

National Energy  
Board



Office national  
de l'énergie

**Annual Report**  
**pursuant to the**  
***Access to Information Act***

**1 April 2013 - 31 March 2014**

**Canada**



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Cat No. NE1-6/1-2014E-PDF  
ISSN 1926-3759

This report is published separately in both official languages. This publication is available upon request in multiple formats.

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Printed in Canada

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représentée par l'Office national de l'énergie

N° de cat. NE1-6/1-2014F-PDF  
ISSN 1926-3775

Ce rapport est publié séparément dans les deux langues officielles. On peut obtenir cette publication sur supports multiples, sur demande.

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Imprimé au Canada

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## I. Introduction

### Access to Information Act

The *Access to Information Act* (Act) gives the Canadian public a right to access information contained in federal government records, subject to certain specific and limited exceptions.

In accordance with section 72 of the Act, the head of every federal institution is required to submit an Annual Report to Parliament on the administration of the Act following the close of each fiscal year. The Annual Reports are then tabled in Parliament pursuant to section 72 of the Act. This report describes how the National Energy Board (NEB or Board) fulfilled its access to information responsibilities during the fiscal year 2013-2014.

### About the National Energy Board

The Board is an independent federal regulator established in 1959 to promote safety and security, environmental protection and economic efficiency in the Canadian public interest within the mandate set by Parliament for the regulation of pipelines, energy development and trade. The Board reports to Parliament through the Minister of Natural Resources. The Board regulates the following specific aspects of the energy industry:

- the construction and operation of interprovincial and international pipelines;
- pipeline traffic, tolls and tariffs;
- the construction and operation of international and designated interprovincial power lines;
- the export and import of natural gas;
- the export of oil and electricity; and
- frontier oil and gas activities.

Other responsibilities include:

- providing energy advice to the Minister of Natural Resources in areas where the Board has expertise derived from its regulatory functions;
- carrying out studies and preparing reports when requested by the Minister;
- conducting studies into specific energy matters;
- holding public inquiries when appropriate; and
- monitoring current and future supplies of Canada's major energy commodities.

In addition to its responsibilities under the *National Energy Board Act* (NEB Act), the Board also has responsibilities under the *Canada Oil and Gas Operations Act*, the *Canadian Environmental Assessment Act*, the *Northern Pipeline Act*, and certain provisions of the *Canada Petroleum Resources Act*. As a result of the *Canada Transportation Act*, which came into effect on 1 July 1996, the Board's jurisdiction has been broadened to also include pipelines that transport commodities other than oil or natural gas.

For more information about the National Energy Board, please visit our website at: [www.neb-one.gc.ca](http://www.neb-one.gc.ca).

## II. Description of institution structure

### The Access to Information and Privacy (ATIP) Office

Activities relating to the *Access to Information Act* during the reporting period were the responsibility of the Secretary of the Board, who had been designated by the Chair and CEO of the Board as the Coordinator. Organizationally, the Access to Information and Privacy (ATIP) team resides within the Office of the Secretary and Regulatory Services Team.

The Chair and CEO has overall responsibility for ensuring that the Board's policies, procedures and practices are compliant with the application and administration of the *Access to Information Act*. The National Energy Board has procedures in place to process all formal and informal access to information requests. These requests are processed by the Access to Information and Privacy Coordinator who has the authority to access all records held by the Board. The ATIP Office works closely with Information and Document Services and Senior Management across the organization.

