



House of Commons
CANADA

Standing Committee on Access to Information, Privacy and Ethics

ETHI • NUMBER 038 • 1st SESSION • 38th PARLIAMENT

EVIDENCE

Wednesday, October 19, 2005

—
Chair

Mr. David Chatters

All parliamentary publications are available on the
``Parliamentary Internet Parlementaire'' at the following address:

<http://www.parl.gc.ca>

Standing Committee on Access to Information, Privacy and Ethics

Wednesday, October 19, 2005

• (1905)

[English]

The Vice-Chair (Mr. Derek Lee (Scarborough—Rouge River, Lib.)): I call the meeting to order. Colleagues, this evening we are reviewing the report of the Information Commissioner for the fiscal year just ended. That report was referred to the committee in June.

We have witnesses tonight from the Department of Agriculture and Agri-Food: Mr. Terry Hearn, ADM; and Judy Benvie, manager of access to information and privacy for the department. Also here from Library and Archives Canada are Andrée Delagrave, ADM for transformation; and Mr. Douglas Rimmer, ADM for the programs and services sector.

Thank you for coming. If you have opening remarks pertaining to what flows from the annual report and pertaining to your envelope, we would be pleased to receive those now.

Who would like to start first? How about Agriculture and Agri-Food?

Mr. Terry Hearn (Assistant Deputy Minister, Corporate Management, Department of Agriculture and Agri-Food): Thank you, Mr. Chair. Thank you so much for inviting us tonight.

Hopefully all of you have a copy of a deck in front of you with Agriculture and Agri-food noted on the front page. If I may, I'll take you very briefly through this deck, which provides some highlights on where we have been, where we are today, and what we look forward to doing in the near future.

Our goal in terms of the purpose of the presentation is to provide you with a status report on the recommendations provided to us last year and to provide you with the highlights of an action plan that we have to improve and strengthen the ATIP function within the department.

On slide three, you will see the results of last year's report card. They're quite obvious to us. We fully recognize we have had a failing grade in 2004-05. Fundamentally, this failing grade was as a result of lateness of files.

On the next slide, you will see somewhat of an analysis of our situation within Agriculture and Agri-Food. The lateness of files, in essence, is attributable to a serious backlog of requests from previous years. I must admit we've had some weaknesses in our internal processes, practices, and monitoring approach. We are obviously addressing these issues, and I would hope to show you this in the next few minutes. Again, we've developed an action plan to deal

with the issues we have in front of us with respect to improving access to information within the department.

I have just a few highlights that are not in your deck. In 2002-03, Agriculture and Agri-Food received about 270-odd access to information requests. This declined in 2003-04 to 154, and last year we had 163. So our normal range is in the vicinity of 150-odd. In 2002-03, the main reason we had a high number of requests—270—was because of BSE and the implications, of course, of that to the industry. This year to date, we have received 75 requests and are actioning those.

On slide five, you will see that the focus of our attention, in terms of an action plan, is on five specific areas. Hopefully these will not be a surprise to you, because they all have relative weight in terms of an effective plan: people, process, training, improved reporting, and communications.

On slide six, with respect to human resources, we do have vacancies in our ATIP office. Experienced ATIP folks are hard to find, and when you get them, really, you have to put a special effort into keeping them. It is a challenge for all departments, I am sure. But we are committed to move ahead and add some additional resources to our office to take care of the amount of access requests we get.

I must admit as well that some of our access requests are complex. When we get into the area of research associated with BSE or any other part of agriculture, the responses are highly technical and take a while to actually develop. We do have a focus on retention and recruiting of staff. Again, one thing I will encourage—because I've only been two months in Agriculture and Agri-Food—is that our ATIP folks receive the benefit of training and education so they can enhance their knowledge and their experience.

In terms of process improvements, we've moved ahead over the past six to eight months and actually developed new procedures, and we've taken action to increase our training to individuals throughout the departments to improve the flow of ATIP reports.

We're looking at other areas of importance, including an enhanced delegation instrument, which we're still working on—I hope to get that out shortly—to expedite the processing of ATIP requests.

One of the issues obviously that many departments face is, if you're not careful, you can create a bureaucracy around actually getting the ATIP requests actioned. One of the things I'll be focusing on is ensuring that I don't have a bureaucracy and that I have an efficient flow.

We also purchased some ATIP technology recently, ATIPflow. We'll obviously do our best to make maximum use of this over the coming months and years.

We are offering internal ATIP office staff and employees training. I must admit I wish I had more staff to do that. It's a focus of mine, as I move into the next six months or so, to get more people to actually undertake this. Training is specialized according to the needs of the individuals, and we are developing a program to train and coach new employees with no ATIP background, but who have program business experience and knowledge. Training is a fundamental part of a good process in access to information. I know it's an area that I have to pay specific attention to, and I intend to do so.

Performance reporting was one of the observations from last year. We have actually created a performance report that is now a regular standing item in our weekly departmental operations committee, chaired by the deputy minister. As a member of the operations committee, I brief the ATIP report. I advise on the number of requests we have, where we are, if we're late, if there's a trend to being late, high visibility items, etc., on a weekly basis. We have also initiated a process where we familiarize the staff of the deputy minister's office with where access to information is every particular week.

On communication, one of the things we have to do to improve our success rate in the department is get the message out on access to information. That's one area I will have to pay personal attention to as well, so we will be getting it out on a regular process. In the deputy minister's next quarterly update I will be providing information about access to information and the important role it has.

We are going to increase our training sessions, and ATIP is a regular item at our executive-level meetings.

You will find an annex attached to our report. I don't intend to go through all of the items in the annex, because you will note that these were the recommendations provided to us as a result of a report card. I've provided you here with the status of what has been completed, what's ongoing, and what's in progress. If you don't mind, I'd like to focus on those items that are in progress and ongoing. The ones that are completed you may wish to ask me questions on.

On slide 14, one of the things we have to get on with in the department is actually having an effective delegation instrument. We have one prepared at the moment. I need some revisions to it and I intend to get it out shortly. It's something that's been missing in the department. We recognize that, and I intend to get on with it as rapidly as I can.

