Public Prosecution Service of Canada | Service des poursuites pénales du Canada

Annual Report on the *Access to Information Act*

Public Prosecution Service of Canada

2019-2020

Canada

Annual Report on the *Access to Information Act* (Public Prosecution Service of Canada), 2019-2020

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1 Introduction

The *Access to Information Act* (the *Act*) came into force on July 1, 1983. The purpose of the *Act* is to enhance the accountability and transparency of federal government institutions in order to promote an open and democratic society and enable public debate on the conduct of those institutions. In furtherance of that purpose, the *Act* provides a right of access to information found in records under the control of a government institution, in accordance with the following principles:

- Government information should be available to the public;
- Necessary exceptions to the right of access should be limited and specific; and
- Decisions on the disclosure of government information should be reviewed independently of government.

The Public Prosecution Service of Canada (PPSC) became subject to the *Act* when it was established as an independent organization on December 12, 2006, with the coming into force of the *Director of Public Prosecutions Act* (Part 3 of the *Federal Accountability Act*).

Pursuant to section 94 of the *Access to Information Act* and section 20 of the *Service Fees Act*, this 2019-2020 Annual Report on the *Act* has been prepared for tabling in the House of Commons and the Senate. This Report provides an analysis of the information contained in the PPSC's Statistical Report on the *Act*. In addition, it reports on emerging trends, training activities, internal policies, guidelines and procedures with respect to the PPSC's administration of the *Act*.

2 The Public Prosecution Service of Canada

The PPSC's mandate is set out in the *Director of Public Prosecutions Act* (*DPPA*). The *DPPA* empowers the Director of Public Prosecutions (DPP), as Deputy Attorney General of Canada, to:

- Initiate and conduct federal prosecutions;
- Intervene in proceedings that raise a question of public interest that may affect the conduct of prosecutions or related investigations;
- Issue guidelines to federal prosecutors;
- Advise law enforcement agencies or investigative bodies on general matters relating to prosecutions and on particular investigations that may lead to prosecutions;
- Communicate with the media and the public on all matters that involve the initiation and conduct of prosecutions;
- Exercise the authority of the Attorney General of Canada in respect of private prosecutions; and
- Exercise any other power or carry out any other duty or function assigned by the Attorney General of Canada that is compatible with the office of the DPP.

The *DPPA* also empowers the DPP to:

- Initiate and conduct prosecutions under the *Canada Elections Act*; and
- Act, when requested by the Attorney General of Canada, in matters under the *Extradition Act* and the *Mutual Legal Assistance in Criminal Matters Act*.
- The DPP has the rank and status of a deputy head of a department, and in this capacity is responsible for the management of the PPSC as a distinct government institution.

3 The ATIP Office

The ATIP Office holds primary responsibility for the implementation and administration of the *Access to Information Act*. The Office deals directly with the public in relation to access to information requests, liaises with Offices of Primary Interest to prepare responses, and serves as the centre of expertise for ATIP within the PPSC.

The ATIP Office fulfills its responsibilities by:

- Processing access to information requests in accordance with the *Act*, the *Access to Information Regulations* (the *Regulations*) and the Treasury Board of Canada Secretariat (TBS)'s policies, directives and guidelines;
- Responding to consultations submitted by other federal institutions or other levels of government on PPSC records being considered for release;
- Providing advice to PPSC managers and employees regarding the application and interpretation of the *Act*, the *Regulations* and the TBS's policies, directives and guidelines;
- Responding to requests received from other government institutions for the review of solicitor-client privilege in records related to criminal proceedings in which the PPSC is involved;
- Reviewing PPSC policies, procedures and agreements to ensure that they comply with the requirements of the *Act* and making recommendations for amendments;
- Monitoring the PPSC's compliance with the *Act*, the *Regulations* and the TBS's policies, directives and guidelines;
- Communicating with investigators of the Office of the Information Commissioner of Canada to resolve complaints filed against the PPSC;
- Reviewing documents relevant to proactive publication, such as audits and evaluations or contracts over $10,000, prior to their publication on the PPSC's website, ensuring that they do not contain information that is subject to exemptions or exclusions under the *Act*;
- Delivering training sessions intended to familiarize the PPSC's managers and employees with the requirements of the *Act*, the *Regulations* and the TBS's policies, directives and guidelines;

- Updating the PPSC's chapter of the federal government's *Information About Programs and Information Holdings* publication (formerly known as *Info Source: Sources of Government and Employee Information*);
- Submitting an annual statistical report on the administration of the *Act* to the TBS;
- Preparing an annual report on the administration of the *Act* for tabling in both Houses of Parliament; and
- Posting summaries of completed access to information requests on the Open Government portal.

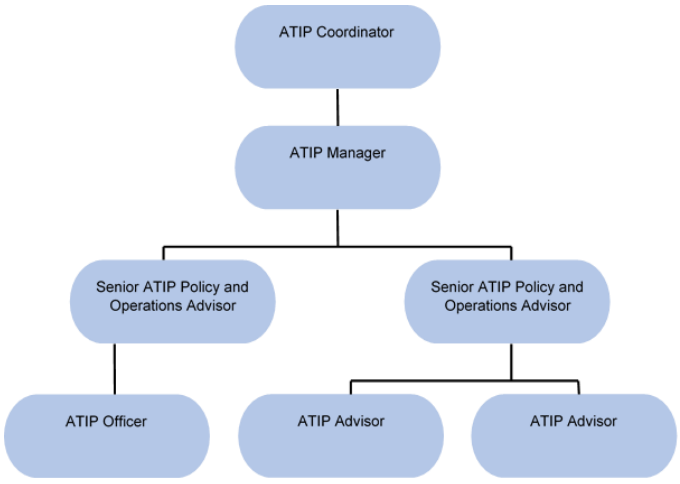
3.1 Organizational structure

The Executive Director, Corporate Planning and External Relations Division (CPERD), acts as the PPSC's ATIP Coordinator.

During the period from April 1, 2019, to March 31, 2020, the ATIP Office comprised a Manager, two Senior Advisors, two Advisors, and an ATIP Officer. The Office also had the support of one additional resource for part of the year.

The following chart outlines the organizational structure of the ATIP Office on March 31, 2020:

Figure 1: Organizational structure



4 Delegated authorities

Pursuant to subsection 95(1) of the *Act*, the head of a government institution may designate one or more officers or employees of that institution, by order, to exercise or perform any of the powers, duties or functions of the head of the institution under the *Act*.

The DPP, as the "head of institution," has designated the authority to exercise the powers and perform the duties and functions conferred to her under the *Act* to the Executive Director, CPERD, as well as the Senior Director General, Corporate Services, and the ATIP Manager (Delegation Order in Appendix A). The ATIP Manager exercises this authority in the absence of the Executive Director, CPERD. The Senior Director General, Corporate Services, exercises this authority in the absence of both the Executive Director, CPERD, and the ATIP Manager.