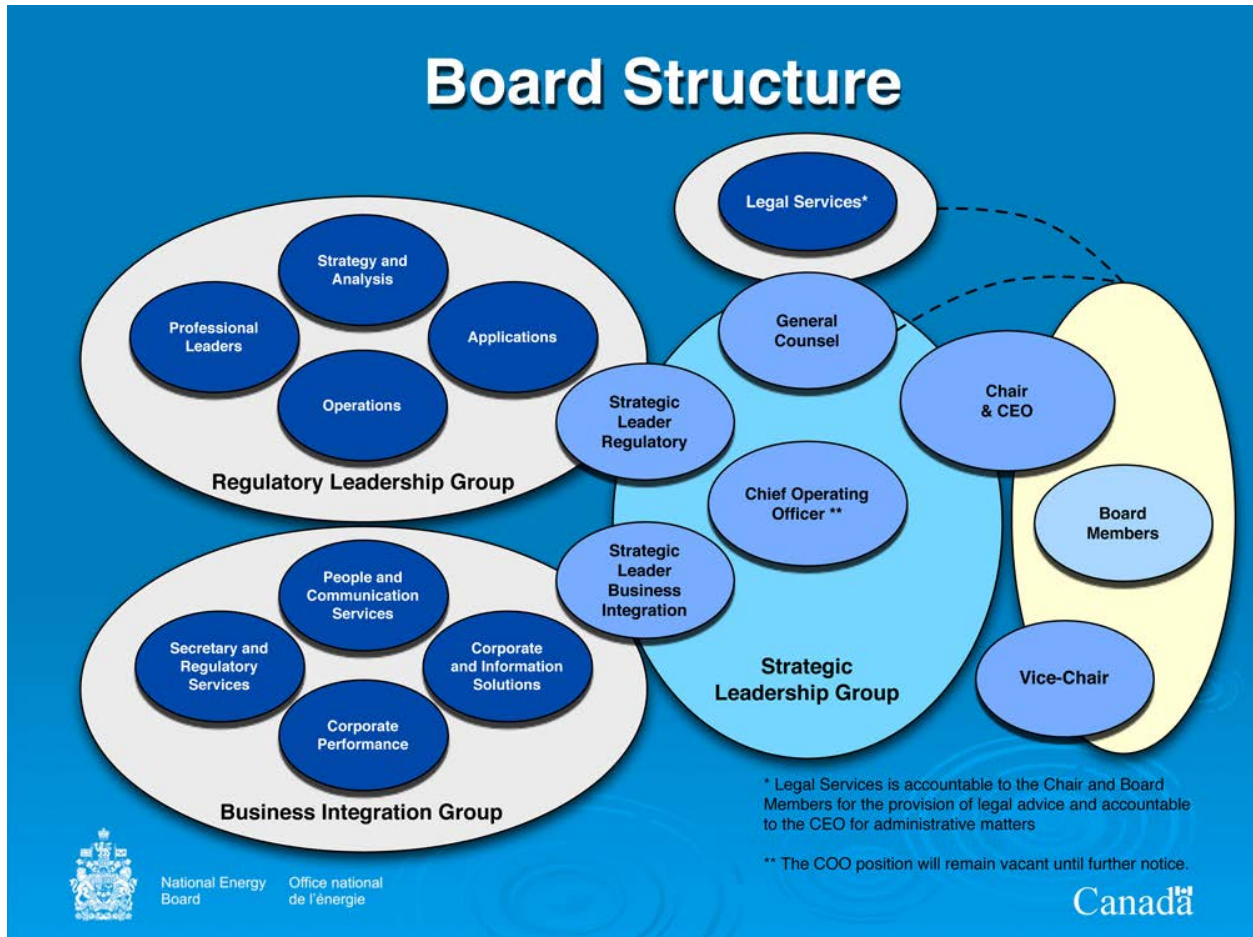
The ATIP Office is comprised of two permanent full-time Officers and one senior Officer on assignment from another department of the Board. The Executive Support Advisor oversees this team. In addition, the Board hired a contractor to assist part-time in the processing of ATIP requests. Taking into account the contractor, the delegated authority and the Executive Support Advisor who work part-time on Access to Information, there are currently 4 full-time equivalents (FTEs) in the Board's ATIP Office.

In addition to providing legal advice and guidance to the ATIP Office on all issues related to the application of the Act, the Board's Legal Services, in general, assist the offices of primary interest within the Board and the ATIP Office in the delivery of their program and activities having an *Access to Information Act* component.

The ATIP Office is responsible for the coordination and implementation of policies, guidelines and procedures to ensure the organization's compliance with the *Access to Information Act*. The office also provides the following services to the organization:

- Promoting awareness of the *Access to Information Act* within the organization
- Processing and managing access to information requests and complaints
- Managing the electronic tracking system
- Responding to access-related matters in the Management Accountability Framework
- Processing consultations received from other institutions
- Providing advice and guidance to employees and senior officials on access related matters
- Preparing an Annual Report to Parliament
- Coordinating updates to the Info Source publications
- Developing internal procedures
- Participating in forums for the ATIP community, such as the Treasury Board Secretariat ATIP Community meetings and working groups





## Info Source

*Info Source* is a series of publications containing information about and/or collected by the Government of Canada. The primary purpose of *Info Source* is to assist individuals in exercising their rights under the *Access to Information Act* and the *Privacy Act*. *Info Source* also supports the federal government's commitment to facilitate access to information regarding its activities.

During this reporting period, the ATIP Office updated the content of its *Info Source* chapter, now self-published by the NEB, including the description of its information holdings by institutional functions, programs and activities. The NEB's chapter is aligned with its Program Activity Architecture. Under this approach, all classes of records and personal information banks are directly linked to the relevant institutional program and/or activity.

