



House of Commons
CANADA

Standing Committee on Access to Information, Privacy and Ethics

ETHI • NUMBER 035 • 3rd SESSION • 40th PARLIAMENT

EVIDENCE

Tuesday, November 30, 2010

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Chair

The Honourable Shawn Murphy

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• (1540)

[English]

The Chair (Hon. Shawn Murphy (Charlottetown, Lib.)): I will now call the meeting to order, and I'll welcome everyone.

This meeting, colleagues, has been called pursuant to the Standing Orders. This all has to do with the report card issued by the Information Commissioner of Canada. It was tabled on April 10, actually. It was entitled "Out of Time: 2008-2009 Report Cards and Systemic Failures Affecting Access to Information in Canada".

Last week we had the associate deputy minister and two other officials from the Department of the Environment. Today we are pleased to have with us, from the Department of Foreign Affairs and International Trade, Mr. Gérald Cossette, the associate deputy minister. He's accompanied by Madame Roxanne Dubé, director general, corporate secretariat; and Monique McCulloch, director, access to information and privacy protection division. I want to welcome each one of you.

Before you begin, Mr. Cossette, I want to make a few comments to set the context of this hearing.

As I said, this hearing arises from the report card issued from the Information Commissioner. It grades various departments within the Government of Canada on their compliance with the Access to Information Act.

The report identifies a number of systemic problems within various departments that are basically failing Canadians in providing timely information in accordance with the legislation, that is, the laws of this nation. The report card identifies other departments that, through leadership, are able to provide timely access, all in accordance with the legislation.

According to the report, the reasons for this failure include lack of leadership, inappropriate use of time extensions, time-consuming consultations, insufficient resources, deficiencies in record management, and problems with the delegation process.

The Information Commissioner graded all 24 federal departments. Five departments, unfortunately, received a rating of 1 of 5, or an F grade. One of those was Environment Canada. The other departments or agencies were Natural Resources Canada, CIDA, Correctional Services Canada, and Canadian Heritage.

However, there was another category worse than an F. The Department of Foreign Affairs and International Trade received a rating of 0 out of 5, or, as the Information Commissioner reported, a red alert rating.

The committee considers these findings extremely serious. They go to the very heart of the rule of law and the ability of Parliament and the Canadian people to hold the executive to account.

As a result, we have decided to call you to appear, representing your department.

We're pleased to have you. The floor is now yours, Mr. Cossette, for your opening comments.

[Translation]

Mr. Gérald Cossette (Associate Deputy Minister, Department of Foreign Affairs and International Trade): Thank you, Mr. Chair.

Good afternoon, ladies and gentlemen.

As Associate Deputy Minister of Foreign Affairs, I am pleased to appear before you today. I understand that my department was invited to come before you today as a result of the Information Commissioner's ratings as part of her special report to Parliament in April 2010 entitled *Out of Time: 2008-2009 Report Cards and Systemic Issues Affecting Access to Information in Canada*.

[English]

I welcome the opportunity to provide additional information, as well as my department's progress report, in response to recommendations made by the Information Commissioner.

At the outset, I would like to assure this committee that in accordance with the principles of openness, accountability, and transparency, the Department of Foreign Affairs and International Trade is committed to respecting applicants' rights under the Access to Information Act and the Privacy Act.

As the Information Commissioner has reported, the Department of Foreign Affairs and International Trade faces unique challenges associated with internal and external consultations related to Canada's national security and international relations. DFAIT acts as a central agency in reviewing implications for international relations under sections 13 and 15 of the Access to Information Act. Other government departments must consult DFAIT prior to releasing records that affect international affairs.

•(1545)

[Translation]

In 2008-09, 42% of the overall access to information and privacy (ATIP) workload at the Department of Foreign Affairs and International Trade consisted of consultations from other government departments.

The Information Commissioner acknowledged that DFAIT was "severely hampered by its overwhelming workload".

She also noted our growing complexity of requests and related consultations as well as the challenge of a rotational workforce.

Over a four-year span from 2004-2005 to 2008-2009, there was a steady annual increase in requests for access and consultations under both the Access to Information Act and the Privacy Act, for a total increase of 78%. Since then, there continues to be an array of very sensitive and challenging ATIP requests.

With the chronic shortage of ATIP specialists in the federal government, the ATIP demands surpass the available experienced resources. Despite this, the Information Commissioner acknowledged that DFAIT was able to process almost 1,000 more ATIP requests in 2008-2009 than the year before, as well as make a number of process improvements.

For example, improvements since 2008 include:

[English]

First there is a streamlined, single gateway ATIP-tasking process across the department, which has established just over 100 dedicated ATIP liaison officers in all branches and bureaus of the department. These liaison officers also receive continuous ATIP training to ensure ongoing compliance.

Second, there is a department-wide ATIP awareness program to ensure that officials across the department understand their roles and responsibilities vis-à-vis ATIP. It includes customized ATIP exemption training for subject matter experts. In 2010 alone, the ATIP office, and that includes the officials at Passport Canada, delivered just over 300 separate ATIP-related training sessions.

Third, monthly ATIP performance reports to senior management have improved overall departmental understanding and commitment to ATIP compliance. The program areas respond, on average, to almost 90% of all ATIP requests on time, that is, within five working days.

Fourth, our ATIP professional development program is addressing recruitment and retention issues. This program has been very popular and is clearly demonstrating its benefits, given the number of well-trained, productive, and committed ATIP analysts we have.

[Translation]

Lastly, the ATIP office revamped its internal guidelines for the processing of requests and, more recently, introduced ATIP processing service standards to ensure that more attention is being paid to legislative due dates.

However, the reality remains that the Department of Foreign Affairs and International Trade had been carrying forward from year to year a growing backlog of ATIP requests that are beyond the

legislative time frames. This was something not only of concern to the Information Commissioner but of great concern to the Department of Foreign Affairs and International Trade as well.

•(1550)

[English]

As such, I am pleased to inform you that in June 2010, the department reallocated \$2.7 million of additional ATIP funding. This injection of new funding will, among other things, permit the department to clear the backlog of ATIP files by summer 2011 and to build additional permanent capacity to meet expected demands.

Experienced ATIP consultants were hired in July 2010 to work on the backlog project, and real progress is being seen. So far, the backlog team alone has closed 135 late ATIP files and has cleared 95,000 pages. In addition, 10 new full-time positions were recently created in the ATIP division and are in the process of being staffed.

These efforts, among many others, have shown some key overall ATIP improvements so far in fiscal year 2010-11. For example, the number of late files for those new requests received since April 1, 2010, has dropped to approximately 5%. Our turnaround time to respond to consultations from other institutions has gone from 110 days to an average of under 60 days. These improvements are encouraging.

[Translation]

I might add that the Department of Foreign Affairs and International Trade follows Treasury Board Secretariat best practices in its administration of the acts. For example, the director of the ATIP office has full authority delegated by the head of the institution for the administration of the acts. The director's position is two positions removed from the deputy head in the organizational structure.

The department has sound practices for the processing of all access to information requests. A collaborative approach exists between the ATIP office, the offices of the heads and deputy heads of the institution, Communications, Parliamentary Affairs and program officials.

I can assure the members of the committee that the procedures followed by my department do not allow for any political engagement in the redaction of documents. I can state categorically that I have never seen evidence of inappropriate ministerial involvement in the release of information nor has any such involvement been brought to my attention.

[English]

I can assure the members of the committee that the procedures followed by my department do not allow for any political engagement in the redaction of documents. I can state categorically that I have never seen evidence of inappropriate ministerial involvement in the release of information, nor has any such involvement been brought to my attention.

As a final remark, I would like to reiterate that DFAIT is very committed to responding to access to information requests and is assisting all applicants to exercise their rights under the Access to Information Act and the Privacy Act.

I'm happy to take any questions or comments that committee members may have.

[Translation]

Thank you.

The Chair: Thank you, Mr. Cossette.

[English]

We're now going to start the first round, for seven minutes each. I'm going to go to Dr. Bennett first.

Hon. Carolyn Bennett (St. Paul's, Lib.): Thanks very much.

Congratulations on the fact that it looks as though you're finally winning a little bit. It sounded like bailing a big leaky boat with a thimble for a while.

Your remarks about a chronic shortage of ATIP specialists in the federal government and about ATIP demands surpassing the available experience resources are worrying. You're saying that you've now put some resources, some additional money, in. That means that up until then, other things seem to have been more important than access to information, because it didn't have the appropriate resources.

Will your department be undergoing a strategic review?