5 Interpretation of the statistical report

The following section provides a summary and analysis of the information contained in the 2019-2020 Statistical Report on the *Act* in Appendix B of this report.

5.1 Requests received under the *Act*

5.1.1 Number of requests

The PPSC received 47 formal access to information requests in 2019-2020, 13% less requests than in fiscal year 2018-2019.

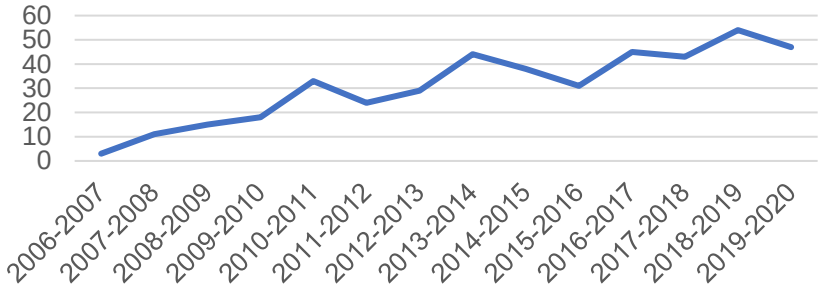
The PPSC received 87% of its access to information requests **online** this fiscal year.

Additionally, 18 requests were carried over from the previous fiscal year. The majority of these requests were received at the very end of this period and before the initial statutory deadline of 30 days for responding could be reached. The increase during this period was due to extensive media reporting on a few high-profile criminal prosecutions that were ongoing at the time. Altogether, the PPSC had 65 requests to process in 2019-2020.

Since its creation in December 12, 2006, the PPSC has received 435 access to information requests in total. Despite some fluctuations, overall, the number of requests received each fiscal year has continued to increase.

The following chart illustrates this trend:

Figure 2: Requests received since 2006



Note: As the PPSC was created on December 12, 2006, data for 2006-2007 only reflects a three-month period. Additionally, since 2014-2015, the number of requests received no longer includes those that are treated informally. These requests are now reported separately as informal requests.

5.1.2 Subject matter

The subject matter of the 47 requests received in 2019-2020 was varied and often involved overlapping categories. However, a few key themes can be observed:

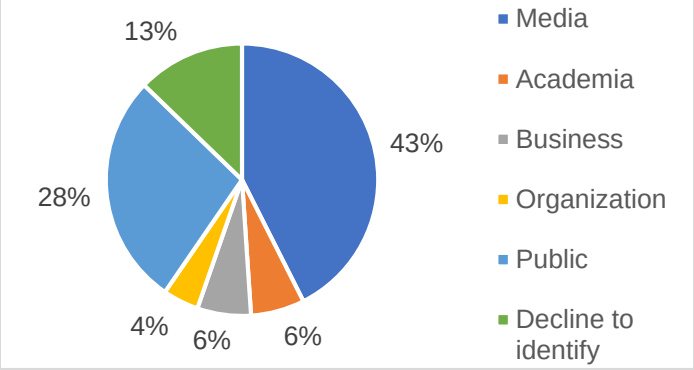
- Reflecting the mandate of the PPSC, 83% of requests received related to criminal and regulatory prosecutions and investigations.
- Notably, applicants were also interested in records on the following subjects: media relations and other communications topics; human resources and workplace matters; briefing materials for the Attorney General of Canada; and data on a variety of topics, such as legal costs, criminal charges, and prosecution trends.

5.1.3 Sources

During the 2019-2020 fiscal period, 43% of the 47 requests received were from the media. Similarly, 46% of requests received in the previous period were also from the media. This continues to be a sharp departure from the general trend of earlier fiscal years, where the greatest proportion of the PPSC's requests typically originated from the general public. This shift could be attributed to sustained media attention on the organization following recent prosecutions.

The following chart outlines the distribution of all requests received in 2019-2020 by source:

Figure 3: Sources of received requests



5.1.4 Informal requests

An informal request is any request for information made to the ATIP Office of a government institution that is not processed under the *Act*. Fees cannot be charged for informal requests, and there are no deadlines for response. Additionally, the applicant has no statutory right of complaint to the OIC.

The PPSC receives the majority of informal requests through the online Open Government portal, where the PPSC publishes a monthly summary of completed access to information requests. Applicants have the ability to submit an informal request through the Portal for any records that were released in response to completed requests.

During the 2019-2020 fiscal period, the PPSC received and responded to 66 informal requests, 6% more than in the previous period.

The PPSC responded to nearly all of its 66 informal requests within the first 15 days of receipt, with the exception of one (1) request, where the applicant elected to wait until records were available in response to a formal access to information request that was being processed at the time.

This is the second year that the PPSC has received **more** informal than formal requests.

Applicants are becoming familiar with the range of government tools that are available for accessing information under the organization's control.

Throughout 2019-2020, the ATIP Office also prepared responses to Parliamentary Questions, and provided advice and recommendations to PPSC employees regarding reports on proactive publication, audit, harassment, and administrative investigations. The ATIP Office reviewed these reports to ensure that sensitive information, such as solicitor-client privileged and personal information, was identified and protected prior to publication or disclosure to the relevant parties.

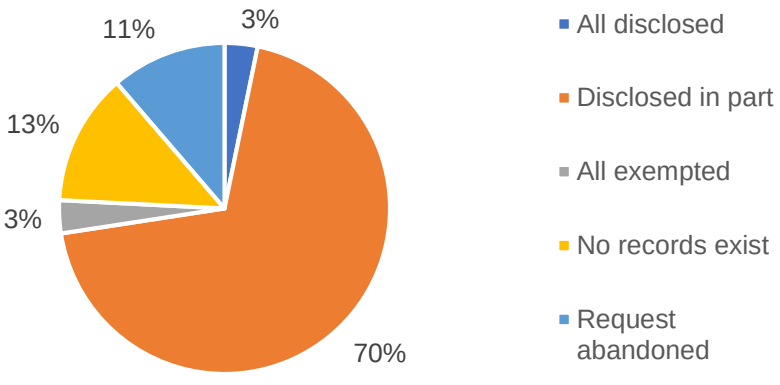
5.2 Requests closed during the fiscal year

5.2.1 Disposition of requests

The PPSC responded to 62 formal access to information requests, which is 95% of the 65 requests that were received in 2019-2020 or carried forward from 2018-2019. This is also 48% greater than the number of requests closed in the previous period. Due to these efforts, three (3) requests remained outstanding by March 31, 2020, and were carried forward to the next fiscal year.