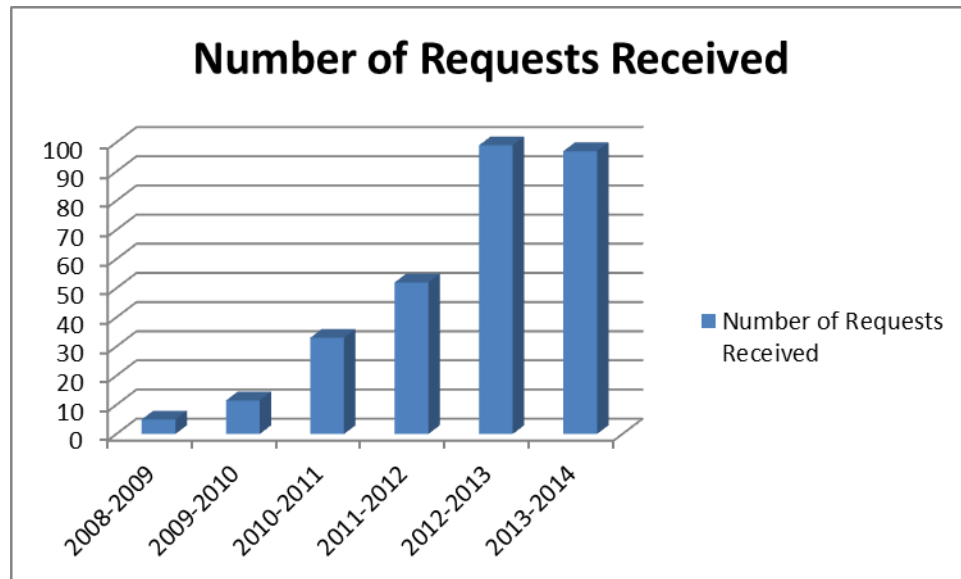
## Reading Room

Section 71 of the *Access to Information Act* requires government institutions to provide facilities where members of the public may obtain information such as *Info Source*. The following National Energy Board location in Calgary has been designated as a public reading room:

National Energy Board Library  
2<sup>nd</sup> Floor, 517 - 10<sup>th</sup> Avenue SW  
Calgary, AB T2R 0A8

## Workload

Workload in 2013-2014 was comparable to the workload experienced in 2012-2013 with respect to the number of requests received. The number of access to information requests received can be demonstrated by the following chart:



The NEB has invested in ATIP with additional funding, training and mentoring to retain the current ATIP staff. As a direct result of these resources, the NEB was able to respond to 82% of all access to information requests within the legislated timeframes. The NEB also eliminated its backlog of requests and prevented buildups from increasing. The Board continues to make a strong effort to keep up with the unprecedented number of requests.

## Highlights and Accomplishments for 2013-2014

The NEB has continued to improve the way in which it responds to *Access to Information Act* requests, by focusing on improving timeliness, efficiency and accuracy. Some of the highlights are as follows:

- The NEB concluded the year with 82 percent of requests completed within statutory deadlines;
- The NEB has remained committed to on-time performance in the face of the continued high volume of requests and consultations received from other institutions;
- Training sessions, focusing exclusively on the *Access to Information Act* and the NEB's procedures for processing requests, were held throughout the year;
- All institution specific classes of records relating to the NEB's information holdings were included in updates in *Info Source* and self-published on the Board's website; and
- The Board posted and communicated new procedural documents, including those that form part of the Privacy Management Framework.

### III. Designation Order

National Energy  
Board




Office national  
de l'énergie

#### Access to Information Act Designation Replacement Order

The Chair and CEO of the National Energy Board (the Board), pursuant to Section 73 of the *Access to Information Act* (the Act) hereby replaces the *Access to Information Act Designation Replacement Order* made on the 1<sup>st</sup> day of April 2011, at the City of Calgary, in the Province of Alberta by the following text.

The Chair and CEO of the Board, pursuant to Section 73 of the *Access to Information Act* hereby designates the person holding the position of Secretary of the Board to exercise the powers and perform the duties and functions of the Chair and CEO as head of a government institution under the Act.

Dated at the City of Calgary, in the Province of Alberta, this 1<sup>st</sup> day of February 2013.



