

Transportation Safety Board
of Canada



Bureau de la sécurité des transports
du Canada



**ANNUAL REPORT TO PARLIAMENT
ON THE APPLICATION OF
THE *ACCESS TO INFORMATION ACT***

01 APRIL 2007 TO 31 MARCH 2008

Canada

Transportation Safety Board
of Canada



Bureau de la sécurité des transports
du Canada

Executive Director

Directeur exécutif

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The Honourable Rona Ambrose
President of the Queen's Privy Council for Canada
House of Commons
Ottawa, Ontario
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Honourable Minister:

In accordance with section 72 of the *Access to Information Act*, the Transportation Safety Board of Canada is pleased to submit to Parliament this report on activities relating to the application of the Act for the period 01 April 2007 to 31 March 2008.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerard McDonald".

Gerard McDonald

Canada

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1.0 Introduction

The purpose of the *Access to Information Act* is to provide a right of access to information in records under the control of government institutions such as the Transportation Safety Board of Canada (TSB).

Pursuant to section 72 of the *Access to Information Act*, the TSB is pleased to table in Parliament this report on its activities relating to the application of the Act. The report covers the period from 01 April 2007 to 31 March 2008.

The TSB is an independent agency created in 1990 by an Act of Parliament ([Canadian Transportation Accident Investigation and Safety Board Act](#)). It operates at arm's length from other government departments and agencies such as Transport Canada, the Department of Fisheries and Oceans, and the National Energy Board to ensure that there are no real or perceived conflicts of interest. Under the legislation, the TSB's only object is the advancement of transportation safety in the federally regulated elements of the marine, pipeline, rail and air transportation systems. This mandate is fulfilled by conducting independent investigations that can include, if necessary, public inquiries into transportation occurrences. The purpose of these investigations and inquiries is to make findings as to the causes and contributing factors of the occurrences and to identify safety deficiencies. Therefore, recommendations may be made to improve safety and reduce or eliminate risks to people, to property and to the environment. The TSB has the exclusive authority to make findings as to causes and contributing factors when it investigates a transportation occurrence.

The TSB's administration of its Access to Information and Privacy (ATIP) activities is in accordance with the government's stated principles that government information should be available to the public with only specific and limited exceptions. Furthermore, the TSB treats personal information in compliance with the code of fair information practice expressed in the [Privacy Act](#).

The ATIP function of the TSB operates within the Information Management (IM) Division of Corporate Services. This ensures effective integration of ATIP requirements into IM planning, policy development, records management systems and practices, and training and awareness activities. The ATIP Office provides functional advice and guidance to managers and employees concerning the release of information and protection of privacy.

This year, the ATIP Office introduced new guidelines for employees on responding to both formal requests made pursuant to the [Access to Information Act](#) and informal requests. These guidelines are intended to ensure that the *Access to Information Act* and the *Privacy Act* are respected in all types of information disclosure. They provide guidance to TSB staff on the processes for responding to both informal and formal requests, as well as their roles and responsibilities in these processes.

In addition, the TSB invested in new technology to ensure that the small ATIP team is equipped with the best tools available to support them in the processing of access and privacy requests and in reporting on the TSB's administration of the two Acts.



2.0 *Delegation of Authority*

As required by the legislation, a delegation of authority is in place. For the purposes of the *Access to Information Act*, the “head of the institution” as defined in section 3 of the Act is the Executive Director. The Director General, Corporate Services, and the Manager, Information Management Division, have been delegated powers by the Executive Director deemed appropriate for the effective administration of the programs.

A copy of the Delegation Order is attached as Appendix A.

3.0 *Formal Requests*

3.1 *Disposition of Requests*

Seventy-two (72) requests were received under the *Access to Information Act* and sixteen (16) requests were brought forward from the previous fiscal year. Thirty-two (32) requests have been carried forward to the next fiscal year.

Fifty-six (56) requests were completed during the current reporting period. Of these, records were fully disclosed to thirteen (13) applicants. Records pertaining to thirty-one (31) requests were released with some portions exempted under subsection 15(1), subparagraph 16(1)(c)(iii), subsection 19(1), paragraphs 20(1)(a), (b), (c) and (d), and sections 23 and 24 of the Act. One (1) request was abandoned by the applicant, records did not exist for eight (8) requests, two (2) requests were transferred to other federal government institutions, and one (1) was fully exempt from disclosure.

3.2 *Clients*

The majority of requests, forty (40), came from business/legal firms representing clients who are affected by or involved in transportation occurrences. Nineteen (19) requests were received from media sources. Nine (9) requests were received from members of the public and four (4) from organizations.

