held to account for delivering on time and for the process itself.

Certainly, as Todd mentioned, the quality of our personnel, the improvement of systems management, the use of technology, training, and succession planning for personnel have also assisted greatly in reducing our need to rely on additional resources.

Mr. Russ Powers: In keeping with the line, I'll ask Mr. Chartier in the next round. Thank you.

The Acting Chair (Mr. David Tilson): Thank you.

That was the first round, committee members. We'll begin the second round. Mr. Epp.

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Chair, I'd be quite willing to take the seven-minute round of the NDP, since they're not here, on your request.

The Acting Chair (Mr. David Tilson): You're going to get three minutes, Mr. Epp.

Mr. Ken Epp: That's called negotiating.

Thank you for being here. I'm really happy with the results you've achieved, and I hope they stay that way for a long time, and hopefully the culture will transmit to other government departments.

I have some questions, first of all, for HRSDC. I would like to know how many personnel you have designated to work on ATI.

Ms. Jan Lalonde: We have 12 individuals in the access to information and privacy unit, eight of whom are specifically focused on ATI issues. Then we have a network across the country and in all our branches of ATI liaison officers. They aren't full-time people, so I would say we have eight full-time employees.

Mr. Ken Epp: In your view, is that a good use of resources in your department? Would you be able to use those people in other areas effectively if the system were streamlined even more?

Ms. Jan Lalonde: Because this is a very specialized kind of employment, I think these people are well utilized in their current roles, and I think part of the reason for our stability is the fact that the staff we have in our ATIP directorate are well trained and are very competent in that area. I think that stability and the competence of our staff helped a lot in turning around our grade in a year.

Mr. Ken Epp: I would think they must be really up to speed on the necessity of reporting and giving input to this committee, and perhaps in other areas, because you said you've reviewed 65,389 pages. As a mathematician, I'm really curious about that, because it's not 388 and it's not 390; it's to the nearest page, 389. Do you think maybe you're paying too much close attention to the minutia, or did that just happen to be the way the number came out?

• (1155)

Ms. Jan Lalonde: I think because we do track very carefully, we do have statistics available in an easily accessible manner. So that's the right number.

I think Jean wants to add something to that.

Mr. Jean Dupont: I just have one point. Automation facilitates this in terms of generating the actual numbers of pages per se.

Mr. Ken Epp: For CRA, my estimate, based on the numbers you gave in your report, is that you have around 60 people involved in this department. My colleague asked previously about the use of contract workers. How many of the people you have working in ATI, in privacy, and generally in your department, are contractors?

Ms. Danielle Jean-Venne (Director, Access to Information and Privacy Directorate, Public Affairs Branch, Canada Revenue Agency): At the moment, we have one individual from a temporary services agency who specializes in access to information.

Mr. Ken Epp: And are the others all regular employees?

Ms. Danielle Jean-Venne: The others are all permanent employees.

Mr. Ken Epp: Thank you, Mr. Chair. I regret that my NDP time is over.

The Acting Chair (Mr. David Tilson): Mr. Powers.

Mr. Russ Powers: Continuing with my question, Mr. Chartier and Ms. Jean-Venne, you received your failing grade in 1999. I guess, based on your opening comments, the question would have been why it took three years until you finally came into compliance. An assumption would be that it was because you've virtually doubled your staff. Could you tell us why it took three years to achieve a passing grade?

Mr. Jean Chartier: Actually, if you go back to 1999, we received the F, but we did not double the resources the year after that; we had some incremental resources. We had already switched to a C grade

the very year after, then we got a B in the second year, and then an A in the third year.

So it was a kind of evolving, if you will, success rate based on the level of demand and the resources available.

Mr. Russ Powers: Why did it take that to actually...? Obviously there was improvement, but the assumption here is it's A or F and anything else in between is incidental.

Mr. Jean Chartier: As my colleagues have pointed out, an injection of resources is not enough. There have to be some other things, and certainly ensuring that all of the organizations like CRA, which is a 40,000-employee organization.... You need to have a change of culture, where people obviously help in this process, and to make sure they will abide by the legislation and that they will provide the information and process it in a timely fashion.

Over and above that, this change had to do with a number of things we did. Use of technology was mentioned. Training was also mentioned, not only training our own officers, but training the liaison officers in all the different programs. We have a network of around 150 liaison officers in all the nooks and crannies of the agency.

It's a big ship to steer in the right direction. It took some time, but this is how we achieved this grade level after a couple of years.