\_\_\_\_\_  
Gaetan Caron  
Chair and CEO

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<sup>1</sup> S.C. 1980-81-82 c. 111

#### IV. Statistical Report



Government of Canada  
Gouvernement du Canada

### Statistical Report on the *Access to Information Act*

Name of institution: National Energy Board

Reporting period: 01-Apr-13 to 31-Mar-14

#### **PART 1 – Requests under the *Access to Information Act***

##### 1.1 Number of Requests

	Number of Requests
Received during reporting period	97
Outstanding from previous reporting period	20
<b>Total</b>	<b>117</b>
Closed during reporting period	110
Carried over to next reporting period	7

##### 1.2 Sources of requests

Source	Number of Requests
Media	21
Academia	2
Business (Private Sector)	31
Organization	22
Public	21
<b>Total</b>	<b>97</b>

#### **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	2	5	0	0	1	0	0	8
Disclosed in part	1	6	21	24	1	7	0	60
All exempted	2	1	0	0	0	0	0	3
All excluded	1	0	0	0	0	0	0	1
No records exist	23	3	0	0	0	0	0	26
Request transferred	2	0	0	0	0	0	0	2
Request abandoned	2	1	5	0	2	0	0	10
Treated informally	0	0	0	0	0	0	0	0
<b>Total</b>	<b>33</b>	<b>16</b>	<b>26</b>	<b>24</b>	<b>4</b>	<b>7</b>	<b>0</b>	<b>110</b>

## 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)	2	18(a)	0	20.1	0
13(1)(b)	2	16(2)(b)	0	18(b)	0	20.2	0
13(1)(c)	1	16(2)(c)	13	18(c)	0	20.4	0
13(1)(d)	0	16(3)	0	18(d)	0	21(1)(a)	26
13(1)(e)	0	16.1(1)(a)	0	18.1(1)(a)	0	21(1)(b)	23
14(a)	2	16.1(1)(b)	0	18.1(1)(b)	0	21(1)(c)	5
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)	48	22.1(1)	0
15(1) - S.A.*	2	16.3	0	20(1)(a)	0	23	15
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(b)	3	24(1)	3
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)	2		
16(1)(b)	0	17	1	20(1)(d)	1		
16(1)(c)	1						
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)	3	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	6	2	0
Disclosed in part	27	33	0
<b>Total</b>	<b>33</b>	<b>35</b>	<b>0</b>

## 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	107	107	8
Disclosed in part	11666	8700	60
All exempted	0	0	3
All excluded	0	0	1
Request abandoned	1649	561	10

## 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	8	107	0	0	0	0	0	0	0	0
Disclosed in part	43	934	13	2158	1	532	3	5076	0	0
All exempted	3	0	0	0	0	0	0	0	0	0
All excluded	1	0	0	0	0	0	0	0	0	0
Abandoned	9	12	0	0	0	0	1	549	0	0
<b>Total</b>	<b>64</b>	<b>1053</b>	<b>13</b>	<b>2158</b>	<b>1</b>	<b>532</b>	<b>4</b>	<b>5625</b>	<b>0</b>	<b>0</b>

## 2.5.3 Other complexities

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	2	0	1	0	3
Disclosed in part	40	2	26	3	71
All exempted	0	0	1	0	1
All excluded		0	0	0	0
Abandoned	2	0	1	3	6
<b>Total</b>	<b>44</b>	<b>2</b>	<b>29</b>	<b>6</b>	<b>81</b>

## 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
20	6	5	6	3

### 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	2	2	4
16 to 30 days	1	3	4
31 to 60 days	1	1	2
61 to 120 days	2	5	7
121 to 180 days	0	3	3
181 to 365 days	0	0	0
More than 365 days	0	0	0
<b>Total</b>	<b>6</b>	<b>14</b>	<b>20</b>

## 2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
<b>Total</b>	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	1	0	1	0
Disclosed in part	17	0	21	18
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	6	0	2	4
<b>Total</b>	24	0	24	22

### 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	13	0	10	13
31 to 60 days	9	0	14	9
61 to 120 days	2	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
<b>Total</b>	24	0	24	22

**PART 4 – Fees**

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of requests	Amount	Number of requests	Amount
Application	98	\$490	12	\$60
Search	0	\$0	2	\$150
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
<b>Total</b>	98	\$490	14	\$210

**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	36	2020	0	0
Outstanding from the previous reporting period	1	9	0	0
<b>Total</b>	37	2029	0	0
Closed during the reporting period	37	2029	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	27	1	0	0	0	0	0	28
Disclose in part	2	4	2	0	0	0	0	8
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	1	0	0	0	0	0	0	1
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	30	5	2	0	0	0	0	37



### 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	than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	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
<b>Total</b>	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
<b>Total</b>	0	0

### PART 7 – Resources related to the Access to Information Act

#### 7.1 Costs

Expenditures		Amount
Salaries		\$218,964
Overtime		\$3,932
Goods and Services		\$34,414
• Professional services contracts	\$24,277	
• Other	\$10,137	
<b>Total</b>		<b>\$257,310</b>

**7.2 Human Resources**

<b>Resources</b>	<b>Dedicated full-time to ATI activities</b>	<b>Dedicated part-time to ATI activities</b>	<b>Total</b>
Full-time employees	3.00	0.00	3.00
Part-time and casual employees	0.00	1.00	1.00
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.00	1.00	1.00
Students	0.00	0.00	0.00
<b>Total</b>	<b>3.00</b>	<b>2.00</b>	<b>5.00</b>

## **V. Interpretation / Explanation**

### **PART 1 - Requests under the *Access to Information Act***

#### Number of Requests

During the reporting period, the Board received 97 requests under the *Access to Information Act* compared to 99 in the previous reporting period. 20 requests were outstanding from the previous reporting period. Of the 117 requests, 110 were completed and 7 were carried forward to the next year.