The disposition of requests closed in 2019-2020 was as follows:

Figure 4: Disposition of closed requests



Of the 62 requests closed in 2019-2020, records were fully or partially disclosed in 73% of cases, similar to the previous period. Overall, 70% of requests closed over the past five (5) fiscal years have resulted in a full or partial disclosure of records to applicants.

During the 2019-2020 reporting period, the PPSC closed two (2) requests in which all records were exempted. Other requests that did not result in the disclosure of records were as follows:

No records exist
Eight (8) requests could not be processed because relevant records under the control of the PPSC did not exist. Where possible, applicants were advised of other government institutions that may have records and were provided with contact information accordingly.

Request abandoned
Seven (7) requests were abandoned by applicants. In most abandoned cases, clarification is needed from the applicants in order to process their requests. When the applicants do not provide clarification, the requests are deemed as abandoned. In other cases, the applicants choose to abandon their requests.

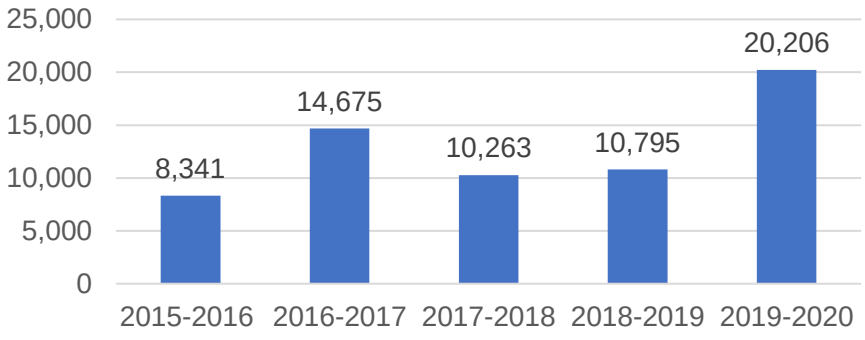
5.2.2 Number of pages processed

The PPSC processed 20,206 pages in order to close 62 requests in 2019-2020, 87% more pages than in the previous fiscal year. The substantial increase is largely due to requests for records relating to a handful of criminal prosecutions. In particular, one such request involved 5,057 pages, a quarter of all pages processed. Elsewhere, 16 other requests all related to the same, high-profile case and involved altogether 9,484 pages, 47% of all pages processed in 2019-2020.

The PPSC ATIP Office also reviewed an additional 6,625 pages received from across the organization that were ultimately deemed to be not relevant to the requests and were therefore not included as part of the responses.

The following is a summary of the relevant pages processed by the PPSC over the last five (5) fiscal years:

Figure 5: Pages processed for requests closed since 2015



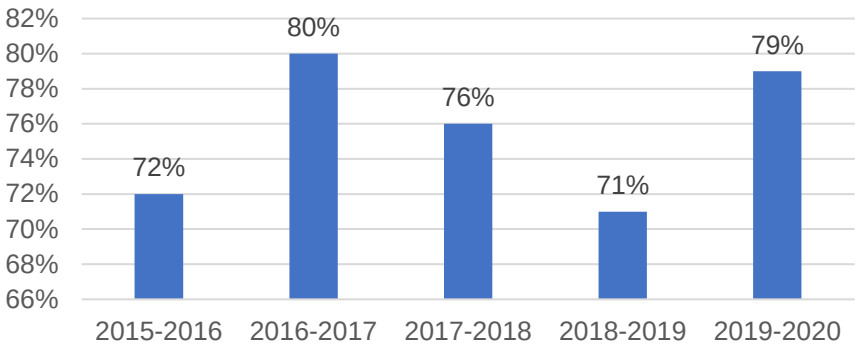
5.2.3 Completion time

Of the 62 requests closed in 2019-2020, 79% were processed within the initial 30-day statutory deadline, an 8% proportional increase from last fiscal year.

Overall, the PPSC has processed 76% of the access to information requests closed over the last five (5) fiscal years within 30 days of receipt.

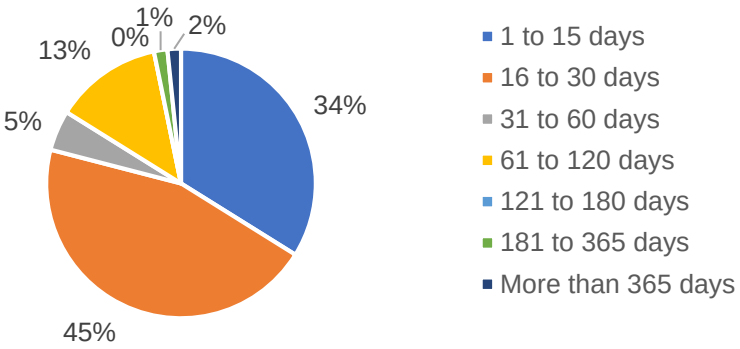
The proportion of requests closed within this timeframe in recent years is as follows:

Figure 6: Requests closed within 30 days since 2015



The following is a breakdown of the number of days taken to respond to all requests closed in 2019-2020:

Figure 7: Completion time of requests

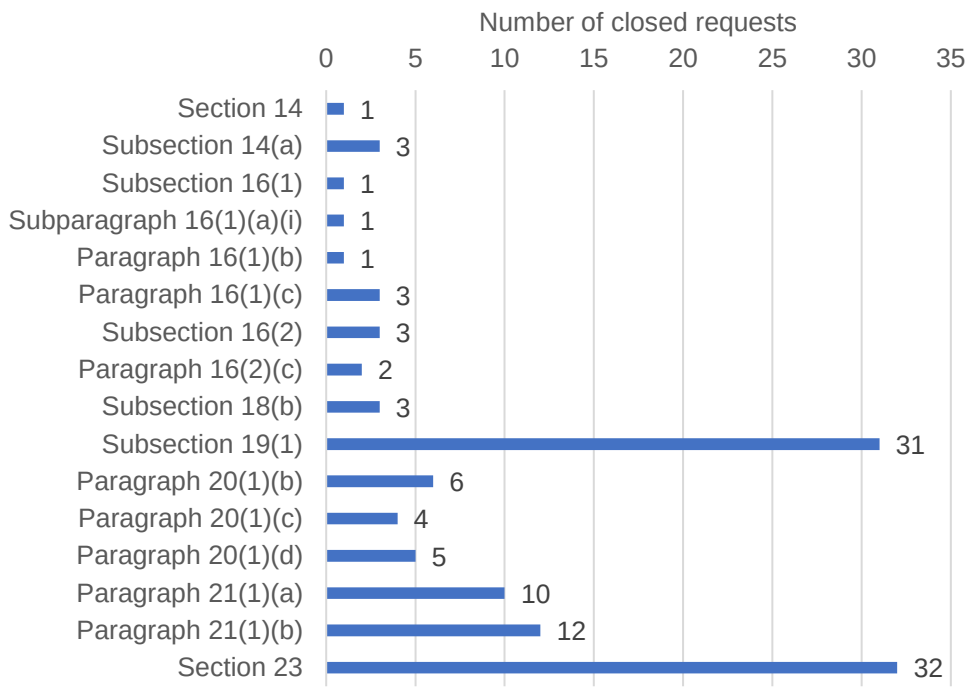


5.2.4 Exemptions

The right of access to information in government records is subject to limited and specific exceptions. Limitations to the right of access are set out in sections 13 through 24 of the *Act*. Section 26 also sets out an administrative exception relating to the publication of information.

