

CANADA-NEWFOUNDLAND
and LABRADOR
 OFFSHORE
PETROLEUM
BOARD

Access to Information Act

Annual Report to Parliament

April 1, 2012 – March 31, 2013

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1. INTRODUCTION

This annual report is intended to describe how the Canada-Newfoundland and Labrador Offshore Petroleum Board administered its responsibilities in the operation of the *Access to Information Act*.

The *Access to Information Act* was proclaimed on July 1, 1983.

2. (1) The purpose of this Act is to extend the present laws of Canada to provide a right of access to information in records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific and that decisions on the disclosure of government information should be reviewed independently of government.

This report has been prepared pursuant to section 72 of the *Access to Information Act*.

72. (1) The head of every government institution shall prepare for submission to Parliament an annual report on the administration of this Act within the institution during each financial year.

a. C-NLOPB OVERVIEW

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.

b. C-NLOPB MANDATE

To interpret and apply the provisions of the Atlantic Accord and the Atlantic Accord Implementation Acts to all activities of operators in the Newfoundland and Labrador Offshore Area; and, to oversee operator compliance with those statutory provisions.

c. C-NLOPB ROLE

In the implementation of its mandate, the role of the C-NLOPB is to facilitate the exploration for and development of the hydrocarbon resources in the Newfoundland and Labrador Offshore Area in a manner that conforms to the statutory provisions for:

- worker safety;
- environmental protection and safety;
- effective management of land tenure;
- maximum hydrocarbon recovery and value; and,

- Canada/Newfoundland & Labrador benefits.

While the legislation does not prioritize these mandates, worker safety and environmental protection will be paramount in all Board decisions.

d. C-NLOPB OBJECTIVES

i. SAFETY

- To verify that operators have appropriate safety plans in place.
- To verify, through audits and inspections, that operators follow their safety plans and applicable statutory requirements.
- To verify, through compliance actions, that deviations from approved plans and applicable statutory requirements are corrected.

ii. ENVIRONMENT

- To verify that operators assess and provide for effects of the environment on the safety of their operations.
- To verify that operators perform an environmental assessment pursuant to Canadian regulations, of the effects of their operations on the environment, and prepare a plan and provide for mitigation where appropriate.
- To verify, through compliance actions, that operators comply with their environmental plans.

iii. RESOURCE MANAGEMENT

- Effective and efficient administration of land tenure.
- Oversight of production activities for consistency with maximum recovery, good oilfield practice, production accounting and approved plans.
- To build a knowledge base for the Newfoundland & Labrador Offshore Area through the acquisition and curation of data from exploration and production activity.

iv. BENEFITS

- To verify operators have an approved Canada/Newfoundland & Labrador Benefits Plan that addresses their statutory obligations.

2. ORGANIZATION AND IMPLEMENTATION OF THE ACT

The C-NLOPB's *Access to Information and Privacy* responsibilities fall within the Information Resources Group, a division within the Support Services Department. The Information Resources Manager, Information Resources staff and when required Legal Counsel have been tasked with the responsibility of reviewing and processing requests received under the *Access to Information Act*, other staff of the C-NLOPB are consulted as required when completing requests.

The C-NLOPB's enabling legislation contains a provision (s. 119) which prohibits the C-NLOPB from releasing confidential information obtained from companies operating in the Newfoundland and Labrador Offshore Area without the consent of the party which provided it. The Access to Information Coordinator must be diligent in dealing with access requests to ensure that the C-NLOPB'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 C-NLOPB's information holdings to the Treasury Board Secretariat for inclusion in the Info Source publication.

a. PROCESSING OF FORMAL REQUESTS

To ensure effective and consistent administration of the legislation, the C-NLOPB 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.

b. PUBLIC ACCESS FACILITIES

The C-NLOPB 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.

3. DELEGATION ORDER

The C-NLOPB's Information Resources Manager has been designated as Access to Information and Privacy Coordinator and exercises the powers delegated pursuant to the legislation.

MEMO TO: Max Ruelokke
Chairman & CEO


FROM: Susan Gover
Legal Counsel

DATE: August 10, 2011

SUBJECT: Designation of Privacy and Information Officer

Pursuant to the Board's By-Law No.1, as amended (Schedule I –subparagraph 2(a)(xxx)), the Chairman may resolve, perform, or authorize on behalf of the Board any other matter or action required of the Board pursuant to any other Act of Parliament or the Legislature of Newfoundland and Labrador.

Please indicate your approval to have Trevor Bennett, Information Resources Manager, designated the Privacy and Information Officer on behalf of the Board by signing the attached form and returning same to me or Mike Baker for further handling.



Susan Gover
Legal Counsel
Attachment

*de concuer
Susan Gover
August 10*

4. SUMMARY OF INFORMATION REQUESTS

The C-NLOPB saw a dramatic increase in the number of requests processed this year, a total of 41 up from twelve (12) in the previous year. 40 of these were received during the period and one (1) was carried forward from the previous year. Information was disclosed in all or part for 28 requests, two (2) requests contained records that were all excluded from release and four (4) requests had no relevant information to release. One (1) request was abandoned by the applicant and six (6) requests were not completed during this period and will be reported on in the 2013 -2014 Access to Information Annual Report to Parliament.