The Acting Chair (Mr. David Tilson): You have thirty seconds, but I'm really scared to give it to you.

Mr. Russ Powers: With regard to retention rate of your investigators, we heard previously that some of the challenge is getting good, trained investigators and keeping them. What is your retention rate?

Ms. Danielle Jean-Venne: I don't have a percentage as such, but there is a constant turnover of people going to other departments, getting promotions, and so on and so forth. So it's a constant challenge to keep staff.

Mr. Russ Powers: As expected.

Thank you.

The Acting Chair (Mr. David Tilson): Thank you, Mr. Powers.

That concludes the second round.

The chair has a couple of questions.

We're here to talk about response time. However, I would like to ask one question, which may have two parts to it.

To the Canada Revenue Agency, in Commissioner Reid's report there were eight complaints against you—sorry, you were eight on the list of ten. I'll get it straight yet. I don't know what those were, but could you comment on those?

•(1200)

Mr. Jean Chartier: Let me just start, and maybe I'll ask my colleague to complement the response. Given the size of our agency and the number of requests that we handle, all things considered, we're probably more vulnerable to having higher numbers of complaints.

In terms of how those complaints are being resolved, I think we have more specific numbers that my colleague might share with you, to demonstrate how we've been responsive to those complaints.

The Acting Chair (Mr. David Tilson): What were the complaints?

Ms. Danielle Jean-Venne: Specifically?

The Acting Chair (Mr. David Tilson): Yes.

Ms. Danielle Jean-Venne: I don't have a breakdown of what they are, but often they deal with delays and with exemptions that we apply. Most of our complaints are resolved with the Information Commissioner. We negotiate with them, and often we will disclose additional information or we will come to some sort of an agreement.

We have a very small number of complaints that are well founded.

The Acting Chair (Mr. David Tilson): The reason I ask this question to all of you—and I've mentioned it in other committee meetings we've had—is that I attended a meeting with the Canadian Press Association, I think it was. They had a conference, a one-day event in August—some of you may have been there—and they listed off the excuses that were given by staff as to why they weren't going to give out information. They were so funny, it was sad.

The general consensus was that ministries and agencies need to have educational programs for their staff. Some of you have mentioned workshops. I think Ms. Himelfarb mentioned that. I'd like all of you to comment on that issue.

That's the end of my questions.

Ms. Danielle Jean-Venne: I can start.

I was at that conference, and actually I did not find that some of the comments that were mentioned applied to CRA.

Education with employees is something we take seriously. We ensure that everybody knows this is a shared responsibility, that when they receive access requests it's important that we get the documents in a timely manner, that they're sent to us, and that we get recommendations about the contents of the information. We do have to respect the confidentiality provisions of the acts that we administer. It is a priority in our agency to do that.

The Acting Chair (Mr. David Tilson): Mr. Sloan, or—

Ms. Frum Himelfarb: I'll start perhaps, and Todd could add to this.

One of the benefits of this knowledge management tool—and, more broadly, our approach to accreditation and professionalization of staff—is to provide operational precedents, to explain why a particular reason is sufficient or isn't sufficient, to show what our experience in the past has been, and to reflect our increasing understanding of how to deal with some of the more complex situations, in consultation with the offices for information and privacy.

The knowledge management tool itself was geared to assist our staff in doing that. Obviously, our staff awareness sessions are extremely important as well, because they give to every member of the staff a better understanding of how the law works and what is or is not accessible.

I'd ask Todd to add to that.

Mr. Todd Sloan: All I can say is a major indicator of how we consider whether to disclose or not, and how silly our decisions might appear to be, is the reaction of the oversight agency of the Information Commissioner. I think I could put our record up with anybody's, in terms of when complaints have been made and how many have been well founded, which is extremely low. In fact, I think up to this point, in terms of the last fiscal, it might even be zero.

The Acting Chair (Mr. David Tilson): I'm not criticizing you. I'm just asking you to comment on the silliness of the excuses given—not necessarily by your agency, but by different groups—to the members of the public. It's terrible, the lines that are given to people.

Mr. Todd Sloan: That may very well be the case.

In our division, we specialize in not providing silly responses but in taking it extremely seriously.

The Acting Chair (Mr. David Tilson): Madame Lalonde is next.

•(1205)

Ms. Jan Lalonde: Thank you, Mr. Chairman.

The Acting Chair (Mr. David Tilson): You're not silly either, I bet, are you?