The following is a breakdown of the exemptions applied by the PPSC in 2019-2020 for closed requests:

Figure 8: Exemptions that were invoked



Over the last five (5) fiscal years, the PPSC has most often invoked subsection 19(1) (personal information) and section 23 (solicitor-client privilege) of the *Act* when exempting information from disclosure. This reflects the mandate of the PPSC to conduct federal prosecutions, which often involve personal information about individuals, and to provide legal advice to law enforcement agencies and investigative bodies on matters relating to prosecutions.

5.2.5 Exclusions

Records or parts thereof to which the *Act* does not apply are considered to be "excluded." Pursuant to section 68, the *Act* does not apply to published material or material available for purchase by the public, library or museum material preserved solely for public record or material placed in Library and Archives Canada. Records containing confidences of the Queen's Privy Council for Canada, also known as Cabinet confidences, and which have been in existence for less than 20 years are also excluded from the *Act* pursuant to section 69.

The PPSC excluded information in response to four (4) requests closed in 2019-2020. Section 68 of the *Act* was invoked in one (1) case, while references to Cabinet confidences were found in three (3) other cases.

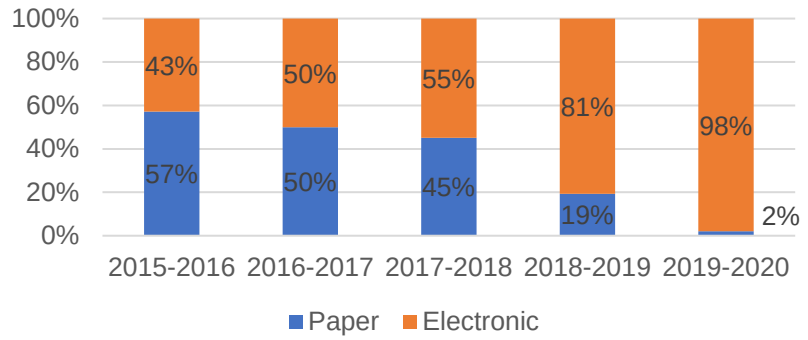
This is the first reporting period over the last five (5) fiscal years wherein the PPSC has invoked an exclusion.

5.2.6 Format of information released

In 2019-2020, information was released to applicants almost exclusively in an electronic format, whether by email or on compact disk. Of the 45 requests where the PPSC fully or partially disclosed records in 2019-2020, 44 resulted in electronic releases. The PPSC provided paper copies of records in only one (1) case, at the request of the applicant.

This is the third fiscal year in a row in which electronic releases have outnumbered paper-based. The following illustrates how this shift occurred over the last five (5) fiscal years:

Figure 9: Format of information release since 2015



5.2.7 Complexity

Due to the nature of the PPSC's work, processing requests can be challenging, and requests are regularly deemed "complex" based on a number of factors:

- Records held by the PPSC often contain information relating to criminal or regulatory investigations or prosecutions that also frequently involve other organizations at the federal, provincial or territorial level. Consultations were the main factor driving complexity in seven (7) requests closed in 2019-2020.
- For 33 requests, representing 55% of closed requests, the main source of complexity was a need to retrieve records from regions across the country. These requests most frequently involved the Ontario and Quebec regional offices, which were each tasked 17 times with searching for records relevant to requests closed in 2019-2020.

5.2.8 Deemed refusals

Requests that are not closed within the initial 30-day statutory deadline or within a timeframe covered by an extension provided by the *Act* are referred to as "deemed refusals." Further information on the circumstances in which an extension to the original deadline is permitted by the *Act* is available in section 5.3 (Extensions) of this report.

There were no deemed refusals in 2019-2020.

Over the last five (5) fiscal years, **only two (2)** access to information requests were closed past deadline.

5.2.9 Requests for translation

Just as it had been the case in the last five (5) fiscal years, the PPSC did not receive any requests from applicants in 2019-2020 to translate records from one official language to the other.

5.3 Extensions

Section 9 of the *Act* allows government institutions to extend the 30-day statutory deadline for processing a request in cases where institutions are required to review or search through a large number of records, or when consultations with other institutions or third parties are necessary.

The PPSC extended the initial deadline in 15 cases during the 2019-2020 reporting period, two (2) fewer than the previous fiscal year but a greater amount than that of earlier years. In comparison, over the last five (5) fiscal years, the PPSC has taken an average of 12 extensions each fiscal year. Requests have become increasingly complex to process, whether due to the volume of pages to process, extensive search for relevant records, or consultations with other government institutions.

Of the 15 extensions taken in 2019-2020, 87% were for 120 days or less.

The following table summarizes the length of the extensions taken and reasons:

Table 1: Extensions

Length of extensions	Reasons for extensions		
	Paragraph 9(1)(a) - Interference with operations	Paragraph 9(1)(b) - Consultation	Paragraph 9(1)(c) - Third-party notice
30 days or less	2	2	0
31 to 60 days	5	1	1
61 to 120 days	0	1	1
121 to 180 days	1	0	0
181 to 365 days	1	0	0
Total	**9**	**4**	**2**

5.4 Fees

The *Access to Information Act* authorizes the collection of fees for certain activities related to the processing of formal requests for information. In addition to the $5.00 application fee, costs related to the search, preparation and reproduction of records may be recovered in accordance with the *Regulations*.

It should be noted that the Treasury Board's *Interim Directive on the Administration of the Access to Information Act*, which came into effect on May 5, 2016, directs government institutions to waive all fees prescribed by the *Act* and the *Regulations*, other than the application fee set out in paragraph 7(1)(a) of the *Regulations*.

Pursuant to the *Act* and *Regulations*, the PPSC collected a total of $235.00 in application fees for 47 requests received in fiscal year 2019-2020. No fees were waived during the same period. Per the *Interim Directive*, no production, programming, preparation or search fees were collected.

The *Service Fees Act* requires a responsible authority to report annually to Parliament on the fees collected by the institution. Accordingly, the information above is also being reported in accordance with the requirements of section 20 of the *Service Fees Act*.

