

ANNUAL REPORT TO PARLIAMENT

ACCESS TO INFORMATION ACT

FOR THE PERIOD OF APRIL 1, 2011 TO MARCH 31, 2012

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Schedule 1 – 2011-2012 Statistical Report on the *Access to Information Act*

1. Introduction

The Old Port of Montréal Corporation Inc. (hereinafter the “OPMC”) was added to the list of government institutions included in Schedule 1 to the *Access to Information Act* (Order in Council P.C. 2005-251) effective August 31, 2005.

The *Access to Information Act* (hereinafter the “Act”) gives Canadian citizens as well as people and corporations present in Canada the right to have access to federal government records that do not contain personal information. 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 would normally be available to the public upon request.

The OPMC is a Crown corporation and a wholly-owned subsidiary of the Canada Lands Company Limited. Until May 2, 2011, the OPMC reported to Parliament through the Leader of the Government in the House of Commons. It now reports to Parliament through the Minister of Public Works and Government Services.

The OPMC was created with the mandate of developing, and promoting the development of, the Old Port of Montréal’s territory, and of administering and managing Crown property located thereon. The OPMC’s mission is to manage, develop, and hold activities on an urban recreational, tourist, and cultural site and a centre for entertainment and discovery.

This annual report was prepared by the OPMC for submission to Parliament in accordance with Section 72 of the Act. It describes how the OPMC assumed its responsibilities under the Act during the 2011-2012 year.

2. Organizational Structure

The President and Chief Executive Officer of the OPMC is designated, by an order in council, to be the head of the institution for the purpose of the *Access to Information Act*. In this capacity, the President and Chief Executive Officer is responsible for handling requests received under the Act. Given the limited number of requests for access to a record received by the OPMC each year, no employee is specifically and exclusively assigned the task of administering the Act.

Throughout the period covered by this report, the President and Chief Executive Officer directly assumed all of the powers and responsibilities under the Act, with the support of the OPMC’s strategic planning advisor, its corporate secretary and each of the vice-presidents, to ensure that the provisions of the *Access to Information Act* are respected within the OPMC.

3. Delegation of Authority

The OPMC's President and Chief Executive Officer, who is the OPMC's Coordinator for the *Act to Information Act* and the *Privacy Act*, did not delegate any authority or responsibility under the Act and has exclusive signing authority under the Act.

4. Interpretation of the Statistical Report on the Act for 2011-2012

Schedule 1 is a copy of the statistical report of access to information requests received or handled during the period of April 1, 2011 to March 31, 2012. The following paragraphs interpret the information contained in Schedule 1.

4.1 Information Requested Under the Act

The OPMC received twenty-four (24) requests in 2011-2012: twenty-three (23) from the media and one (1) from the public.

These requests related to matters such as personal information concerning past and present employees, fee invoices from various professional service providers, contracts with various partners and goods and services providers, minutes of Executive Committee and Board of Directors' meetings concerning specific matters, expenses for entertainment and travel expenses reimbursed to some executives, invoices and amounts paid to provide the OPMC with various goods and services, reports issued by some service providers following the completion of the mandates assigned, a list of the contracts awarded to a particular organization, and calls for tenders and contractual documents relating to the provision of certain goods and services.

No request was carried forward from a previous period.

4.2 Other Requests for Information

The OPMC received and replied to four (4) requests for consultation by other federal institutions regarding access to information requests. All these requests for consultation were completed during the 2011-2012 period. Three were completed within less than fifteen (15) days of receipt and one (1) within less than thirty (30) days of receipt by the OPMC.

Such requests for consultation required the review of ninety-six (96) pages of information. Following its review of the documents, the OPMC determined the following:

- For two (2) files, only a portion of the information examined can be communicated, pursuant to exceptions provided in the Act;
- For one (1) file, all the information examined can be communicated in its entirety; and

- In one (1) file, the documents being the subject of the request for consultation did not concern the OPMC and such request was referred to another federal institution.

4.3 Requests Completed

The OPMC completed twenty-three (23) requests out of the twenty-four (24) received during the 2011-2012 period.

The requests were handled as follows:

- In five (5) cases, access was granted to the records;
- In ten (10) cases, access was granted to part of the records since some of the information being sought in these requests was subject to exemptions under the Act;
- In seven (7) cases, no access was granted since all of the information being sought in these requests was subject to exemptions under the Act; and
- In one (1) case, the completion was impossible since no record exists.

On that occasion, the OPMC processed two thousand five hundred and fifty-four (2,554) pages and disclosed two thousand three hundred and ten (2,310) of these pages.