As I mentioned, we are also in the process of looking at our approach to the approval of access to information requests in the department. My goal is to streamline, not create a bureaucracy. I'll be doing that over the next few months to actually improve that, because one of the things that can really stall and result in late reports is if you have an arduous process with multiple sign-offs. By

the time it gets to the access to information office it's already late. So it's an area that I consider important.

On slide 15, the ATIP office makes its own assessment of whether or not third-party representations about the non-disclosure of information apply to the records. That's something I know I have to finalize, and it's an area I'll be looking at again in the next few months.

On slide 15 as well, there is the point about using ATIPflow. We do have ATIPflow now, and it's shown as being ongoing because we're still getting used to it. I want to enhance and maximize the use of the process.

● (1910)

Moving to slide 17, you see two items in progress: "The ATIP Coordinator should be directed by the Minister, in writing, through the Delegation Order to exercise the delegation to answer requests". That is in progress as part of the delegation instrument that I am putting forward in the next short period of time, within the next month.

And a point I have to make openly to the standing committee is found in item 2.3, where it says, "Agriculture...should come into substantial compliance with the Act's deadlines...March 31, 2006." I have to be honest that we're not going to make it. There are items that I have to do to actually improve the process inside the department. I also have to get more staff on my team to actually make this happen. Whether or not I will be substantially there, I can't tell you, but I know I have more work to do. It would be inappropriate for me to say I'm on target at the moment, but I can assure you that if you ask me back again, then I will be on target.

There are a couple of other items on slide 18 with respect to an operational plan on additional resources. I have no problem in terms of authority for additional resources. My problem is finding them. The access folks are a very tight group, and as I say, I'm in competition with every other department around town.

The next point: "Senior Management initiate the development of an access to information vision that can be communicated to departmental employees." That's something I have to do. We're working on it, but it's not clear enough right now, and I want to get that message out from the deputy minister.

Turning to slide 19, it says: "Agriculture and Agri-Food Canada as part of the implementation of the Policy on the Management of Government information determine categories of information that may be disclosed proactively." I think this is quite important. We do have some money actually provided to us, through supplementary estimates, through the management of government information, and I intend to pursue this with vigour. Again, I guess you'll have to wait until I come back again to tell you how successful I am.

In short, Mr. Chair, that is a very rough, quick overview of where Agriculture and Agri-Food sits. We take access to information very seriously. I am new. I believe it's important for me tell you where we have to work and the areas we have to work on. I think it's important to tell you as well that it is going to take us a little bit longer than the end of March to actually get to where we should be. But I will be there.

I look forward to any questions you may have later.

• (1915)

The Vice-Chair (Mr. Derek Lee): Thank you very much.

If it's okay, colleagues, we'll go to Library and Archives Canada for their presentation.

Ms. Delagrave, is it you?

[Translation]

Ms. Andrée Delagrave (Assistant Deputy Minister, Transformation, Library and Archives Canada): My colleague Douglas Rimmer and I would like to thank the committee for giving us this opportunity to discuss the unique challenges facing access to information at Library and Archives Canada.

Last week, we sent the committee a document. I don't intend to go all through this document, which is rather long, but we will be happy to answer any questions you may have on this subject.

While reading this document, you no doubt noted that Library and Archives Canada occupies a unique place among federal institutions. As the Information Commissioner noted in his report, it could be said that we are a general access to information office for the whole government with regard to the oldest records.

Library and Archives Canada is a completely new knowledge institution. It was created in May 2004 and combines the functions of national archives, national library and national museum.

[English]

As stated in the preamble of our legislation, our mission is to serve Canada "as an institution that is a source of enduring knowledge, accessible to all, contributing to the cultural, social and economic advancement of Canada as a free and democratic society". These words were chosen with a lot of care. We believe strongly in these principles. Our business is conducted through the lens of access as our primary driver.

One of the principal roles of LAC, or Library and Archives Canada, is to serve as the continuing memory of the Government of Canada. In this role, LAC has in its holdings all the publications of the Government of Canada, private papers of ministers, prime ministers, Supreme Court justices—in all, 134 kilometres of textual

archival documents, as well as the personal files of our past military and civilian government employees.

The government information we hold is in very high demand by our citizens. With this kind of volume of holdings, there is significant workload across the organization, not only in the ATIP division. To give you an idea, LAC responded to more than 112,000 reference requests last year. Of those, there were 783 formal access to information requests under the legislation, more than 1,300 informal access requests through our normal processes, and more than 2,700 privacy requests. In total, our ATIP division reviewed 1.7 million pages of government information last year. Of those, there were 44 requests dealing with the records created by Library and Archives. This is not our problem; our problem is the rest of the government records.

We know this high demand is only going to increase, as do the size of the holdings. I think you understand that we deal with volume, we deal with mixed records, and we often deal with records of institutions that no longer exist.

Searching for records takes on a whole new meaning at Library and Archives Canada. It's fair to say that the impact on archives of the fully retroactive 1983 privacy and access legislation was not fully understood. And we have to make sure the same thing does not happen when new crown corporations come under the legislation.

• (1920)

[Translation]

We take the failing grade we received from the Commissioner very seriously and we don't want this situation to be repeated. In fact, in 2004, even before the tabling of the commissioner's report, we had established a task force with a mandate to investigate the completely unacceptable backlogs in processing requests and to propose lasting system-wide solutions.

This task force was guided by three advisory committees: a committee of senior Library and Archives Canada executives, a users committee that included researchers, and an advisory committee made up of the departments that create documents.

The task force published its report in March 2005. This report, which is available to anyone who wants it, includes 13 recommendations on various critical areas: policies, procedures, and working processes at Library and Archives Canada, communications with requesters, methods of describing documents and the transfer of documents by the departments.

The task force recommended that significant resources be immediately allocated to eliminate processing backlogs and that operational procedures be developed to facilitate access to documents, as well as tools for users to facilitate searches through our vast repositories of government documents. Several of these measures have already been implemented.

I'll give the floor to my colleague, Mr. Rimmer, who will speak to you about the progress we've made and the bold action we are taking with respect to backlogs.

