



The Canada-Newfoundland & Labrador Offshore Petroleum Board

**Access to Information Act
Annual Report to Parliament
April 1, 2008 to March 31, 2009**

Access to Information Act Annual Report to Parliament

PREFACE

The Access to Information Act was proclaimed on July 1, 1983. Section 72 of the Access to Information Act requires that the head of every government institution shall prepare for submission to Parliament an annual report on the administration of the Act 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.

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

ACCESS TO INFORMATION ACT

ORGANIZATION AND IMPLEMENTATION

The Board's Information Resources Manager 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

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Access to Information Coordinator must be diligent in dealing with ATIP requests to ensure that the Board's s.119 obligations 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 resource centre at its offices in TD Place in St. John's which is available as an Access Reading Room for the purpose of examining records that can be disclosed.

COMPLAINTS AND INVESTIGATIONS

During 2008-2009, there were no complaints made to the Information Commissioner regarding the Board's application of the Access to Information Act.

SUMMARY OF INFORMATION REQUESTS

The caseload processed by the Board during the reporting period amounted to one (1) request that was carried forward to this year and one request that was unable to be processed due to incomplete information.

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

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

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Institution Canada-Newfoundland and Labrador Offshore Petroleum Board				Reporting period / Période visée par le rapport April 1, 2008 to March 31, 2009	
Source	Media / Médias 0	Academia / Secteur universitaire 0	Business / Secteur commercial 1	Organization / Organisme 0	Public 0

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	1
Outstanding from previous period / En suspens depuis la période antérieure	1
TOTAL	2
Completed during reporting period / Traitées pendant la période visées par le rapport	1
Carried forward / Reportées	1

II Disposition of requests 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.	Transferred / Transmission		
6.	Unable to process / Traitement impossible		1
7.	Abandoned by applicant / Abandon de la demande		
8.	Treated informally / Traitement non officiel		
TOTAL			1

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

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

V Completion time / Délai de traitement	
30 days or under / 30 jours ou moins	1
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	

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

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

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IX Fees /Frais

Net fees collected / Frais net perçus			
Application fees / Frais de la demande	\$10	Preparation / Préparation	
Reproduction		Computer processing / Traitement informatique	
Searching / Recherche		TOTAL	\$10
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	\$ 4000
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 13800
TOTAL	\$ 17800
Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	.05

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STATISTICAL REPORT - INTERPRETATION AND EXPLANATION

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

I: REQUESTS UNDER THE *ACCESS TO INFORMATION ACT*

The C-NLOPB received one new request in 2008-09 that was carried forward. Additionally there was one request that was unable to be processed and appears to have been abandoned by the applicant. In correspondence the applicant indicated further contact at a later date which has not yet been received.

II: DISPOSITION OF REQUESTS COMPLETED

There was one request completed this year that was unable to be processed and appears to have been abandoned by the applicant.

III and IV: EXEMPTIONS INVOKED AND EXCLUSIONS CITED

- Not Applicable

V and VI: COMPLETION TIME AND EXTENSIONS

During 2008-2009, no requests were completed within 30 days and the current request ongoing is being carried forward to next year.

VII: TRANSLATIONS

No translation was required in 2008-2009 to respond to requests.

VIII: METHOD OF ACCESS

No access was provided due to nature of requests.

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 \$10 during 2008-2009.

X: COSTS

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In 2008-2009, the direct cost of administering the *Access to Information Act* totalled \$13,800 in salary costs representing 0.5 person-years.

FEDERAL COURT SUBMISSION

There was one application received for which a third party has applied to the Federal Court for Judicial review of a C-NLOPB decision to release information to an applicant. At year end March 31, 2009, C-NLOPB had submitted its argument to Federal Court and were awaiting court judgement.

ACCESS TO INFORMATION RELATED EDUCATION

Training activities for the last fiscal year included participation of the ATIP Coordinator in two training sessions as follows:

- Newfoundland and Labrador Access and Privacy Workshop 2008 (one day seminar)
- Access to Information Act Introduction (3 day seminar)