



The Canada-Newfoundland & Labrador Offshore Petroleum Board

**Access to Information Act
Annual Report to Parliament
April 1, 2009 to March 31, 2010**

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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

There were no complaints made to the Information Commissioner regarding the Board's application of the Access to Information Act during 2009-2010.

SUMMARY OF INFORMATION REQUESTS

The caseload processed by the Board during the reporting period amounted to four requests, three received during the period and one carried forward from the previous year. One of the three new requests was not completed during this period and will be reported on in next year's Annual Report.

The Board initiated mandatory consultations regarding the disclosure of information provided to the Board by third parties and other government institutions in two of the requests finalized in this reporting period.

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FEDERAL COURT SUBMISSION

A request brought forward from 2008-2009 was concluded in Federal Court during this reporting period. A third party sought review by the Federal Court to prevent the Board from releasing records to a requestor. The decision ruled for release of documents to the requestor.

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, 2009 to March 31, 2010 | |
| Source | Media / Médias 1 | Academia / Secteur universitaire 0 | Business / Secteur commercial 2 | 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 | 3 |
| Outstanding from previous period / En suspens depuis la période antérieure | 1 |
| TOTAL | 4 |
| Completed during reporting period / Traitées pendant la période visées par le rapport | 3 |
| Carried forward / Reportées | 1 |

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

| | | | | | | | |
|---|--|---------------------|---|---------------------|---|---------------------|---|
| III Exemptions invoked / Exceptions invoquées | | | | | | | |
| S. Art. 13(1)(a) | | S. Art. 16(1)(a) | | S. Art. 18(b) | | S. Art. 21(1)(a) | 1 |
| (b) | | (b) | 1 | (c) | | (b) | 1 |
| (c) | | (c) | 1 | (d) | 1 | (c) | 1 |
| (d) | | (d) | | S. Art. 19(1) | | (d) | 1 |
| S. Art. 14 | | S. Art. 16(2) | | S. Art. 20(1)(a) | | S. Art. 22 | |
| S. 15(1) International rel. / Art. Relations intern. | | S. Art. 16(3) | | (b) | | S. Art. 23 | |
| Defence / Défense | | S. Art. 17 | | (c) | | S. Art. 24 | 1 |
| 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 | 1 |
| 61 to 120 days / De 61 à 120 jours | |
| 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 | | |
| Consultation | | 1 |
| Third party / Tiers | 1 | |
| 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 | 3 |
| 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 | \$15 | Preparation / Préparation | |
| Reproduction | | Computer processing / Traitement informatique | |
| Searching / Recherche | | TOTAL | \$15 |
| 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 | \$ 2400 |
| Administration (O and M) / Administration (fonctionnement et maintien) | \$ |
| TOTAL | \$ 2400 |
| Person year utilization (all reasons) / Années-personnes utilisées (raison) | |
| Person year (decimal format) / Années-personnes (nombre décimal) | 0.030 |

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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 three new requests in 2009-10 and carried one forward from the previous reporting period. Two of the three and the one carried forward were completed during this period.

II: DISPOSITION OF REQUESTS COMPLETED

Of the 3 requests completed during 2009-2010, the Board granted access, in whole or in part in all cases.

III and IV: EXEMPTIONS INVOKED AND EXCLUSIONS CITED

- s. 18(d) – record containing trade secrets of a third party
- s. 21(1)(a) – record containing advice or recommendations developed by or for a government institution
- s. 21(1)(b) – consultations or deliberations of government institutions
- s. 21(1)(c) – plans developed for the purpose of negotiations
- s. 21(1)(d) - record relating to the management of personnel or the administration of a government institution
- s. 24 (1) - information which is restricted by another Act, specifically s. 119(2) of the *Canada-Newfoundland Atlantic Accord Implementation Act*.

V and VI: COMPLETION TIME AND EXTENSIONS

During 2009-2010, one request was completed within 30 days. Two requests required extensions, one thirty days and the other over 121 days.

VII: TRANSLATIONS

No translation was required in 2009-2010 to respond to requests.

VIII: METHOD OF ACCESS

Access was provided via paper copies.

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.

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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 \$15 during 2009-2010.

X: COSTS

In 2009-2010 the direct cost of administering the *Access to Information Act* totalled \$2400 in salary costs representing 0.030 person-years.

ACCESS TO INFORMATION RELATED EDUCATION

There were no training activities for the last fiscal year for the ATIP Coordinator.