[English]

Mr. Douglas Rimmer (Assistant Deputy Minister, Programs and Services Sector, Library and Archives Canada): Thank you, Andrée.

Mr. Chairman, reducing the backlog in ATIP is a top priority for LAC. As indicated in our presentation, a step-by-step action plan to eliminate the backlog by October 31 of this year has been put in place. Throughout this period, we've been working closely with the Information commissioner's office on implementing that plan, and their advice has been very helpful.

Since June of this year, we've had dedicated teams in place to address the backlog.

[Translation]

These teams have really made a difference. We have been able to decrease the work backlog by nearly 100 200 requests and begin examining nearly 800 other requests that are ready to be photocopied and receive final processing. This work represented a major challenge, and we are continuing our efforts to reduce the backlog, carefully and accurately.

Our main objective was to process requests that were overdue when our specialized teams were set up in June. 67 of them have not yet been processed, including three informal requests relating to the same document and requiring consultation with a third person.

With respect to the 36 requests made under the Act, we are proceeding case by case and contacting each of the requesters.

[English]

We have also carefully reviewed the Information Commissioner's recommendations. Of the 22 recommendations made in the report card, we have already adopted or begun work on 12 of them. We have planned to address seven more as part of our procedures manual, two more will be addressed following our work already under way, and one final recommendation is still under consideration.

We have also put in place an implementation team to address each of the recommendations made by the LAC task force on access to government information services that Andrée mentioned. To date, two recommendations have been completed, work is under way on a further ten, and action is planned but not yet started on the remaining recommendation.

[Translation]

It should be pointed out that an internal procedures manual is being prepared for staff, which should guide them with respect to the processing of requests in virtue of ATIP, Access to Information and Privacy.

The preparation of the internal procedures manual also includes a restructuring of present procedures to ensure that they are rationalized and customer centred, and comply with the prescribed 30-day deadline.

Action has also been taken with respect to improving communications with our customers. In addition to our new communica-

tions system put in place for our individual requesters, we regularly post updates on work backlogs on our web site.

We are also presently developing a new format for displaying our services on our web site which our customers should find much more useful.

[English]

Finally, work is under way on what we call a block review program, by which we identify a large number of records that can, in future, be accessed without further review by our access to information group, thereby streamlining the process and improving turnaround time.

Andrée will now conclude our opening statement.

• (1925)

Ms. Andrée Delagrave: I would like to make a few brief points that are relevant to the experience of LAC with access.

First, a lot has been said about public service attitude and a culture of openness in the public service. It's hard to disagree. No organization could have a better culture of openness and access than LAC. Access is our basic value. Access is our business. But we have to realize that the right results for Canadians accessing government information are as much dependent on what I would call the plumbing—that is, resources, work flows, systems, and effective interfaces within an organization. Just the right culture isn't enough. We're a prime example.

Improving access at Library and Archives Canada cannot really happen without improving records management across government and having more effective transfer of records from creator departments.

Thirdly, there cannot be any long-term access to government information without well-functioning archives—that is, archives that are tooled, organized, and resourced to provide access. Only 1% to 3% of government records end up in our holdings, but these are the most important records for documenting government actions and decisions. They have ongoing value for Canada.

We can often focus only on short-term access when we discuss access to information. Long-term access is also very important for Canadians. It's important for research to understand how our country evolved, for government accountability and liability, and for redress purposes. So I think we should also take into consideration long-term access, and that is archives.

[Translation]

We thank you very much for your attention. As you can see, we have made significant progress and are determined to offer Canadians much improved access to government information at Library and Archives Canada.

[English]

The Vice-Chair (Mr. Derek Lee): Thank you very much, presenters.

We'll now go to our first party rounds, which are seven minutes, and I'll go to Mr. Lukiwski to lead off.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you very much, Mr. Chair.

I thank you all for appearing here tonight. I have few questions. I know we only have seven minutes, so I'll try to keep my questions brief. I would appreciate it if the responses could be brief, and we'll try to get through this.

The first question is to Mr. Hearn. You mentioned that you've only been in the department for two months. Where did you come from?

Mr. Terry Hearn: I came from Human Resources and Skills Development, where I was the comptroller.

Mr. Tom Lukiwski: Thank you very much.

Perhaps this is apropos because you have been a comptroller. You mentioned in your presentation that you are probably understaffed, that you need to hire some more ATIP personnel. But at the same time, you wish and you pledge to streamline the bureaucracy, which is going to be a challenge. Many times, the more staff complement you have, the tougher it is to control the bureaucracy.

I might get back to that to get a further explanation, perhaps in subsequent rounds, unless we have time in this seven minutes. But particularly, I want to talk about the costing of ramping up on the personnel side for both your departments. The question I have is this.

Recently we have found that a government department—not either of yours—has sent out a request for a sole-source contract for up to \$500,000 for four years, or up to \$125,000 a year. My understanding is that the normal ATIP officer salary is in the range of \$60,000 to \$80,000 a year, so it would appear that contract employees cost considerably more than Public Service Commission employees. My first question to both of you is, do you have any contract employees currently in your operations?

Ms. Delagrave, I'll start with you.

• (1930)

Ms. Andrée Delagrave: I think I'll ask Doug, who's responsible for the ATIP division, to answer.

Mr. Douglas Rimmer: The short answer, Mr. Chairman, is yes, we do. I will just check on the exact number; I believe it is five, but that has changed. We have had consultants throughout the period since January as we've tried to reduce the backlog. Sometimes there have been a few less, but five would be an average number.

Mr. Tom Lukiwski: How long have you had these five employees under contract?

Mr. Douglas Rimmer: There would be a different length of time for each of them, and we've changed consultants as we've gone through the piece. I could get back to the committee with specific information on each of the particular ones we have right now and how long they've been with us. I don't have that in my head tonight, sir.

Mr. Tom Lukiwski: That's fine.

Mr. Hearn, do you have any contract employees?

Mr. Terry Hearn: Actually, no, I don't. All of my employees are full-time officers.