•(1555)

Mr. Gérald Cossette: It depends what period we're talking about. If you're talking about the period from 2005 to now, the department has been going through a series of cuts, not only strategic review but other cuts.

Hon. Carolyn Bennett: Going forward from now, when your departments are being asked to cut 5% and to cap salaries, how will you protect these gains you've made, and can you give this committee any assurance that there will be no cuts made in this area?

Mr. Gérald Cossette: There will be no cuts made to this area. The \$2.7 million was found this summer through internal reallocation, and that money is being permanently dedicated to the processing of ATIP requests.

Hon. Carolyn Bennett: So do you feel now that you are fully staffed?

Mr. Gérald Cossette: Our capacity for the processing of files right now is around 240,000 pages a year. That's the current capacity. With the increase of ten new ATIP analysts, we should be able to process 315,000 pages a year, which should be sufficient, unless

there is a very significant spike in demand that is unforeseen at this moment.

Hon. Carolyn Bennett: In the report card, the Information Commissioner was pretty clear that DFAIT should be taking a much more proactive approach to sharing information, and that obviously Afghanistan has taken the attention. What are you doing now in a proactive way such that if 100 Canadians asked the same question, if it were available and up and online, your workload would be seriously reduced?

Mr. Gérald Cossette: We are doing three things right now.

We have built a team of 12 people who will spend all their time getting rid of the backlog, which we accumulated over several years. That's the first component.

The second component is that we will staff the full complement of the 52 FTEs we have for the ATIP division. As I said, with that number of people, we should be able to process 315,000 pages a year.

With regard to the third component of the plan, it's to try to move as quickly as possible from a paper-based process to an electronic-based process. There are, basically, software and tools available on the market now that we could use, and we will build on that as we move forward.

Hon. Carolyn Bennett: Is there a plan, or would it take a big change in government policy, to put the requests up online as you receive them, and the answers, so that Canadians would know what someone else has already asked, rather than having to wait, if they have an interest in that same area?

Ms. Monique McCulloch (Director, Access to Information and Privacy Protection Division, Department of Foreign Affairs and International Trade): I'd be happy to respond to that.

Currently, the Treasury Board Secretariat is working with the ATIP community, including me, to have a more proactive approach and to make available on the departmental Internet sites a summary of requests being made under ATIP legislation. My office is currently, and has been for many years, routinely providing access informally to previously released records. We would never require an applicant to come back and go through the formal process to obtain the same records that were previously released.

The initiative that is under way right now with the Treasury Board is to make available those summaries of requests and to be more transparent in terms of the types of requests that are being submitted to the department so that interested parties can simply obtain copies informally.

There's no immediate plan to put all the records—

Hon. Carolyn Bennett: The word “copies”, I guess, worries me. Previously released documents, I guess most people feel, should now be up online and should be digital and searchable.

Ms. Monique McCulloch: Yes, absolutely, and no one would disagree with that, except that there is quite an issue with the translation costs. Anything published on a Government of Canada website must be in both official languages, and therefore, all of our release packages would have to be sent for translation, which would be a huge burden and cost to the Government of Canada.

Hon. Carolyn Bennett: How are you going to solve that in terms of moving to open government?

• (1600)

Ms. Monique McCulloch: Right now, as I say—

Hon. Carolyn Bennett: I mean, does it require a change in policy so that things could be up online in their original language?

Ms. Monique McCulloch: It would definitely be a change in policy, and it would be from the centre. Of course, DFAIT—

Hon. Carolyn Bennett: What if someone asked to have it translated, if the request came in one language? For example, if the request came in French and was answered in French....

Ms. Monique McCulloch: The right of access and the right to have something translated is normally exercised through a formal request under ATIP legislation. There would be, at this time, no legal obligation to provide a translation of the thousands of records that are published online.

Hon. Carolyn Bennett: But when you provide the copies, as you say, of something that had been pre-released....

Ms. Monique McCulloch: It is in the language in which it originated.

Hon. Carolyn Bennett: That's right, so it's a separate stringency. You are allowed to send out copies in just one language, but you're not allowed to post it in just one language. Is that right?

Ms. Monique McCulloch: It's when you're publishing to a larger mass. When the Government of Canada posts information online, it is required. Government of Canada policy is to have it in both official languages. That is the issue right now with the open government issue.

The Chair: Thank you very much, Dr. Bennett.

We're now going to move to Madame Thi Lac for seven minutes.

[Translation]

Mrs. Ève-Mary Thāi Thi Lac (Saint-Hyacinthe—Bagot, BQ): Good afternoon, ladies, good afternoon, sir. Thank you for being here today.

My first question is related to your remarks, Mr. Cossette. You mentioned an increase in access to information requests in the last four years.

Can you also confirm that, for the period from 2007 to 2008, the number of complaints about delays has doubled as well?

Mr. Gérald Cossette: I cannot confirm those numbers for you. I could provide you with them in writing, in the next few days, of course.

I feel that the two go hand in hand. When requests take too long to process, the number of complaints goes up as a result.

Mrs. Ève-Mary Thāi Thi Lac: You said that processing time used to be 110 days. You have now reduced that to about 60 days, and less than 5% of requests have any delay in processing at all.

On average, how many days does it take to process requests in the backlog?

Mr. Gérald Cossette: That is difficult to say, in that requests are not the same. They come from different sources, they ask different

questions and they do not always involve the same departments. So it is difficult to identify a general trend that would apply to all requests.

Once again, if you want those detailed figures, we can provide them to you in writing.

Mrs. Ève-Mary Thāi Thi Lac: There is a current feeling that Quebeckers and Canadians are raising questions about the transparency of our institutions. I actually think that delays in processing access to information requests are making that feeling worse.

I would like to add something to what Dr. Bennett said a little earlier. Putting more of these documents online would help to reduce the number of access to information requests. Though there may be additional translation costs, the fact that people can look things up on a website more easily would reduce the number of access to information requests.

Would the translation costs not be balanced by savings in research? The fact that the documents are available to more people would significantly reduce the number of access to information requests.

Mr. Gérald Cossette: At the moment, it is difficult to assess what the potential savings would be if applications were automatically put online. One thing is clear: the long-term trend would be to use the Internet and put requests online to make access to the documents easier.

Mrs. Ève-Mary Thāi Thi Lac: Has your department already looked at that? You say that it is difficult to come up with those costs, but has your department looked into it at all?

Mr. Gérald Cossette: Our department has never studied that. At the moment, central agencies are looking towards normalizing, standardizing, the way in which requests could be put online for the Government of Canada as a whole. As far as I know, there has been no definitive decision on it.

• (1605)

Mrs. Ève-Mary Thāi Thi Lac: You say that, in the last four years, the number of access to information requests has gone up by over 70%. Quebeckers and Canadians are finding it increasingly difficult to get information directly. As members of Parliament, we are finding the same thing. When we ask the government questions, we sometimes have difficulty getting answers. So there is no other choice but to use the mechanism that we have through the Access to Information Act.

Greater openness and better distribution of information would help to stabilize the situation. What does the 78% increase in requests that you mentioned mean in concrete numbers? How many access to information requests do you get in a year, for example?

Mr. Gérald Cossette: You want to know the number of pages?

Mrs. Ève-Mary Thāi Thi Lac: No, I want to know the number of access to information requests.

Ms. Monique McCulloch: At the moment, our department receives about 3,100 requests annually, if you add up all the various kinds of requests. They may be requests made under the Access to Information Act, requests under the Personal Information Protection and Electronic Documents Act, or consultations.

Mrs. Ève-Mary Thāi Thi Lac: Okay.

You are telling me that processing time is about 60 days at the moment. So you have actually almost reduced the time by half.

But what is your objective, how many days, for processing requests and sending out replies? Do you want to keep it at 60, or reduce it some more?

Mr. Gérald Cossette: The 60-day processing time is for requests that need interdepartmental consultations. These are not requests that are directly related to the work of the Department of Foreign Affairs and International Trade exclusively.

Our real objective, of course, would be to meet the timeframe set out in the act, which is 30 days.

Mrs. Ève-Mary Thāi Thi Lac: If the processing time for interdepartmental requests is 60 days, what is it for other requests?

Ms. Roxanne Dubé (Director General, Corporate Secretariat, Department of Foreign Affairs and International Trade): It varies from request to request. For each request we receive, we have to decide whether we can collect all the documents in the set timeframe.

Mrs. Ève-Mary Thāi Thi Lac: What is it on average?

Ms. Roxanne Dubé: We cannot do it like that, madam.

Mr. Gérald Cossette: Ninety-five per cent of the requests we have received since April 2010 were processed in the specified time. That is 30 days, with an extension possible if necessary.