Information on the costs incurred by the PPSC to administer its access to information program is available in section 5.7 (Resources related to the *Act*) of this report.

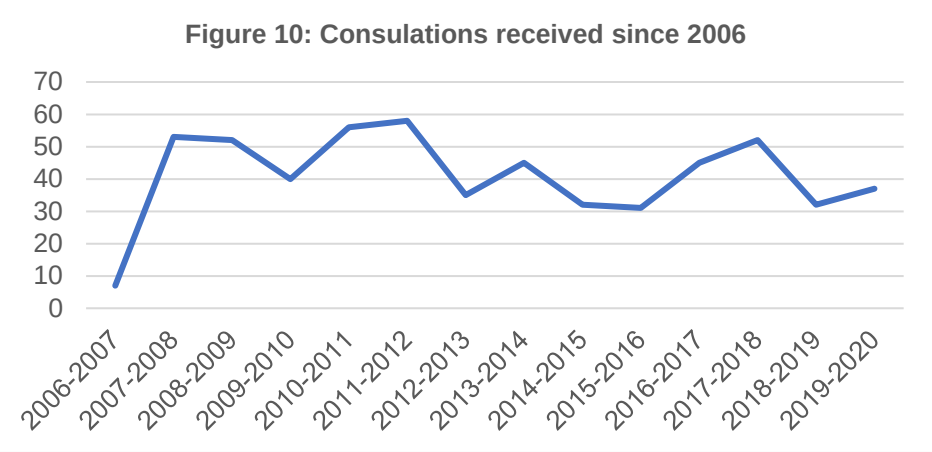
5.5 Consultations received from other institutions

5.5.1 Number of consultations

The PPSC received 37 consultations from other government institutions for processing under the *Act* in 2019-2020. This is 16% more than in the previous fiscal year. Additionally, two (2) consultations were carried forward from the same period. Altogether, the PPSC had 39 consultations to process in 2019-2020.

Since December 12, 2006, the PPSC has received 575 access to information consultations in total.

The following chart illustrates the varying number of consultations received by the PPSC each fiscal year since its creation in 2006:



Note: As the PPSC was created on December 12, 2006, data for 2006-2007 only reflects a three-month period.

5.5.2 Sources of consultations

Almost half of the consultations received by the PPSC in 2019-2020 originated from the Treasury Board of Canada Secretariat (TBS). It was also the top source for consultations for four (4) out of five (5) of the most recent reporting periods. Typically, these consultations do not involve many pages or complex subject matter.

The number of consultations forwarded by any given government institution or organization does not reflect the actual amount of work required to process them. For example, some other consultations received in 2019-2020 pertained to prosecutions. Unlike the TBS consultations, consultations related to these topics involve a greater number of records and increased complexity.

The following table identifies the number of consultations sent by each government institution:

Table 2: Sources of consultations

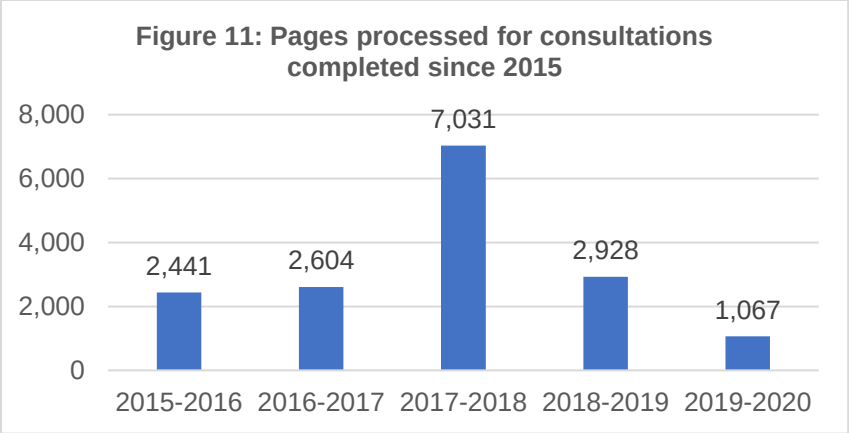
Source	Number of consultations	%
Treasury Board of Canada Secretariat	18	49%
Canada Border Services Agency	3	8%
Department of Justice Canada	2	8%
Canadian Food Inspection Agency	2	5%
Privy Council Office	2	5%
Canada Revenue Agency	2	5%
Royal Canadian Mounted Police	1	3%
Natural Resources Canada	1	3%
National Defence Canada	1	3%
Environment and Climate Change Canada	1	3%
Veteran Affairs Canada	1	3%
Indigenous Services Canada	1	3%
Public Service Commission	1	3%
Financial Transaction and Reports Analysis Centre of Canada	1	3%
Total	**37**	**100%**

5.5.3 Disposition and recommendations

Out of the 39 received or carried over to 2019-2020, the PPSC responded to 37 consultations. Two (2) consultations remained outstanding as of March 31, 2020, and were carried forward to the next fiscal year.

A total of 1,067 pages was processed, a sharp decrease from the number of pages in recent years. In comparison, since the 2014-2015 fiscal period, the PPSC has processed an average of 3,751 pages each year in response to consultations.

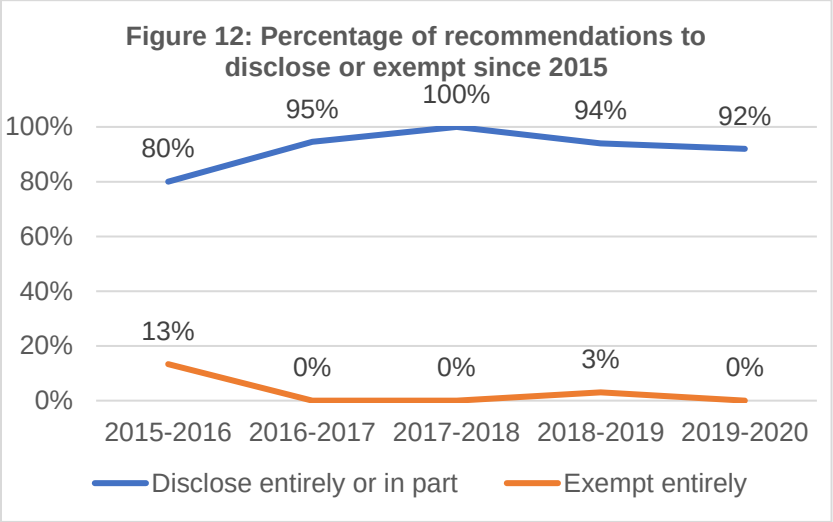
The number of pages processed during the last five (5) fiscal periods is as follows:



Of the 37 consultations completed in 2019-2020, the PPSC recommended that the other government institutions disclose records entirely in the majority of cases (27). The organization also recommended that records be partially disclosed in another seven (7) cases. For the remaining cases, two (2) consultations were discontinued by the consulting institutions and one (1) consultation was sent to the PPSC in error and therefore did not proceed.

