



TRANSPARENCY AND ACCOUNTABILITY BULLETIN AN UPDATE FROM CBC/RADIO-CANADA

October 2011, Issue 1

- *Welcome to the first issue of the Transparency and Accountability Bulletin. Published at regular intervals over the coming months, the Bulletin will put at your fingertips the most recent information on our performance under the Access to Information Act.*
- *The Bulletin will also feature initiatives and developments within the Corporation linked to our efforts to enhance transparency and accountability to Canadians, Parliament, the Government, and our employees.*
- *We have decided to distribute this information as a way to allow you to track our progress in a more dynamic and up-to-date format, absent the unavoidable lag in results to reporting that are found in the Information Commissioner's annual reports.*

1. ATI Statistics

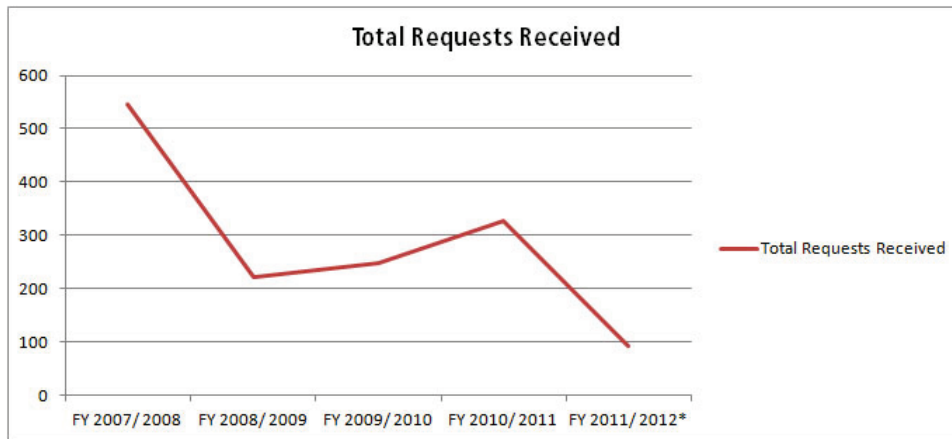
CBC/Radio-Canada has been subject to the *Access to Information Act* for four years now. To date, the Corporation has received a total of 1,445 requests – a very high volume compared to many other organizations falling under the *Act* and all of the Crown Corporations that came under the *Act* at the same time as us.

Over the years, we've released more than 84,000 pages of information. Approximately one third of these pages, including senior management expense accounts and other charges incurred by the Corporation, can be viewed on a [website](#) that we specially created last year. In fact, we are the only entity covered by the *Act* to voluntarily post that many records released under the *Act* on a publicly accessible website.

The following charts provide the most recent year to date information and compare it to past years. You will see that our efficiency at handling requests has increased substantially.