Mrs. Ève-Mary Thāi Thi Lac: When you answered Dr. Bennett's question about translation, you said that putting a document onto the Internet would require you to have it translated in order to comply with the Official Languages Act. At the moment, when you get a request, you reply in the language chosen by the person who sent it, but you do not systematically translate all requests, is that correct?

Mr. Gérald Cossette: That is correct.

Mrs. Ève-Mary Thāi Thi Lac: Would it not be more efficient to translate them anyway? It seems to me that you might get several requests on the same subject in the same year and you end up having to do the translation later because the question is the same.

Mr. Gérald Cossette: In theory, yes. But I have no figures to show the real cost of doing that.

Ms. Monique McCulloch: If I may, I would like to add that, at the moment, we get a request for translated documents only once or twice a year. We can get a translation request for 1,000 pages of documents. I have never seen a situation where the applicant has asked for translations of all the documents relevant to the request. It is usually one or two documents. It is rare for an applicant to ask for a document in the other language. Generally, people applying under the act know that they have a right to the information in its original format. So it is very rare for us to have to translate documents.

•(1610)

[English]

The Chair: Merci, Madame Thi Lac.

Mr. Siksay for seven minutes.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Thank you, Chair, and thank you to the folks from Foreign Affairs and International Trade for being here today.

Mr. Cossette, I noticed in the annual report to Parliament, on the administration of the Access to Information Act for 2009-10, which the department tabled with Parliament earlier this year, that it goes to some pains to list the department's key priorities for the year 2009-10, which I guess are the overall department's key priorities. I know it's a very broad department that has lots of work on its agenda. I was curious, in looking through that; I don't see anywhere where compliance with the Access to Information Act or resolving the problems identified by the commissioner appears in that list of key priorities for 2009-10. I know the report goes on to talk about the work that's being done, but it doesn't figure in that list of priorities. Is that an indication that this really doesn't figure anywhere in the broad perspective of what's important to the department?

Mr. Gérald Cossette: I assume, Mr. Chair, that we're referring to the report on plans and priorities, the RPP?

Mr. Bill Siksay: I'm looking at the document on the annual report to Parliament on the administration of the Access to Information Act, and in that it lists the department's key priorities: greater economic opportunities for Canada; United States and the Americas; Afghanistan; asserting Canadian leadership in emerging global governance; transforming the department. Nowhere in that list, that I see, is there a reference to improving the record on complying with the Access to Information Act.

Mr. Gérald Cossette: You're referring to our policy issues, with the exception of one management issue, which encompasses lots of work that is being done in the department, and that is the transformation side of it. We do not list, in detail, all the basic management priorities a department may have. I think the \$2.7 million we just committed to trying to eliminate the backlog and provide the ATIP unit with the capacity it will need in the future to meet the demand is proof that the department is committed to ensuring that Canadians have access to information from our department.

Mr. Bill Siksay: Let me come back to that, because I'm still concerned that even though transforming the department is one of the priorities that's listed in that document, when you go through the various things that are listed in that paragraph, compliance with access to information doesn't even seem to make the list of all of the various things in that paragraph.

Does it just not impinge on the consciousness of those people who develop those priorities? Why does it not show up in a list like that for the department's priorities for this year?

Mr. Gérald Cossette: As I said before, the priorities that are listed there are either of a policy nature—and there's one, management priorities, which refers to the transformation of the department. What we outlined in the presentation, again, I think is a guarantee or proof that the department is committed to making sure that in the long run, Canadians will have access to the information within the time provided by the law.

Mr. Bill Siksay: When you were developing the business plan around addressing the concerns around access to information—and I note that you got \$2.7 million to work towards that—what did the business plan show that you really needed to do the job? I'm sure you didn't get everything you needed. What was the cost estimate of meeting the requirements of the Access to Information Act and the concerns of the Information Commissioner?

Mr. Gérald Cossette: Basically there are three components to the business plan. The first component is to provide more or less \$1.2 million to address the backlog. When we looked at the backlog in July, we realized we had 200,010 pages of backlog. So we looked at basically what was required to get rid of that backlog over a period of time. The first \$1.2 million was allocated toward that task.

The second \$1 million is allocated toward creating 10 new positions for ATIP specialists in order to increase the capacity of the department to respond to the growth in demand. Moreover, once the backlog is gone, the \$1.2 million, which is now permanent funding, will be transferred to the regular ATIP operation.

And the third component of the business plan is to purchase and implement, basically, a system that will allow for working within the department online so that we can process the files more quickly and easily.

•(1615)

Mr. Bill Siksay: Monsieur Cossette, I noticed in the report card section that the commissioner drew attention to the department hiring a consultant, Andrée Delagrave, to make recommendations about how to solve some of these problems. The commissioner said she believed that it was necessary to implement those recommendations. Can you tell us how Andrée Delagrave's recommendations have been implemented and how they relate to what you've presented today, in terms of the work plan, to get to the bottom of compliance?

[Translation]

Ms. Roxanne Dubé: Actually, we asked for the service of Ms. Delagrave, who is very well known in the field of access to information. Essentially, her role was to look at ways in which we could improve our internal processes and priorities in order to improve our performance.

She looked at our resources from top to bottom. She recommended that the resources be increased and that has already been done, as you see. She also recommended better cooperation between the access to information division and the other areas. So we targeted our ATIP coordinators in all our areas. She recommended that all the department's officers working in access to information receive more training. As you heard in Mr. Cossette's remarks, we have organized more than 300 training sessions. We have also started to set up a tutoring system that will allow people to get more on-going training in access to information.

I would say that we have implemented her four main recommendations. There were others.

[English]

Mr. Bill Siksay: Thank you, Madam Dubé.

The other question I had also relates to another report. I know that Dr. Bennett was asking questions related to this as well. The Independent Panel on Canada's Future Role in Afghanistan recommended that the government.... I'll just quote what was in the report card:

The Government should provide the public with franker and more frequent reporting on events in Afghanistan, offering more assessments of Canada's role and giving greater emphasis to the diplomatic and reconstruction efforts as well as those of the military.

Mr. Cossette, can you tell me how the department has implemented that recommendation or what it has done to address that recommendation of that panel?

Mr. Gérald Cossette: As you may know, the government releases a report on a regular basis on the activities of the Government of Canada and Afghanistan from the military, diplomatic, and aid standpoints. It focuses on the benchmarks the government established years ago and how, on a quarterly basis, the Government of Canada meets or does not meet those deadlines. Through that report Canadians are informed about our activities in Afghanistan.

The Chair: Bill, that's it. Thank you very much.

Mr. Poilievre, you have seven minutes.

[Translation]

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Thank you for being here.

I have in front of me the Information Commissioner of Canada's report entitled *Out of Time: 2008-2009 Report Cards and Systemic Issues Affecting Access to Information in Canada*.

I am going to start on page 33 of the English version. Here is what it says:

[English]

The Department is responsible for Canada's foreign policy and all matters relating to Canada's external affairs.... The Department's specific areas of responsibility include international peace and security, global trade and commerce, diplomatic and consular relations, administration of the Foreign Service and Canada's missions abroad, and development of international law and its application to Canada.

[Translation]

Given that list of specific responsibilities and the sensitive relationships they imply, can you describe the specific access to information challenges in your department that other departments have to a lesser degree, if at all?

•(1620)

Mr. Gérald Cossette: Currently, I would highlight six components.

One of the main difficulties is globalization. Access to information requests deal with a range of issues and with the relationship between Canada and the United States on a large number of topics. Potentially, they can even get into the disarmament programs that Canada may be financing in some parts of the former Soviet Union.

So the topics can deal more or less with anything in the world. Clearly, those matters have to be reviewed not only by access to information experts, but also by Foreign Affairs' operational experts. That is the first thing.

The second thing is the complexity of the requests. We may be dealing with information that is sometimes provided to us by foreign governments or third parties, which means that several departments are involved. For example, if the topic is protecting the environment internationally, the Department of the Environment has to be consulted, as does the Department of Natural Resources. So it can get complex. No issue deals with one topic in one area only.

The third point is that a number of access to information requests come in when matters become news. So we have to be careful about the information we make public.

Fourth, Foreign Affairs has 171 missions overseas. Depending on the questions that are asked, those missions have to be involved, and so do foreign governments.

The other difficulty organizationally is that, since the officers in our department move around a lot, someone might have handled a file and, when the access to information request comes along two years later, the person has been posted overseas.

Lastly, since 2004, we are looking at an increase of 78%, and, as they say, the department,

[*English*]

is playing a bit of catch-up with demand, given the very significant increase in demand. We haven't matched it with a very significant increase in resources as well.