Mr. Tom Lukiwski: Correct me if I'm wrong here—and I would like to get your opinions on this—but it would appear that if contract employees are making significantly higher salaries than PSC employees, that may be one of the reasons you have difficulty finding staff as far as hiring them as regular employees under the PSC is concerned. Do you agree with that analysis? How difficult is it, and is the cost of getting more staff to ramp up your operation to comply with all the ATI requests going to be escalating because you're going to be hiring more contract employees, or will you be able to get staff who are not contract?

Mr. Hearn.

Mr. Terry Hearn: From my perspective, you've hit on a good point. It's almost a double-edged sword, however. I'm looking at the moment at the classification of my staff in access to information. I think we're a little low, and that tends to drive the difficulty in actually attracting people. But one has to be careful; because the community is so small, you could end up in rank creep, for lack of a better term, and end up with everybody at a very high level.

But your point is very valid. To attract the quality people we need, we have to offer a good salary, as I pointed out, and I'm looking at that at the moment.

Mr. Tom Lukiwski: Mr. Rimmer.

Mr. Douglas Rimmer: We're currently staffing at both of our analyst levels, PM-04 and PM-02, so we're trying to bring in new permanent staff; that is our preferred model. Consultants can be very helpful in dealing with short-term changes in volume, but they're not certainly an approach we would prefer to take over the long term.

In order to deal with the backlog and the particular challenge we've had in wanting to drive that number down, we have looked for basically any way to bring people in to help us. We've brought people in on assignment from within an organization, we do have permanent staffing, and we've used contractor and temporary help resources to make sure we get the fastest progress we can and get back to an acceptable service standard. So it's a balance there, and we think we've hit the right mark.

Mr. Tom Lukiwski: I guess one of the other problems—some may consider them challenges—you might have with contract employees as opposed to department employees, particularly with respect to complying with ATI requests, is this. Why would you think that if you, say, go with contractors, contract employees who do not work for the government might be in a better position to determine what is information that can be released and what cannot be released? It would appear to me that you might be in a better position if all your employees were, instead of contract workers, permanent employees of your department. Do you see any kind of conflict there or any problems?

Mr. Douglas Rimmer: From our perspective, we're satisfied with the quality of work of the contractors we bring on. We have quality control procedures in places with respect to the files they review. They're often people with experience, and we bring them in because of that experience.

Our preferred model, clearly, is to have permanent staff and to develop and train those staff. The large percentage of our workforce is permanent staff and will continue to be, but as I said, we have found contractors useful to deal with short-term spikes in workload. As well, in the challenging backlog situation in particular, they were an additional way to bring on help that we felt was essential. But permanent staff is certainly our preferred model.

● (1935)

Mr. Tom Lukiwski: Do you anticipate your number of cases decreasing over the years? It would appear to me, with everyone who has appeared before this committee, that the number of requests on a yearly basis is going up, if anything, and for a number of different reasons. Therefore, your comment that contractors for short-term purposes may be helpful from time to time may be a little erroneous.

With all of the information we've had, I would anticipate that you would continue to receive a number of requests for information on a yearly basis, perhaps justifying the fact that permanent employees would be far more cost-efficient than contract employees.

Mr. Douglas Rimmer: One of the things we've done—Andrée spoke to this—is put in place a task force across the whole organization to look at our processes and procedures. So not only have we increased the resources to address the backlog in the short term but we're looking for enduring solutions that will allow us to maintain a strong performance using our base level of permanent staff.

If we were simply trying to continue with resources and do the same old things in the same old way, I would agree with you, sir, but we're trying to change our practices. In part, the use of contractors has allowed us to take staff and develop some of those new procedures. You have to use expertise to identify where you've not been as effective as you can be. To some extent, the consultants have given our staff a bit of a breather so that they can focus on how we can improve the way our procedures and practices work so that on an ongoing basis we can get a stronger performance out of that base level of permanent staff.

The Vice-Chair (Mr. Derek Lee): That's a wrap, thank you.

[Translation]

Mr. Laframboise, you have seven minutes.

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Thank you, Mr. Chairman. I will come back to Library and Archives Canada in a moment.

Mr. Hearn, your situation is not the same. You are part of a new unit. However, Agriculture and Agri-Food Canada's ATIP Office has been in existence for several years.

In your department, how many employees have been assigned to this office?

Mr. Terry Hearn: Thank you very much for your question. At the present time, there are five employees.

[English]

I must admit that this number is insufficient, as I said earlier, and I have to increase it.

Yes, you're right, Agriculture has been around a long time, and access to information has been around since the act. I can't readily explain at the moment why we are deficient. I think it's probably because of the demand for these specialized individuals. They move around between departments quite often, and sometimes you're able to have them and other times you're not. But I do recognize that at the moment I have insufficient staff to deal with my problem, and I am out right now actively recruiting additional employees.

[Translation]

Mr. Mario Laframboise: To your knowledge, has the staff been larger in the past, or has there always been the same number of employees in this unit?

[English]

Mr. Terry Hearn: There were two additional staff, as I recall, so seven. I'm not convinced that seven is the right number either, Monsieur Laframboise. It's something I'm assessing at the moment to determine what size of employee group I need. I may require seven or eight, but I'll be looking at that over the course of the next few months. Like my colleague here, I might have to use some contract employees for a short period of time. We have used them for specific areas when we have a complex file that we need some immediate work on, for a two- or three-week period.

Again, I do acknowledge your point and recognize its importance. I'm dealing with it.

[Translation]

Mr. Mario Laframboise: First of all, the problem is that the number of complaints increased in 2002-2003, so your office staff should have been increased, but instead they were decreased. The problem lies in the low priority that Agriculture and Agri-Food Canada seems to place on this matter.

I'm not talking about you. You have just arrived. You said that yourself, you have been in your position for only two months.

The question is the importance that Agriculture and Agri-Food Canada attaches to access to information. I don't think it has been taken seriously. Your remarks worry me a bit because from the beginning, you have said you didn't want to create a new bureaucratic structure.

I'm not insisting you create a new bureaucratic structure, but we do want to ensure that complaints are dealt with. That's all.

