


CANADA-NEWFOUNDLAND  
and LABRADOR  
 OFFSHORE  
PETROLEUM  
BOARD

Access to Information Act

Annual Report to Parliament

April 1, 2013 – March 31, 2014

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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.



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## **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 1 - 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.

  
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Susan Gover  
Legal Counsel  
Attachment

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**4. SUMMARY OF INFORMATION REQUESTS**

The C-NLOPB received 17 requests during the reporting period and six (6) were carried forward from the previous year. Of the 23 requests, Information was disclosed in all or part for 17 requests, and four (4) requests had no relevant information to release. Two (2) requests were not completed during this period and will be reported on in the 2014-2015 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 21 of the requests closed in this reporting period.

The C-NLOPB reviewed and commented on 13 consultations received from other Government Institutions.

**a. FEDERAL COURT SUBMISSION**

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:** 04/01/2013 to 03/31/2014

#### **PART 1 – Requests under the Access to Information Act**

##### 1.1 Number of Requests

	Number of Requests
Received during reporting period	17
Outstanding from previous reporting period	6
<b>Total</b>	<b>23</b>
Closed during reporting period	21
Carried over to next reporting period	2

##### 1.2 Sources of requests

Source	Number of Requests
Media	2
Academia	0
Business (Private Sector)	15
Organization	0
Public	0
<b>Total</b>	<b>17</b>

#### **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	0	1	0	0	0	0	2
Disclosed in part	0	0	11	3	0	1	0	15
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	0	0	4	0	0	0	0	4
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Treated informally	0	0	0	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>16</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>21</b>



## 2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests	Section	Number of requests
13(1)(a)	0	16(2)(a)	0	18(a)	0	20.1	0
13(1)(b)	0	16(2)(b)	0	18(b)	0	20.2	0
13(1)(c)	1	16(2)(c)	0	18(c)	0	20.4	0
13(1)(d)	0	16(3)	0	18(d)	1	21(1)(a)	1
13(1)(e)	0	16.1(1)(a)	0	18.1(1)(a)	0	21(1)(b)	1
14(a)	1	16.1(1)(b)	0	18.1(1)(b)	0	21(1)(c)	0
14(b)	0	16.1(1)(c)	0	18.1(1)(c)	0	21(1)(d)	0
15(1) - I.A.*	0	16.1(1)(d)	0	18.1(1)(d)	0	22	0
15(1) - Def.*	0	16.2(1)	0	19(1)	13	22.1(1)	0
15(1) - S.A.*	0	16.3	0	20(1)(a)	0	23	2
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(b)	4	24(1)	3
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)	1		
16(1)(b)	0	17	0	20(1)(d)	4		
16(1)(c)	0						
16(1)(d)	0						

\* I.A.: International Affairs    Def.: Defence of Canada    S.A.: Subversive Activities

## 2.3 Exclusions

Section	Number of requests	Section	Number of requests	Section	Number of requests
68(a)	1	69(1)(a)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(b)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(c)	0	69(1)(g) re (c)	0
68.1	0	69(1)(d)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(e)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(f)	0	69(1)(g) re (f)	0
				69.1(1)	0

## 2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	2	0	0
Disclosed in part	15	0	0
<b>Total</b>	<b>17</b>	<b>0</b>	<b>0</b>

## 2.5 Complexity

### 2.5.1 Relevant pages processed and disclosed

Disposition of requests	Number of pages processed	Number of pages disclosed	Number of requests
All disclosed	67	67	2
Disclosed in part	1985	1333	15
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	0

### 2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less than 100 pages processed		101-500 pages processed		501-1000 pages processed		1001-5000 pages processed		More than 5000 pages processed	
	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed
All disclosed	2	67	0	0	0	0	0	0	0	0
Disclosed in part	10	332	4	780	1	221	0	0	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>12</b>	<b>399</b>	<b>4</b>	<b>780</b>	<b>1</b>	<b>221</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 2.5.3 Other complexities

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	1	0	0	0	1
Disclosed in part	13	1	0	1	15
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
<b>Total</b>	<b>14</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>16</b>

## 2.6 Deemed refusals

### 2.6.1 Reasons for not meeting statutory deadline

Number of requests closed past the statutory deadline	Principal Reason			
	Workload	External consultation	Internal consultation	Other
1	0	0	0	1

### 2.6.2 Number of days past deadline

Number of days past deadline	Number of requests past deadline where no extension was taken	Number of requests past deadline where an extension was taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	1	1
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
<b>Total</b>	<b>0</b>	<b>1</b>	<b>1</b>

**2.7 Requests for translation**

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
<b>Total</b>	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	1
Disclosed in part	3	0	0	13
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
<b>Total</b>	3	0	0	14

**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	0
31 to 60 days	3	0	0	4
61 to 120 days	0	0	0	10
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
<b>Total</b>	3	0	0	14

**PART 4 – Fees**

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of requests	Amount	Number of requests	Amount
Application	21	\$105	0	\$0
Search	1	\$4,478	0	\$0
Production	0	\$0	0	\$0
Programming	0	\$0	0	\$0
Preparation	0	\$0	0	\$0
Alternative format	0	\$0	0	\$0
Reproduction	0	\$0	15	\$274
<b>Total</b>	<b>22</b>	<b>\$4,583</b>	<b>15</b>	<b>\$274</b>

**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	13	515	0	0
Outstanding from the previous reporting period	0	0	0	0
<b>Total</b>	<b>13</b>	<b>515</b>	<b>0</b>	<b>0</b>
Closed during the reporting period	13	515	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	2	0	0	0	0	0	9
Disclose in part	4	0	0	0	0	0	0	4
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
<b>Total</b>	<b>11</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>13</b>



**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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**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
<b>Total</b>	<b>0</b>	<b>0</b>

**PART 7 – Resources related to the Access to Information Act**

**7.1 Costs**

Expenditures		Amount
Salaries		\$82,400
Overtime		\$0
Goods and Services		\$0
• Professional services contracts	\$0	
• Other	\$0	
<b>Total</b>		<b>\$82,400</b>

**7.2 Human Resources**

<b>Resources</b>	<b>Dedicated full-time to ATI activities</b>	<b>Dedicated part-time to ATI activities</b>	<b>Total</b>
Full-time employees	0.00	2.00	2.00
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
<b>Total</b>	0.00	2.00	2.00

**5. EDUCATION ACTIVITIES**

No formal education activities occurred during the reporting period.

**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 2013-2014, the Information Commissioner received a total of 22 complaints related to Access to Information Act requests processed by the Canada-Newfoundland and Labrador Offshore Petroleum Board. Five (5) complaints 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, one (1) of which the Information Commissioner's Office deemed not well founded, two (2) were abandoned by the complainant and two (2) have not been ruled on. Eight (8) complaints were related to what the requestor deemed to be improper application of exemptions the Information Commissioner's Office has not ruled on any of these complaints. Six (6) complaints were for responses where the requestor felt he did not receive all records responsive to the request, the Office of the Information Commissioner directed the release of records in two (2) complaints and ruled one (1) to be founded with no recommendations and has yet to rule on three (3) complaints. Two (2) complaints were submitted when the requestor felt that the CNLOPB did not respond within the required timeframe, the Office of the Information Commissioner ruled on to be not well founded and another to be well founded and resolved. Another complaint dealt with the fees assessed for which there has been no ruling from the Information Commissioner.