[*Translation*]

Mr. Pierre Poilievre: When a country has relations with other countries and tries to maintain friendly diplomatic relations with foreign governments, does that cause problems in terms of managing an access to information system at the same time?

There is an international discussion at the moment about the leak of a large number of documents. The publication of those documents has harmful consequences. In foreign affairs matters, are there different sensitivities that might not exist inside a domestic department?

Mr. Gérald Cossette: Clearly, in discussions that go on in the course of international diplomacy, those involved expect the comments they make to us to be protected.

Discussions and remarks are often very direct. In order to make sure that our counterparts understand clearly what they are being told, we speak very directly more often than in a roundabout way, though that happens too. So it is understood that those conversations will be protected, which means that the department is somewhat restricted, as we have to ask the third parties, the people with whom we have been speaking, if the conversation may be made public. In

Canada, things that may be made public may not be at all acceptable in public in other countries.

• (1625)

Mr. Pierre Poilievre: Given the time I have left, I will stop there.

[*English*]

The Chair: Mr. Cossette, there are some points I'd like you to address.

I have in front of me the minutes of the meeting of this committee held on October 18, 2005, five years and 43 days ago. It basically dealt with an "F" report that the Department of Foreign Affairs and International Trade got from the Information Commissioner. They basically weren't following the law.

I'm going to quote you a few sections, because what I'm reading is almost verbatim what you're saying today. It talks about a plan to overcome the deficiencies:

We believe that the plan that we are now putting into effect will lead to these outcomes in the long term.

Then it goes on later:

As was mentioned above, the workload at the department's ATIP staff is a major factor in our inability to meet the legislative deadlines. [...] The plan proposes adding 15 employees.....

Then it goes on, Mr. Cossette:

Some of these actions include the development of a structured ATIP awareness program to educate departmental employees on their roles and responsibilities, a program that will include senior management, to build a network of knowledgeable officials at every level; implementation of new procedures for the review of documents by the division, which will eliminate most return visits by ATIP staff, and in addition, the ATIP process has been carefully mapped and is being redesigned to increase its effectiveness; purchasing—

And this is important:

—the ATIP image software application, already been in use for a number of years in most departments[...] However, I believe that by approving this action plan, the most senior levels of the department have demonstrated a clear...[etc.]

The results haven't improved any in the past five years. What is the difference between that testimony, which was given by Mr. Michael Calcott, director general of the executive services bureau of the Department of Foreign Affairs five years and 43 days ago, and the testimony you're giving here today?

Mr. Gérald Cossette: Mr. Chairman, there may be the impression that nothing has happened since 2005, but I can confirm to you that in 2005 and 2006, the department was spending a bit more than \$2 million on ATIP. For the current fiscal year, the department will be spending \$8.2 million to respond to ATIP. So it's not as if the department hasn't tried to increase its capacity since 2004. However, with a growth of 78% over that period of time, we've been playing catch-up.

As soon as we get rid of the backlog—and that has been part of the issue as we have carried this backlog from one year to another—the duration of... The time it takes to process demands, of course, has increased in response to this backlog.

So by getting rid of the backlog and by building the capacity at 315,000 pages a year, that capacity should be sufficient to respond to the current volume. Moreover, once the backlog is gone, we will have a capacity to increase the ATIP unit by another 10 to 12 analysts to respond to an increase in demand.

If you're telling me that will be sufficient if WikiLeaks leads to thousands of demands in access to the information...it may not be sufficient. The problem we face is that a bit more than 42% of all demands sent to the Department of Foreign Affairs are initiated in other departments. That's a factor we don't control, so we are always in a responsive mode. But with the capacity we're putting in place right now, we hope that in fact we will be ahead of the wave, not behind the wave.

The Chair: Who in the department is accountable for doing this? Is it you? Obviously, it wasn't Mr. Calcott. Is it you or is it Madame Dubé?

You'll probably be back here next year. I don't think we'll leave it another five years.

So who is accountable for dealing with the problem?

Mr. Gérald Cossette: As deputy ministers, we are accountable for dealing with the problems.

The Chair: But you're not the deputy minister.

Mr. Gérald Cossette: I'm the associate deputy minister.

The Chair: So is it the deputy minister who's accountable, or is it you?

Mr. Gérald Cossette: It's me, it's the deputy minister, and it's the third...we're three deputy ministers at Foreign Affairs and International Trade.

The Chair: So you will take personal responsibility—

Mr. Gérald Cossette: I will take personal responsibility for this.

The Chair: A second round.

Mr. Easter, five minutes.

Hon. Wayne Easter (Malpeque, Lib.): Thank you, Mr. Chair.

I have just one question coming off the last exchange.

In terms of the backlog, once you get rid of the backlog, you'll certainly have quite a number of resources freed up to deal with the immediate requests as they come forward.

How much staffing and resources would be involved now in just dealing with the backlog?

•(1630)

Mr. Gérald Cossette: We have 12 people now dealing with the backlog.

Hon. Wayne Easter: I do believe it has to be difficult for the department.

In your remarks, you certainly pre-empt the discussion on political engagement in the redaction of documents. I understand that, but I will say this. It's got to be difficult for the.... You know, the bureaucracy is being asked to be transparent, and the laws are in place to push it, yet we have a government in place at the political level that is absolutely consumed by secrecy and spin.

I think Canadians kind of forget. They talk about openness and transparency, but I think they forget how open previous governments were. When cabinet meetings were over, cabinet ministers walked out of the cabinet and faced the media, each and every one of them. The media questioned them. Now cabinet meetings are held somewhere and nobody ever hears of them.

An hon. member: I don't think they have them.

Hon. Wayne Easter: There are very few people, very few ministers, who talk to the press. Press conferences—

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): A point of order.

The government at no time...no cabinet minister ever interfered, so I think the point the member is making is out of order.

The Chair: Mr. Easter, I'm going to ask you to deal with this issue. I do allow a little leeway, and you can make your preambles if you want to use your five minutes, but I think we do have a fairly serious issue in front of the committee, which is the department's inability to deal with this issue, or their problem dealing with it, which has been going on for five years. Perhaps you could try to zero in on the report of the Information Commissioner and the problems. I think there's enough to keep us all going for the rest of the meeting.

Hon. Wayne Easter: There's no problem there, Mr. Chair. I just think there's an even greater problem in terms of secrecy on the political side, which really needs to be mentioned. I think all the pressure is on the bureaucracy, while we've never seen such a lack of transparency on the political side in so many forms. I just think that needs to be mentioned.

In terms of your not allowing any political engagement—and as you know, we've had some difficulties with some other departments—what is the process you follow in dealing with ministers' offices to prevent that? What's the process you follow that others have not been able to? Do you send an access to information document up to the minister's office and somebody reviews it? What is the process that has worked in your case?

Mr. Gérald Cossette: Madame McCulloch may explain the process in detail, but my understanding is that the request comes to the access to information office. It does not come to the minister's office. Therefore, the minister's office is not aware of requests that we receive as they come into the department. We process the file, and then we inform the senior bureaucrats, as well as the minister's office, when the files will be made public. That's the process.

Hon. Wayne Easter: So you have a request on ABC. The request is dealt with through your access to information people. I understand why you do this. I understand why the minister needs to know: he or she could be walking down the street and get a question.

How much time is there before you release the access to information request or the information publicly to people once you have informed the minister's office that an access to information document has been released?

•(1635)

Mr. Gérald Cossette: We inform the minister—correct me if I'm wrong—72 hours before the demand is released.

Hon. Wayne Easter: So the minister has 72 hours' notice.

The other question I had was in relation to the \$2.7 million that you said in your remarks today you have basically secured going forward. Where did that money come from? I mean, there are cuts, there's the strategic review.... What's been given up in order to make available that \$2.7 million?

I come from Prince Edward Island. We do not have a passport office there, and we dearly would love to have one. We're at a real disadvantage. In fact, the MPs' offices end up doing a lot of the passport work. If there were more money available, maybe we'd have a passport office.

So where did the money come from? It doesn't grow on trees, so where did it come from? What was cut or reduced in order to gain that \$2.7 million for this effort?

Mr. Gérald Cossette: The money did not come from Passport Canada, since the Passport Canada budget is protected. It's a revolving fund. None of the money that comes to Passport Canada out of the fee structure is transferred to the Department of Foreign Affairs. There is a barrier between these two budgets.