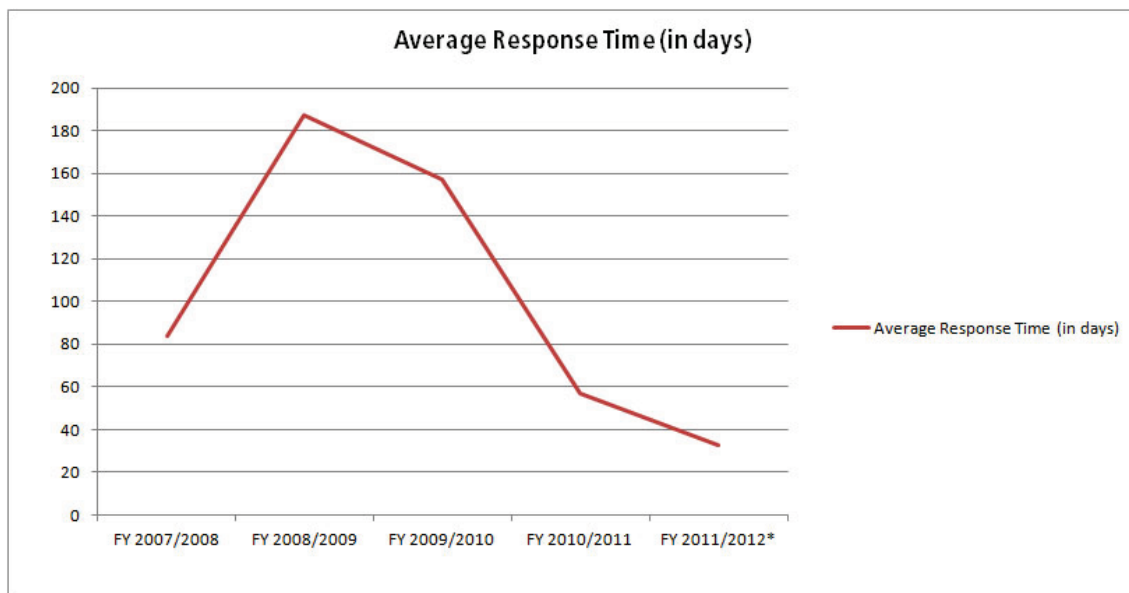
A. Number of requests received



*As of September 30, 2011.

B. Response times

We have reduced our response times from a high of 187 days in 2008–2009 to 57 in 2010–2011. We are on track to improve our performance even further this year. Our average response time as of September 30, 2011 is 33 days.

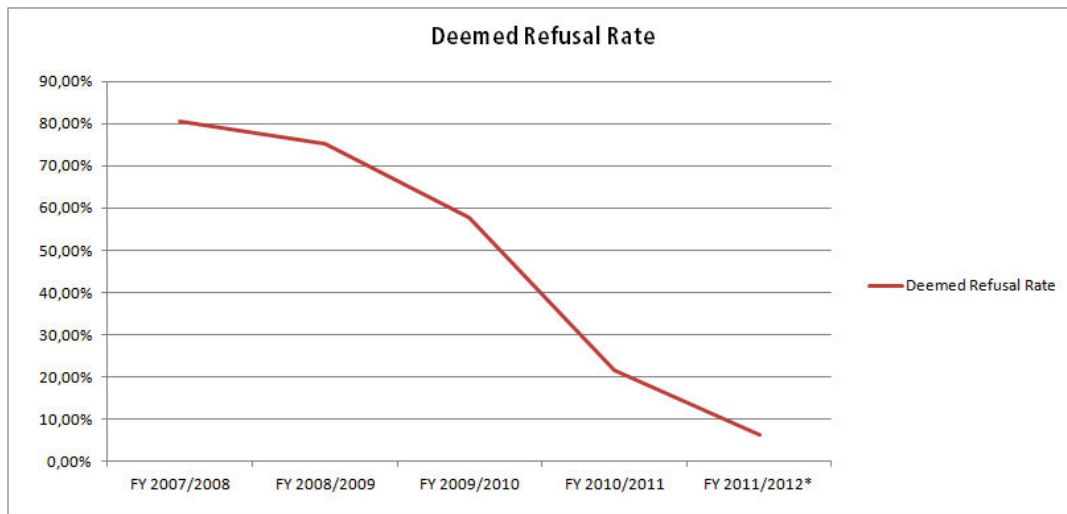


*As of September 30, 2011.