You can hire either contract or full-time employees: that's up to you. Unfortunately, we see that the culture in your department consists in moving staff out of a unit or an office and probably redirecting the money elsewhere. You had seven employees. The two who no longer work for you have surely been assigned elsewhere. This is what I find troubling.

The second thing troubling me is that you mention in your report that you want to have information sessions with the Deputy Minister's Office staff.

Can you help me better understand the structure of the Deputy Minister's Office? Is it you or the departmental Deputy Minister? This still troubles me, because, on page 18 of his report, the Information Commissioner mentions, "Top-heavy approval processes, including too much "hand-wringing" over politically sensitive requests and too frequent holdups in ministers' offices" as one of the five main causes of delay.

In short, if you discuss this matter even further with the Deputy Minister's Office, I am afraid that this will cause even more delay, since the Deputy Minister will want to get even more involved!

Can you explain to me how this could be improved, rather than made worse?

• (1940)

Mr. Terry Hearn: Both of your comments are excellent.

[English]

In personally responding, I can assure you that I have no issue with money. Money has not been taken away from me in terms of the access to information requirement; if I need money, I have it. We have lost some people over the course of the past couple of years, and actually, within the past month or so we've lost an individual in access to information to another job.

I can assure you of several things. Number one, when I arrived there, the deputy minister was very clear to me on a number of things, one being that I should keep these books in order because I'm the chief financial officer as well. Another point he made was that he wanted an effective and efficient access to information office—and I will do that.

There is no weakness in terms of understanding and acknowledging the importance of access to information. We've hit a bad spot; I can acknowledge that we have. This F grading that we've received is our first; in past years we were fine.

I have to fix it, Monsieur Laframboise, and I intend to. I don't have a problem with money, and I don't have a problem with the credibility or importance of access to information.

In terms of our information to the deputy minister's office, let me first explain that I will not permit interference; you can take that to the bank. If I have an issue with someone interfering, including the deputy minister or anyone else, I will make the point. It's not that the deputy minister's office is interfering at all. What I do is ask one of my staff to go to brief the executive assistant of the deputy minister on where we are with respect to the access requests. Fundamentally, I'm doing that to ensure that as we get them up—if any of them have to go up—they're dealt with expeditiously. I have signing authority on the access to information requests in my department, so it's very often a case that I sign them.

I also should point out that I take a personal interest in the access to information requests going out and read every one of them. I don't delay the process. It's important for me to read them because I need to know, one, are we late? And have we actually answered their request properly? And is the information that is provided complete from the act's perspective? I do that and will continue to do that.

The Vice-Chair (Mr. Derek Lee): *C'est sept minutes.* We'll come back to you.

Mr. Bains, for seven minutes.

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Thank you very much, Mr. Chair.

I want to thank all of you for coming out this late and for making excellent presentations. I really appreciate the effort put into the presentations you've given to the committee here.

However, I do have some concerns with respect to the action plans that you've highlighted to improve your grades. I just want to clarify, first, is the practice in your departments first-come, first-served? Is that how you deal with these cases or requests? Could you answer that?

Mr. Douglas Rimmer: One of the things our study, which Andrée referred to, pointed out was the importance of not doing it that way, but as requests come in, to essentially perform a triage—that is, to identify those where we are going to have to consult with other departments or those that are massive requests, and those where we need to clarify with the requester—and to action all of those things within the 30-day period, to take time extensions where the act permits, when that's appropriate within that 30-day period, to assign the files to staff.

So we have in the past been using more of a first-come, first-served basis, but we've recognized the need to move away from that, to adopt a triage process, to identify those that are going to take extra time, extra resources, and to ensure that those that can be dealt with readily are dealt with readily. This is proving to be effective and it's helping us get our performance back on track.

• (1945)

The Vice-Chair (Mr. Derek Lee): Is it the same with you, Mr. Hearn?

Mr. Terry Hearn: Yes, it's exactly the same process. Obviously, as they come in we action them, but we've gone to the point of extra triaging as well. It's really important for some of the extensive requests we've received, particularly related to research, that we actually get on to those and put more resources on them as necessary.

So I believe the triage is a very important part of the process.

Hon. Navdeep Bains: I was also looking for your feedback on this. I know that when you're talking about your backlog you've got a deadline of October, I believe. You've indicated that you will be able to eliminate the backlog, and I believe you have March as your targeted date.

First of all, is that correct? Am I getting the dates and months correct?

Mr. Douglas Rimmer: We had set ourselves a target of October 31. As we indicated in our deck, we will be largely there, but not 100% there by October 31.

The Information Commissioner in his report suggested that we eliminate it by March 31, 2006. I think we're very optimistic about that.

Hon. Navdeep Bains: Mr. Hearn.

Mr. Terry Hearn: In terms of my department, actually it's a bit different. The recommendation given to us in response to our report card was that we'd be substantively compliant by March 31. We do have some late files at the moment, but I'm not going to wait until March 31, I assure you, to have those done. I have an action plan in place now to address these. Part of the problem, as I mentioned earlier, is part of the bureaucracy that is around the approval authorities for this. I have to move on those and get them out of my system within the department.

So I will have those addressed certainly by the end of December.

Hon. Navdeep Bains: The question I have is from a management perspective now. In terms of employee morale and motivation, when a file is late and when it exceeds that 30-day threshold in terms of a request, what incentive do they have to complete that file, as opposed to trying to get the other request in time? That might be part of the reason why the backlog is starting to grow.

Secondly, we did talk extensively about contract employees. Maybe it is worthwhile to bring in those contract employees just to look exclusively at the backlog. I know you've indicated that you have a desire to work within a full-time employee framework, but strategically from a management perspective—I want your feedback—is it worthwhile to have contract employees come in and eliminate the backlog, because it is difficult to motivate full-time employees because they are trying to catch up with the other requests that are being made? What are your thoughts on that?

Mr. Douglas Rimmer: Certainly we went through a very difficult period of staff morale when there was an extensive backlog. I had a conversation with one of our staff today and was just delighted to hear her say that she really felt we had turned a corner and that the atmosphere was just that much more positive, because they could see that they were now achieving what they were there to do.