Ms. Jan Lalonde: I'm trying not to be.

The issue you raised about training and education of staff is extremely important. In our department, as I mentioned, we did 30 training sessions last year. We do those at different levels, depending on the requirements for employees to have awareness about the Access to Information Act. For instance, a part of our orientation to new employees talks about the requirements of the act. We also do general awareness sessions with employees both at headquarters and in the regions, and then, when we're required, we do one-on-one sessions with the ATIP liaison officers so that they're well versed.

The Acting Chair (Mr. David Tilson): Thank you.

Mr. Epp is next.

Mr. Ken Epp: Thank you very much, Mr. Chair.

I would like to follow up more on the question of the contract workers. You said you had one individual who worked in ATI. Maybe this is beyond your scope, but can you tell me how many contractors CRA has all together?

Mr. Jean Chartier: Do you mean in the agency?

Mr. Ken Epp: Yes.

Mr. Jean Chartier: I don't have that information with me.

Mr. Ken Epp: But there are lots, aren't there?

Mr. Jean Chartier: I'm not sure if I could even give you a ratio.

Mr. Ken Epp: Maybe I could put in an ATI for that and get that information.

Mr. Jean Chartier: I'd be more than happy to provide you with that.

Mr. Ken Epp: The reason I'm asking this is because it seems that the agency goes after small business people with a vengeance when they hire a contractor, and they disallow exemptions from deductions and things like that, which are made for employees. They say no, you have to pay.

In fact, in my riding, I recently had a case where a business was forced out of business by the agency. They weren't a business; they were non-profit. But they were actually forced out of operation because of the fact that the CRA demanded that they remit all these deductions for employees who weren't employees at all and were simply contractors. The CRA itself is using a lot of contractors, including the people who are putting the finger on our constituents.

We're somewhat upset about that. I guess we'll have to do an ATI on it, because it's out of your area, but that's why I was asking about contractors.

You have all kinds of private information on private citizens here that is made accessible to the government under the law. They then turn around and don't even apply the rules, which they're imposing on the rest of us, to themselves. That was the reason for the question.

I have another question that I would like to ask with respect to the general application of ATI and privacy. If I remember correctly, I think in human resources you have people sharing the responsibility—and maybe you all do—whether it's ATI or privacy. Those are two opposite issues, and yet you have the same people who deal with requests under privacy and ATI. I think it was again CRA that emphasized it.

There's now some talk of amalgamating the offices of the commissioners. I want you to comment, if you will, please, on how it is working in your departments to have the same people deal with basically conflicting areas, in terms of whether something should be kept secret or whether it should be blown wide open.

The Acting Chair (Mr. David Tilson): You seem to be the only one on the list, so we'll carry on.

Mr. Ken Epp: Thank you.

Ms. Danielle Jean-Venne: I will start.

At CRA our analysts do work on access to information and privacy, but what ends up happening is they're dealt with on individual cases. An individual will make a request under access, and we apply the Access to Information Act. Another individual will make a request for other types of information that will be under the Privacy Act. They're applying the acts very separately.

In my experience, I have not seen where that necessarily becomes a conflict. If somebody makes a request under privacy, we try to ensure the information we're disclosing is allowable under the Access to Information Act. That's kind of how we approach the subject.

Mr. Ken Epp: Okay. Do the other departments have a comment on that?

Ms. Frum Himelfarb: Do you want to speak to that, Jean?

Mr. Jean Dupont: Officers handle both pieces of legislation very similarly, and they're very different to that extent. Clients who are asking for their own files are dealt with under the protection of personal information act and the Privacy Act. Those are dealt with quite separately from the access ones. Access ones are normally around government documentation, reports, and so on.

Yes, officers do both, but they do not encounter a conflict in this particular instance, given that there's separate legislation.

• (1210)

Mr. Todd Sloan: There's really nothing I could add to that, except to say that the ability to assign individual analysts to cases as they come in, be they on one side or the other, creates tremendous efficiencies in terms of our ability to do our job.

Mr. Ken Epp: I've heard from you all that it works. Let's not play with something that works.

Thank you, Mr. Chair.

Thank you for the additional time. I'm very grateful.

The Acting Chair (Mr. David Tilson): That appears to be all of the questions from the members of the committee.

I thank you all for coming and giving your answers to our questions.

The witnesses are dismissed. Thank you very much.

Members of the committee, we're going to have a short business meeting in camera, so we will recess for five minutes.

[Proceedings continue in camera]

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