

National Energy
Board



Office national
de l'énergie

Annual Report
Pursuant to the
Access to Information Act

1 April 2016 - 31 March 2017

Canada

National Energy Board

Annual Report
Pursuant to the
Access to Information Act

1 April 2016 - 31 March 2017

Permission to Reproduce

Materials may be reproduced for personal, educational and/or non-profit activities, in part or in whole and by any means, without charge or further permission from the National Energy Board, provided that due diligence is exercised in ensuring the accuracy of the information reproduced; that the National Energy Board is identified as the source institution; and that the reproduction is not represented as an official version of the information reproduced, nor as having been made in affiliation with, or with the endorsement of the National Energy Board.

For permission to reproduce the information in this publication for commercial redistribution, please e-mail: info@neb-one.gc.ca

Autorisation de reproduction

Le contenu de cette publication peut être reproduit à des fins personnelles, éducatives et/ou sans but lucratif, en tout ou en partie et par quelque moyen que ce soit, sans frais et sans autre permission de l'Office national de l'énergie, pourvu qu'une diligence raisonnable soit exercée afin d'assurer l'exactitude de l'information reproduite, que l'Office national de l'énergie soit mentionné comme organisme source et que la reproduction ne soit présentée ni comme une version officielle ni comme une copie ayant été faite en collaboration avec l'Office national de l'énergie ou avec son consentement.

Pour obtenir l'autorisation de reproduire l'information contenue dans cette publication à des fins commerciales, faire parvenir un courriel à : info@neb-one.gc.ca

© Her Majesty the Queen in Right of Canada 2017 as represented by the National Energy Board

© Sa Majesté la Reine du Chef du Canada 2017 représentée par l'Office national de l'énergie

Cat No. NE1-6/2-2017
NE1-6/2-2017E-PDF
NE1-6/2-2017F-PDF

N° de cat. NE1-6/2
NE1-6/2-2017E-PDF
NE1-6/2-2017F-PDF

ISSN 1924-8504 (Bilingual print)
ISSN 1926-3759 (English Online)
ISSN 1926-3775 (French Online)

ISSN 1924-8504 (Version imprimée bilingue)
ISSN 1926-3759 (Version anglaise en ligne)
ISSN 1926-3775 (Version française en ligne)

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

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

For further information, please contact:

The Office of the Secretary
National Energy Board
517 Tenth Avenue S.W.
Calgary, Alberta T2R 0A8
Fax: 403-292-5503
Phone: 403-292-4800
1-800-899-1265
Internet: <http://www.neb-one.gc.ca>

Pour de plus amples renseignements, contactez:

Le bureau du secrétaire
Office national de l'énergie
517, Dixième Avenue S.-O
Calgary (Alberta) T2R 0A8
Télécopieur : 403-292-5503
Téléphone : 403-292-4800
1-800-899-1265
Internet : <http://www.neb-one.gc.ca>

Printed in Canada

Imprimé au Canada

TABLE OF CONTENTS

1.	Introduction	1
	Access to Information Act.....	1
	About the National Energy Board.....	1
2.	Description of Institution Structure	2
	The Access to Information and Privacy (ATIP) Office	2
	Info Source.....	2
	Reading Room.....	3
	Workload and Multiyear Trend.....	3
	Highlights and Accomplishments for 2016-2017.....	5
3.	Delegation Orders.....	6
4.	Statistical Report and Interpretation.....	8
	a) Statistical Report:	8
	b) Interpretation / Explanation	17
	PART 1 - Requests under the <i>Access to Information Act</i>	17
	PART 2 - Requests Closed During the Reporting Period	17
	PART 3 - Extensions	21
	PART 4 - Fees	21
	PART 5 - Consultations Received from Other Institutions and Organizations	22
	PART 6 - Completion Time of Consultations on Cabinet Confidences.....	23
	PART 7 - Complaints and Investigations.....	23
	PART 8 - Court Action.....	23
	PART 9 - Resources Related to the <i>Access to Information Act</i>	23
5.	Description of Education and Training Activities.....	24
6.	New or Revised Policies and Guidelines	25
7.	Handling Complaints, Audits and Investigations	25
8.	Enhancing Support and Sustaining Compliance	26

1. 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) fulfilled its access to information responsibilities during the fiscal year 2016-2017.

