



Canadian
Security
Intelligence
Service

Service
canadien du
renseignement
de sécurité

Annual Report

2008-2009

Administration
of the ***Access to
Information Act***

Introduction

The *Access to Information Act* (hereafter the “*Act*”) gives Canadian citizens as well as people and corporations present in Canada the right to have access to federal government records that are not of a personal nature. The public right of access to information is balanced against the legitimate need to protect sensitive information and to permit effective functioning of government, while promoting transparency and accountability in government institutions.

The *Act* complements but does not replace other procedures for obtaining government information. It is not intended to limit in any way the access to government information that is normally available to the public upon request.

Overview of the Canadian Security Intelligence Service

In 1984, the Government of Canada passed an Act of Parliament for the creation of a civilian security intelligence service. This legislation not only gave birth to the Canadian Security Intelligence Service (CSIS), it also clarified the differences between security intelligence activities and law-enforcement work, bringing to an end the 120-year interlocking of Canada's security intelligence service with the federal police force. CSIS came into existence on July 16, 1984.

CSIS is at the forefront of Canada's national security establishment and as such, its programs are proactive and pre-emptive. Its role is to investigate threats, analyze information and produce intelligence; it then reports to, and advises, the Government of Canada, so as to protect the country and its citizens. Key threats include terrorism, the proliferation of weapons of mass destruction, espionage, foreign interference and cyber-tampering affecting critical infrastructure.

Through its Security Screening Program, CSIS prevents non-Canadians who pose security concerns from entering Canada or receiving permanent resident status or citizenship; the Service also safeguards the confidential information of the Government of Canada from foreign governments and other entities that may present a risk.

CSIS's proactive role contrasts with the reactive one of law enforcement agencies such as police forces, which investigate crime and collect evidence to support prosecutions in courts of law.

Administration

The Access to Information and Privacy (ATIP) Section is located within the Secretariat Branch of the Assistant Director Secretariat. The ATIP Section currently has an allotment of 15 employees to fulfill the Service's obligation under the *Access to Information and Privacy Acts*. During this fiscal year, 14 positions were filled, while one remained vacant. The one vacant position has since been filled. When staffed to capacity, the Section is comprised of an ATIP

Coordinator, a Deputy Chief, three supervisors, nine analysts and one clerk. All of the staff in the Section are fully dedicated to the administration of the ATIP program within CSIS. The CSIS Legal Services Branch provides legal advice as required.

The Delegation of Authority

The mandate of the ATIP Section is to act on behalf of the Minister of Public Safety Canada in promoting and enforcing compliance with legislation, regulations and government policy, and to create departmental directions, including standards, in all matters relating to the *Access to Information Act* and *Privacy Act* within CSIS. The Coordinator also acts as spokesperson for the organization in dealing with the Treasury Board Secretariat, the Information and Privacy Commissioners, and other government departments and agencies.

A copy of the Ministerial Delegation Order may be referred to at Appendix A.

Statistical Report on the *Access to Information Act*

This report can be found at Appendix B.

Requests Under the *Access to Information Act*

During the reporting period from April 1, 2008, to March 31, 2009, the ATIP Section received a total of 150 new requests under the *Access to Information Act*. This represents an increase of 3 requests over the last year, in which a total of 147 requests were received. A total of 47 requests were carried over from 2007-2008.

Of the 140 requests completed during the year, 47 could not be processed (24 no records existed - 23 did not confirm nor deny the existence of records) and one was re-directed to another federal institution.

Media made up the largest access client group. Of the 150 new requests received, 110 came from the media, 3 from academia, 8 from business and 29 from the public.

The substance of requests covered mainly Intelligence Reports and Security Threat Assessments.

The ATIP Section reviewed 11,599 pages and 4,831 pages were released. All requesters, a total of 82, selected to receive their own copies of the information requested.

Other Requests

During this period, CSIS received 182 *Access to Information Act* consultation requests from other departments involving CSIS records or issues. The number of pages reviewed under the consulting process amounted to 24,228 pages.

The ATIP Section also acted as a resource for CSIS officials and offered advice and guidance on the provisions of the legislation. The ATIP Section was consulted on issues relating to a range of matters such as Round VI of the Management Accountability Framework assessments, information management issues, security of information draft policies and legislation.

Disposition of Completed Requests

In 2008-2009, 140 requests were completed. The disposition of the completed requests was as follows:

- 3 were fully disclosed;
- 79 were disclosed in part;
- 1 was excluded;
- 9 were exempted in entirety;
- 1 was transferred; and
- 47 could not be processed (24 no records existed - 23 did not confirm nor deny the existence of records).

Completion Time and Extensions

The 140 requests completed in 2008-2009 were processed in the following time frame:

- 65 within 30 days;
- 26 within 31 to 60 days;
- 13 within 61 to 120 days; and
- 36 in 121 or more days.

Exemptions Invoked

The ATIP Section invoked exemptions under the *Act* a total of 261 times, as follows:

- 39 times under section 13, exempting records obtained in confidence from other levels of governments;
- 94 times under section 15, exempting records expected to be injurious to the conduct of international affairs, the defence of Canada or any state allied or associated with Canada, or to the detection, prevention or suppression of subversive or hostile activities;
- 20 times under section 16, exempting records containing law enforcement and investigation information;
- 64 times under section 19, exempting records containing personal information;
- 12 times under section 20, exempting records containing third party business information;
- 28 times under section 21, exempting records containing information relating to the internal decision-making process of government;
- 4 times under section 23, exempting records related to solicitor-client privilege; and
- 2 times under section 24, exempting information otherwise restricted by or pursuant to statutory prohibitions against disclosures.

Exclusions Cited

Exclusions were invoked 10 times under section 69 for Confidences of the Queen's Privy Council for Canada.

Fees

During the reporting period, the fees collected were: \$735 in application fees and \$70.40 in reproduction fees.

Fees under \$25.00 were waived 65 times for a total amount of \$336. Fees over \$25.00 were waived 16 times for a total of \$1,473.20.

Costs

During 2008-2009, the ATIP Section incurred an estimated \$486,852 in salary costs to administer the *Access to Information Act*.

Education and Training

During 2008-2009, the ATIP Section continued to conduct ATIP awareness sessions for all new CSIS employees. Additional awareness sessions were also provided to a number of managers and specialized groups.

Over the reporting period, 12 briefing sessions were given to 240 participants. The purpose of the sessions was to provide participants with an overview of the *Acts*, along with a better understanding of their obligations and the process within CSIS.

Significant Changes to Organization, Programs, Operations or Policy

None to report.

Overview of New or Revised *Access to Information Act* Related Policies and Procedures Implemented

None to report.

Changes as a result of issues raised by the Information Commissioner

None to Report

Changes as a result of issues raised by other Agents of Parliament

None to report.

Complaints and Investigations

A total of 13 complaints were filed with the Office of the Information Commissioner in 2008-2009. The reasons for complaints were as follows:

- 3 Time Extension;
- 3 Delay (Deemed Refusal);
- 1 Refusal/Exclusion;

- 2 No Records/Incomplete Search; and
- 4 Refusal Exemption.

During the same time period, 10 complaints were closed. The breakdown is as follows:

- 3 Discontinued;
- 1 Not substantiated;
- 1 Not well-founded; and
- 5 Resolved.

Federal Court Cases

There are no new or outstanding court cases involving the Service.