Overall, the PPSC completed 207 consultations over the last five (5) fiscal years. In recent fiscal years, on average, the PPSC's recommendations with respect to consultations have trended towards greater disclosure, whether in full or in part, than full exemption of records.

The following chart illustrates this trend:

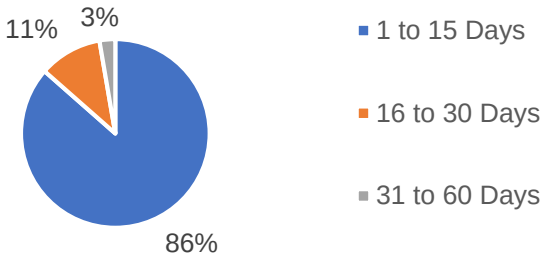


5.5.4 Completion time

Of the 37 consultations completed in 2019-2020, all but one (1) were processed within 30 days of receipt. The PPSC responded to the remaining consultation within 31 to 60 days. Over the last five (5) fiscal years, 85% of consultations have been completed within the same timeframe on average.

The following breaks down the proportion of consultations completed within each timeframe:

Figure 13: Completion time of consultations



5.6 Consultations on Cabinet confidences

The PPSC carried out three (3) consultations for three (3) separate requests with its corporate legal services during fiscal year 2019-2020 on the applicability of subsection 69(1) (Cabinet confidences) of the *Act*. When it was determined that portions of the records referred to Cabinet confidences, the information was excluded from further processing.

Ultimately, 748 pages in total were disclosed in response to requests involving Cabinet confidences, whether partially or in full.

5.7 Resources related to the *Act*

With respect to costs incurred by the PPSC on access to information activities, the information below is also being reported in accordance with the requirements of section 20 of the *Service Fees Act*.

In the 2019-2020 fiscal year, the PPSC spent a total of $258,785 administering the *Access to Information Act*, of which salaries accounted for 98% ($252,713) of expenditures, while goods and services accounted for the remaining 2% ($6,072).

No overtime expenditures were incurred during this period.

6 Training activities

Three (3) formal ATIP awareness sessions were delivered in 2019-2020.

One (1) session was an overview of ATIP legislation and employee obligations. It was delivered to approximately 25 human resource professionals at the PPSC.

The other two (2) sessions were delivered to members of the PPSC Senior Advisory Board, as part of a larger initiative within the organization to raise awareness of the various corporate services available to managers and employees. The presentations were also shared online with all PPSC employees through the internal website.

Communiqués on ATIP were also distributed as part of the PPSC's corporate newsletters.

ATIP personnel provided informal learning to employees on an *ad hoc* basis regarding various matters related to access to information and regularly provided advice to PPSC officials on responding to requests and the interpretation of the *Act*.

7 Policies, guidelines, procedures and initiatives

7.1 ATIP governance structure

The PPSC *ATIP Governance Structure* was approved by the PPSC's Executive Council in October 2011. It outlines the reporting relationships within the PPSC and establishes clear responsibilities for decision-making for the purposes of administering the *Act.*

7.2 *Information about Programs and Information Holdings*

Information about Programs and Information Holdings (formerly known as *Info Source: Sources of Government and Employee Information*) is published on the Government of Canada's canada.ca website. It provides information about the functions, programs, activities and related information holdings of government institutions subject to the *Access to Information Act* and the *Privacy Act*.

Each year, the PPSC ATIP Office updates information about the PPSC's activities and information holdings in the publication.

7.3 Initiatives

The PPSC implemented one (1) new initiative relating to access to information during the 2019-2020 fiscal year, the expansion of proactive publication.

With Royal Assent on June 21, 2019, Bill C-58, an act to amend the *Access to Information Act* and other related legislation, came into force. The impact of these changes was government-wide. Beforehand, the PPSC published popular government information such as travel and hospitality expenses, position classifications, and contracts over $10,000. Because of the new legal obligations, more PPSC information is now accessible on Canada's online open government portal.

Since Royal Assent of Bill C-58, the PPSC has proactively published the following **new** types of government information:

- 180 titles and tracking numbers of briefing notes for the Attorney General of Canada and the Director of Public Prosecutions;
- Three (3) annual reports tabled in Parliament; and
- One (1) transition book for the incoming Attorney General of Canada in 2019

The successful implementation of proactive publication was a collaborative effort. Several corporate services, such as those relating to ATIP, information management, communications,

finance, and human resources, as well as PPSC officials working in prosecutions, worked together to build awareness and update or create processes that ensure that the PPSC meets its deadlines and other publishing requirements.

The PPSC also expects to develop revised policies and procedures throughout the next fiscal year in preparation for new government-wide directives to support the amended *Act*, open government initiatives, and the continuing modernization of ATIP digital services.

Access to information tools were also updated in 2019-2020 as required so that the organization may continue to process requests efficiently and in compliance with the *Act* and related policies.

7.4 COVID-19 mitigation measures

On March 16, 2020, the PPSC closed its offices across the country and limited its activities to comply with the public health measures that were put in place to mitigate community spread of the coronavirus responsible for the global COVID-19 pandemic. The PPSC ATIP Office continued its operations remotely in accordance with the COVID-19 business continuity plan that the organization had recently developed in anticipation of a pandemic situation.

The PPSC did not receive any further requests between March 16 and the end of the fiscal year, March 31, 2020, and no requests were closed past deadline during this same period. Nonetheless, the ATIP Office was currently processing several requests during the lockdown and it experienced significant challenges when operations suddenly shifted to an exclusively remote working environment.

The ATIP Office experienced difficulty connecting remotely to the PPSC servers and therefore accessing requests, records, and other ATIP-related work. The ATIP Office also sought solutions where paper-based or office-based activities were no longer possible, such as the receipt of requests by mail, obtaining approvals of responses by signature, or the search for or processing of records available only in paper format.

Certain measures taken, as well as other factors, assisted the PPSC in mitigating the impact of these challenges:

- The PPSC expanded its network capacity within the first two weeks to accommodate large-scale telework.
- The ATIP Office, as well as the organization as a whole, was already in transition to an increasingly digital workspace, such as with the implementation of an electronic corporate document repository, the use of an electronic ATIP case management system and redaction software, and the adoption of e-signatures. Furthermore, the majority of requests received by the PPSC over the past two (2) fiscal years have been received online and are therefore accessible to the ATIP Office by email. PPSC officials often provide relevant records to the ATIP Office by email or through shared electronic dropboxes.

