



The Canada-Newfoundland & Labrador Offshore Petroleum Board

**Access to Information Act and
Privacy Act
Annual Report to Parliament
April 1, 2005 to March 31, 2006**

Access to Information Act and Privacy Act Annual Report to Parliament

PREFACE

The Access to Information Act and the Privacy Act (Revised Statutes of Canada, Chapter A-1, 1985) were proclaimed on July 1, 1983. Section 72 of the Access to Information Act and Section 72 of the Privacy Act require that the head of every government institution shall prepare for submission to Parliament an annual report on the administration of the Acts within the institution during each financial year.

This annual report is intended to describe how the Canada-Newfoundland & Labrador Offshore Petroleum Board (C-NLOPB) administered its responsibilities in the operation of the Access to Information Act and the Privacy Act.

OVERVIEW OF THE CANADA-NEWFOUNDLAND & LABRADOR OFFSHORE PETROLEUM BOARD'S MANDATE AND MISSION

The Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) was established by the Federal and Provincial *Atlantic Accord Implementation Acts* as an independent arms-length regulator for the exploration for, and development and production of, the oil and gas resources in the Newfoundland & Labrador Offshore Area. It reports to the Government of Newfoundland & Labrador and the Government of Canada through the Province's Minister for Natural Resources and the Federal Minister for Natural Resources Canada.

The C-NLOPB has four primary mandates as follows:

- (i) Resource Management;
- (ii) Safety of Operations;
- (iii) Environmental Protection; and,
- (iv) Administering the benefits provisions of the legislation.

ACCESS TO INFORMATION AND PRIVACY ACTS

ORGANIZATION AND IMPLEMENTATION

The Board's Manager, Support Services has been designated as the Board's Access to Information and Privacy Coordinator and exercises the powers delegated pursuant to the ATIP legislation.

The Board's enabling legislation contains a provision (s. 119) which prohibits the Board from releasing confidential information obtained from companies operating in the Newfoundland and Labrador Offshore Area without the consent of the party which provided it to the Board. The Access to Information Coordinator must be diligent in dealing with ATIP requests to ensure that the Board's s.119 obligations

Access to Information Act and Privacy Act Annual Report to Parliament

are not compromised and must undertake appropriate notification or consultation with interested parties before disclosing these records.

The ATIP Coordinator is responsible for providing updates of the Board's information holdings to the Treasury Board Secretariat for inclusion in the Info Source publication.

PROCESSING OF FORMAL REQUESTS

To ensure effective and consistent administration of the ATIP legislation, the Board maintains a system for processing requests aimed at disclosing the maximum information possible to the requestor which is not injurious to the public and private interest. The process also ensures that all representations from mandatory consultations, deliberations, and decisions expressed concerning each request are respected and responded to in the most timely and consistent manner given the nature and scope of the request.

PUBLIC ACCESS FACILITIES

The Board maintains a public library at its offices in TD Place in St. John's which are available as an Access Reading Room for the purpose of examining disclosable records.

COMPLAINTS AND INVESTIGATIONS

During 2005-2006, there were no complaints made to the Information Commissioner regarding the Board's application of the Access to Information Act, nor were there any complaints filed with the Privacy Commissioner on the Board's application of the Privacy Act.

SUMMARY OF INFORMATION REQUESTS

The caseload processed by the Board during the reporting period amounted to seven (7) requests (under the *Access to Information Act*); six (6) of these were new requests and one (1) was a request carried forward from the previous reporting period. In addition to the six new requests received, the Board received five (5) requests from other federal departments seeking the Board's consent to disclose records which the Board had provided the departments as a third party.

The Board initiated mandatory consultations regarding the disclosure of information provided to the Board by third parties and other government institutions in three of the requests actioned during the year.

**Access to Information Act and Privacy Act
Annual Report to Parliament**

The Board refused access to the requested records entirely in three (3) requests and disclosed partial records in two (2) requests. The Board disclosed all requested records in one (1) request. The Board was unable to process one (1) request as the requested records did not exist.

The following pages detail the Board's ATIP statistical report.

The Board did not receive any requests under the *Privacy Act*.

Access to Information Act and Privacy Act Annual Report to Parliament

Institution Canada-Newfoundland and Labrador Offshore Petroleum Board				Reporting period / Période visée par le rapport April 1, 2005 to March 31, 2006	
Source	Media / Médias 5	Academia / Secteur universitaire 0	Business / Secteur commercial 1	Organization / Organisme 0	Public 0

I <i>Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information</i>	
Received during reporting period / Reçues pendant la période visée par le rapport	6
Outstanding from previous period / En suspens depuis la période antérieure	1
TOTAL	7
Completed during reporting period / Traitées pendant la période visée par le rapport	7
Carried forward / Reportées	0

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

III <i>Exemptions invoked / Exceptions invoquées</i>							
S. Art. 13(1)(a)	1	S. Art. 16(1)(a)		S. Art. 18(b)		S. Art. 21(1)(a)	1
(b)		(b)		(c)		(b)	
(c)		(c)	4	(d)		(c)	
(d)		(d)		S. Art. 19(1)	1	(d)	
S. Art. 14		S. Art. 16(2)		S. Art. 20(1)(a)		S. Art. 22	
S. 15(1) International rel. / Relations intern.	1	S. Art. 16(3)		(b)		S. Art. 23	1
Defence / Défense		S. Art. 17		(c)		S. Art. 24	2
Subversive activities / Activités subversives		S. Art. 18(a)		(d)		S. Art. 26	