Hon. Navdeep Bains: There's a light at the end of the tunnel.

Mr. Douglas Rimmer: We have found contractors to be useful in clearing the backlog. I want to point out, and this is a point that Andrée made in her opening remarks, that it really has required an organization-wide effort.

We have brought people in. We've created dedicated teams, using people from all over our organization. We rely on the expertise of our archivists, who know those 134 kilometres of textual records that we have better than anyone else and who can help us find things. Particularly in terms of the triage, an important part of our strategy is identifying those files where we're going to need the expertise of our colleagues elsewhere in the organization, bringing them together, and forming an action plan to deal with particularly large voluminous requests.

So yes, contractors are part of that, but so is enabling the whole organization as part of the solution.

• (1950)

Hon. Navdeep Bains: Mr. Hearn, is that a similar issue you face in your department in terms of morale?

Mr. Terry Hearn: Absolutely.

One of the things I'd like to point out, and something I'll be reinforcing, is that some of the demoralizing part of actually being late is the fact that you can start blaming yourself for the delay, and

with a small number of people that's quite possible. My focus, as well, is to ensure that I give good opportunities to my people and train them well.

I have one other point on contractors. I agree that where we can, we should bring them in and actually deal with the backlog, but there's one issue with the contractors: they're also in short supply. It's difficult to actually find them, and we're in competition as well.

Hon. Navdeep Bains: I have one last question with respect to the grading system in terms of the way the grades are presented. What do you think of that criterion? Do you think it's appropriate, especially with respect to Library and Archives Canada, where you have such an enormous request level—112,000 I believe you mentioned, compared to maybe 163 for the Department of Agriculture? Do you think that reporting mechanism is a fair way of evaluating your performance, or should there be something unique for each department or different criteria for different types or volumes of requests?

I just want your feedback on that.

Ms. Andrée Delagrave: In fairness, the commissioner said we were an exceptional case. This was our first assessment ever and we knew we had an unacceptable problem of delays. It was recognized—and that made us feel better—that we were in a unique situation where a lot of our problems were out of our control, because we were dealing with other department's records and we get them in the state we get them.

Ranking departments just on lateness, I think, is useful because you can measure, and that is a fair measure. Whether it represents the true effort departments put in and the spirit, for example... As I was saying, I don't think there's a better culture of openness and access in the Government of Canada than in Library and Archives Canada, and it doesn't jibe with the F mark.

The Vice-Chair (Mr. Derek Lee): We'll have Mr. Harris for three minutes.

Mr. Richard Harris (Cariboo—Prince George, CPC): Thank you very much.

You both presented us with a couple of pretty ambitious action plans. I'd like to know—your best guess on a scale of one to ten—just how far along you are in the action plan that each of you presented and a timeframe for when you think you'll have all the different aspects of the plan implemented. Thirdly, when will you be in a position to know whether the things within the plan are actually working so you can assess the value of the different steps you put into the plan?

On a scale of one to ten, first of all, each of you, where are you now in the implementation of the changes?

Mr. Douglas Rimmer: I would put us at about a nine. On the privacy side, we have reviewed all the files that were in a backlog situation—that's about 1,900 files in January of this year. As I mentioned, we have a long photocopying queue to process that information and get it out the door, but we'll work through that. On the access side, we had about 1,000 backlogged files when we began and we're now down to about 200.

We had set ourselves a goal of October 31. I don't think we'll get all that photocopying done by then. I don't think we'll get those last 200 access files done by then, but I do think we're on track to make progress. As I said earlier, I'm very optimistic that by March 31, 2006, we will have cleared the backlog. More importantly, we will have put in place enduring solutions and hopefully we will not be back in front of this committee with another F but will be able to continue to provide good performance.

Access is our culture, as Andrée has suggested, and we're determined to have that reflected across all our service areas.

Mr. Richard Harris: I'm going to run out of time and I want to hear from Mr. Hearn, if I could.

● (1955)

Mr. Terry Hearn: Thank you for the question, an excellent one.

I have to be cautious on this because in responding I could demoralize my staff, and certainly my director and ATIP coordinator here. I think we're in between a six and a seven, so if you wanted a specific, I'd say six and a half. I say that not because we haven't done incredible work; we have done incredible work, but I still have things to do and I readily admit it. I do have to improve the processes inside the department, I have to get a delegation instrument out that is effective and efficient—those sort of items. With the type of staff I have—and they're excellent—I'll get there, and I'll be there by the end of March.

Mr. Richard Harris: Can I ask you quickly, would you be in a position to provide to this committee some updates on your progress, say, between now and October 31—I'll use that date since it was thrown out—throughout the year, as to where you are?

Mr. Terry Hearn: Absolutely.

Mr. Douglas Rimmer: Certainly.

The Vice-Chair (Mr. Derek Lee): Thank you, Mr. Harris.

Mr. Powers, three minutes.

Mr. Russ Powers (Ancaster—Dundas—Flamborough—Westdale, Lib.): This question is to you, Mr. Hearn, seeing as your department has done a number of reports before and you've indicated, Ms. Delagrave, that this is the first report that you've responded to. What were the previous grades that were given on previous reports?

Mr. Terry Hearn: It clearly demonstrates how new I am; I have made a mistake, and this was our first report, so I apologize.

Mr. Russ Powers: So that's the easy answer.

So we're operating on the premise that a report is deemed to be late when it's older than 30 days, as set out in the criteria, and I won't comment on that because I think certain types of reports require some time, but that's a criterion. What's the normal turnaround, Library and Agriculture and Agri-Food? What would you deem to be the normal turnaround in your reports, notwithstanding the challenge you have now?

Mr. Terry Hearn: In our particular case, it's around 40 or 45.

Mr. Russ Powers: And your oldest file would be...any idea?

Mr. Terry Hearn: We have one from 2003 that we're still working on.

Mr. Douglas Rimmer: For the late files, we have had the statistical report for the last year attached as part of the Information Commissioner's report, and it shows a distribution fairly evenly: 30 to 60 days, 60 to 90 days, and over 91 days. So we have a number of large files that have taken us a very long time. Part of our problem there is that the act does allow for extensions where you need to consult with other departments, and we had not been doing that early enough in the process. By the time we got around to trying to take an extension, we were already past the 30-day deadline. We fixed that; we're now doing that as part of our triage right up front, and that helps us comply with the letter and the spirit of the act. We hope that we will live within the timeframes of the act.