#### Sources of Requests

Of the 97 requests received, the largest number of new requests came from the business sector with a total of 31. Twenty one requests were from the public and 21 were from media. The Board received 22 requests from Organizations and 2 from Academia.

### **PART 2 - Requests closed during the reporting period**

#### Disposition and completion time

Of the 110 requests closed during the reporting period, the Board disclosed all documents in eight cases; in 60 cases, documents were disclosed in part; in three cases, nothing was disclosed due to exemptions; in one case, nothing was disclosed due to exclusions; in 26 cases, no records existed. Two requests were transferred; 10 were abandoned by the applicant and none were treated informally.

Of those eight requests in which all documents were disclosed, two were completed in 1 – 15 days, five were completed in 16 - 30 days and one was completed in 121 to 180 days.

Of the 60 requests disclosed in part, one was completed in 1 – 15 days, six were completed in 16 – 30 days, 21 were completed in 31 – 60 days, 24 were completed in 61 – 120 days, one was completed in 121 – 180 days, and 7 were completed in 181 – 365 days.

Of the three requests where nothing was disclosed due to exemptions, two were completed in 1 - 15 days and 1 was completed in 16 to 30 days.

For the one request where nothing was disclosed due to exclusions, it was completed in less than 15 days.

Where the Board had no records, 23 of the 26 requests were completed in less than 15 days and 3 were completed in 16 – 30 days.

In both cases where the NEB transferred a request, the transfer was completed in less than 15 days.

In the 10 cases where requests were abandoned by the applicant, two were abandoned in less than 15 days, one was abandoned in 16 – 30 days, five were abandoned in the 31 – 60 days and two were abandoned in the 121 to 180 day timeframe.

### Exemptions

The following exemptions were invoked during the processing of Access to Information requests during this period:

Information obtained in confidence:

- 13(1)(b) was invoked in two requests
- 13(1)(c) was also invoked in one request

Federal-provincial affairs:

- 14(a) was invoked in two requests

International affairs and defence:

- 15(1) S.A. (Subversive Activities) was invoked in two requests

Information that could facilitate the commission of an offence:

- 16(1)(c) was invoked in one request
- 16(2)(a) was used in two requests
- 16(2)(c) was invoked in 13 requests

Safety of individuals:

- 17 was invoked in one request

Personal information:

- 19(1) was invoked for 48 requests

Third party information:

- 20(1)(b) was used in three requests
- 20(1)(c) was invoked in two requests
- 20(1)(d) was invoked in one request

Advice:

- 21(1)(a) was invoked for 26 requests
- 21(1)(b) was invoked in 23 requests
- 21(1)(c) was used in five requests

Solicitor-client privilege:

- 23 was invoked for 15 requests

Statutory prohibitions:

- 24(1) was invoked for three requests

## Exclusions

The *Access to Information Act* does not apply to published material, material available to the public for purchase or for public reference (section 68). Nor does it apply to confidences of the Queen's Privy Council, with some exemptions (section 69). Requests containing proposed exclusions under section 69 require consultation with the Privy Council Office. There were three requests received during the reporting period in which exclusions were applied pursuant to section 68(a) of the Act.

## Format of Information Released

Of the eight requests that were disclosed in their entirety, the requesters received paper copies of the information in 6 cases and two requests were released in electronic format.

Of the 60 requests that were disclosed in part, the requesters received paper copies of the information in 27 cases and 33 requests were released in electronic format.

## Complexity

The number of pages processed means the number of pages that were analyzed to determine whether the information can be disclosed, exempt or excluded. It does not reflect the number of pages that were examined to determine relevancy. A partially disclosed page would be counted as a page disclosed.

## Relevant pages processed and disclosed

In the eight cases where all documents were disclosed, the NEB processed 107 pages and disclosed 107 pages. In the 60 cases where documents were disclosed in part, the NEB processed 11,666 pages and disclosed 8,700 pages. Where information was all excluded or all exempted nothing was processed or disclosed. In the 10 requests that were abandoned, the NEB processed 1649 pages and disclosed 561 pages.

