



Report on the Administration of the
Access to Information Act
for the Fiscal Years
2007-2008 and 2008-2009

Introduction

Purpose of the Access to Information Act

The *Access to Information Act* describes its purpose as follows:

The purpose of this Act is to extend the present laws of Canada to provide a right of access to information in records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific and that decisions on the disclosure of government information should be reviewed independently of government.

CBC/Radio-Canada Mandate

The Corporation's mission is set out in paragraphs 3(1)(l) and 3(1)(m) of the *Broadcasting Act*, which provide:

- (l) the Canadian Broadcasting Corporation, as the national public broadcaster, should provide radio and television services incorporating a wide range of programming that informs, enlightens and entertains;
- (m) the programming provided by the Corporation should
 - (i) be predominantly and distinctively Canadian,
 - (ii) reflect Canada and its regions to national and regional audiences, while serving the special needs of those regions,
 - (iii) actively contribute to the flow and exchange of cultural expression,
 - (iv) be in English and in French, reflecting the different needs and circumstances of each official language community, including the particular needs and circumstances of English and French linguistic minorities,
 - (v) strive to be of equivalent quality in English and in French,
 - (vi) contribute to shared national consciousness and identity,
 - (vii) be made available throughout Canada by the most appropriate and efficient means and as resources become available for the purpose, and
 - (viii) reflect the multicultural and multiracial nature of Canada;

Business Activities

In fulfillment of its mandate, the Corporation delivers programming in news and current affairs, arts and entertainment, and sports, as well as programs for children and youth. CBC/Radio-Canada delivers these programs through the following activities.

- **Television Services:** National, regional and local television broadcasting services are provided in English and French through CBC Television, Télévision de Radio-Canada, Réseau de L'information de Radio-Canada (RDI), CBC Newsworld, Bold, Documentary, ARTV, TV5Monde, and CBC NORTH | RADIO-CANADA NORD.
- **Radio and Satellite Services:** Radio and satellite services are provided in English and French through CBC Radio One, Première Chaîne, CBC Radio 2, Espace Musique, CBC Radio 3, Bande a Part, Première Plus, Sports Extra, Radio Canada International (RCI), RCI Plus, and CBC North | Radio-Canada Nord.
- **Internet Services:** CBC.ca, Radio-Canada.ca, CBC Radio 3, Bande a part, RCI Viva, Espace Classique, Espace Jazz Galaxie, CBC News / RDI Express
- **Other Services:** CBC Records | Les Disques SRC
Mobile Services | Services Mobiles

Board of Directors

The Corporation is governed by a Board of Directors composed of 12 members, including the Chair, and the President and CEO. The Board of Directors is responsible for the management of the businesses, activities and other affairs of the Corporation. The key responsibilities of the Board are to approve the strategic direction, corporate and business plans for the Corporation, to assess the Corporation's progress in achieving its strategic and business objectives, and to oversee the plans and policies in place to ensure effective communication with Parliament, the public and stakeholders.

Organizational Structure to Fulfill *Access to Information Act* Responsibilities

CBC/Radio Canada's Access to Information and Privacy (ATIP) Office reports to the Vice-President, Corporate Secretary and Chief Legal Officer through the Compliance Officer and Associate Corporate Secretary. The Compliance Officer and Associate Corporate Secretary is the Corporation's Access to Information Coordinator. The Access to Information Office has a staff of eight employees.

The Corporation has also established a formal network of ATIP liaison officers covering all of the Corporation's business areas. The liaison officers are responsible for retrieving records and providing initial release recommendations to the ATIP Office.

Delegation Order

Pursuant to section 73 of the *Access to Information Act* the President and CEO of CBC/Radio-Canada has designated individuals occupying the following positions to perform certain of his functions as they relate to the administration of the *Access to Information Act* within CBC/Radio-Canada:

- Vice President, General Counsel and Corporate Secretary;
- Coordinator, Access to Information and Privacy;
- Project Manager, Access to Information and Privacy

A copy of CBC/Radio Canada's delegation order signed December 11, 2007 by the then President and Chief Executive Officer is appended to this report as Annex A.

Statistical Reports

Statistical reports submitted to the Treasury Board Secretariat on the administration of the *Access to Information Act* have been completed and are appended to this report as Annexes B, C, D, and E.

Interpretation of Statistical Reports

CBC/Radio-Canada became subject to the *Access to Information Act* on September 1, 2007.

By the end of Fiscal Year 2007-2008 (March 31, 2008) the Corporation had received 547 requests, most of which were received in the first three months of the period. Distribution of these requests among the categories designated (as to their origin) for reporting purposes by the Treasury Board Secretariat is as follows:

- Media – 6% (33)
- Academia – 0%
- Business – 88.7% (485)
- Organization – 0%
- Public – 5.3% (29).