4.4 Completion Time and Extension of Time Limits

The twenty-three (23) requests processed in 2011-2012 were completed as follows:

- Four (4) within 1 to 15 days of their receipt (17%);
- Seventeen (17) within 16 to 30 days of their receipt (74%); and
- Two (2) within 31 to 60 days of their receipt (9%).

For two (2) of the requests processed during the period, the OPMC requested an extension of the prescribed time limit of thirty (30) days or less. One of these extension requests was based on paragraph 9 (1) (a) (Interference with operations) of the Act, and the second was based on paragraph 9 (1) (c) of the Act (Third party notice).

4.5 Exemptions Invoked

As indicated in Schedule 1, the OPMC invoked a total of nineteen (19) exemptions under the Act, as follows:

- Two (2) times under paragraph 18 (a) in respect of documents containing financial and commercial information that has substantial value for a government institution;

- Two (2) times under paragraph 18 (b) in respect of documents including information that could prejudice the competitive position of a government institution;
- Four (4) times under Subsection 19 (1) in respect of records containing personal information;
- Two (2) times under paragraph 20 (1) (b) in respect of documents containing confidential financial and commercial information supplied by a third party;
- One (1) time under paragraph 20 (1) (c) in respect of documents containing information that may prejudice the competitive position of a third party;
- Two (2) times under paragraph 21 (1) (a) in respect of advice or recommendations developed by or for a government institution;
- Two (2) times under paragraph 21 (1) (b) in respect of an account of consultations or deliberations in which officers or employees of a government institution participated;
- One (1) time under paragraph 21 (1) (c) in respect of positions or plans developed for the purpose of negotiations carried on or to be carried out on behalf of the Government of Canada and considerations relating thereto;
- Three (3) times under Section 23 in respect of information that is subject to solicitor-client privilege.

4.6 Exclusions Invoked

As indicated in Schedule 1, the OPMC did not invoke any exclusion under Section 68 or Subsection 69(1) of the Act during the period covered by the report.

4.7 Fees

The total fees collected during the period in question amount to one hundred and twenty dollars (\$120) for application fees, eighty-seven dollars (\$87) for research, and two hundred and sixty-eight dollars (\$268) for reproduction costs.

4.8 Organizational Costs

In 2011-2012, the OPMC incurred approximately twenty-one thousand and eighty-three dollars (\$21,083) to apply the provisions of the Act, including four thousand, two hundred and seventy-seven dollars (\$4,277) in salary costs and sixteen thousand, eight hundred and six dollars (\$16,806) in professional fees. The human resources dedicated to the handling of requests consisted in two (2) part-time employees and one consultant. These costs and human resources relate to the handling of the requests received in 2011-2012 and to other activities relating directly to the application of the Act, such as consultations, the handling of investigations by the Office of the Information Commissioner of Canada pertaining to eight complaints received in the period covered by this report, and the production of the annual statistical and descriptive reports required under the Act.

5. Education and Training Activities

The OPMC did not hold any education or training activity relating to the Act during the period covered by this report.

6. Institutional Policies and Procedures

During the period covered by this report, the OPMC did not implement any new or revised policies, guidance or procedures relating to access to information.

The OPMC applies the Access to Information Policy and the Guidance issued from time to time by the Treasury Board Chairman as the minister designated under the Act and notably the new policies and instructions issued by the Treasury Board Secretariat.

7. Complaints, Investigations, Recourse and Appeals

Eight (8) complaints were filed with the Information Commissioner during the period covered by this report. With respect to seven (7) of these complaints, the complainant is contesting the use by the OPMC of the exemption provided for in subsection 19 (1) of the Act, and with respect to one (1) of these complaints, the complainant is contesting the use of the exemption provided in Section 23 of the Act, in support of its refusal to disclose some or all of the documents requested.

One of these complaints was withdrawn by the complainant during the period covered by this report and the other seven (7) complaints were being investigated by the Information Commissioner at the end of the period covered by this report.

No request for a judicial review was filed with the Federal Court and no appeal was submitted to the Federal Court of Appeal during the period covered by this report.

Statistical Report on the Access to Information Act

Name of institution: Old Port of Montreal Corporation Inc.