With regard to the \$2.7 million, basically we have reallocated resources internally from several parts of the department to the ATIP unit. I cannot tell you specifically. We have a \$2.3 billion or \$2.4 billion budget. Out of this, \$1.8 billion is what we call O and M, operational money. If you look around the department, in several places there is a bit of money here and a bit of money there, which accounts for the \$2.7 million. We have 171 missions abroad, so we may cut a tiny amount of money from missions and transfer the money to the ATIP budget. That is what we've done, and this is what we do on an ongoing basis. As priorities change, the department shifts money around to meet these requirements. This is something we do as managers on an ongoing basis.

The Chair: Ms. Davidson.

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Thank you, Mr. Chair.

Thanks very much, Mr. Cossette, and your colleagues, for being with us this afternoon.

I don't expect that you were any happier to see the report card than we were. I wouldn't mind hearing your comments about that after I finish asking some questions here.

We need to be very clear that this government definitely is opposed to issues where there is not access to information. We definitely support access to information. When we look at where you are today from where you were in 2005, spending four times more on ATIP issues, that certainly stands behind the statement I've just made. I want to make it very clear that this government strongly supports access to information. We are doing what we can to make sure all departments are moving forward on this issue.

I want to commend you for the way you have moved forward and how you have cleared up this backlog. I think that's quite

remarkable, the amount you've done so far and the plan you have put in place to move ahead with that. The fact that you're going to have a full staffing complement is excellent. The fact that you have found the money that you need to implement this full staffing complement through adjustments internally is commendable.

That is what we, as responsible government, expect our departments to do, and that's exactly what you have done. I commend you for that. It's not always the fact that we need to be throwing a whole lot more money at things. What we need to be doing is operating in a way that's advantageous to Canadians.

I think you are doing that, and I congratulate you on that.

I want to talk a little bit more about going from a paper-based system to a software-based system. We also talked about some of the challenges of translation costs. Is there a way to go to the software-based system and avoid the issues with translation? We know we must abide by the issues, as far as the two official languages go, and I'm certainly not suggesting that we don't. Is there a policy put in place so that that can be achieved?

•(1640)

Mr. Gérald Cossette: I want to clarify one thing. When we talk about moving from paper-based to electronic-based or digitally based systems, we're talking about a way to manage the information internally, first, so that we can be more efficient and faster at processing the information.

One of the challenges we have right now is that we do not have a single database where we collect all the information. Some of it is paper-based, some of it is electronic, some of it is highly classified, and some of it is unclassified. We do not have one single system where all the information is available.

The first thing we need to come up with is an electronic system that will allow us to get to the information much faster than what we have right now.

Mrs. Patricia Davidson: You weren't referring to a public electronic system?

Mr. Gérald Cossette: No. That's an issue being looked at, as we speak, by central agencies, as to how you would standardize the information across government, and how you would put that on the web in fact for easier access by Canadians. The government and central agencies haven't proposed anything specific yet, and a decision has not been taken with regard to that.

In terms of the issue of official languages, attached to the posting of information, Canadians have the right and do expect that as they access government information, that information will be made available to them in both English and French. At this stage, to be honest, I don't have an answer to your question as to how that could be done.

If Canadians were to request the information in the language in which the information is available and that would be sufficient, that's one thing. But governments have a long commitment toward official languages; therefore, everything that is posted electronically has to be in both official languages. That's the policy as it stands.

Mrs. Patricia Davidson: Is there any area in particular through this entire process in your department where the greatest delay occurs? Is there any one area you can pinpoint?

Mr. Gérald Cossette: Issues related to national security, of course. Every time you need to speak to a foreign government about security—if it's routine matters, it may be easier—or intelligence issues and how that information was gathered, collected, and so on, that makes the transfer of information or the release of that information extremely difficult and sensitive.

Mrs. Patricia Davidson: Okay. Thank you very much.

The Chair: Now I'm going to go to—

Hon. Carolyn Bennett: On a point of order, Mr. Chair, in view of the fact that this session is televised, I just want to make it clear that when the member for Sarnia speaks for her government, it's very important that, as members of Parliament, we understand the difference between “government” and “Parliament”. As members of Parliament, our job is to hold the government to account, regardless of what side of the House we sit. It is extraordinarily important to note that when the member speaks as though she is speaking for the government—our government—she is not a minister and not a parliamentary secretary and therefore remains a member of Parliament whose job is to hold government to account. She is not part of the executive branch, she's not part of the judiciary, but part of the parliamentary branch—

•(1645)

Mr. Pierre Poilievre: A point of order, Mr. Chair.

The Chair: One speaker, please.

Hon. Carolyn Bennett: —whose job it is to hold the government to account.

So I just caution the members opposite. As a member of Parliament who has been on the backbench when my party was in government, it was very important to me, when there were items that needed to be fixed for people with disabilities, or tobacco, or others, that we were prepared to speak out against...

Our language is very confusing to the people of Canada. I find now that when I have a name tag that says “Government of Canada” beside my name, I actually have to have it corrected.

Every day, we must make it clear to the people of Canada that what we at committee do here, as the House of Commons, is to hold government to account. I would just caution the members opposite not to use that kind of inclusive language that makes it confusing to Canadians whether or not they speak on behalf of the government.

The Chair: Okay. Some people might think that Dr. Bennett is being overly technical or playing with words, but there is a very important distinction.

I'm not criticizing anyone here, and we all have to be very careful, but the primary role of a member of Parliament is to hold the executive to account for the legislative and the delegated authorities that have been given to it. A member of Parliament, whether a government member or opposition member, does not speak for government.

The term “our government” or “this government”, I know, involves a fine line, but it really ought not to be used, because the

fundamental role of government members of Parliament and opposition members of Parliament is to hold the government to account—and of course the government cannot function if it does not have the confidence of Parliament.

Anyway, I think it's an important point and we just have to be a little more careful in our wording now.

Mr. Pierre Poilievre: On a point of order, Mr. Chair, to clarify this, Ms. Davidson is a member of the government side of the House of Commons. She's one of the members who provides the confidence necessary for the government to continue to stand. She is very entitled to refer to this government as her government.

In fact, any Canadian who is not even elected to Parliament can refer to this government as their government, and would be doing so in a manner that is not only true but a truism. If you are a Canadian citizen and you recognize the authority of the Canadian government, then by logical extension, this government is your government.

But beyond all of the obvious logical linkages that would provide for the member to use the language she did, there is a longstanding tradition of free speech that exists in this country and celebrated in this Parliament, which permits her to say whatever she likes.

On this side, and in fact I would say on behalf of this government, we are very proud of the good work she is doing here in this committee.

The Chair: I agree with you, Mr. Poilievre, that she can use that term. But I do think there is a distinction that the chair has pointed out.

I don't take offence at the word, but I think it's important that the distinction be pointed out and the point be made that there is a fundamental role for all members of Parliament, government and opposition, to carry out.

We're going to go back to Mr. Guimond, *pour cinq minutes*.

[Translation]

Mr. Claude Guimond (Rimouski-Neigette—Témiscouata—Les Basques, BQ): Thank you, Mr. Chair.

As my colleague Ms. Thi Lac said earlier, it is indeed regrettable to see that situations like this only make voters more disillusioned, more cynical about politics, about the lack of transparency of our institutions, and so forth. That's why it is so unfortunate. We're familiar as well with this government's desire to control information. This is easily a case where we can talk about a causal relation.

I'm a very down-to-earth person. So then I have some specific questions that I hope you can answer for me. Regarding the events that transpired in 2008-2009 and just prior to that time, were any budget cuts implemented? Did you observe an increase in the number of retirements which might account for this situation?

Mr. Gérald Cossette: Like all federal government departments, since 2003 DFAIT has had to deal with cuts stemming from various federal budgets. These cuts go back to 2003, not just to 2007 or 2008. Departments have had to make do with more limited resources.

Mr. Claude Guimond: What is the extent of the cuts you have faced since 2003? Could there possibly be a causal relation between these cuts and the especially difficult situation you experienced in 2008-2009?

• (1650)

Mr. Gérald Cossette: Despite the cuts that have been made since 2003, the budget allocated to the access to information unit has allowed for some growth. In 2004-2005, the budget for access to information totalled \$1.2 million, while for the current year, the budget is \$8.2 million. Therefore, even when all departmental programs were being cut, the budget for access to information was being increased.

Mr. Claude Guimond: All right. Thank you.

When a backlog like this occurs, when a number of requests are pending and delays are commonplace, do you put in place any kind of priority system? Are the requests you receive prioritized? Are some requests more important than others, or are they all treated the same way?

Mr. Gérald Cossette: It's first come, first served. That is order of precedence.

Mr. Claude Guimond: Thank you very much. That's fairly clear.