CBC/Radio-Canada responded to 224 requests, carrying forward 323 into the next fiscal year. Six additional requests were received on March 31, 2008 and clarified on April 1, 2008; these are accounted for in the 2008/2009 opening number of 329 requests. During Fiscal Year 2008-2009, 221 requests were received. The distribution of these requests among the designated categories is as indicated below:

- Media – 25% (56)
- Academia – 1% (2)
- Business – 43% (96)
- Organization – 2 % (4)
- Public – 29% (63).

Given that CBC/Radio-Canada had only been subject to the *Access to Information Act* for a very brief period (19 months) as of March 31, 2009, there are no useful conclusions to be drawn at such an early stage in the Corporation's experience with the legislation.

Education and Training Activities

During Fiscal Year 2007-2008, briefings were delivered by the Corporation's General Counsel and other members of his staff to the management teams of each major business unit and to regional centres across the country. More detailed training sessions were offered to those more directly involved in the retrieval of records to respond to requests. In addition, members of CBC/Radio-Canada staff participated in external training offered by Treasury Board, and other ATIP organizations on specific aspects of the ATIP process and legislation. Individual meetings between the ATIP Coordinator and each Vice-President also took place to explain the details of the legislation, the process at CBC/Radio-Canada, and the role of senior management.

During Fiscal Year 2008-2009 the Director, Access to Information and Privacy met with the Corporation's Vice Presidents and key members of their senior staff to update them on the experience and activities of the ATIP Office during its first year of operation, and to outline the objectives for the 2008-2009 year.

Complaints

The early and rapid influx of an unexpectedly large number of requests created a situation where the Corporation and its newly established ATIP Office could not respond within the timeframes set out in the *Access to Information Act*. This led to the submission of numerous complaints to the Office of the Information Commissioner. Complaints received since September, 2007 relate to late replies, fees charged to search for records, and the non-release of information under various exemption and exclusion provisions contained in the *Act*. Officials in CBC/Radio-Canada's ATIP Office continue to work diligently with investigators from the Commissioner's office to deal with outstanding complaints.

Court Applications

Three judicial review applications were commenced in Federal Court and served upon CBC/Radio-Canada in May 2008. The style of cause and status of each matter is noted below.

Statham (Applicant) and President of the Canadian Broadcasting Corporation (Respondent) and Information Commissioner of Canada (Intervenor), T-782-08 (Heard June 3, 2009 - Decision reserved)

Statham (Applicant) and President of the Canadian Broadcasting Corporation (Respondent) and Information Commissioner of Canada (Intervenor), T-783-08 (Discontinued on terms)

Statham (Applicant) and Canadian Broadcasting Corporation (Respondent), T-784-08 (Dismissed)

Annex A – Delegation Order

CBC/Radio-Canada Access to Information Act Delegation of Authorities

I, Robert Rabinovitch, President and CEO of CBC/Radio-Canada, do hereby delegate and exercise the authority conferred upon me as follows:

Sections	Powers, Duties or Functions	Vice-President, General Counsel and Corporate Secretary	Coordinator, Access to Information and Privacy	Project Manager Access to Information and Privacy
7 (a)	To notify applicant and to give access to the record..		X	
8(1)	To transfer to another institution or to accept transfer from another institution.		X	
9(1)	To extend time limits and to issue notice to applicant.		X	
9(2)	To notify Information Commissioner of extension exceeding 30 days.		X	
11(2), (3)	To require additional payment before access is given.			X
11(4)	To require deposit before search or production of record.			X
11(5)	To notify applicant of payment required.			X
11(6)	To waive requirement for payment or to refund.		X	
12(2)(b)	To have record translated in the public interest.		X	

CBC/Radio-Canada Access to Information Act Delegation of Authorities

Sections	Powers, Duties or Functions	Vice-President, General Counsel and Corporate Secretary	Coordinator, Access to Information and Privacy	Project Manager Access to Information and Privacy
12(3)	To have record made accessible in alternative format.			X
13(1)	To exempt information obtained in confidence from another government.		X	
13(2)	To disclose with consent of the other government.		X	
14	To exempt information re: federal - provincial affairs.		X	
15	To exempt information re: international affairs and defence.		X	
16	To exempt information re: law enforcement and investigations.		X	
17	To exempt information re: safety of individuals.		X	
18	To exempt information re: economic interests of Canada.		X	
19(1)	To exempt personal information.		X	
19(2)	To disclose personal information in accordance with Privacy Act.		X	

