



CANADA-NEWFOUNDLAND & LABRADOR

CNLOPB

OFFSHORE PETROLEUM BOARD

Access to Information Act

Annual Report to Parliament

April 1, 2014 – March 31, 2015

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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 Canada-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. 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, Newfoundland and Labrador 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

d concur.

Aug 9/11

4. SUMMARY OF INFORMATION REQUESTS

The C-NLOPB received 15 requests during the 2014-2015 reporting period, two less than was received in the 2013-2014 reporting period and substantially less than the record-high of 40 requests received during the 2012-2013 reporting period. Over the past 5 years the C-NLOPB has received an average of 15 requests per year.

Historically, the bulk of requests have been received from the Business (Private Sector), on average 83%, except for 2010-2011 which saw 62% of requests being received from Media. During the 2014-2015 reporting period, 100% of requests were received from the “Business (Private Sector)”,

Of the 17 requests closed during the reporting period, 13 had information which was “All Disclosed or “Disclosed in Part”, two had “No Relevant Information” and all information was “Exempted” for the remaining two requests. This resulted in 78% of requests closed during this reporting period having information “All Disclosed” or “Disclosed in Part.” The five year average shows that 80% of requests result in records being “All Disclosed” or “Disclosed in Part.”

For the first time in five years, no requests were carried to the next reporting period.

The C-NLOPB responded to one “Informal Request” during this reporting period. The C-NLOPB had not previously received an “Informal Request” since the 2010-2011 reporting period.

Mandatory consultations regarding the disclosure of information provided by third parties and other government institutions were initiated in eight of the requests closed during the reporting period. This represents 44% of the requests, down from the previous two years which saw an average of 67% of requests requiring consultations.

During the reporting period, the C-NLOPB reviewed and commented on 12 consultations from other Government Institutions. The five year average for consultations received is nine per year. During the 2012-2013 reporting period a total of 23 consultation requests were received.

a. FEDERAL COURT SUBMISSION

One 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. The Federal Court subsequently ruled that the records are to be exempted pursuant to section 24(1) of the Act. This is the second request since 2011 in which a third party has sought a review by the Federal Court.

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

Reporting period: 2014-04-01 to 2015-03-31

Part 1: Requests Under the Access to Information Act

1.1 Number of requests

	Number of Requests
Received during reporting period	15
Outstanding from previous reporting period	2
Total	17
Closed during reporting period	17
Carried over to next reporting period	0

1.2 Sources of requests

Source	Number of Requests
Media	0
Academia	0
Business (private sector)	15
Organization	0
Public	0
Decline to Identify	0
Total	15

1.3 Informal 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	
1	0	0	0	0	0	0	1

Note: All requests previously recorded as "treated informally" will now be accounted for in this section only.

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	3	2	1	1	0	0	0	7
Disclosed in part	1	1	0	1	2	0	1	6
All exempted	0	0	2	0	0	0	0	2
All excluded	0	0	0	0	0	0	0	0
No records exist	2	0	0	0	0	0	0	2
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	6	3	3	2	2	0	1	17

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)	0	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	0	20.2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	0	18(d)	0	21(1)(a)	0
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	0
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	0
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	0
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	0
15(1)	0	16.1(1)(d)	0	19(1)	7	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	0
15(1) - Def.*	0	16.3	0	20(1)(b)	1	24(1)	5
15(1) - S.A.*	0	16.4(1)(a)	0	20(1)(b.1)	0	26	0
16(1)(a)(i)	0	16.4(1)(b)	0	20(1)(c)	0		
16(1)(a)(ii)	0	16.5	0	20(1)(d)	0		
16(1)(a)(iii)	0	17	0				
16(1)(b)	0						
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)	2	69(1)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(a)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(b)	0	69(1)(g) re (c)	0
68.1	0	69(1)(c)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(d)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(e)	0	69(1)(g) re (f)	0
		69(1)(f)	0	69.1(1)	0

2.4 Format of information released

Disposition	Paper	Electronic	Other Formats
All disclosed	7	0	0
Disclosed in part	6	0	0
Total	13	0	0

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	1597	1597	7
Disclosed in part	2519	1199	6
All exempted	15744	0	2
All excluded	0	0	0
Request abandoned	0	0	0
Neither confirmed nor denied	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	3	129	3	922	1	546	0	0	0	0
Disclosed in part	3	189	2	330	1	680	0	0	0	0
All exempted	2	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	8	318	5	1252	2	1226	0	0	0	0

2.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	0	0	0
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor	0	0	0	0	0
Total	0	0	0	0	0

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
0	0	0	0	0

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	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	0	0

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	2	0	1	4
All exempted	1	0	0	2
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	3	0	1	8

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	1	0	1	2
31 to 60 days	2	0	0	6
61 to 120 days	0	0	0	0
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	3	0	1	8

Part 4: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	15	\$75	0	\$0
Search	0	\$0	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	11	\$507
Total	15	\$75	11	\$507

Part 5: Consultations Received From Other Institutions and Organizations

5.1 Consultations received from other Government of Canada institutions and organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during reporting period	10	518	2	40
Outstanding from the previous reporting period	0	0	0	0
Total	10	518	2	40
Closed during the reporting period	10	518	2	40
Pending at the end of the reporting period	0	0	0	0

5.2 Recommendations and completion time for consultations received from other Government of Canada 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	More Than 365 Days	
Disclose entirely	6	0	0	0	0	0	0	6
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
Total	10	0	0	0	0	0	0	10

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	More Than 365 Days	
Disclose entirely	1	0	0	0	0	0	0	1
Disclose in part	1	0	0	0	0	0	0	1
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	2	0	0	0	0	0	0	2

Part 6: Completion Time of Consultations on Cabinet Confidences

6.1 Requests with Legal Services

Number of Days	Fewer 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
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

6.2 Requests with Privy Council Office

Number of Days	Fewer 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
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Part 7: Complaints and Investigations

Section 32	Section 35	Section 37	Total
6	6	1	13

Part 8: Court Action

Section 41	Section 42	Section 44	Total
0	0	1	1

Part 9: Resources Related to the Access to Information Act

9.1 Costs

Expenditures		Amount
Salaries		\$86,520
Overtime		\$0
Goods and Services		\$0
• Professional services contracts	\$0	
• Other	\$0	
Total		\$86,520

9.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	1.00
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	1.00

Note: Enter values to two decimal places.

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 the reporting period, the Information Commissioner received a total of six complaints related to *Access to Information Act* requests processed by the C-NLOPB. Two complaints dealt with claims of an unreasonable extension of time limit, for which the Information Commissioner concluded that one of the complaints was not well founded. One complaint was related to what the requestor deemed to be improper application of exemptions and three were for responses where the requestor felt they did not receive all records responsive to the request; the Office of the Information Commissioner has yet to rule on these complaints.

8. MONITORING OF REQUESTS

The C-NLOPB ATIP Coordinator has developed a spreadsheet which tracks the receipt date of each request and calculates the legislated completion date of the requests. The extensions are applied to this date and the legislated close date of the request is calculated. During the 2014-2015 reporting period, there were no requests that were closed beyond the legislated timeframe.