About the National Energy Board

The NEB 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 NEB reports to Parliament through the Minister of Natural Resources. The NEB 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 NEB 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 NEB 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 NEB's jurisdiction has been broadened to also include pipelines that transport commodities other than oil or natural gas.

For more information about the NEB, please visit our website at:

www.neb-one.gc.ca.

2. Description of Institution Structure

The Access to Information and Privacy (ATIP) Office

The Chair and CEO of the NEB has overall responsibility for ensuring that the NEB's policies, procedures and practices are compliant with the application and administration of the *Access to information Act*. However, the activities relating to the *Access to information Act* are delegated by the Chair and CEO to a designated Access to Information and Privacy Coordinator (ATIP Coordinator). During the reporting year, the ATIP Coordinator position was shared between the Secretary of the NEB, from 1 April 2016 to 31 August 2016, and the Executive Vice President of Transparency and Strategic Engagement, from 1 September 2016 to 31 March 2017.

Access to information requests at the NEB are processed by the ATIP Office which reports to the Executive Vice President of Transparency and Strategic Engagement, as the ATIP Coordinator, through the People and Knowledge Business Unit. The ATIP Office is comprised of two permanent full-time officers and one senior officer on assignment from another department of the NEB. During the reporting year, the NEB also hired one casual employee and one contractor to help cope with the significant increase of access to information requests received.

The ATIP Office is supported by the NEB's Legal Services which provides occasional legal advice and guidance to the ATIP Office on issues related to the application of the *Access to Information Act*.

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;
- 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; and
- Participating in forums for the ATIP community, such as the Treasury Board of Canada 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 continued to maintain and update the content of its self-published *Info Source* page. This included providing information on how individuals can submit an access to information request and providing links to the correlating applicable forms provided by the Treasury Board of Canada Secretariat.

Reading Room

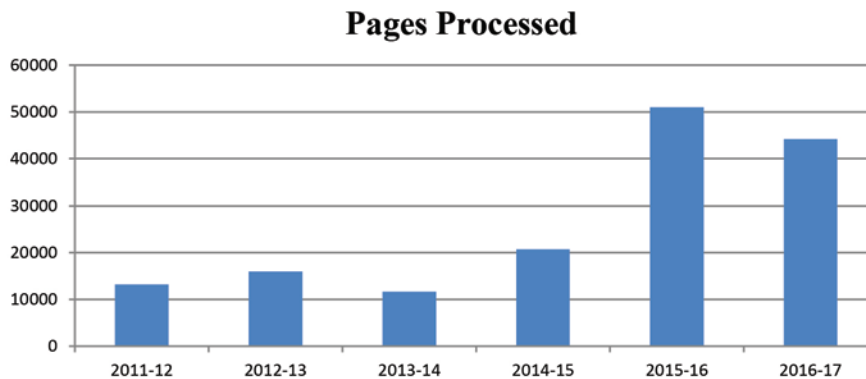
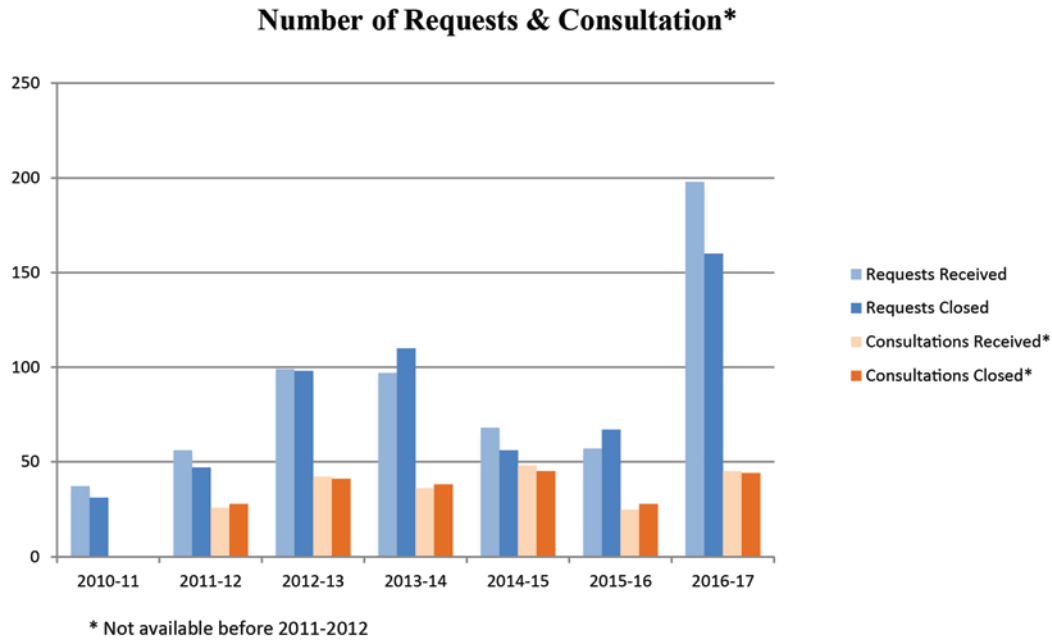
The *Access to Information Act* requires government institutions to provide facilities where members of the public may obtain information such as *Info Source*. The following NEB location in Calgary has been designated as a public reading room:

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

Workload and Multiyear Trend

The number of formal access to information requests increased significantly during the reporting year. The NEB received 198 requests in 2016-17, up from 57 received the year before. This represents a 247% increase in formal access to information requests received. While the number of request received increased dramatically, the number of pages processed decreased slightly. Specifically, 44,298 pages were processed during the 2016-17 fiscal year, down from 50,974 the previous year. This decrease is explained by fact that one request processed during 2015-16 accounted for 35,732 of the total 50,974 pages processed.

The number of access to information requests received and pages processed are demonstrated by the following charts:



The NEB was able to respond to 77% of all access to information requests in 2016-17. However, the significant increase in requests received has created a back log of 47 requests which will be carried over to the next reporting period of 2017-18.

Highlights and Accomplishments for 2016-2017

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

- Notwithstanding a 247% increase in requests received, the NEB concluded the reporting period with 77% of all access to information requests having been completed on time;
- The NEB has remained committed to on-time performance in the face of increasing complexity and the continued high volume of requests, pages processed, and consultations received from other institutions;
- Training sessions, focusing exclusively on the *Access to Information Act* and the NEB's procedures for processing requests, are held annually for new staff, NEB leaders and NEB Members, or more frequently as required;
- Privacy Impact Summaries were added to the NEB external website with a link to *Info Source*;
- The Senior ATIP Officer delivered classroom and one-on-one training throughout the NEB, raising awareness about staff's roles and accountabilities and providing an overview of the ATIP process; and
- In keeping with the NEB's transparency initiative, the NEB continued to proactively post additional information of its compliance and enforcement activities on its website with the goal of providing all relevant information in a manner that is clear and accessible.

3. Delegation Orders



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 1st 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*¹ 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 1st day of February 2013.

Gaetan Caron
Chair and CEO

¹ S.C. 1980-81-82 c. 111

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 1st day of February 2013, 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*¹ hereby designates the person holding the position of Executive Vice President, Transparency and Strategic Engagement 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 1st day of September 2016.

A handwritten signature in black ink, appearing to read 'Peter Watson'.

Peter Watson
Chair and CEO

¹ S.C. 1980-81-82 c. 111

4. Statistical Report and Interpretation

a) Statistical Report:



Government
of Canada

Gouvernement
du Canada

Statistical Report on the *Access to Information Act*

Name of institution: National Energy Board of Canada

Reporting period: 2016-04-01 to 2017-03-31

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

1.1 Number of requests

	Number of Requests
Received during reporting period	198
Outstanding from previous reporting period	9
Total	207
Closed during reporting period	160
Carried over to next reporting period	47

1.2 Sources of requests

Source	Number of Requests
Media	147
Academia	0
Business (private sector)	12
Organization	7
Public	32
Decline to Identify	0
Total	198

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	181 to 365 Days	More Than 365 Days	Total
27	10	4	1	0	0	0	42

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

Part 2: Requests Closed During the Reporting Period

2.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	5	17	0	0	0	0	0	22
Disclosed in part	5	26	12	19	13	8	0	83
All exempted	0	0	0	0	0	0	0	0
All excluded	1	0	0	0	0	0	0	1
No records exist	13	25	3	1	0	0	0	42
Request transferred	1	0	0	0	0	0	0	1
Request abandoned	9	2	0	0	0	0	0	11
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	34	70	15	20	13	8	0	160

2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	3	16(2)	0	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	1	18(b)	1	20.2	0
13(1)(c)	1	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	8	18(d)	0	21(1)(a)	51
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	49
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	3
14(a)	1	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	8
14(b)	1	16.1(1)(c)	0	18.1(1)(d)	0	22	1
15(1)	0	16.1(1)(d)	0	19(1)	72	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	36
15(1) - Def.*	0	16.3	0	20(1)(b)	7	24(1)	1
15(1) - S.A.*	0	16.4(1)(a)	0	20(1)(b.1)	0	26	0
16(1)(a)(i)	0	16.4(1)(b)	0	20(1)(c)	5		
16(1)(a)(ii)	0	16.5	0	20(1)(d)	5		
16(1)(a)(iii)	0	17	1				
16(1)(b)	0						
16(1)(c)	3						
16(1)(d)	0						

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

2.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
68(a)	1	69(1)	0	69(1)(g) re (a)	1
68(b)	0	69(1)(a)	1	69(1)(g) re (b)	1
68(c)	0	69(1)(b)	1	69(1)(g) re (c)	1
68.1	0	69(1)(c)	1	69(1)(g) re (d)	1
68.2(a)	0	69(1)(d)	1	69(1)(g) re (e)	1
68.2(b)	0	69(1)(e)	0	69(1)(g) re (f)	1
		69(1)(f)	0	69.1(1)	0

2.4 Format of information released

Disposition	Paper	Electronic	Other Formats
All disclosed	21	1	0
Disclosed in part	41	42	0
Total	62	43	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	121	109	22
Disclosed in part	44177	35724	83
All exempted	0	0	0
All excluded	0	0	1
Request abandoned	0	0	11
Neither confirmed nor denied	0	0	0

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	22	109	0	0	0	0	0	0	0	0
Disclosed in part	51	1259	23	3803	3	1568	4	6274	2	22820
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	1	0	0	0	0	0	0	0	0	0
Request abandoned	11	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	85	1368	23	3803	3	1568	4	6274	2	22820

2.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	0	0	7	0	7
Disclosed in part	19	0	26	1	46
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Total	19	0	33	1	53

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
35	35	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	4	3	7
16 to 30 days	0	6	6
31 to 60 days	0	14	14
61 to 120 days	0	4	4
121 to 180 days	0	4	4
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	4	31	35

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	35	0	5	10
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	2	0	0	0
Request abandoned	0	0	0	0
Total	37	0	5	10

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	11	0	0	0
31 to 60 days	16	0	5	10
61 to 120 days	10	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	37	0	5	10

Part 4: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	135	\$675	25	\$125
Search	0	\$0	0	\$0
Production	0	\$0	0	\$0
Programming	0	\$0	0	\$0
Preparation	0	\$0	0	\$0
Alternative format	0	\$0	0	\$0
Reproduction	0	\$0	0	\$0
Total	135	\$675	25	\$125

Part 5: Consultations Received From Other Institutions and Organizations

5.1 Consultations received from other Government of Canada institutions and organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during reporting period	45	1208	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	45	1208	0	0
Closed during the reporting period	44	1187	0	0
Pending at the end of the reporting period	1	21	0	0

Part 6: Completion Time of Consultations on Cabinet Confidences

6.1 Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	1	92	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	1	92	0	0	0	0	0	0	0	0

6.2 Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	1	92	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	1	92	0	0	0	0	0	0	0	0

Part 7: Complaints and Investigations

Section 32	Section 35	Section 37	Total
17	16	6	39

Part 8: Court Action

Section 41	Section 42	Section 44	Total
0	0	0	0

Part 9: Resources Related to the *Access to Information Act*

9.1 Costs

Expenditures		Amount
Salaries		\$234,136
Overtime		\$0
Goods and Services		\$81,268
• Professional services contracts	\$25,000	
• Other	\$56,268	
Total		\$315,404

9.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	2.70
Part-time and casual employees	0.10
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	2.80

b) Interpretation / Explanation

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

1.1 Number of requests

During the reporting period, the NEB received 198 requests under the *Access to Information Act* compared to 57 requests in the previous reporting period. Nine requests were outstanding from the previous reporting period. Of these 207 requests, 160 were completed and 47 were carried forward to the next year.

1.2 Sources of requests

Of the 198 requests received, the largest number of new requests came from the Media with a total of 147. The NEB also received 32 requests from the Public, 7 requests from Organizations, 12 requests from Businesses (private sector), and 0 request from Academia.

1.3 Informal requests

Informal requests are those where the information requested can be processed and provided without citing the *Access to Information Act* but keeping within the spirit of the legislation. A request for a copy of a release package from a previously completed request listed on the NEB's Completed Access to Information Requests web page is a common example of a request handled informally. The \$5 application fee is not required. The requester needs also agree to informal treatment as the recourse of filing a complaint is not available.

There were 42 informal requests processed in 2016-2017. Of these informal requests, 27 were completed in 1-15 days, 10 were completed in 16-30 days, 4 were completed within 31-60, and 1 was completed within 61-120 days.

PART 2 - Requests Closed During the Reporting Period

2.1 Disposition and completion time

Of the 160 requests closed during the reporting period, the NEB entirely disclosed all documents in 22 cases; in 83 cases documents were disclosed in part; in 1 case all documents were excluded; in 42 cases, no records existed, and in 11 cases requests were abandoned by the requester. There were no cases where the documents were all exempted.

Of the 22 requests for which all documents were disclosed, 5 were completed within 1-15 days, and 17 were completed within 16-30 days.

Of the 83 requests disclosed in part, 5 were completed in 1-15 days, 26 were completed in 16-30 days, 12 were completed in 31-60 days, 19 were completed in 61-120 days, 13 were completed in 121-180 days, and 8 were completed in 181-365 days. None required more than 365 days to complete.

There was also 1 request where all of the information was excluded. This request was completed in 1-15 days.

For the requests where the NEB had no records, 13 of the 42 requests were completed in less than 15 days, 25 were completed in 16-30 days, 3 were completed in 31-60 days, and 1 was completed in 61 to 120 days.

In the 11 cases where requests were abandoned by the requester, 9 were abandoned in less than 15 days, and 2 within 16-30 days.

There was only 1 request where the request was transferred.

There were no requests where all of the information was exempted.

There were no requests where the response was to neither confirm nor deny the existence of records.

2.2 Exemptions

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

Information obtained in confidence:

- 13(1)(a) was invoked in 3 requests
- 13(1)(c) was invoked in 1 request

Information relating to federal-provincial affairs:

- 14(1)(a) was invoked in 1 request
- 14(1)(b) was invoked in 1 request

Information relating to investigations and security:

- 16(1)(c) was invoked in 3 requests
- 16(2)(a) was invoked in 1 request
- 16(2)(c) was invoked in 8 requests

Information relating to the safety of individuals:

- 17 was invoked in 1 request

Information relating to the economic interests of Canada:

- 18(b) was invoked in 1 request

Personal information:

- 19(1) was invoked for 72 requests

Third party information:

- 20(1)(b) was invoked in 7 requests
- 20(1)(c) was invoked in 5 requests
- 20(1)(d) was used in 5 requests

Advice:

- 21(1)(a) was invoked for 51 requests
- 21(1)(b) was invoked in 49 requests
- 21(1)(c) was invoked in 3 requests
- 21(1)(d) was invoked in 8 requests

Information relating to testing procedures and audits:

- 22 was invoked in 1 request

Solicitor-client privilege:

- 23 was invoked for 36 requests

Statutory prohibitions against disclosure:

- 24 was invoked in 1 request

2.3 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 was 1 request completed during the reporting period in which exclusions were applied pursuant to subsection 68(a) of the Act, and 1 request in which exclusions under paragraphs 69(1)(a),(b),(c),(d),(g) of the Act were applied.

2.4 Format of information released

Of the 22 requests that were disclosed in their entirety, the information sought was provided to the requester in paper format in 21 cases, and in electronic format in 1 case.

Of the 83 requests that were disclosed in part, the information sought was provided to the requester in paper format in 41 cases, and in electronic format in 42 cases.

2.5 Complexity

The number of pages processed means the number of pages that were analyzed to determine whether the information can be disclosed, exempted 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.

2.5.1 Relevant pages processed and disclosed

In the 22 cases where all documents were disclosed, the NEB processed 121 pages and disclosed 109 pages. In the 83 cases where documents were disclosed in part, the NEB processed 44,177 pages and disclosed 35,724 pages. No pages were processed or disclosed in the 1 case that was deemed to be all excluded. No pages were processed or disclosed in the 11 cases that were abandoned.

2.5.2 Relevant pages processed and disclosed by size of requests

In the 85 instances where less than 100 pages were processed, the NEB disclosed 1,368 pages. Where 101-500 pages were processed, the NEB disclosed 3,803 pages for those 23 requests. In response to 3 requests where 501-1,000 pages were processed, the NEB disclosed 1,568 pages. Four requests required the processing of 1,001-5,000 pages and, in those cases, 6,274 pages were disclosed. Two requests required the processing of more than 5,000 pages and, in those cases, 22,820 pages were disclosed.

2.5.3 Other complexities

In certain cases, there were factors that increased the complexity of the requests received. There were 19 requests which required consultations, and 33 requests which required the seeking of legal advice during the reporting period. One request required an “other” solution.

2.6 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).

2.6.1 Reasons for not meeting statutory deadline

Although the NEB met its statutory deadlines most of the time, there were 35 requests that did not close within the statutory (original or extended) deadline. The reason for not meeting the deadline in all of those cases was due to workload volume.

2.6.2 Number of days past deadline

There were 4 requests that were late and where no extension was taken. All of these were completed within 1-15 days after the legislated deadline.

In the 31 requests where the NEB took a time extension but still responded past the legislated deadline, 3 requests were completed 1-15 days past the deadline, 6 requests were completed 16-30 days past the deadline, 14 requests were completed 31-60 days past the deadline, 4 requests were completed 61-120 days past the deadline, and 4 requests were completed 121-180 days past the deadline.

2.7 Requests for translation

No translations were required to respond to 2016-2017 access requests.

PART 3 - Extensions

3.1 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. One extension was required where all records were disclosed.

Where records were partially disclosed, 35 extensions were taken under 9(1)(a), 5 extensions were taken under 9(1)(b) and 10 extensions were taken under 9(1)(c).

In the 2 cases where no records existed relevant to the request, the extension was taken under 9(1)(a).

3.2 Length of extensions

In the 37 cases where an extension was taken under 9(1)(a), 11 requests required an extension of 30 days or less, 16 requests required an extension of 31-60 days, and 10 requests required an extension of 61-120 days.

In the 5 cases where an extension was taken under 9(1)(b), 3 required an extension of 30 days or less, 1 required an extension of 31-60 days, and 1 required an extension of 61-120 days.

In all 10 cases where an extension was taken under 9(1)(c), the extension was for 31-60 days.

PART 4 - Fees

Over the reporting period, the NEB collected \$675 in application fees from 135 requests that were closed. The NEB waived or refunded \$125 in application fees for 25 requests during the reporting period. Fees were waived primarily in the cases where requests were abandoned or no records were found to exist.

PART 5 - Consultations Received from Other Institutions and Organizations

The interdepartmental nature of information in many records under the control of the NEB 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.

5.1 Consultations received from other Government of Canada institutions and organizations

During the reporting period, the NEB received 45 consultation requests from other government institutions. Of those 45 consultation requests, 44 were closed during the reporting period resulting in the requirement to review 1187 pages.

One consultation request received from other government institutions remained pending at the end of the reporting period, requiring 21 pages to be reviewed.

Consultation volumes are a factor in the NEB's workload, as their processing within the ATIP Office can require a substantial amount of resources.

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

In the 41 consultation requests where the NEB recommended that the records be disclosed entirely, 36 consultation requests were completed in 1-15 days and 5 consultation requests required 16-30 days to complete. In the 3 consultation requests where the NEB recommended that the records be partially disclosed, 1 consultation request was completed in 1-15 days, and the 2 others were completed in 16-30 days.

5.3 Recommendations and completion time for consultations received from other organizations

The NEB did not receive any consultation from other organizations.

PART 6 - Completion Time of Consultations on Cabinet Confidences

6.1. Requests with Legal Services

One request was brought to the NEB's Legal Services to determine if the records gathered for it qualified as Cabinet Confidence. The NEB's Legal Services completed their review of this request within 1-15 days. Following the consultation with the NEB's Legal Services, it was determined that the request did require further consultation with the Privy Council Office.

6.2 Requests with Privy Council Office

There was 1 request submitted to Privy Council Office for further consultation. The Privy Council Office completed their review of this request within 31-60 days.

PART 7 - Complaints and Investigations

The Office of the Information Commissioner notified the NEB of 17 complaints in 2016-17 (Section 32 column). The NEB subsequently responded to 16 of these complaints (Section 35 column) within the reporting period. The outstanding complaint was responded to during the following reporting period.

The Information Commissioner provided a report for 6 complaints that had been pending (Section 37 column). For 3 of these complaints, the complainant alleged that the NEB's response was missing records. Of these 3 "missing records" complaints, 2 were discontinued and 1 was ruled not founded. The other 3 complaints received by the NEB alleged that the NEB had responded to the requester outside the legislated timeframes provided by the Act. Of those 3 "late" complaints, 2 were ruled well founded and 1 was considered resolved since by the time the complaint was investigated the requester had already been provided with the records sought.

There are 14 complaints received during the reporting period (2016-2017) that remain pending. There are also 8 complaints received from previous years (prior to 2016-2017) that are also still pending.

PART 8 - Court Action

The NEB had no complaints for which the requester, the Information Commissioner, nor a third party had applied to the Federal Court during the reporting period for a review of the Institution's decision.

PART 9 - Resources Related to the *Access to Information Act*

9.1 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 \$315,404.

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 \$234,136.

The NEB spent \$81,268 on goods and services related to the administration of the *Access to Information Act*. Of that amount \$25,000 was spent on professional services contracts and \$56,268 was spent on other goods and services.

9.2 Human Resources

Over the reporting period, the NEB's three full-time employees dedicated the equivalent of 2.70 person years to Access to Information activities, while one casual employee and one contractor dedicated the equivalent of 0.10 of a person year to Access to Information activities.

5. Description of Education and Training Activities

Training for National Energy Board staff

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

Training on the provisions of the *Access to Information Act* and the *Privacy Act* is mandatory at the NEB and is included in the menu of New Employee Orientation Training. At least annually, the ATIP Office delivers both specialized training to respond to the needs of officers and clients, and general training to raise employees' awareness of their responsibilities under these Acts and the impact they have on NEB programs and initiatives.

Yvon Gauthier Info-Training provided a complete selection of training courses designed to increase knowledge and awareness of Access to Information and Privacy issues and legislation. This training was offered to all NEB staff and was held from 1 March 2017 to 10 March 2017.

Further, all NEB staff were required to take and successfully pass the Access to Information and Privacy Fundamentals - I015 course offered by Canadian School of Public service.

Special training sessions, entitled "ATIP Orientation for NEB Members", were held throughout the year to introduce and train new permanent and temporary NEB Members joining the NEB.

The NEB further implemented an "ATIP Tip of the Week" initiative where each week a new ATIP tip was posted on the screensaver of all NEB staff as a means to train and remind them of ATIP best practices and their obligations under the *Access to Information Act* and the *Privacy Act*.

Training for ATIP Analysts

During the reporting period, the ATIP Office participated in the same training opportunities as those offered to NEB Staff.

In addition, on 23 February 2017, two of the NEB's ATIP officers participated in 3 courses offered by the Treasury Board of Canada Secretariat's Information and Privacy Policy Department.

6. New or Revised Policies and Guidelines

Since a full suite of policies, procedures and guidelines directly related to access to information was rolled out in recent years, the NEB did not develop any additional ones during 2016-2017. The NEB complies with the *Directive on the Administration of the Access to Information Act* and all other related Treasury Board of Canada Secretariat policies, guidelines, and procedures.

During the reporting period, the ATIP Office continued to provide support and advice in the enhancement of the NEB's proactive posting on the NEB website of information on its compliance and enforcement activities. The goal of the initiative is to provide all relevant information related to its compliance and enforcement actions in a manner that is clear and transparent. The information that is now publicly available on NEB's website regarding compliance and enforcement activities include:

- NEB Inspection Reports;
- NEB Audits of company operations;
- Inspection Officer Orders;
- Incident Investigation Reports;
- Information related to Administrative Monetary Penalties;
- NEB Orders (related to safety and environmental protection issues);
- NEB Letters or Directives (related to safety and environmental protection issues);
- Corrective Action Plans related to the above; and
- Other relevant documents, including any significant correspondence.

7. Handling Complaints, Audits and Investigations

The NEB received 17 complaints during the reporting period. Sixteen of these complaints were processed and responded to within the timelines provided by the Office of the Information Commissioner and within the reporting year. Of the 16 complaints responded to during the reporting period, only 2 received a ruling from the Office of the Information Commissioner, while 14 are still pending resolution.

The NEB has cooperated fully with the Office of Information Commissioner in the conduct of its investigations regarding complaints made against the NEB.

8. Enhancing Support and Sustaining Compliance

The NEB continues to improve the timeliness, efficiency and accuracy of its responses to ATIP requests. The ATIP Office uses a database to track the process of completing requests and sends out weekly reports listing the outstanding requests. The ATIP Office meets weekly with the NEB ATIP Coordinator, along with legal counsel and other management level staff, to monitor and direct the progression of the requests. Senior management, including the Chief Operating Officer and the Executive Vice President, Law and General Counsel, are updated on a weekly basis by the ATIP Coordinator with respect to the status and nature of ATIP files. The NEB Chair and CEO is kept apprised of the volume and times required to process ATIP requests.

This year, the NEB:

- Continued to provide timely services in response to access to information requests notwithstanding a significant increase in the amount of request received;
- Continued to improve 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 sought; and
- Continued to implement a structured and NEB-wide ATIP awareness program to ensure that staff and senior officials understand their roles and responsibilities regarding ATIP.