## Relevant pages processed and disclosed by size of requests

In the 64 instances where less than 100 pages were processed, the NEB disclosed 1053 pages. Where 101-500 pages were processed, the NEB disclosed 2158 pages for those 13 requests. In response to one request where 501-1000 pages were processed, the NEB disclosed 532 pages. Four requests required the processing of 1001 – 5000 pages and, in those cases, 5625 pages were disclosed.

### Other complexities

In certain cases, there were factors that increased the complexity of requests. In 44 cases, consultations were required, fees were assessed for the completion of two requests and legal advice was sought on 29 requests completed during the reporting period. Other complexities identified throughout the reporting period included three requests for information deemed to be of a high-profile subject matter and three requests were abandoned.

### Deemed Refusals

Requests are considered to fall into a deemed refusal status when they have not been answered within the deadlines (either the original 30-day period or within an extended period).

### Reasons for not meeting statutory deadline

The Board met statutory deadlines for over 82% of the requests closed during the reporting period. There were 20 requests that the Board did not close within the statutory (original or extended) deadline. The reason for not meeting the deadline in six of those cases was due to workload, in five instances, external consultation was the reason, in 6 cases, internal consultations were the reason for not meeting the statutory deadline. There were 3 requests that the Board did not close within the statutory deadline for other reasons.

### Number of days past deadline

Where no extension was taken, the Board exceeded the deadline for two requests by 1 – 15 days, for one request by 16 – 30 days, another for 31 – 60 days and two for 31 – 120 days.

In the 14 cases when the NEB responded past the deadline where an extension was taken, two were completed 1 – 15 days past the deadline, three were completed 16 – 30 days past the deadline, one was completed 31 – 60 days past the deadline, five were completed 61 – 120 days past the deadline and three were completed 121-180 days past the deadline.

### Requests for translation

No translations were required to respond to 2013-2014 access requests.

## **PART 3 - Extensions**

### Reasons for extensions and disposition of requests

Legal extensions were most frequently invoked to provide time to search through voluminous records and to conduct third party notifications. In the two cases case where all records were disclosed, one extension was taken under 9(1)(a) and one was taken under 9(1)(b).

Where records were partially disclosed, 17 extensions were taken under 9(1)(a), 21 extensions were taken under 9(1)(b) and 18 extensions were taken under 9(1)(c).

In the twelve cases where the request was abandoned six extensions were taken under 9(1)(a), two extensions under 9(1)(b) and four extensions under 9(1)(c).

#### Length of extensions

In 24 cases where an extension was taken under 9(1)(a), 13 requests required an extension of 30 days or less, nine requests required an extension of 31 - 60 days and two requests required an extension of 61 to 120 days.

In 24 cases where an extension was taken under 9(1)(b), 10 required an extension of 30 days or less and 14 required an extension of 31 – 60 days.

In 22 cases where an extension was taken under 9(1)(c), 13 required an extension of 30 days or less and 9 required an extension of 31 – 60 days.

#### **PART 4 - Fees**

Over the reporting period, the Board collected \$490 in application fees for 98 requests.

The Board waived or refunded \$60 in application fees for 12 requests and \$150 in search fees for two requests for a total of \$210 for 14 requests. In some cases, fees were waived as it was deemed to be in the public interest; in others cases the fees were waived to avoid hardship to the requester.

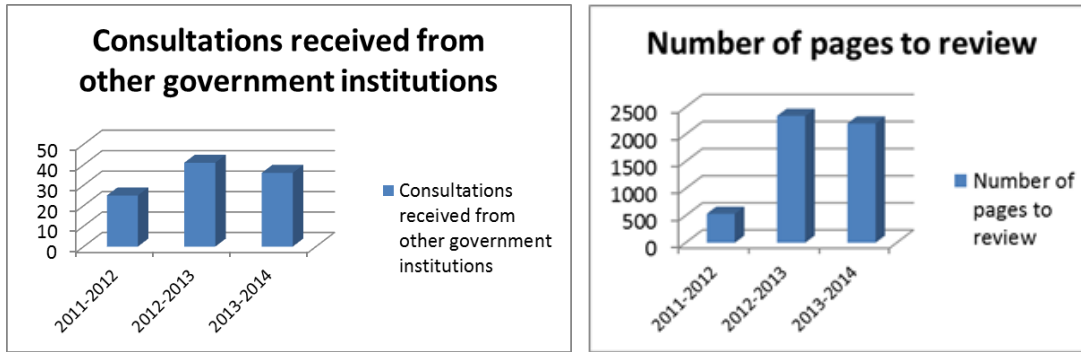
#### **PART 5 - Consultations received from other institutions and organizations**

The interdepartmental nature of information in many records under the control of the National Energy Board continues to necessitate external consultations. For the purposes of Part 5 of this report, other government institutions are defined as other institutions subject to the *Access to Information Act*. Other organizations include the governments of the provinces, territories and municipalities and of other countries.