CBC/Radio-Canada Access to Information Act Delegation of Authorities

Sections	Powers, Duties or Functions	Vice-President, General Counsel and Corporate Secretary	Coordinator, Access to Information and Privacy	Project Manager Access to Information and Privacy
20(1)(a)	To exempt trade secrets of third party.	X	X	X
20(1)(b)	To exempt confidential third party information.	X	X	X
20(1)(c)	To exempt financially information about a 3 rd party.	X	X	X
20(1)(d)	To exempt information that would interfere with third party negotiations.	X	X	X
20(3)	To provide written explanation of testing methods.	X	X	X
20(5)	To disclose with consent of third party.	X	X	X
20(6)	To disclose in the public interest.	X	X	X
21	To exempt information re: advice and recommendations.	X	X	X
22	To exempt information re: testing procedures, tests and audits.	X	X	X
23	To exempt information re: solicitor client privilege.	X	X	X

CBC/Radio-Canada Access to Information Act Delegation of Authorities

Sections	Powers, Duties or Functions	Vice-President, General Counsel and Corporate Secretary	Coordinator, Access to Information and Privacy	Project Manager Access to Information and Privacy
24	To exempt information re: statutory prohibitions.	X		
25	To sever exempt information from records and to disclose the remaining information.			X
26	To refuse access when information is to be published.	X		
27(1)	To extend time limit for third party notification process.			X
27(4)	To notify third party of intent to disclose.	X		
28(1)	Review representations of third parties.	X		
28(2)	To waive the requirement of third parties providing representations in writing.	X		
28(4)	To notify third party of decision.	X		
29	To notify applicant and third party when Information Commissioner recommends disclosure.	X		

CBC/Radio-Canada Access to Information Act Delegation of Authorities

Sections	Powers, Duties or Functions	Vice-President, General Counsel and Corporate Secretary	Coordinator, Access to Information and Privacy	Project Manager Access to Information and Privacy
33	To advise Information Commissioner of third party involvement.			X
35(2)	To have the right to make representations to the Information Commissioner.		X	X
37(4)	To provide access to complainant pursuant to Information Commissioner's recommendation.		X	
43(1)	To provide notification to third party (application to Federal Court for review).		X	
44(2)	To notify applicant that third party has applied for Court review.		X	
52(2) and (3)	Special rules for hearings.		X	
68.1	To exclude information pertaining to journalistic, creative of programming activities of CBC	X		

CBC/Radio-Canada Access to Information Act Delegation of Authorities

Sections	Powers, Duties or Functions	Vice-President, General Counsel and Corporate Secretary	Coordinator, Access to Information and Privacy	Project Manager Access to Information and Privacy
69	To exclude information pertaining to confidences of the Queen's Privy Council.		X	
71(2)	To exempt information severed from manuals.	X		
72(1)	To prepare annual report to Parliament.			X
77	Responsibilities conferred on the head by the regulations made under section 77 which are not included above.	X		



Robert Rabinovitch

December 11, 2007.

Annex B – Statistical Report for Fiscal Year 2007/2008



Institution CBC / Radio-Canada			Reporting Period / Période visée par le rapport 2007-04-01 to/à 2008-03-31		
Source	Media / Médias 33	Academia / Secteur universitaire 0	Business / Secteur commercial 485	Organization / Organisme 0	Public 29

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	547
Outstanding from previous period / En suspens depuis la période antérieure	0
TOTAL	547
Completed during reporting period / Traitées pendant la période visée par le rapport	224
Carried Forward / Reportées	323

II Disposition of requests completed / Disposition à l'égard des demandes traitées

1. All Disclosed / Communication totale	18	6. Unable to process / Traitement impossible	83
2. Disclosed in part / Communication partielle	49	7. Abandoned by applicant / Abandon de la demande	55
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	19	8. Treated informally / Traitement non officiel	0
4. Nothing disclosed (exempt) / Aucune communication (exemption)	0	TOTAL	224
5. Transferred / Transmission	0		

III Exemptions invoked / Exemptions invoquées

S. Art. 13(1)(a)	0	S. Art. 16(1)(a)	0	S. Art. 18(b)	5	S. Art. 21(1)(a)	2
(b)	0	(b)	0	(c)	0	(b)	1
(c)	0	(c)	0	(d)	0	(c)	1
(d)	0	(d)	0	S. Art. 19(1)	42	(d)	2
S. Art. 14	0	S. Art. 18(2)	27	S. Art. 20(1)(a)	0	S. Art. 22	0
S. Art. 15(1) International rel. / Relations Intern.	0	S. Art. 16(3)	0	(b)	1	S. Art. 23	2
Defence / Défense	0	S. Art. 17	0	(c)	0	S. Art. 24	0
Subversive activities / Activités subversives	0	S. Art. 18(e)	0	(d)	0	S. Art. 26	0