Earlier, you stated that there was a chronic shortage of experts. Can you explain to me who these experts are? Do they work in your department or are they outside consultants that you hire?

Mr. Gérald Cossette: There are two groups of people who process access to information requests. There are the experts who work with Ms. McCulloch who specialize in the Privacy Act. It is increasingly difficult to recruit these persons from within the public service. This problem isn't exclusive to DFAIT. It is something all government departments are experiencing.

The second group consists of individuals who are experts on specific questions.

For example, DFAIT is divided into different units that specialize in geography, in international security or in information. There is a shortage in these areas of persons who specialize in the Access to Information Act and in the Privacy Act. It is hard to recruit people to work in these groups.

The department trains experts on the job.

Mr. Claude Guimond: You're saying then that you do not call upon the services of outside experts or consultants.

Mr. Gérald Cossette: Yes, we do use outside consultants. For instance, when there was a backlog to be cleared, we hired nine experts from outside the government to work as government access to information specialists.

Mr. Claude Guimond: When the backlog occurred in 2008-2009, did you realize what was happening, or was the commissioner responsible for bringing the problem to your attention? Did you notice the problem yourself and did you then try and come up with some tangible solutions?

Mr. Gérald Cossette: We were already aware of the backlogs because some had occurred in 2009-2010. We were not able to clear them up because the number of requests we received continued to

increase every year. That explains in part the lengthy delays in processing certain types of requests.

Very old requests often go unprocessed because we are unable to answer them for various reasons. Often, this leads to the types of delays in processing that people talk about, delays of hundreds of days. This year, we have allocated resources specifically to deal with the backlogs, while focusing at the same time on current requests.

Mr. Claude Guimond: Thank you.

[English]

The Chair: Mr. Albrecht for five minutes.

Mr. Harold Albrecht: Thank you, Mr. Chair.

I thank our witnesses for being here today and for their very informative presentation. You've helped us understand, at least to a small degree, some of the complexities that you deal with, especially when you referred to the national security issues in section 13 and section 15. That's been helpful to me.

The disappointing part for me is that all too often there are innuendoes that somehow there's some ministerial or political interference in these ATIP requests and the responses that are given. If you're stating categorically today that you have never seen evidence of inappropriate ministerial involvement in the release of information, nor has any such involvement been brought to your attention, I think this is really helpful in dispelling some of the myths that are often propagated by political opportunism. Unfortunately, we've seen a couple of examples of that today. I was only going to say one example, but since then we've had a few others.

I want to come back to some statements you made in your report here—the one comment you made about the 78% increase in requests. That's phenomenal. We talk about inflation and having to live within our means. It's hard for me to understand how any department could possibly grapple with an increase of 78%. The Department of the Environment also indicated similar challenges.

On the next page you talk about the fact that you're hiring an increased number of ATIP consultants. I'm wondering, what is your source for these specialists? Are you stealing from other departments, or is there some stream of new consultants that are available to you?

• (1655)

Mr. Gérald Cossette: In fact, the consultants we hire are former public servants who were specialists in ATIP matters.

Mr. Harold Albrecht: Would they require additional specific training related to Foreign Affairs, because of the section 13 and section 15 requirements? It would seem to me there'd be some fairly significant additional training required.

Mr. Gérald Cossette: In some instances we have to hire people who have security clearances, if the files that need to be reviewed have security implications. You may have specific cases for which you need people with the right security clearance, and sometimes there's a limited number of people who have that kind of access or that kind of clearance.

Mr. Harold Albrecht: I think it's important that all of us around this table, and indeed Canadians, understand that it isn't as simple as putting out an ad and getting a flood of applications. I think it's really crucial that all of us are aware of that.

Finally I'll ask about the funding envelope that you've indicated here. An additional \$2.7 million has been allocated, and if I understood you correctly, the total for ATIP within the department is \$8.2...?

Mr. Gérald Cossette: It's \$8.247 million, basically \$8.25 million for the current fiscal year.

Mr. Harold Albrecht: You also mentioned that there may be some trade-offs required from time to time between ATIP funding and possibly foreign missions. I think it's important that we, as parliamentarians, grapple with that.

I guess I have a question. Where will this ATIP ballooning of requests end? Is there any end? Do we have to cap it at some point in order not to shortchange some of the very important work that departments do? I think it's important that we don't shortchange some of the missions abroad. I wonder if you could respond to that.

Mr. Gérald Cossette: As long as Canadians are interested in government affairs, you will have requests for access to information.

Mr. Harold Albrecht: I understand the request for access, and I think it's important that legitimate requests are honoured and answered in a timely manner. I have no problem with that. But the skeptic in me begins to wonder if some of these requests are actually requests for information for information's sake, or simply to make a point. I know you can't judge that, nor can I, but I am concerned that we don't simply go down this path and have an unwieldy budget that ends up actually shortchanging some of the significant work that we expect the department to do, that should be their primary focus.

Mr. Gérald Cossette: There is always the danger that your spending on ATIP may not be sufficient, as I said before, if there's a significant spike in demand. What we're trying to do this time is to be in front of the wave, not behind the wave. We have seen a very significant increase since 2004. We seem to have plateaued, but we'll see. Hence the need, basically, to build the capacity that will respond to a surge, if there was a surge in demand.

Mr. Harold Albrecht: Thank you.

The Chair: Thank you very much, Mr. Albrecht.

Mr. Siksay for five minutes.

Mr. Bill Siksay: Thank you, Chair.

Monsieur Cossette, a while back the chair reminded us of the testimony of DFAIT officials five years ago, and in that he mentioned the hope that a new tracking system would be established. It had a name back then. Is that system in use now? Are you talking about implementing something else now? How do those two systems relate to each other? Or are there in fact two systems?

Mr. Gérald Cossette: I will ask Monique to provide a more detailed answer, but, yes, there are two separate systems. The one that we advertised in 2005 is in place, and has been in place for a number of years now. What we are talking about is a different capacity.

● (1700)

Ms. Monique McCulloch: I am glad to follow up on that.

Yes, absolutely. My former director general, Michael Calcott—I was there at the time—made reference to the necessity to purchase an ATIP imaging system, which was for the ATIP office to be able to move from a paper-based environment to an electronic redaction process, so that our analysts were not literally still using a pink highlighter on a document, only then to run it through the old Canon photocopiers that removed the pink highlight. Those were our redactions. Our analysts have had the use of imaging since 2006, and it's a very efficient process.

What we're talking about now is the next generation. Currently we receive the bulk of the records that are subject to requests in hard copy. What we are trying to do is create that interface between my ATIP shop and the program areas; they can simply upload the relevant records in electronic form, so they are not having to take electronic records and put them in hard copy form, only for us to then scan them and put them back into an electronic form. It provides efficiencies that way. That is just one example of the functions of this new software.

Mr. Bill Siksay: Great. Thank you.

Mr. Cossette, how has the fact that Canada is a country at war affected the access to information process? Is that one of the main causes of the pressure the department is under with regard to access to information, the extra work that's related to being a country that is at war?

Mr. Gérald Cossette: One of the most prominent topics we have on our access to information list is Afghanistan, issues pertaining to detainees and issues pertaining to our actions in Afghanistan at large, yes.

Mr. Bill Siksay: Is that responsible for the backlog? If we weren't at war, would the backlog be more manageable? Could we handle the work of ATIP coordinators at DFAIT?

Mr. Gérald Cossette: I cannot answer that question; I don't know the answer.

Mr. Bill Siksay: Right now you say it's significant. Is it the most significant issue you deal with in terms of the difficult pieces of ATIP requests?

Mr. Gérald Cossette: In terms of difficulty, that's another issue. In terms of volume, we know it is one of the most popular topics, if you wish. We're talking about Afghanistan, mining, United Nations, Cuba-Canada relations, and trade agreements. Those are more or less the most common demands right now.

Mr. Bill Siksay: Do you have percentages related to those?

Mr. Gérald Cossette: Not with me, no.

Mr. Bill Siksay: I wanted to ask specifically about the third recommendation of the commissioner. She recommended:

...that Foreign Affairs and International Trade Canada immediately cease counselling other government institutions to close files when there is the prospect of section 13 or section 15 exemptions, and follow through instead with the mandatory consultation process in a timely manner.

I know the department responded that this would be done immediately. Can you tell me how that was actually implemented? What did that involve, to get the message out that this kind of counselling was to cease immediately?

Ms. Monique McCulloch: I'm happy to respond on behalf of Mr. Cossette.

Just to provide some explanation, the bulk of our workload is responding to consultations from other government departments for sections 13 and 15 of the act. It's information that may have been obtained in confidence from a foreign government, for example, or an international organization, or that the release of the information could in itself possibly impact on our international relations. It is a big part of the work.

When another government department faced a legislative deadline and did not want to be late on their access request—they are the ones who receive the access requests; they consult us. When we were not in a position to respond within their timelines—sometimes they would ask for the response within two weeks, for example. If their legislative due date was approaching, we suggested they withhold those portions to safeguard that international relationship and provide an interim response to their applicant. Then we would follow up with the response once our consultation abroad was complete.

The Information Commissioner did not approve of this practice, in that the commissioner felt we were encouraging other government departments to shut down their requests while there were still outstanding consultations. So the process to stop that practice was to revise our response letter to the other departments when there was an outstanding consultation, to tell them they could invoke and close their file. We've removed that. It remains at the coordinator's discretion for that particular institution, whether they feel they are going to provide an interim response and close their file to meet the legislative due day. But we are no longer suggesting they can go ahead, invoke the exemption, and close their file. It was just a matter of removing it from our templates.

• (1705)

Mr. Bill Siksay: Do you know how that's affected the—

The Chair: You're way over time. Sorry.

Dr. Bennett, you have five minutes.

Hon. Carolyn Bennett: I have a question around the actual accountability and enforcement of this. I think the chair has raised.... I've been here long enough to know that quite often the researcher whispers in the ear of a chair of a committee, saying that's what we said last year. In some ways, this is what was said five years ago. The numbers you presented in your speech today are indeed improved or look optimistic.

What is the ministerial accountability for ongoing F ratings? What are the consequences within a department for a deputy minister, or an associate deputy minister, or the director general of the corporate

secretariat, or the director of the access to information and privacy protection division? What happens if you keep getting Fs?

Mr. Gérald Cossette: It's my responsibility to make sure the performance of the Department of Foreign Affairs and International Trade improves. This is what I'm asked to do by my deputy minister, and I will be judged on the outcome of the work.

It's the same thing with regard to Madame Dubé, the director general of corporate services, and the same thing with Madam McCulloch, who is the director of ATIP.

What we've done this year that we did not do in previous years is we've asked people to report on a monthly basis as to where they are in the processing of their files. So we have the capacity on a monthly basis, the way we do with other responsibilities managers may have, to ask them where they are with regard to delivering on time, whether it's 80%, 90%, 100%. So we now have the capacity to track whether or not people are delivering on that commitment. Moreover, we have included in their performance agreement the obligation to deliver within the timeframe provided to us by the law, bearing in mind, of course, that they have capacity or don't have capacity to do it.

Hon. Carolyn Bennett: I come from health care, and we have wait times all the time. All the experts in wait time say "drain the pool". What we were hearing before is that carrying over backlogs from year to year doesn't work. So are people working overtime? Does everybody just go home at five o'clock every day with huge backlogs, year to year? How do you fix this?

You keep talking about capacity, but I'm not really sure of the consequences to a deputy minister who keeps getting an F. Where does the ministerial accountability fit in, where the minister says this just isn't good enough? I'm still not seeing the consequences.

Mr. Gérald Cossette: Well, the minister's accountability is to government and to Parliament, so that's an issue for Parliament to discuss with the government.

With regard to our own accountability, we're being asked to deliver a certain number of things within the legislative framework provided to us, and that's what we're trying to do, given the availability of the resources to do so.

Now that we have the financial resources and the capability to deliver within the proper timeframe, it is my responsibility and within my accountability to make sure that in 18 months, if I show up at this committee, I don't repeat the same story we've heard in the past. That being said, given the current backlog, and given the fact that the commissioner will report on the current fiscal year, we expect to have a bad score next year as well, because we need to get rid of it. Then we'll be in a position, basically, to meet the proper deadlines. So there is an expectation, on my part, that I'll see another F for this year, as we get rid of the backlog. Next year should be much better. But there is a lag time here that has to be taken into account. We have to build the capacity. We have to get rid of the backlog. Then the new score will come in.

•(1710)

Hon. Wayne Easter: Very quickly, I'm really concerned about WikiLeaks. There are several problems with it, but I am concerned from the point of view that senior people, and indeed ministers, may be fearful of being frank in talking to their counterparts.

As it relates to you, do you not expect that there will be a real avalanche of requests? Harold talked about a 78% increase. That's astronomical. Given what's out there in the media now, and with hundreds of thousands of other documents to come out, in which you're likely named, what's your judgment? This is going to really impact Foreign Affairs, I think.

Mr. Gérald Cossette: We're expecting WikiLeaks to release some 270,000 documents. A limited number of these documents—a bit more than 2,000—relate specifically to Canada-U.S. relations. There may be mention of Canada in hundreds of thousands of documents. Will those references be relevant to Canada's foreign relations, or are we just being mentioned in passing—Canada was at the table? Or will they be specifically about what some of our heads of mission may have said or about some of the discussions we may have had with foreign countries? That remains to be seen.

Depending on the issues, there may be a very significant interest in questioning the government about some current and past policies. Or there may not be. I'm in no position to tell you if it will represent hundreds of thousands of pages of requests or no requests at all. My assumption is that there will be a demand for this, given the size of the leak.

The Chair: Thank you, Mr. Easter.

We'll go to Ms. Block for five minutes.

Mrs. Kelly Block (Saskatoon—Rosetown—Biggar, CPC): Thank you very much, Mr. Chair.

I would like to join my colleagues in welcoming you here today. I appreciated hearing your opening remarks.

I want to go back to the Information Commissioner's "2008–2009 report card at a glance". In the third bullet, she notes that "DFAIT received more consultation requests than access requests and started the year with a backlog of 459 cases".

You noted in your opening remarks that "[a]s the Information Commissioner reported, DFAIT faces unique challenges associated with internal and external consultations related to our national security and international relations interests".

Then you identified, for my colleague, that foreign government consultations are a particular factor in lengthening response times to requests at DFAIT.

To what extent does DFAIT use information-sharing agreements to clarify in advance what can or cannot be disclosed at the time the information is originally obtained?

Mr. Gérald Cossette: Information-sharing agreements are signed, most of the time, on very specific issues—the exchange of intelligence, for instance—as they relate to specific circumstances.

If we're talking about the general conversation diplomats may have, there is no specific arrangement we have with foreign countries about these things. This is diplomacy on a daily basis. That

being said, as I was saying before, there is an expectation of confidence. We are being told things, because they know that this discussion will not become public.

As the requests come in, and we're asked to release that information, there is a requirement, a polite requirement, to ask the foreign government if they would be in agreement with releasing the information. Some of the information may be substantive enough that it should be protected. On some other issues they may be willing to release it publicly, the same way they would in their own country.

Mrs. Kelly Block: Thank you.

In my second question I want to pick up on my colleague's observation regarding the 78% increase. You stated in your remarks that over a four-year span, from 2004-05 to 2008-09, there was a steady annual increase of requests for access and consultations under both the ATIA and PA, for a total increase of 78%.

Why were there so many increases over those years? What reasons can you give us for that huge increase over that period of time?

•(1715)

Mr. Gérald Cossette: Unfortunately, the only thing I can do is to observe the increase. In terms of why there was an increase, there may be multiple reasons why Canadians decided to proceed through that route instead of any other means available to them.

Mrs. Kelly Block: Okay.

I want to follow up with another comment you made. You said:

Despite this, the Information Commissioner acknowledged that DFAIT was able to process almost 1,000 more ATIP requests in 2008-09 than the year before as well as make a number of process improvements.

My understanding is that happened before you were able to employ the additional 12 officers. How did you manage to do that?

Mr. Gérald Cossette: I would have to ask the ladies at this table who were in charge of that operation.

Ms. Monique McCulloch: We did have additional operational funds in that fiscal year to have ATIP consultants on hand to help us. In 2007-08, there were 12 positions. This has been a gradual increase in capacity over the years.

In 2007-08, there was an increase of 12 permanent resources as well, which were unfortunately cash managed due to the financial situation of the department. They were cash managed in 2007-08 and 2008-09, and they were actually made part of the permanent reference level in early 2009-10. That is to say that in 2008-09 there was additional capacity, both permanent and consultants, put forward to try to address it.

Mrs. Kelly Block: Okay. Thank you.

Do I have time remaining?

The Chair: About 19 seconds.

Mrs. Kelly Block: Okay, thanks.

The Chair: *Madame Thi Lac, cinq minutes.*

[*Translation*]

Mrs. Ève-Mary Thāi Thi Lac: Thank you, Mr. Chair.