#### Consultations received from other institutions and organizations

During the reporting period, the Board received 36 consultations from other government institutions resulting in the requirement to review 2020 pages.

The NEB had one consultation outstanding from the previous reporting period resulting in the requirement to review 9 pages.



All consultations received from other government institutions were closed during the reporting period.

Consultation volumes are a factor in the NEB's workload, as their processing can require resources at a level similar to that of access requests.

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

In the 28 cases where the NEB recommended that the records be disclosed entirely, the consultation request was completed in 1-15 days for 27 consultations and one consultation required 16 – 30 days to complete. In the eight cases where the Board recommended that the records be partially disclosed, 2 consultation requests were completed in 1-15 days, four in 16 – 30 days and two in 31 – 60 days. In the one case where the Board recommended that the documents be entirely excluded, the consultation was completed in less than 15 days.

#### Recommendations and completion time for consultations received from other organizations

The NEB did not receive consultations from other organizations.

### **PART 6 – Completion time of consultations on Cabinet confidences**

The Board did not seek any consultations on the application of section 69 of the *Access to Information Act* and therefore did not send any documents to the Cabinet Confidences Section of the Privy Council Office.



## **PART 7 - Resources related to the *Access to Information Act***

### Costs

Costs are only to include those related to the administration of the *Access to Information Act* incurred by the ATIP Office that has authority to respond to formal access to information requests. Costs do not include those that were incurred by other areas of the institution, including Offices of Primary Interest and Legal Services. The total cost for resources related to the *Access to Information Act* over the reporting period was \$257,310.

The total amount paid for salaries of employees working in the ATIP Office on activities related to the administration of the *Access to Information Act* was \$218,964.

The Board spent \$34,414 on goods and services related to the administration of the *Access to Information Act*. Of that amount \$24,277 was spent on professional services contracts and \$10,137 was spent on other goods and services.

### Human Resources

Over the reporting period, the NEB had three resources dedicated full-time to Access to Information (and Privacy) activities, one full-time employee dedicated part-time to Access to Information (and Privacy) activities and one consultant dedicated part-time to Access to Information activities.

## **VI. Description of Education and Training Activities**

### Training for ATIP Analysts

During the reporting period, ATIP staff participated in the following events and training sessions:

#### **Yvon Gauthier Info-Training: 3 to 6 September 2013**

Yvon Gauthier provides a complete selection of training courses designed to increase knowledge and awareness of Access to Information and Privacy issues and legislation. During the reporting period, 3 members of the ATIP team attended the following three sessions:

- **Focus on Privacy:** What is “personal information” and what are the restrictions around its collection, retention, use and dissemination?
- **Privacy Management Framework:** A Privacy Management Framework outlines the structure for reducing privacy threats and vulnerabilities. Establishing a strengthened privacy framework requires a situational analysis of existing governance, procedures, training, and technology.
- **Info-Source:** An inventory of the personal information that is collected, retained, used or disclosed by the NEB to ensure that all particular personal information banks have been registered, are up-to-date and reflect the requirements of the law and Treasury Board Secretariat Policies and Directives.

### **Canadian Access and Privacy Association (CAPA): 2 December 2013**

CAPA is a non-profit incorporated organization established in 1987 for the purpose of furthering the knowledge and expertise of its members in the legal and practical aspects of access to information and the protection of privacy. This year, one member of the ATIP team attended the Annual Conference in Ottawa featuring:

- Keynote speeches from Nancy Belanger, General Counsel, Office of the Information Commissioner of Canada and from Chantal Bernier, the Assistant Privacy Commissioner of Canada;
- Information on privacy-enabling innovation and new technologies;
- A summary of important court decisions from the past year on access and privacy issues; and
- Breach notification policies and procedures.

ATIP staff also participated in informal training on AccessPro software (Privasoft) Case Management and Redaction for both the Administrator and End-User. ATIP staff participated by teleconference in courses offered by the Treasury Board of Canada Secretariat regarding Access to Information and Privacy, Personal Information Banks, Info Source and Parliamentary Reporting Requirements.

### Training for National Energy Board Staff

The NEB promotes access to information imperatives in face-to-face meetings, presentations, special events, learning products, on the Intranet and through its training program. It fosters responsible working relationships with clients and operates under clearly defined timelines.

The Board continues to deliver general training to raise employees' awareness of their responsibilities under the *Privacy Act* and specialized training to respond to client's needs. The ATIP Office provided general training on the provisions of the *Access to Information Act* and the *Privacy Act* and their impact on Board programs and initiatives.

ATIP staff also participated in orientation sessions where information was provided to 34 new Board employees regarding obligations under both Acts.