- A PPSC employee was designated with checking for ATIP-related paper mail on a regular basis.
- Encryption, procedures, and other measures were already in place within the organization to securely handle PPSC information in a remote working environment; and
- Files involving physical records that were only available at the office were managed on a case-by-case basis in consultation with the applicants.

While the ATIP Office experienced limitations in managing operations remotely, every effort was made to ensure that applicants received complete responses within established timelines.

8 Complaints, audits, and investigations

Decisions made under the *Act* are subject to a right of review. This ensures government institutions' compliance with their access to information obligations as well as fair treatment for all applicants.

The first level of review is a formal complaint made to the Information Commissioner. Following an investigation, the Commissioner has the power to order the release of information should the complaint be deemed to be well-founded. No order has been issued to the PPSC to date. The second level of review is an application for judicial review to the Federal Court.

The PPSC reviews the outcomes of all Office of the Information Commissioner (OIC) investigations and incorporates lessons learned into business processes, where appropriate.

Two (2) complaints pertaining to two (2) requests were filed with the OIC against the PPSC in 2019-2020, one (1) of which was still under investigation as of March 31, 2020.

The PPSC also received findings from the Commissioner upon completion of investigations into the other complaint received in 2019-2020 as well as five (5) other complaints that were carried over from previous fiscal years. The findings for all six (6) complaints are as follows:

- Two (2) complaints pertained to information exempted from release under the *Act*, both of which the OIC determined to be well-founded. In one case, the PPSC applied section 23 to certain records in order to protect solicitor-client privileged information. The other case involved the application of a few exemptions. In both cases, the PPSC agreed to release additional information to the applicant.
- Two (2) complaints pertained to extensions taken to the original statutory deadline of 30 days. In one case, the PPSC advised the applicant that it required an additional 425 days to conduct consultations with other government institutions. The OIC determined the complaint to be well-founded and the PPSC responded to the applicant soon after the completion of the consultations. In the other case, the PPSC advised that they required an additional 455 days for consultations as well as processing a large volume of records (5,057 pages). Given these circumstances, the OIC agreed with the PPSC that the extension was valid and the complaint was determined to be not well-founded.

- One (1) complaint indicated that records were missing when the applicant received a response to their request. The OIC determined that additional records did exist and the complaint was well-founded. It was the PPSC's position that most of these records were not under the control of the organization due to their personal nature. However, the PPSC agreed to release a few additional records later assessed to be under its control as well as other records that were originally released to the applicant in response to an earlier request.
- One (1) complaint pertained to the PPSC's response to the applicant advising that no records existed that were relevant to their request. The OIC determined that the PPSC undertook a reasonable search for records and the complaint was not deemed as not well-founded.

There were no recommendations regarding the PPSC's access to information activities raised by other Agents of Parliament in 2019-2020.

The following table summarizes the reasons for the complaints received by the PPSC in fiscal year 2019-2020 as well as the OIC's findings for concluded investigations:

Table 3: Complaints and investigations

Reason for complaint	Number of complaints	Results of investigations			
		Well-founded	Not well-founded	Discontinued	OIC has yet to issue its findings
Refusal – Exemptions	3	2	0	0	1
Refusal – General	2	1	1	0	0
Extension	2	1	1	0	0
Total	**7**	**4**	**2**	**0**	**1**

9 Court action

There were no applications for judicial review filed with the Federal Court in 2019-2020.

10 Monitoring compliance

The ATIP Office maintains a comprehensive statistical reporting and performance measurement system. The ATIP Manager meets with the ATIP Coordinator weekly on the status of active requests, complaints and any issues that have arisen.

The ATIP Office also provides reports to the PPSC's senior management on its access to information activities, caseload, and trends on an *ad hoc* basis.

11 Reading room

Section 8 of the *Regulations* requires that government institutions maintain a reading room where the public can examine records.

The PPSC's main reading room is located at 160 Elgin Street, Ottawa, Ontario. Individuals who wish to examine records must schedule an appointment with the ATIP Office. Individuals located outside of the National Capital Region can make arrangements through the ATIP Office to examine records at one of its regional offices.

12 Appendix A – Delegation order

***Access to Information Act and Privacy Act* Delegation Order**

Arrêté sur la délégation en vertu de la *Loi sur l'accès à l'information* et la *Loi sur la protection des renseignements personnels*

The Director of Public Prosecutions, pursuant to section 73 of the *Access to Information Act* and section 73 of the *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto to exercise the powers, duties and functions of the Director of Public Prosecutions as the head of the Office of the Director of Public Prosecutions, under the provisions of the Acts and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders.	En vertu de l'article 73 de la *Loi sur l'accès à l'information* et de l'article 73 de la *Loi sur la protection des renseignements personnels*, la directrice des poursuites pénales délègue aux titulaires des postes mentionnés à l'annexe ci-après les attributions dont la directrice des poursuites pénales est, en qualité de responsable du Bureau du directeur des poursuites pénales, investi par les dispositions des Lois ou de leur règlement mentionnées en regard de chaque poste. Le présent document remplace et annule tout arrêté antérieur.

Schedule/Annexe

Position/Poste	***Access to Information Act* and Regulations / *Loi sur l'accès à l'information* et règlements**	***Privacy Act* and Regulations / *Loi sur la protection des renseignements personnels* et règlements**
Senior Director General, Corporate Services / Directeur général principal, Services ministériels	Full authority/Autorité absolue	Full authority/Autorité absolue
Executive Director, Corporate Planning and External Relations Division / Directeur exécutif, Direction de la planification ministérielle et des relations externes	Full authority/Autorité absolue	Full authority/Autorité absolue
Manager, ATIP, ATIP Office / Gestionnaire, AIPRP, Bureau de l'AIPRP	Full authority/Autorité absolue	Full authority/Autorité absolue

Dated, at the City of Ottawa, this 3rd day of October, 2018	Daté, en la ville d'Ottawa, ce 3e jour de octobre 2018

Kathleen Roussel
Director of Public Prosecutions
Directrice des poursuites pénales

13 Appendix B – Statistical report on the *Access to Information Act*

Government of Canada / Gouvernement du Canada

Statistical Report on the *Access to Information Act*

Name of institution: Public Prosecution Service of Canada

Reporting period: 2019-04-01 to 2020-03-31

Section 1: Requests Under the *Access to Information Act*

1.1 Number of requests

	Number of Requests
Received during reporting period	47
Outstanding from previous reporting period	18
Total	65
Closed during reporting period	62
Carried over to next reporting period	3

1.2 Sources of requests

Source	Number of Requests
Media	20
Academia	3
Business (private sector)	3
Organization	2
Public	13
Decline to Identify	6
Total	47

1.3 Informal requests

Completion Time						
1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	More Than 365 Days	Total
65	0	0	0	0	0	66