3.3 *Processing of Requests*

The number of requests received by the ATIP Office in 2007-2008 increased by six (6) compared to the number received in 2006-2007. The number of requests completed decreased by twelve (12) compared with 2006-2007.

The ATIP Office makes every possible effort to process all requests within the 30-day time limit as required by the legislation. Of the fifty-six (56) requests processed during the reporting period, thirty-two (32) were completed within the 30-day limit, twenty-three (23) were completed in 31 to 120 days, and one (1) took longer than 121 days to complete.



The average time taken to process a request during the 2007-2008 reporting period was 44.4 calendar days, compared with last year's average of 42.0 days. Factors affecting average processing time include number and type of requests received, number of pages reviewed and number and type of consultations required during the reporting period.

During this period, the ATIP Office was involved in the search, preparation and review of 8354 pages of information and the reproduction and release of 7565 pages of information, including reprints of photographs, videotapes and CD-ROM disks containing digital photographs. Last year, 16 563 pages were reviewed and 9356 pages were released.

4.0 Fees and Costs

In accordance with the TSB ATIP fee policy implemented on 01 January 2001, the TSB collected \$310.00 in fees during 2007-2008. The TSB maintains the right to waive fees, and the decision to reduce or waive fees is made on a case-by-case basis according to the criteria outlined in its ATIP fees policy. Like most departments, the TSB waives the requirement to pay fees, other than the application fee, if the amount payable is less than \$25.00.

During 2007-2008, the ATIP Office incurred an estimated \$174 870 in costs to administer the *Access to Information Act*. These costs do not include the resources expended by other areas of the TSB to meet the requirements of the Act.

5.0 Other Requests

The ATIP Office received twenty-two (22) consultation requests involving TSB records from other departments in 2007-2008, compared with thirty (30) last year.

Ninety-four (94) informal requests were received during the reporting period, compared with sixty-two (62) last year. The ATIP Office reviewed 9164 pages of information and released 8539 pages to requesters, compared with 1427 pages released last year. These figures do not include simple information requests responded to directly by the Communications Division, the Macro-Analysis Division and other areas of the TSB at Head Office or in the regional offices.

In addition, many of the TSB's publications – investigation reports, safety studies, statistical reports, communiqués, investigation updates, and annual reports, including ATIP reports – are available on the TSB Web site (www.tsb.gc.ca).



6.0 *Complaints and Investigations*

A complaint was filed with the Office of the Information Commissioner (OIC) during the 2003-2004 reporting period. It concerned the TSB's decision to withhold all records pursuant to subsections 16(1) and 19(1) and section 24 of the *Access to Information Act*, in response to a request for copies of the reports made to the TSB Confidential Reporting System, *Securitas*, regarding air and rail occurrences for the period 01 September 2002 to 01 August 2003. In an attempt to resolve the complaint, the TSB created and provided the requester with brief summaries of each report. As of the end of the current reporting period, a response from the OIC on the status of this complaint was still outstanding.

A complaint was filed with the OIC during the 2004-2005 reporting period. This complaint pertained to the TSB's application of an exemption in response to a request for a Director of Investigations briefing to the Board. At the time of the request, the records were related to an ongoing investigation and were therefore withheld pursuant to subsection 16(1). When the TSB met with the OIC in September 2005, the investigation had been completed and the investigation report released to the public. A copy of withheld records was subsequently provided to the applicant. As of the end of the current reporting period, a response from the OIC on the status of this complaint was still outstanding.

Three complaints were filed with the OIC during the current reporting period.

The first complaint pertained to the TSB's failure to respond within the time limits set out in the Act. The request was received by the TSB on 10 May 2007. As part of processing the request, it was necessary to send over six hundred (600) pages to a third party for consultation; the TSB therefore made a thirty (30)-day extension on 06 June 2007. The complaint was received by the OIC on 14 June 2007. The TSB forwarded the requested records to the requester on 22 August 2007 and a copy of the response letter was sent to the OIC. The complaint has been resolved.

The second complaint pertained to the amount of information sent by the TSB, with the complainant indicating that more records should exist. As a result of the investigation, the TSB located an additional nine hundred (900) photographs and provided copies of them to the complainant on 04 December 2007. The OIC sent a copy of its Report of Findings to the TSB on 14 March 2008. The complaint has been resolved.

The third complaint pertained to the TSB's decision to withhold some records pursuant to subsection 19(1) of the Act, in response to a request for information on a marine occurrence. The complaint pertained to two (2) pages contained in the response package. As of the end of the current reporting period, the OIC's investigation was ongoing.

7.0 *Appeals to the Courts*

There were no appeals before the Courts in the current reporting period.



8.0 *Training and Education*

On-the-job training is provided to TSB ATIP staff on an ongoing basis. ATIP staff attended the annual Canadian Access and Privacy Association workshop, as well as various workshops organized by the Treasury Board Secretariat throughout the fiscal year. These workshops provided ATIP staff with valuable information on trends and best practices within the ATIP community, updates on recent complaints and court cases, and tools to help improve service standards within the field.

No specific training of TSB employees was undertaken by ATIP staff during the reporting period.

9.0 *Statistics Required by Treasury Board*

The statistics required by the Treasury Board Secretariat are found in Appendix B.

Appendix A – Delegation Order

Transportation Safety Board
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DESIGNATION ORDERS

Access to Information Act

The Executive Director, pursuant to Section 73 of the *Access to Information Act*, hereby designates the persons holding the positions of Director General, Corporate Services and Manager, Information Management Division, Corporate Services, or the persons occupying on an acting basis those positions, to exercise the powers and perform the duties and functions of the Executive Director as the head of a government institution under the *Act*.

A handwritten signature in black ink, appearing to read 'Gerard McDonald'.

Gerard McDonald
Executive Director

Date: 11 June 2007

Canada



Appendix B – Statistical Report



Government of Canada / Gouvernement du Canada

REPORT ON THE ACCESS TO INFORMATION ACT / RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATON

Institution TRANSPORTATION SAFETY BOARD OF CANADA / BUREAU DE LA SÉCURITÉ DES TRANSPORTS			Reporting period / Période visée par le rapport 4/1/2007 to/à 3/31/2008		
Source	Media / Médias 19	Academia / Secteur universitaire 0	Business / Secteur commercial 40	Organization / Organisme 4	Public 9

I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information	
Received during reporting period / Reçues pendant la période visée par le rapport	72
Outstanding from previous period / En suspens depuis la période antérieure	16
TOTAL	88
Completed during reporting period / Traitées pendant la période visée par le rapport	56
Carried forward / Reportées	32

II Disposition of requests completed / Disposition à l'égard des demandes traitées			
1. All disclosed / Communication totale	13	6. Unable to process / Traitement impossible	8
2. Disclosed in part / Communication partielle	31	7. Abandoned by applicant / Abandon de la demande	1
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0	8. Treated informally / Traitement non officiel	0
4. Nothing disclosed (exempt) / Aucune communication (exemption)	1	TOTAL	56
5. Transferred / Transmission	2		

III Exemptions invoked / Exceptions invoquées							
S. Art. 13(1)(a)	0	S. Art. 16(1)(a)	0	S. Art. 18(b)	0	S. Art. 21(1)(a)	0
(b)	0	(b)	0	(c)	0	(b)	0
(c)	0	(c)	18	(d)	0	(c)	0
(d)	0	(d)	0	S. Art. 19(1)	31	(d)	0
S. Art. 14	0	S. Art. 16(2)	0	S. Art. 20(1)(a)	9	S. Art. 22	0
S. Art. 15(1) International rel. / Relations intern.	0	S. Art. 16(3)	0	(b)	14	S. Art. 23	2
Defence / Défense	1	S. Art. 17	0	(c)	11	S. Art. 24	1
Subversive activities / Activités subversives	0	S. Art. 18(a)	0	(d)	1	S. Art. 26	0

IV Exclusions cited / Exclusions citées			
S. Art. 68(a)	0	S. Art. 69(1)(c)	0
(b)	0	(d)	0
(c)	0	(e)	0
S. Art. 69(1)(a)	0	(f)	0
(b)	0	(g)	0

V Completion time / Délai de traitement	
30 days or under / 30 jours ou moins	32
31 to 60 days / De 31 à 60 jours	13
61 to 120 days / De 61 à 120 jours	10
121 days or over / 121 jours ou plus	1

VI Extensions / Prorogations des délais		
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	2	1
Consultation	0	1
Third party / Tiers	1	0
TOTAL	3	2

VII Translations / Traduction		
Translations requested / Traductions demandées		
Translations prepared / Traductions préparées	English to French / De l'anglais au français	0
	French to English / Du français à l'anglais	0

VIII Method of access / Méthode de consultation	
Copies given / Copies de l'original	44
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

IX Fees / Frais			
Net fees collected / Frais net perçus			
Application fees / Frais de la demande	310.00	Preparation / Préparation	0
Reproduction	0	Computer processing / Traitement informatique	0
Searching / Recherche	0	TOTAL	\$ 310.00
Fees waived / Dispense de frais			
		No. of times / Nombre de fois	\$
\$25.00 or under / 25 \$ ou moins		21	\$ 111.20
Over \$25.00 / De plus de 25 \$		11	\$ 1 498.00

X Costs / Coûts	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 148 285.00
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 26 585.00
TOTAL	\$ 174 870.00
Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	2.55

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