I asked you some questions earlier and we talked about the fact that 5% of all requests are not being processed on time. Do certain types of requests fall into that category? Or does that apply to all requests in general? Are the same types of requests, perhaps especially complex ones, often the ones that are not processed on time?

Mr. Gérald Cossette: We would have to look more closely at the requests that make up this 5%. We do know, however, that in the case of requests involving several departments, consultations with foreign governments and national security matters, the Justice Department must determine what information can or cannot be disclosed and such request therefore take much longer and are more complex to process.

Mrs. Ève-Mary Thāi Thi Lac: What is the procedure that you follow once you have received an access to information request? Once it comes in, how is the request processed and who has authority? You said that experts often step in.

What if I sent you an access to information request and you had to explain to me why it takes 30 days to process it?

How do you normally process a request? I'm not talking about exceptional cases. What does a public servant do from the time the request is received up to the moment an answer is given?

Ms. Monique McCulloch: The truth of the matter is that 30 calendar days gives us 20 or 21 working days. We lose several days.

Within the first 24 to 48 hours, the request is examined to ensure that our department is in fact the one that should be responding. Then, the programs within the department that would have the type of documents requested are identified. Acknowledgments of receipt are sent out within the first 24 to 48 hours. The new request is then assigned to an analyst.

Also during the first 48 hours, the request is examined to see if any clarification is needed or if the nature of the request itself is too broad. For instance, if someone is requesting that all information concerning Afghanistan in 2007 be turned over, then we have a major problem on our hands. Of course, we try and contact the person making the request quickly to ask for some clarification as to the scope of the request.

We send an ATIP tasking to programs that have relevant information and give them five working days to respond.

Fairly in-depth research sometimes needs to be done. People will do everything they possibly can to find all of the information related to the request, such as paper copies of documents or, as Mr. Cossette mentioned, electronic versions stored on different networks. Some information might be available abroad. The process involves a considerable amount of research.

During this five-day period, pertinent information is not only gathered, it is also reviewed and analysed. Those doing the work are asked to tell us in their own words why turning over certain documents could compromise our international relations.

• (1720)

Mrs. Ève-Mary Thāi Thi Lac: Who makes the decision to reject an access to information request?

Ms. Monique McCulloch: After we receive the program recommendations, we conduct an analysis to ensure that complying with the requirements of the legislation is justified.

In other words, the expert provides an explanation as to how this would affect our international relations, for example, and my analysts must be confident that the request falls into the category of the exemptions set out in the Access to Information Act.

Mrs. Ève-Mary Thāi Thi Lac: Who has the authority to either reject or approve this request?

Ms. Monique McCulloch: I have full authority to do so, by virtue of my position as director. I have full delegating authority to deal with all access to information requests.

Mrs. Ève-Mary Thāi Thi Lac: Are you the only person who has that authority?

Ms. Monique McCulloch: No, my assistant directors have the authority as well.

Mrs. Ève-Mary Thāi Thi Lac: Overall, how many individuals have this authority?

Ms. Monique McCulloch: Well, there's myself and three assistant directors, for a total of four people in my office.

Ms. Dubé and the deputy ministers have been delegated the authority as well, but it's really my team that handles requests.

Mrs. Ève-Mary Thāi Thi Lac: How do you handle any complaints that are filed?

Ms. Monique McCulloch: We work closely with the commissioner's investigators and if additional research is necessary, we get in touch with the program officials involved. We review, and sometimes, re-evaluate, information that is provided to be certain that there isn't any other information that could be turned over.

Mrs. Ève-Mary Thāi Thi Lac: You said something about five days—

The Chair: Your time is up, Ms. Thi Lac.

[*English*]

Mrs. Davidson is next for five minutes.

Mrs. Patricia Davidson: Thanks very much, Mr. Chair.

I probably won't use the full five minutes, so I'll share my time with Mr. Calandra, if I may.

Mr. Cossette, you said you were the one responsible for seeing that this situation improved, and that the next report card will certainly show improvements.

Can you tell me how long you've been in your position and how many people you have on your team?

Mr. Gérald Cossette: I've been the associate deputy minister since June 1 last year. I don't have a team per se; I have my office and four assistants on my staff.

Mrs. Patricia Davidson: Thank you.

I'll pass the rest of my time to Mr. Calandra.

Mr. Paul Calandra (Oak Ridges—Markham, CPC): Thank you.

I won't have a lot of questions. I think my most of my colleagues have asked you a lot of questions.

I'll just take a moment, if I can, to stray a touch and just thank the department. I know it's been an extraordinary year for you, with a successful G-8, a successful G-20, and of course the visit from the Queen. And of course we're negotiating free trade agreements with a lot of different countries in the European Union. So it's been a very, very busy time for you. I wanted to thank you for that and pass along my thanks to the entire department for their hard work.

I heard what my colleague Mr. Easter from Prince Edward Island said. I know he lamented some of the difficulty with the passports. I come from a riding, of course, that has 170,000 people, which I think is more than the entire island of P.E.I. So I can understand the hardship with passports. But my office, of course, is quite capable of helping out where possible. I'm sure that the four members in P.E.I., or perhaps the three others, can pitch in when Mr. Easter's office gets a bit overloaded.

What was your budget in 2005?

• (1725)

Mr. Gérald Cossette: In 2005, the overall spending was \$2.23 million.

Mr. Paul Calandra: It was \$2.2 million.

Mr. Gérald Cossette: Yes, in 2005-06.

Mr. Paul Calandra: Yes. It's clear why you were getting bad report cards in 2005.

In 2006 there was a change in government, and that coincides with the shining of the lights with respect to access to information. Finally, a government was elected that really opened up governments to the people, and I'm proud to say it's my government.

The right side was expanded last month by two members. I think there are 70 new institutions responding to access to information requests. We're moving a lot faster. Maybe one day we'll get some other ones in there. Perhaps the CBC will start to listen a bit, too.

Your budget, you said, was now close to \$8.25 million. Am I correct on that?

Mr. Gérald Cossette: Yes.

Mr. Paul Calandra: So it's a significant increase from where the previous government in the decade of darkness had you, which is quite encouraging. You're obviously moving in the right direction.

There's a quote I have here from the analyst's report. I commend the analysts for a good report. It says the ATIP office is pleased to report that:

...in June 2010 DFAIT reallocated \$2.7M of additional ATIP funding. This injection of new funding will, amongst other things, permit DFAIT to clear the

backlog of ATIP files by summer 2011 as well as build additional permanent capacity to meet expected demands.

Overall, we're moving in the right direction, and I'm very encouraged by what you've said. I hope that if you do run into difficulties in the future, you'll be able to come back to us and let us know what we need to do to encourage you to get to the A that we all so want to see.

This is my final comment. How effective are you at working with other departments to learn what they're doing to meet the backlogs? Do you work with other departments? Are you working in a silo, or has the light we've asked to be shone on government really been shone in response to some of the changes our government has made since 2006?

Mr. Gérald Cossette: In fact, we are exchanging "lessons learned" with departments across town. The ATIP experts in all departments work together to make sure that best practices are being implemented across government.

The issue is that we have our own obligations, given the international mandate that we have to pursue. Therefore, there are limitations on the kinds of lessons we can share with others.

The Chair: Thank you. That concludes the questions.

Before we adjourn I'm going to ask you, Mr. Cossette, if you have any closing remarks or comments you want to make to the committee.

Mr. Gérald Cossette: There are two things I would like to stress.

First, we expect that the commissioner's report for the current fiscal year will be a bad report, given that we need time to put in place the initiatives that I have talked about. But unless there is a significant unforeseen increase in demand, we are on the right track. Next year we should see a significant decrease in the delays in the processing of applications. I am confident that we will significantly improve our performance over the coming year, and we should be in a position before long to come back to you and show progress.

The Chair: Mr. Cossette, Madame Dubé, and Ms. McCulloch, on behalf of all members of the committee, I want to thank you for your appearance today.

I want to leave you with the message that the committee certainly views this issue very seriously. Needless to say, the committee will be following up on this. It has been long-standing for many years. Canadians expect other Canadians to follow the law, and certainly other departments to follow the law.

If I can use an analogy, one of the laws we follow is to file an income tax return. If I said in April that my income tax was complicated or I didn't have the resources to file it, I don't think I'd get a very sympathetic ear.

I just want to leave you with those comments. I wish you all the best as you move forward. I think your hearts are in the right place, but we'll certainly be dealing with you again.

Thank you very much.

• (1730)

Mr. Gérald Cossette: Thank you, Mr. Chair.

The Chair: The meeting is adjourned.

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