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

V <i>Completion time / Délai de traitement</i>	
30 days or under / 30 jours ou moins	3
31 to 60 days / De 31 à 60 jours	2
61 to 120 days / De 61 à 120 jours	2
121 days or over / 121 jours ou plus	

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

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

VIII <i>Method of access / Méthode de consultation</i>	
Copies given / Copies de l'original	3
Examination / Examen de l'original	
Copies and examination / Copies et examen	

Access to Information Act and Privacy Act Annual Report to Parliament

IX Fees/Frais

Net fees collected / Frais net perçus			
Application fees / Frais de la demande	\$30	Preparation / Préparation	
Reproduction		Computer processing / Traitement informatique	
Searching / Recherche		TOTAL	\$30
Fees waived / Dispense de frais		No. of times / Nombre de fois	
\$25.00 or under / 25 \$ ou moins			\$
Over \$25.00 / De plus de 25 \$			\$

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

X Costs/Coûts

Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 5840
Administration (O and M) / Administration (fonctionnement et entretien)	\$
TOTAL	\$ 5840
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	.06

Access to Information Act and Privacy Act Annual Report to Parliament

Institution: Canada-Newfoundland and Labrador Offshore Petroleum Board

Reporting period / Période visée par le rapport
April 1, 2005 to March 31, 2006

I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels	
Received during reporting period / Reçues pendant la période visée par le rapport	Nil
Outstanding from previous period / En suspens depuis la période antérieure	Nil
TOTAL	Nil
Completed during reporting period / Traitées pendant la période visée par le rapport	Nil
Carried forward / Reportées	Nil

IV Exclusions cited / Exclusions citées	
S. Art. 69(1)(a)	
(b)	
S. Art. 70(1)(a)	
(b)	
(c)	
(d)	
(e)	
(f)	

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

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

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

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

III Exemptions invoked / Exceptions invoquées	
S. Art. 18(2)	
S. Art. 19(1)(a)	
(b)	
(c)	
(d)	
S. Art. 20	
S. Art. 21	
S. Art. 22(1)(a)	
(b)	
(c)	
S. Art. 22(2)	
S. Art. 23 (a)	
(b)	
S. Art. 24	
S. Art. 25	
S. Art. 26	
S. Art. 27	
S. Art. 28	

VI Extensions / Prorogations des délais		
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Interference with operations / Interruption des opérations		
Consultation		
Translation / Traduction		
TOTAL		

IX Corrections and notation / Corrections et mention	
Corrections requested / Corrections demandées	
Corrections made / Corrections effectuées	
Notation attached / Mention annexée	

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

TBS/SCT 350-63 (Rev. 1999/03)

Access to Information Act and Privacy Act
Annual Report to Parliament

STATISTICAL REPORT - INTERPRETATION AND EXPLANATION

The following is an interpretation and explanation of the information contained in the Annual Statistical Reports shown on the previous pages.

I: REQUESTS UNDER THE *ACCESS TO INFORMATION ACT*

A total of 7 requests were processed by the Board during 2005-2006 compared to 6 in 2004-2005 and 8 in 2003-2004. During this current reporting period, 6 new requests were received while 1 request was carried forward from the previous reporting period. There were no outstanding files carried forward to the next reporting period.

II: DISPOSITION OF REQUESTS COMPLETED

Of the 7 requests completed during 2005-2006, the Board granted access, in whole or in part, to the records in 3 of the cases. In 3 cases, the Board refused access to the records entirely, and in 1 case the records requested did not exist.

III and IV: EXEMPTIONS INVOKED AND EXCLUSIONS CITED

The major exemptions invoked were related to:

- s. 13 (1)(a) – the release of information that was obtained in confidence from the government of a foreign state
- s. 15 (1) – the release of information which could reasonably be expected to be injurious to the conduct of international affairs
- s. 16 (1)(c) – the release of information which would be injurious to the conduct of investigations or enforcement of a law of Canada
- s. 19 (1) – the release of information which contains personal information
- s. 21 (1)(a) - advice or recommendations provided to a minister of the Crown
- s. 23 – information that is subject to solicitor-client privilege
- s. 24 (1) – information which is restricted by another Act, specifically s. 119(2) of the *Canada-Newfoundland Atlantic Accord Implementation Act*.

There were no exclusions cited during the year.

V and VI: COMPLETION TIME AND EXTENSIONS

During 2005-2006, three of the requests were completed within 30 days, and two requests extended beyond 60 days. All of the extensions that were required beyond the prescribed time limit of 30 days were due to mandatory consultations with third parties.

VII: TRANSLATIONS

No translation was required in 2005-2006 to respond to requests.

VIII: METHOD OF ACCESS

In all cases where access was granted, the Board provided copies of records to the requestor.

**Access to Information Act and Privacy Act
Annual Report to Parliament**

IX: FEES

The *Access to Information Act* authorizes fees for certain activities related to the processing of formal requests under the *Act*. In addition to a \$5 application fee, search, preparation and reproduction charges may also apply. The current fee structure is specified in the Access to Information Regulations. No fees are imposed for reviewing records, overhead or shipping costs. In accordance with Section 11 of the *Act*, no fees are charged for the first five hours required to search for a record or prepare any part of it for disclosure.

The *Access to Information Act* permits the waiving of fees when deemed to be in the public interest.

The Board collected application fees in the amount of \$30 during 2005-2006.

X: COSTS

In 2005-2006, the direct cost of administering the *Access to Information Act* totalled \$5,840 in salary costs representing 0.06 person-years.

There was no cost of administering the *Privacy Act* in 2005-06.