The C-NLOPB initiated mandatory consultations regarding the disclosure of information provided by third parties and other government institutions in 26 of the requests finalized in this reporting period.

The C-NLOPB reviewed and commented on 23 consultations received from other Government Institutions.

a. FEDERAL COURT SUBMISSION

In one (1) request received during 2010-11 fiscal year, a third party sought review by the Federal Court to prevent the C-NLOPB from releasing records to a requestor. The court decided in favor of the C-NLOPB and the information was released.

One (1) request received during 2012-13, resulted in a third party seeking review by the Federal Court to prevent the C-NLOPB from releasing records to a requestor.

b. STATISTICAL REPORT

The following pages detail the C-NLOPB's statistical report on the Access to Information Act.

Statistical Report on the Access to Information Act

Name of institution: Canada-Newfoundland and Labrador Offshore Petroleum Bo

Reporting period: 4/1/2012 to 31-Mar-2013

PART 1 – Requests under the Access to Information Act

1.1 Number of Requests

	Number of Requests
Received during reporting period	40
Outstanding from previous reporting period	1
Total	41
Closed during reporting period	35
Carried over to next reporting period	6

1.2 Sources of requests

Source	Number of Requests
Media	7
Academia	2
Business (Private Sector)	29
Organization	0
Public	2
Total	40

PART 2 – Requests closed during the reporting period

2.1 Disposition and completion time

Disposition of requests	Completion Time							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	
All disclosed	1	2	2	0	0	0	0	5
Disclosed in part	0	1	3	14	5	0	0	23
All exempted	0	0	0	0	0	0	0	0
All excluded	0	1	1	0	0	0	0	2
No records exist	1	0	0	3	0	0	0	4
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	1	0	0	0		0	0	1
Treated informally	0	0	0	0	0	0	0	0
Total	3	4	6	17	5	0	0	35

2.2 Exceptions

Article	Nombre de demandes	Article	Nombre de demandes	Article	Nombre de demandes	Article	Nombre de demandes
13(1)a)	0	16(2)a)	0	18a)	0	20.1	0
13(1)b)	0	16(2)b)	0	18b)	0	20.2	0
13(1)c)	2	16(2)c)	0	18c)	0	20.4	0
13(1)d)	0	16(3)	0	18d)	0	21(1)a)	3
13(1)e)	0	16.1(1)a)	0	18.1(1)a)	0	21(1)b)	2
14a)	1	16.1(1)b)	0	18.1(1)b)	0	21(1)c)	2
14b)	0	16.1(1)c)	0	18.1(1)c)	0	21(1)d)	0
15(1) - A.I.*	0	16.1(1)d)	0	18.1(1)d)	0	22	0
15(1) - Déf.*	0	16.2(1)	0	19(1)	22	22.1(1)	0
15(1) - A.S.*	0	16.3	0	20(1)a)	1	23	2
16(1)a)(i)	0	16.4(1)a)	0	20(1)b)	6	24(1)	1
16(1)a)(ii)	0	16.4(1)b)	0	20(1)b.1)	0	26	0
16(1)a)(iii)	0	16.5	0	20(1)c)	3		
16(1)b)	0	17	0	20(1)d)	3		
16(1)c)	0						
16(1)d)	0						

* A.I. : Affaires internationales Déf. : Défense du Canada A.S. : Activités subversives

2.3 Exclusions

Article	Nombre de demandes	Article	Nombre de demandes	Article	Nombre de demandes
68a)	0	69(1)a)	0	69(1)g) re a)	0
68b)	0	69(1)b)	0	69(1)g) re b)	0
68c)	0	69(1)c)	0	69(1)g) re c)	0
68.1	0	69(1)d)	0	69(1)g) re d)	0
68.2a)	0	69(1)e)	0	69(1)g) re e)	0
68.2b)	0	69(1)f)	0	69(1)g) re f)	0
				69.1(1)	0

2.4 Support des documents divulgués

Disposition	Papier	Électronique	Autres
Communication totale	5	0	0
Communication partielle	23	4	0
Total	28	4	0

2.5 Complexité

2.5.1 Pages pertinentes traitées et divulguées

Disposition des demandes	Nombre de pages traitées	Nombre de pages divulguées	Nombre de demandes
Communication totale	158	158	5
Communication partielle	3895	3836	23
Tous exemptés	0	0	0
Tous exclus	132	0	2
Demande abandonnée	0	0	1

2.5.2 Pages pertinentes traitées et divulguées en fonction de l'ampleur des demandes

Disposition	Moins de 100 pages traitées		101 à 500 pages traitées		501 à 1 000 pages traitées		1 001 à 5 000 pages traitées		Plus de 5 000 pages traitées	
	Nombre de demandes	Pages divulguées	Nombre de demandes	Pages divulguées	Nombre de demandes	Pages divulguées	Nombre de demandes	Pages divulguées	Nombre de demandes	Pages divulguées
Communication totale	4	18	1	140	0	0	0	0	0	0
Communication partielle	14	636	8	1800	0	0	1	1400	0	0
Tous exemptés	0	0	0	0	0	0	0	0	0	0
Tous exclus	1	0	1	0	0	0	0	0	0	0
Demande abandonnée	1	0	0	0	0	0	0	0	0	0
Total	20	654	10	1940	0	0	1	1400	0	0

