



CANADA-NEWFOUNDLAND & LABRADOR

CNLOPB

OFFSHORE PETROLEUM BOARD

Access to Information Act

Annual Report to Parliament

April 1, 2018 – March 31, 2019

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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 Canada-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, Minister for Service NL 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 Canada-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:

- offshore safety;
- environmental protection and safety;
- effective management of land tenure;
- resource management; and,

- Canada-Newfoundland and Labrador benefits.

Worker health and 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 comply with approved Canada-Newfoundland and 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 are assigned to the Exploration and Information Resources Department. The Information Resources Manager co-ordinates and processes requests as received in the Information Resources Centre. Information Resources staff, and when required, Legal Counsel have been tasked with the responsibility of reviewing and assisting with the processing of requests received under the *Access to Information Act*, and other staff of the C-NLOPB are consulted as required when completing requests.

The C-NLOPB's enabling legislation, [Canada-Newfoundland and Labrador Atlantic Accord Implementation Act, S.C. 1987, c.3. \(C-NLAAIA\)](#), contains a provision (s.119) which prohibits the C-NLOPB from releasing confidential information obtained from companies operating in the Canada-Newfoundland and Labrador Offshore Area without the consent of the party which provided it. The Access to Information Coordinator is diligent in dealing with access requests to ensure that the C-NLOPB's s.119 obligations are not compromised and undertakes 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.

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MEMO TO: Roger Grimes
Acting Chair

FROM: Trevor Bennett
Information Resources Manager

DATE: April 30, 2019

SUBJECT: Designation of Privacy and Information Officer

Pursuant to the Board's By-Law No. 1, as amended (Schedule I – Paragraph 2(a)(lxiii)), the Chair 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 myself or John Crocker for further handling.

Attachment

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DELEGATION ORDER


Pursuant to section 73 of the *Access to Information Act* and section 73 of the *Privacy Act*

Roger Grimes, of the Canada-Newfoundland and Labrador Offshore Petroleum Board, pursuant to section 73 of the *Access to Information Act* and section 73 of the *Privacy Act*, hereby designates the person holding the position set out in the Schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers, duties and functions of the Chair and Chief Executive Officer of the Canada-Newfoundland and Labrador Offshore Petroleum Board, under the provisions of the *Act* and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders and appointments.

Schedule

Position	<i>Access to Information Act</i> and Regulations	<i>Privacy Act</i> and Regulations
Information Resources Manager	Full Authority	Full Authority

Dated this 30th day of April, 2019

DocuSigned by:

 Roger Grimes
 Acting Chair

4. SUMMARY OF INFORMATION REQUESTS

The C-NLOPB received five requests during the 2018-2019 reporting period, three less than the 2017-2018 reporting period and substantially less than the record-high of 40 requests received during the 2012-2013 reporting period. Over the past five years, the C-NLOPB has received on average 11 requests per year.

The 2018-2019 reporting period saw three requests being received from media, one from organizations and one from academia.

Of the eight requests closed during the reporting period, six had information which was “Disclosed in Part”, one had information which was “All Exempted”, and one had “No Records” relevant to the request. This reflects 75% of requests are “All Disclosed or “Disclosed in Part”. The five year average indicates that 80% of requests result in records being “All Disclosed” or “Disclosed in Part.”

One request is being carried to the next reporting period.

The C-NLOPB received three “Informal Requests” during this reporting period.

Mandatory consultations regarding the disclosure of information provided by third parties and other government institutions were initiated in seven of the eight requests closed during the reporting period, which represents 87% of the requests.

During the reporting period, the C-NLOPB reviewed and commented on seven consultations from other Government Institutions. The five year average for consultation requests received is eight per year. The highest numbers of consultation requests were received in the 2012-2013 reporting period, where 23 were received.

a. FEDERAL COURT SUBMISSION

Two requests received during the reporting period resulted in a third party seeking review by the Federal Court to prevent the C-NLOPB from releasing their records to a requestor. 11 requests since 2011 have resulted in a third party seeking 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 I

Reporting period: 2018-04-01 to 2019-03-31

Part 1: Requests Under the

1.1 Number of requests

	Number of Requests
Received during reporting period	5
Outstanding from previous reporting period	4
Total	9
Closed during reporting period	8
Carried over to next reporting period	1

1.2 Sources of requests

Source	Number of Requests
Media	3
Academia	1
Business (private sector)	0
Organization	1
Public	0
Decline to Identify	0
Total	5

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	
2	0	1	0	0	0	0	3

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	0	0	0	0	0	0	0	0
Disclosed in part	0	0	1	3	2	0	0	6
All exempted	0	0	1	0	0	0	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	0	1	0	0	0	0	0	1
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	0	1	2	3	2	0	0	8

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)	3
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	3
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)	6	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	1
15(1) - Def.*	0	16.3	0	20(1)(b)	6	24(1)	6
15(1) - S.A.*	0	16.4(1)(a)	0	20(1)(b.1)	0	26	0
16(1)(a)(i)	1	16.4(1)(b)	0	20(1)(c)	2		
16(1)(a)(ii)	0	16.5	0	20(1)(d)	2		
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)	1	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	0	0	0
Disclosed in part	0	6	0
Total	0	6	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	0	0	0
Disclosed in part	4287	2757	6
All exempted	506	0	1
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	0	0	0	0	0	0	0	0	0	0
Disclosed in part	1	33	2	209	1	645	2	1870	0	0
All exempted	0	0	0	0	1	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	1	33	2	209	2	645	2	1870	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	6	0	0	0	6
All exempted	1	0	0	0	1
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Total	7	0	0	0	7

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	0
Disclosed in part	2	0	0	6
All exempted	0	0	0	1
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	2	0	0	7

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	1	0	0	7
61 to 120 days	1	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	2	0	0	7

Part 4: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	5	\$25	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	0	\$0
Total	5	\$25	0	\$0

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	4	113	3	405
Outstanding from the previous reporting period	0	0	0	0
Total	4	113	3	405
Closed during the reporting period	4	113	3	405
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	1	0	0	0	0	0	0	1
Disclose in part	2	0	0	0	0	0	0	2
Exempt entirely	1	0	0	0	0	0	0	1
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	4	0	0	0	0	0	0	4

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	1	0	0	0	0	0	2
Disclose in part	0	1	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	1	2	0	0	0	0	0	3

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
8	8	0	16

Part 8: Court Action

Section 41	Section 42	Section 44	Total
0	0	2	2

Part 9: Resources Related to the Access to Information Act

9.1 Costs

Expenditures		Amount
Salaries		\$102,160
Overtime		\$0
Goods and Services		\$0
• Professional services contracts	\$0	
• Other	\$0	
Total		\$102,160

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

Apart from on-boarding of new employees, no formal education activities related to the *Access to Information Act* occurred during the reporting period.

6. POLICY PROCEDURES IMPLEMENTED

The C-NLOPB did not implement any new 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 eight complaints related to *Access to Information Act* requests processed by the C-NLOPB. The complaints dealt with claims of an unreasonable extension of time limit. The Information Commissioner has not provided any “Reports of Findings” to date related to 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. In the event that the timeframes extend past the legislated timeframe, the Chief Executive Officer and General Counsel for the organization will be notified.