C. Deemed Refusal Rate (refers to requests not responded to within statutory time limits)

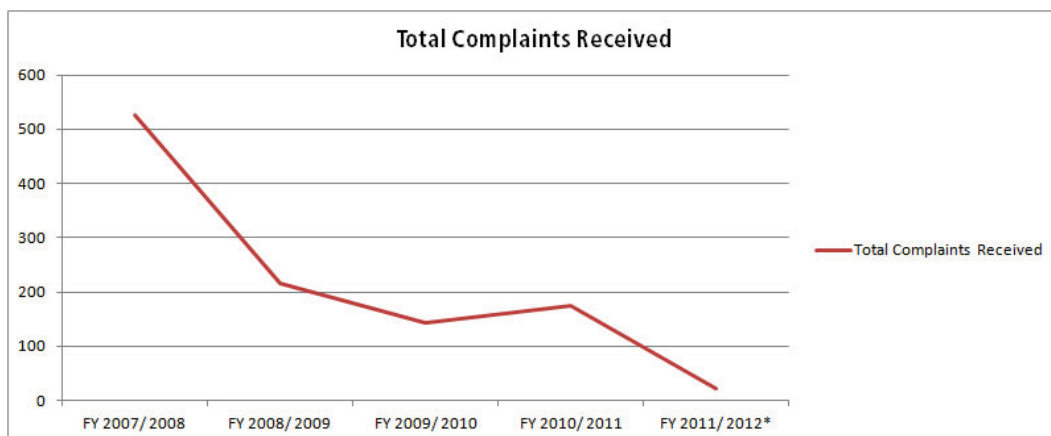
We have reduced our deemed refusal rate from a high of 80.47% in 2007–2008 to 21.51% in 2010–2011. We expect to achieve a much better result this year. Our deemed refusal rate as of September 30, 2011 is 6.30%



*As of September 30, 2011.

D. Complaints

The number of complaints filed with the Office of the Information Commissioner and forwarded to CBC/Radio-Canada has dropped from a high of 525 in 2007–2008 to 181 in 2010–2011. As of September 30, 2011, we have received 28 such complaints.



*As of September 30, 2011.



2. Recent Initiatives

Clear guidance for employees

On September 1, 2011 CBC/Radio-Canada published and distributed to employees a new tool that clarifies the scope and application of the *Access to Information Act* within our Corporation. These *Guidelines* complement many other concrete steps we've taken to promote transparency and accountability since CBC/Radio-Canada became subject to the *Act*.

Among other things, the Guidelines provide practical examples of records covered by the *Act*, information exempt from the *Act*; and information explicitly excluded from the *Act*

These *Guidelines* are a reference tool to help employees better understand why some types of records are released to the public and others aren't. They define how the Corporation applies the CBC/Radio-Canada specific exclusion (section 68.1) in the *Act* that protects information relating to our programming, creative or journalistic activities. This exclusion is applied as narrowly as possible to promote transparency, while at the same not compromising the public broadcaster's editorial independence in its journalism, creativity and programming.

In publishing these *Guidelines*, CBC/Radio-Canada is going above and beyond its obligations under the *Act*, with an eye to achieving the utmost transparency and adequately fulfilling its responsibilities. In keeping with this commitment, the Corporation sought an outside legal opinion on the Guidelines' specific treatment of section 68.1 of the *Act*. The *opinion* received from Professor Pierre Trudel (Titulaire de la Chaire L.R. Wilson sur le droit des technologies de l'information et du commerce électronique, Université de Montréal) concludes that the guidelines and the Corporation's interpretation of section 68.1 "go beyond the transparency requirements provided for in the AIA" by promoting the disclosure of information where possible.

We're confident that this tool will guide the Corporation's employees to understand the *Act*, while helping maintain and strengthen the trust we've built with the Canadian public.

Why are we in court?

Contrary to what has been stated by numerous media reports, the Corporation's appeal of the federal court ruling is not about documents that CBC/radio-Canada is trying to keep secret. The Court case is about the right of the Information Commissioner, or her investigator, to see documents that contain information relating to journalistic, creative or programming activities. CBC/Radio-Canada's position is that only a judge should have the right to see this kind of information, and in carefully defined circumstances, in order to determine whether or not the Corporation applied correctly the exclusion set out in section 68.1 of *Act*. As decided by the Supreme Court of Canada in a recent decision involving the Privacy Commissioner, the Commissioner does not "occupy the same position of independence and authority as a court".ⁱ The Commissioner argues that she should have access to such files to make that determination.



For a more comprehensive treatment of the Corporation's broader range of reporting on transparency and accountability, please refer to the Transparency and Accountability section of our website (cbc.radio-canada.ca).

¹ Canada (commissaire à la protection de la vie privée) c. Blood Tribe Department, [2008] 2 R.C.S. 574