Mr. Russ Powers: Mr. Chair.

The Vice-Chair (Mr. Derek Lee): Thank you, Mr. Powers.

Mr. Desrochers.

[Translation]

Mr. Odina Desrochers (Lotbinière—Chutes-de-la-Chaudière, BQ): Thank you, Mr. Chairman.

My questions are for Library and Archives Canada. Your agency was created in May 2004, wasn't it? How many employees did you have at that time to respond to requests for access to information?

Ms. Andrée Delagrave: I'll begin, and then I'll yield the floor to my colleague Doug.

I think that we have to understand the basic difference between Library and Archives Canada and the other departments. It is our mission to provide access to information. For us, requests for access under the Access to Information Act and requests not made under the Act but that relate to government information are all the same.

Mr. Odina Desrochers: Are they handled by the same staff?

Ms. Andrée Delagrave: The teams work in close co-operation. We can give the example here of archivists who work in government archives. Those who receive government records work very closely with these teams. Finally, we can think that the whole institution works...

Mr. Odina Desrochers: Can you tell us what staff are assigned to the access requests you call "informal," on the one hand, and which employees handle actual requests for access to information, on the other hand?

● (2000)

Mr. Douglas Rimmer: All these requests, whether formal or not, are handled by the same team. This team includes people from the Access to Information Division, but also, as Andrée has just explained, everyone in the organization who takes part in the archiving process.

Mr. Odina Desrochers: I understand your position very well. However, the other departments and agencies have two systems, while you have only one.

Who establishes priorities between real requests for access to information and informal access requests? From what you tell me, you put all requests on the same basket when it comes to processing. So, if I understand properly, your agency doesn't offer the same services as the other agencies and departments.

Mr. Douglas Rimmer: We have a process for determining a record's priority level. As I have already explained, requests are screened to determine how each is to be processed. This is a new approach that we are trying to make improvements to.

Mr. Odina Desrochers: If a journalist calls you, who handles the information? Is it a team assigned to informal requests, or a team responsible for access to information?

Even if you try to tell us you have combined these two components, for my part I consider them distinct. I'm just trying to talk about the efficiency of your systems.

Mr. Douglas Rimmer: We have a team responsible for access to information, which processes requests relating to government information, whether formal or informal. However, at Library and Archives Canada, we have reference services and other services that process hundreds, even thousands, of information requests of all kinds.

Mr. Odina Desrochers: How many people are there on this mixed team at the present time?

Mr. Douglas Rimmer: Which team? There are two of them.

Mr. Odina Desrochers: You say that everything is routed towards the same team, whether formal or informal requests for access to information. How many people work there?

Mr. Douglas Rimmer: That team now has about 26 people.

Mr. Odina Desrochers: Is it meeting your expectations, or would you need more staff, as all the agencies and departments who come here are telling us?

Mr. Douglas Rimmer: We received additional funds this year to deal with outstanding requests. As for processing normal requests, we have sufficient staff.

Mr. Odina Desrochers: So how do you explain your backlog?

The Vice-Chair (Mr. Derek Lee): I'm sorry, Mr. Desrochers. We have four minutes left.

[English]

We can come back to you.

We want to go to Mr. Bains for three minutes, and then we have Mr. Lukiwski after that.

Hon. Navdeep Bains: Thank you very much, Mr. Chair.

I just want to continue on with the question I asked before, in the first round, and that had to do with respect to your feedback on the performance evaluation and the criteria of the report card. I don't think there was an exception in your case, and I asked for your feedback in terms of whether a thirty-day timeline is an appropriate way to measure performance, morale, and your intentions.

Mr. Hearn, you were about to respond to that, so I would like your feedback on that. Do you think the way you guys are being evaluated is fair? Do you see any room for improvement in the way your performance is reported vis-à-vis the grading system?

Mr. Terry Hearn: I understand how the grading system came about, and it's really difficult to find a better mousetrap, to be honest with you, than what's being practised at the moment. I have no difficulty with what the process is and the way it's being reported.

Obviously, though, in doing so, in providing a numerical score based on numerical evidence, one misses the actual hard work and effort put in by incredible people who are responsible for these files. Perhaps it would be possible for some qualitative assessment to be incorporated as well, acknowledging that although there is an F grade, there may be substantive reasons for it.

Hon. Navdeep Bains: So based on your experience, you think the current system is probably the best one we have in place to measure performance—just qualify it with some commentary or with some notes, to that extent. But you wouldn't suggest anything above and beyond that.

Mr. Terry Hearn: I personally don't think there's any better way, unless someone else has an idea. The way we have it is okay as long as we're able to provide some qualitative context.

● (2005)

The Vice-Chair (Mr. Derek Lee): Thank you, Mr. Bains.

Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you, Mr. Chair.

I want to go back just for a moment to the issue of contractors. Every witness we've had before the committee has basically said the same thing: they require increased staffing to comply with the regulations, to honour the requests within 30 days, and they have backlogs, and so on.

One of the concepts we kicked around with previous witnesses is this idea that perhaps there might be creation of, let's call it a SWAT team, maybe a smaller group of specialized ATIP officers who could move from department to department, or organization to organization, to deal with backlog cases and the like. Obviously the purpose behind this might be to create some cost efficiencies in various departments, but also to get a team that was adept at dealing with these cases.

Conceptually, that's fairly unique, but I'd like to hear your comments on that. Obviously there are lots of unanswered questions on that, but do you think conceptually that might be something you would be amenable to? Is that a concept that you might consider?

Mr. Hearn, maybe we'll start with you first, and then go to Mr. Rimmer.

Mr. Terry Hearn: Honestly, I'd take any resource that's available. So if there were a SWAT team created by someone, that was able to come and assist me, sure. But obviously the difficulty, I would say, is in creating the team. Where do you get the people? Who's going to manage it? How do you determine what's an important file, and so on? But I would have no difficulty with that.