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

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Section 2: Decline to act on vexatious, made in bad faith or abuse of right requests

	Number of Requests
Outstanding from previous reporting period	0
Sent during reporting period	0
Total	0
Approved by the Information Commissioner during reporting period	0
Declined by the Information Commissioner during reporting period	0
Carried over to next reporting period	0

Section 3: Requests Closed During the Reporting Period

3.1 Disposition and completion time

	Completion Time						
Disposition of Requests	**1 to 15 Days**	**16 to 30 Days**	**61 to 120 Days**	**121 to 180 Days**	**181 to 365 Days**	**More Than 365 Days**	**Total**
All disclosed	1	1	0	0	0	0	2
Disclosed in part	8	24	8	0	1	0	43
All exempted	0	0	0	0	0	1	2
All excluded	0	0	0	0	0	0	0
No records exist	5	3	0	0	0	0	8
Request transferred	0	0	0	0	0	0	0
Request abandoned	7	0	0	0	0	0	7
Neither confirmed nor denied	0	0	0	0	0	0	0
Decline to act with the approval of the Information Commisioner	0	0	0	0	0	0	0
Total	21	28	8	0	1	1	62

3.2 Exemptions

Section	Number of Requests	Section	Section	Number of Requests	Section	Number of Requests
13(1)(a)	0	16(2)	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	18(b)	3	20.2	0
13(1)(c)	0	16(2)(b)	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	18(d)	0	21(1)(a)	10
13(1)(e)	0	16(3)	18.1(1)(a)	0	21(1)(b)	12
14	1	16.1(1)(a)	18.1(1)(b)	0	21(1)(c)	0
14(a)	3	16.1(1)(b)	18.1(1)(c)	0	21(1)(d)	0
14(b)	0	16.1(1)(c)	18.1(1)(d)	0	22	0
15(1)	0	16.1(1)(d)	19(1)	31	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	20(1)(a)	0	23	32
15(1) - Def.*	0	16.3	20(1)(b)	6	23.1	0
15(1) - S.A.*	0	16.31	20(1)(b.1)	0	24(1)	0
16(1)(a)(i)	1	16.4(1)(a)	20(1)(c)	4	26	0
16(1)(a)(ii)	0	16.4(1)(b)	20(1)(d)	5		
16(1)(a)(iii)	0	16.5				
16(1)(b)	1	16.6				
16(1)(c)	3	17				
16(1)(d)	0					

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

3.3 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)	3
68.2(b)	0	69(1)(e)	0	69(1)(g) re (f)	0
		69(1)(f)	0	69.1(1)	0

3.4 Format of information released

Paper	Electronic	Other
1	44	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
20,206	6,357	54

3.5.2 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	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	2	19	0	0	0	0	0	0	0
Disclosed in part	22	621	13	2	773	6	2,969	0	0
All exempted	1	0	0	0	0	0	0	1	0
All excluded	0	0	0	0	0	0	0	0	0
Request abandoned	7	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0
Total	32	640	13	2	773	6	2969	1	0

3.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	0	0	0	2	2
Disclosed in part	7	0	0	30	37
All exempted	0	0	0	1	1
All excluded	0	0	0	0	0
Request abandoned	0	0	0	1	1
Neither confirmed nor denied	0	0	0	0	0
Total	7	0	0	34	41

3.6 Closed requests

3.6.1 Number of requests closed within legislated timelines

	Requests closed within legislated timelines
Number of requests closed within legislated timelines	62
Percentage of requests closed within legislated timelines (%)	100

3.7 Deemed refusals

3.7.1 Reasons for not meeting legislated timelines

Number of Requests Closed Past the Legislated Timelines	Principal Reason			
	Interference with Operations / Workload	External Consultation	Internal Consultation	Other
0	0	0	0	0

3.7.2 Requests closed beyond legislated timelines (including any extension taken)

Number of Days Past Legislated Timelines	Number of Requests Past Legislated Timeline Where No Extension Was Taken	Number of Requests Past Legislated Timeline 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

3.8 Requests for translation

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

Section 4: Extensions

4.1 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	8	0	3	2
All exempted	1	0	1	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	9	0	4	2

4.2 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	2	0	2	0
31 to 60 days	5	0	1	1
61 to 120 days	0	0	1	1
121 to 180 days	1	0	0	0
181 to 365 days	1	0	0	0
365 days or more	0	0	0	0
Total	9	0	4	2

Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Requests	Amount	Requests	Amount
Application	47	$235	0	$0
Other fees	0	$0	0	$0
Total	47	$235	0	$0

Section 6: Consultations Received From Other Institutions and Organizations

6.1 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	37	2,123	0	0
Outstanding from the previous reporting period	2	5	0	0
Total	39	2128	0	0
Closed during the reporting period	37	1,067	0	0
Carried over to next reporting period	2	1061	0	0

6.2 Recommendations and completion time for consultations received from other Government of Canada institutions

Recommendation	Number of Days Required to Complete Consultation Requests						
	1 to 15 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
Disclose entirely	25	0	0	0	0	0	27
Disclose in part	5	0	0	0	0	0	7
Exempt entirely	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0
Other	2	1	0	0	0	0	3
Total	32	1	0	0	0	0	37

6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of Days Required to Complete Consultation Requests						
	1 to 15 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
Disclose entirely	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0

Section 7: Completion Time of Consultations on Cabinet Confidences

7.1 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	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	1	91	0	0	0	1	416	0	0
16 to 30	0	0	1	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0
Total	1	91	1	0	0	1	416	0	0

7.2 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	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
16 to 30	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0

Section 8: Complaints and investigations

Section 32 Notice of intention to investigate	Subsection 30(5) Ceased to investigate	Section 35 Formal representations	Section 37 Reports of finding received	Section 37 Reports of finding containing recommendations issued by the Information Commissioner	Section 37 Reports of finding containing orders issued by the Information Commissioner
2	0	3	6	0	0

Section 9: Court Action

9.1 Court actions on complaints received before June 21, 2019 and on-going

Section 41 (before June 21, 2019)	Section 42	Section 44
0	0	0

9.2 Court actions on complaints received after June 21, 2019

Section 41 (after June 21, 2019)				
Complainant (1)	Institution (2)	Third Party (3)	Privacy Commissioner (4)	Total
0	0	0	0	0

Section 10: Resources Related to the *Access to Information Act*

10.1 Costs

Expenditures		Amount
Salaries		$252,713
Overtime		$0
Goods and Services		$6,072
• Professional services contracts	$0	
• Other	$6,072	
Total		**$258,785**

10.2 Human Resources

Resources	Dedicated to Access to Information Activities
Full-time employees	2.87
Part-time and casual employees	0.26
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	3.13

Note: Enter values to two decimal places.