Reporting period: 2011-04-01 to 2012-03-31

PART 1 – Requests under the Access to Information Act

1.1 Requests

	Number of Requests
Received during reporting period	24
Outstanding from previous reporting period	0
Total	24
Closed during reporting period	23
Carried over to next reporting period	1

1.2 Sources of requests

Source	Number of Requests
Media	23
Academia	0
Business (Private Sector)	0
Organization	0
Public	1
Total	24

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	5	0	0	0	0	0	5
Disclosed in part	3	5	2	0	0	0	0	10
All exempted	0	7	0	0	0	0	0	7
All excluded	0	0	0	0	0	0	0	0
No records exist	1	0	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
Treated informally	0	0	0	0	0	0	0	0
Total	4	17	2	0	0	0	0	23

2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests	Section	Number of requests
13(1)(a)	0	16(2)(a)	0	18(a)	2	20,1	0
13(1)(b)	0	16(2)(b)	0	18(b)	2	20,2	0
13(1)(c)	0	16(2)(c)	0	18(c)	0	20,4	0
13(1)(d)	0	16(3)	0	18(d)	0	21(1)(a)	2
13(1)(e)	0	16.1(1)(a)	0	18.1(1)(a)	0	21(1)(b)	2
14(a)	0	16.1(1)(b)	0	18.1(1)(b)	0	21(1)(c)	1
14(b)	0	16.1(1)(c)	0	18.1(1)(c)	0	21(1)(d)	0
15(1) - I.A.*	0	16.1(1)(d)	0	18.1(1)(d)	0	22	0
15(1) - Def.*	0	16.2(1)	0	19(1)	4	22.1(1)	0
15(1) - S.A.*	0	16,3	0	20(1)(a)	0	23	3
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(b)	2	24(1)	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(b.1)	0	26	0
16(1)(a)(iii)	0	16,5	0	20(1)(c)	1		
16(1)(b)	0	17	0	20(1)(d)	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)	0	69(1)(a)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(b)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(c)	0	69(1)(g) re (c)	0
68,1	0	69(1)(d)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(e)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(f)	0	69(1)(g) re (f)	0
				69.1(1)	0

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	5	0	0
Disclosed in part	10	0	0
Total	15	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	500	426	5
Disclosed in part	1 994	1 884	10
All exempted	60	0	7
All excluded	0	0	0
Request abandoned	0	0	0

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less than 100 pages processed		101-500 pages processed		501-1000 pages processed		1001-5000 pages processed		More than 5000 pages processed	
	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed
All disclosed	2	54	3	372	0	0	0	0	0	0
Disclosed in part	6	106	3	955	1	823	0	0	0	0
All exempted	7	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	0	0	0	0	0	0	0	0	0	0
Total	15	160	6	1327	1	823	0	0	0	0

2.5.3 Other complexities

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	0	1	0	0	1
Disclosed in part	0	1	2	0	3
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
Total	0	2	2	0	4

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	1	0	0	1
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	1	0	0	1

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	0	1
31 to 60 days	0	0	0	0
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	1	0	0	1

PART 4 – Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	# of Requests	Amount	# of Requests	Amount
Application	24	\$120	0	\$0
Search	2	\$87	0	\$0
Production	0	\$0	0	\$0
Programming	0	\$0	0	\$0
Preparation	0	\$0	0	\$0
Alternative format	0	\$0	0	\$0
Reproduction	7	\$268	0	\$0
Total	33	\$475	0	\$0

PART 5 – Consultations received from other institutions and organizations

5.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during reporting period	4	96	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	4	96	0	0
Closed during the reporting period	4	96	0	0
Pending at the end of the reporting period	0	0	0	0

5.2 Recommendations and completion time for consultations received from other government institutions

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	
Disclose entirely	1	0	0	0	0	0	0	1
Disclose in part	1	1	0	0	0	0	0	2
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	1	0	0	0	0	0	0	1
Other	0	0	0	0	0	0	0	0
Total	3	1	0	0	0	0	0	4

5.3 Recommendations and completion time for consultations received from other organization

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0		0
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	0	0	0	0	0	0	0	0

PART 6 – Completion time of consultations on Cabinet confidences

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
Total	0	0

PART 7 – Resources related to the Access to Information Act

7.1 Costs

Expenditures		Amount
Salaries		\$4 277
Overtime		\$0
Goods and Services		\$16 806
• Professional services contracts	\$16 806	
• Other	\$0	
Total		\$21 083

7.2 Human Resources

Resources	Dedicated full-time to ATI activities	Dedicated part-time to ATI activities	Total
Full-time employees	0	0	0
Part-time and casual employees	0	2	2
Regional staff	0	0	0
Consultants and agency personnel	0	2	2
Students	0	0	0
Total	0	4	4