Mr. Douglas Rimmer: As I mentioned, for dealing with short-term spikes in work or for a backlog situation, bringing in additional resources, however one can get them, whether it's through a SWAT team or another approach, makes sense. But at the same time, you also have to be looking at your practices and your procedures—in our case, not just within our division, but really across the whole organization—and make sure those are aligned and focused on the task of meeting that 30-day deadline.

Addressing short-term needs, you have to do that because the users deserve to get their information, but that's only ever, I think, part of the problem. You need to look at the enduring and long-term solutions as well.

The Vice-Chair (Mr. Derek Lee): We'll go to Mr. Trost, for three minutes.

Mr. Bradley Trost (Saskatoon—Humboldt, CPC): Thank you.

I'm fairly new to this committee, since I'm substituting, but in doing a little bit of research on this I've found that other departments have had overriding problems. So I'm a little curious.

You mentioned the specifics you had there, but overall, looking at all departments, there were other problems that came up. And again, some of these apply and some of these don't, but I wonder if you would respond to whether they have, and so forth. So I'll give them now.

The Information Commissioner's annual report identified five main causes. They were:

Inadequate resources in ATIP offices;

Chronic tardiness in retrieval of records due to poor records management and staff shortages in offices of primary interest;

Difficulties encountered during the consultation process with third parties and other government institutions;

Top-heavy approval processes, including too much "hand-wringing" over politically sensitive requests and too frequent holdups in ministers' offices; and

Poor communications with requesters to clarify access requests.

Specifically, could you answer particularly the elements there that you haven't dealt with? Some of this you have dealt with fairly well in your presentation.

It doesn't matter who starts.

Mr. Douglas Rimmer: Two of the points there I think we can readily identify with.

Not to tarnish the reputation of public servants of 50 years ago, but when we're dealing with record sets from 50 years ago, we're dealing with them as they are, as they were created back then, in a different time with different technology and different procedures. The overwhelming bulk of our requests, as Andrée pointed out, deal with that historical record set, so that's a challenge for us: the quality of the records.

Parts of our organization are working with departments now to try to improve the quality of records that we get, so that our colleagues, when they're sitting here 30 years from now, will be dealing with a better record set. So that's part of our mandate, certainly.

The second one I want to flag is the clarification with researchers as to the nature of their requests. That's clearly something we identified that we could do a better job of.

We can do a better job in two ways: first, by providing better information, through our website and other tools, about the nature of our record set to help them pinpoint specifically what they're after; and secondly, where we do get a request for a very large or very vague amount of information, to work with requesters, again immediately within that 30-day window, to clarify exactly what they want. So that's one of the things we're starting to do. That's a practice we needed to improve upon.

• (2010)

Mr. Terry Hearn: I would say, from Agriculture and Agri-Food's perspective, we're much in line with my colleague. There are some areas I need to improve on in terms of the sign-off process, as I've mentioned earlier. This is not to say that the approval process within the department is not important—it is—but fundamentally you can get bogged down there. So it's an area I'm certainly focusing on.

It's always difficult, when you're in a department, to have superb records all the time. At Agriculture and Agri-Food, we're very much a research-based department with research centres across the country, with some brilliant scientists doing great work. In some cases, records are not necessarily important to a scientist. So we have some challenges there and we're working on them. Again, I would agree with my colleague that clarification with researchers is also an important part.

Mr. Bradley Trost: But you both seem to indicate that dealing with ministers' offices, and internally, has been fairly good in your experience. That is what you're saying.

Mr. Terry Hearn: Yes.

The Vice-Chair (Mr. Derek Lee): Thank you, Mr. Trost.

Next is Mr. Powers for three minutes, and then Monsieur Desrochers after that.

Mr. Russ Powers: My question is relatively simple. This is just to assist me with Mr. Lukiwski's creative idea. Are ATIP practitioners generally all the same? In other words, are the principles utilized and the approaches taken and the technology pretty common across the board? This is going to assist me perhaps in the development of Mr. Lukiwski's proposal. Is that generally the way, and then obviously you have your own little idiosyncrasies as you relate to your department?

Perhaps Ms. Delagrave and Mr. Hearn could help me—or whoever—on those two.

Ms. Andrée Delagrave: To some extent, the training is the same, but normally—and this is why we're so different at the Archives—within a department what you want your analysts to get to know is the subject matter so that they can readily see that this is a more difficult request, or this is one that can be done really quickly. They have a sense of the subject matter. Also, generally within the department you use almost always the same exemptions, because you're dealing with the same subject matter. As you can imagine, CSIS will always have more or less the same exemptions, and....

When you get to a department like Library and Archives, all the exemptions mix and can occur in a single record, so we have to rely heavily on the archivists, who know. Basically, we don't have line expertise in our organization, so it's a very different situation.

Mr. Russ Powers: Mr. Hearn, do you have any thoughts?

Mr. Terry Hearn: I would say yes to your question. There is a body of knowledge that is shared by ATIP experts throughout the departments. There is that element of knowledge of the law, knowledge of the process, etc., but I would agree with my colleague as well that the subject matter is pretty important. Knowledge of the departments, knowledge of the files, is something that actually makes the response go faster, for lack of a better way of describing it.

The Vice-Chair (Mr. Derek Lee): Thank you, Mr. Powers.

Next is Mr. Desrochers, followed by Mr. Lukiwski.

[Translation]

Mr. Odina Desrochers: Thank you very much, Mr. Chairman.

I'll come back to the same point in order to clarify it: out of the 26 people who work for your agency, how many are assigned to access to information and how many work on what you call informal access requests? You received a disappointing grade. We are trying to understand how you will be able to improve it and how the 26 staff operate who have to serve the public in your organization.

• (2015)

Mr. Douglas Rimmer: These 26 people answer some 800 formal requests for access to information every year, but also some 100 400 informal requests. As well, another team of some 60 people deal with 100 1000 other requests for information and references, because we are a library, we have archives, and a large part of our mandate is to give Canadians complete access to our collection. This includes many government records, but also other non-government information.

Mr. