



The Canada-Newfoundland and Labrador Offshore Petroleum Board

Access to Information Act

**Annual Report to Parliament
April 1, 2010 to March 31, 2011**

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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 and Labrador Offshore Petroleum Board (C-NLOPB) administered its responsibilities in the operation of the Access to Information Act.

OVERVIEW OF THE CANADA-NEWFOUNDLAND AND 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 and Labrador Offshore Area. It reports to the Government of Newfoundland and 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 Manager of Support Services has been designated as the Board's Access to Information and Privacy Coordinator and exercises the powers delegated pursuant to the 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 access 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 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 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 2010-2011, the Information Commissioner received a complaint from a requestor that the Canada-Newfoundland and Labrador Offshore Petroleum Board claimed an unreasonable extension of time for responding to a request for records under the Access to Information Act. The Board immediately supplied a complete copy of the request case file to the Information Commissioner's office. The Information Commissioner had not rendered any decision respecting the complaint up to March 31.

SUMMARY OF INFORMATION REQUESTS

The caseload processed by the Board during the reporting period amounted to seventeen (17) requests, sixteen (16) received during the period and one carried forward from the previous year. Information was disclosed in all or part for seven (7) requests, and one (1) request there was no information to release. Four (4) requests were cancelled by the

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applicant and four (4) requests were not completed during this period and will be reported on in next years Annual Report.

The Board initiated mandatory consultations regarding the disclosure of information provided to the Board by third parties and other government institutions in seven (7) of the requests finalized in this reporting period.

FEDERAL COURT SUBMISSION

In one (1) request received during the year, a third party sought review by the Federal Court to prevent the Board from releasing records to a requestor. The court had not released a decision on this challenge as at March 31, 2011.

ACCESS TO INFORMATION RELATED EDUCATION

The ATIP Coordinator was not involved in formal training activities during the 2010-2011 reporting period.

STATISTICAL REPORT

The following pages detail the Board's statistical report.

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Institution Canada-Newfoundland and Labrador Offshore Petroleum Board				Reporting period / Période visée par le rapport April 1, 2010 to March 31, 2011	
Source	Media / Médias 12	Academia / Secteur universitaire 2	Business / Secteur commercial 1	Organization / Organisme 0	Public 1

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	16
Outstanding from previous period / En suspens depuis la période antérieure	1
TOTAL	17
Completed during reporting period / Traitées pendant la période visées par le rapport	13
Carried forward / Reportées	4

II Disposition of requests completed / Disposition à l'égard des demandes traitées				
1.	All disclosed / Communication totale	2	6. Unable to process / Traitement impossible	1
2.	Disclosed in part / Communication partielle	5	7. Abandoned by applicant / Abandon de la demande	4
3.	Nothing disclosed (excluded) / Aucune communication (exclusion)		8. Treated informally / Traitement non officiel	
4.	Nothing disclosed (exempt) / Aucune communication (exemption)	1	TOTAL	13
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)	3
(b)		(b)	2	(c)		(b)	3
(c)		(c)	2	(d)		(c)	3
(d)		(d)		S. Art. 19(1)	3	(d)	
S. Art. 14		S. Art. 16(2)		S. Art. 20(1)(a)	3	S. Art. 22	
S. 15(1) International rel. / Art. Relations intern.		S. Art. 16(3)		(b)	3	S. Art. 23	
Defence / Défense		S. Art. 17		(c)	3	S. Art. 24	3
Subversive activities / Activités subversives		S. Art. 18(a)		(d)	3	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	5
31 to 60 days / De 31 à 60 jours	5
61 to 120 days / De 61 à 120 jours	3
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	1	
Third party / Tiers	5	
TOTAL	6	

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

VIII Method of access / Méthode de consultation	
Copies given / Copies de l'original	7
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	\$75.00	Preparation / Préparation	
Reproduction	\$38.42	Computer processing / Traitement informatique	
Searching / Recherche	\$80.00	TOTAL	\$ 193.42
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 \$		7	\$ 1435.20

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

X Costs/Coûts

Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 10,571
Administration (O and M) / Administration (fonctionnement et maintien)	\$
TOTAL	\$ 10,571
Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	.115

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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 sixteen (16) new requests in 2010-11 and carried one forward from the previous reporting period. Eight (8) of the seventeen (17) were completed during this period.

II: DISPOSITION OF REQUESTS COMPLETED

Of the eight (8) requests completed during 2010-2011, the Board granted access, in whole or in part in seven (7) cases one (1) request had no information to release.

III and IV: EXEMPTIONS INVOKED AND EXCLUSIONS CITED

- s. 16(1)(b) or (c) – information related to investigative techniques or information the disclosure of which could reasonably be expected to be injurious to the enforcement of any law of Canada.
- s. 19(1) – record containing personal information
- s. 20(1)(a) – record containing trade secrets of a third party
- s. 20(1)(b) – Financial, commercial, scientific or technical information supplied to a Government institution by a third party.
- s. 20(1)(c) – information the disclosure of which could reasonably be expected to result in material financial loss or gain to a third party.
- s. 20(1)(d) - Information the disclosure of which could reasonably be expected to interfere with the contractual or other negotiations 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. 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 2010-2011, two (2) requests were completed within 30 days. Six (6) requests required extensions, four (4) for thirty days and two (2) for 60 days.

VII: TRANSLATIONS

No translation was required in 2010-2011 to respond to requests.

VIII: METHOD OF ACCESS

Access was provided via paper copies in all seven (7) cases.

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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 \$75 during 2010-2011, and fees totalling \$118.42 for search time and reproduction fees.

X: COSTS

In 2010-2011 the direct cost of administering the *Access to Information Act* totalled \$10,571 in salary costs representing 0.115 person-years.