2.5.3 Autres complexités

Disposition	Consultation requise	Estimation des frais	Avis juridique	Autres	Total
Communication totale	2	1	0	0	3
Communication partielle	23	15	0	19	57
Tous exemptés	0	0	0	0	0
Tous exclus	1	0	0	1	2
Demande abandonnée	0	0	0	0	0
Total	26	16	0	20	62

2.6 Retards

2.6.1 Raisons des retards dans le traitement des demandes

Nombre de demandes fermées en retard	Raison principale			
	Charge de travail	Consultation externe	Consultation interne	Autres
5	2	2	0	1

2.6.2 Nombre de jours de retard

Nombre de jours en retard	Nombre de demandes en retard où le délai n'a pas été prorogé	Nombre de demandes en retard où le délai a été prorogé	Total
1 à 15 jours	0	4	4
16 à 30 jours	0	0	0
31 à 60 jours	0	1	1
61 à 120 jours	0	0	0
121 à 180 jours	0	0	0
181 à 365 jours	0	0	0
Plus de 365 jours	0	0	0
Total	0	5	5

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

PART 3 – Extensions

3.1 Reasons for extensions and disposition of requests

Disposition of requests where an extension was taken	9(1)(a) Interference with operations	9(1)(b) Consultation		9(1)(c) Third party notice
		Section 69	Other	
All disclosed	0	0	0	2
Disclosed in part	18	0	0	22
All exempted	0	0	0	0
All excluded	0	0	0	1
No records exist	3	0	0	0
Request abandoned	0	0	0	0
Total	21	0	0	25

3.2 Length of extensions

Length of extensions	9(1)(a) Interference with operations	9(1)(b) Consultation		9(1)(c) Third party notice
		Section 69	Other	
30 days or less	0	0	0	23
31 to 60 days	18	0	0	2
61 to 120 days	2	0	0	0
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	1	0	0	0
Total	21	0	0	25

PART 4 – Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of requests	Amount	Number of requests	Amount
Application	35	\$175	0	\$0
Search	18	\$6,430	0	\$0
Production	0	\$0	0	\$0
Programming	0	\$0	0	\$0
Preparation	0	\$0	0	\$0
Alternative format	0	\$0	0	\$0
Reproduction	2	\$235	26	\$470
Total	55	\$6,840	26	\$470

PART 5 – Consultations received from other institutions and organizations

5.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during reporting period	23	521	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	23	521	0	0
Closed during the reporting period	23	521	0	0
Pending at the end of the reporting period	0	0	0	0

5.2 Recommendations and completion time for consultations received from other government institutions

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	
Disclose entirely	7	0	0	0	0	0	0	7
Disclose in part	12	1	1	0	0	0	0	14
Exempt entirely	1	0	0	0	0	0	0	1
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	1	0	0	0	0	0	0	1
Other	0	0	0	0	0	0	0	0
Total	21	1	1	0	0	0	0	23

5.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

PART 6 – Completion time of consultations on Cabinet confidences

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
Total	0	0

PART 7 – Resources related to the Access to Information Act

7.1 Costs

Expenditures		Amount
Salaries		\$75,444
Overtime		\$0
Goods and Services		\$0
• Professional services contracts	\$0	
• Other	\$0	
Total		\$75,444

7.2 Human Resources

Resources	Dedicated full-time to ATI activities	Dedicated part-time to ATI activities	Total
Full-time employees	0.00	4.00	4.00
Part-time and casual employees	0.00	0.00	0.00
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.00	0.00	0.00
Students	0.00	0.00	0.00
Total	0.00	4.00	4.00

5. EDUCATION ACTIVITIES

April 12, 2012 the ATIP Coordinator participated in one of the two information sessions hosted by Treasury Board Secretariat to discuss requirements for posting completed Access to Information requests and the new statistical reporting forms.

March 2013, the ATIP Coordinator completed a 2 hour orientation session on the *Access to Information Act* with the newly appointed Chairman and Vice Chairman of the Canada-Newfoundland and Labrador Offshore Petroleum Board. No other education activities have taken place during the year related to the *Access to Information Act*.

6. POLICY PROCEDURES IMPLEMENTED

The C-NLOPB did not implement any Access to Information related policies, procedures or guidelines during the reporting period.

7. COMPLAINTS AND INVESTIGATIONS

During 2012-2013, the Information Commissioner received a total of seven (7) complaints related to Access to Information Act requests processed by the Canada-Newfoundland and Labrador Offshore Petroleum Board. One complaint dealt with an unreasonable Extension of time limit for which the Information Commissioner concluded that the complaint was well founded and resolved without having made recommendations to the head of the institution. Six (6) of these were related to what the requestor deemed to be improper application of exemptions, for which there has been no communication from the Information Commissioners Office.