During the reporting period, Yvon Gauthier Info-Training provided one full-day intensive training session for designated Board staff, two half-day sessions were available for all NEB staff and one half-day session with a focus on Privacy; 34 participants registered in these sessions. NEB staff also participated in a specialized session in order to assist the Board in developing a strategy to determine the areas in which the Board collects, retains, uses and discloses personal information that may require additional Privacy Impact Assessments to be undertaken or revised Personal Information Banks and/or Classes of Personal Information and a workshop on exemptions and the exercise of discretion.

Access to Information and Privacy Training is mandatory at the National Energy Board. The training is an ongoing initiative that will be carried on during the 2014-2015 fiscal year and reported upon at a later date.

In addition, the Board's Information and Document Services Team delivered sessions with colleagues in Records Management and Security Management highlighting horizontal linkages between ATIP, Security and Records Management, and our electronic corporate records repository (RDIMS). Employees who attend these sessions develop a complete awareness of their responsibilities and are more able to responsibly handle information at the National Energy Board.

## **VII. New or revised policies and guidelines**

The NEB did not roll out any policies, procedures, and guidelines related to access to information during 2013-2014 but continued to build on and improve its existing procedures. The majority of the Board's work with respect to policies and guidelines during the reporting period were focused on privacy and the development and implementation of a Privacy Management Framework.

The NEB complies with the *Directive on the Administration of the Access to Information Act* and all other related Treasury Board Secretariat policies, guidelines, and procedures.

During the reporting period, the Board developed the following new documents related to the implementation of privacy legislation and a privacy culture at the Board:

- Web Site Privacy Policy
- Options for Structural Design of a Privacy Management Framework
- Breeches and Incidents Policy
- Short Privacy Breeches and Incidents Procedure
- Comprehensive Privacy Breeches and Incidents Procedure
- Privacy Impact Assessment Policy
- Procedure for the Conduct of Privacy Impact Assessments
- Privacy Policy and Guidelines for the Collection, Creation, Management and Handling of Personal Information
- The Privacy Concept
- Creating Meaningful and Privacy Compliant Records
- Privacy and the Management of Human Resources
- Privacy and Communications
- Privacy and Contracting

The NEB also developed a Compliance Obligations Report and an Assessment of Evident Collections of Personal Information.

## **VIII. Informal Treatment of Access Requests**

The NEB receives requests for information that can be answered without citing the *Access to Information Act* but keeping within the spirit of the legislation. No five dollar application fee is required.

Requests are treated informally when the information requested is mostly in the public domain or can be disclosed for other reasons. Twenty-nine access-related requests were processed through informal means in 2013-2014.

Any copy of a release package from a previously completed request under the Act, as listed on the NEB's Completed Access to Information Requests web page, is captured as an informal access request. In 2013-2014, 71 such requests were processed.

## **IX. Info Source**

The NEB now self-publishes the *Info Source* chapter which continues to accurately reflect the contents of the records created to support the activities of the NEB and to be aligned with the Program Activity Architecture.

## **X. Complaints / Investigations**

Through the 2013-2014 reporting period, the Office of the Information Commissioner notified the NEB of one complaint which was resolved to the satisfaction of the requester. Another complaint that the NEB received in 2011-2012 but which was carried over to last fiscal year was also resolved. In that instance, the complaint was deemed well-founded and was made with respect to fees charged by the Board which have since been waived.

## **XI. Duty to Assist**

We continue to make every effort to fulfill our duty to assist requesters. Here are some examples of how we put this duty into action in 2013–2014:

- When extensions were necessary, we provided interim releases.
- When the wording of applications under the Act could have resulted in limited disclosure, or we were aware of additional records of interest, we notified the requester and gave them the option to modify their applications.
- When consultations were required, we adhered to the shortest timeframes possible in responding.
- Where requested records were publically available and therefore excluded, we provided requesters with a copy of the publically available information.

## **XII. Enhancing Support and Sustaining Compliance**

The NEB continues to improve the timeliness, efficiency and accuracy of responses to Access to Information requests. There was also enhanced engagement of senior management through weekly meetings and reporting.

This year, the NEB:

- Eliminated the backlog of requests from previous years that were not yet closed;
- Improved its proactive disclosures to increase information available to the public, thereby reducing the need to file formal access to information requests;
- Improved negotiations with requesters to more clearly understand the requests, clarify scope and provide requesters with the information they seek;

- Continued to implement a structured and Board-wide ATIP awareness program to ensure that staff and senior officials understand their roles and responsibilities regarding ATIP; and
- Worked collaboratively with consultants who have expertise in ATIP and business processes to assist with the development and implementation of a Privacy Management Framework.