IV Exclusions cited / Exclusions citées

S. Art. 68(a)	0	S. Art. 68(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	63
31 to 60 days / De 31 à 60 jours	46
61 to 120 days / De 61 à 120 jours	44
121 days or over / 121 jours et plus	71

VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	0	1
Consultation	0	1
Third party / Tiers	0	0
TOTAL	0	2

VII Translations / Traduction

Translations requested / Traductions demandées	0
Translations prepared / Traductions préparées	0
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	67
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	\$ 2725.00	Preparation / Préparation	\$0.00
Reproduction	\$0.00	Computer processing / Traitement informatique	\$0.00
Searching / Recherche	\$ 3365.00	TOTAL	\$ 6090.00
Fees waived / Dispense de frais		No. of times / Nombre de fois	
\$25.00 or under / 25 \$ ou moins		1	\$5.00
Over \$25.00 / De plus de 25 \$		0	\$0.00

X Costs / Coûts

Financial (all reasons) / Financiers (raisons)	(\$ 000)
Salary / Traitement	275
Administration (O and M) / Administration (fonctionnement et maintien)	275
TOTAL	550
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	4.38

Annex C – Supplemental Reporting Requirement for Fiscal Year 2007/2008

Part III – Exemptions invoked

Section 13

Subsection 13 (e) 0

Section 14

Subsections 14(a) 0

 14(b) 0

Part IV – Exclusions cited

Section 68.1 20

Subsection 69.1(1) 0

Annex D – Statistical Report for Fiscal Year 2008/2009



Institution CBC / RADIO-CANADA			Reporting Period / Période visée par le rapport 2008-04-01 to/à 2009-03-31		
Source	Media / Médias 56	Academe / Secteur universitaire 2	Business / Secteur commercial 96	Organization / Organisme 4	Public 63

I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information

Received during reporting period / Reçus pendant la période visée par le rapport	221
Outstanding from previous period / En suspens depuis la période antérieure	329
TOTAL	550
Completed during reporting period / Traitées pendant la période visée par le rapport	442
Carried Forward / Reportées	108

II Disposition of requests completed / Disposition à l'égard des demandes traitées

1. All Disclosed / Communication totale	59	6. Unable to process / Traitement impossible	45
2. Disclosed in part / Communication partielle	180	7. Abandoned by applicant / Abandon de la demande	48
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	97	8. Treated informally / Traitement non officiel	0
4. Nothing disclosed (exempt) / Aucune communication (exemption)	13	TOTAL	442
5. Transferred / Transmission	0		

III Exemptions invoked / Exemptions invoquées

S. Art. 13(1)(a)	1	S. Art. 16(1)(a)	0	S. Art. 18(b)	42	S. Art. 21(1)(a)	21
(b)	0	(b)	0	(c)	0	(b)	38
(c)	0	(c)	0	(d)	0	(c)	18
(d)	0	(d)	0	S. Art. 19(1)	117	(d)	8
S. Art. 14	0	S. Art. 16(2)	73	S. Art. 20(1)(a)	1	S. Art. 22	1
S. Art. 15(1) International rel. / Relations intern.	0	S. Art. 16(3)	0	(b)	44	S. Art. 23	29
Defence / Défense	1	S. Art. 17	0	(c)	10	S. Art. 24	0
Subversive activities / Activités subversives	0	S. Art. 18(a)	30	(c)	3	S. Art. 26	0

IV Exclusions cited / Exclusions citées

S. Art. 68(a)	2	S. Art. 69(1)(c)	0
(b)	0	(d)	0
(c)	0	(e)	0
S. Art. 69(1)(e)	0	(f)	0
(b)	0	(g)	0

V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	148
31 to 60 days / De 31 à 60 jours	22
61 to 120 days / De 61 à 120 jours	37
121 days or over / 121 jours et plus	237

VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	0	6
Consultation	0	4
Third party / Tiers	0	4
TOTAL	0	14

VII Translations / Traduction

Translations requested / Traductions demandées	0
Translations prepared / Traductions préparées	0
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	239
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	\$2,210.00	Preparation / Préparation	\$0.00
Reproduction	\$0.00	Computer processing / Traitement informatique	\$0.00
Searching / Recherche	\$0.00	TOTAL	\$2,210.00
Fees waived / Dispense de frais		No. of times / Nombre de lois	
\$25.00 or under / 25 \$ ou moins		21	\$105.00
Over \$25.00 / De plus de 25 \$		0	\$0.00

X Costs / Coûts

Financial (all reasons) / Financiers (raisons)	(\$ 000)
Salary / Traitement	528
Administration (O and M) / Administration (fonctionnement et maintien)	176
TOTAL	704
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	7.62

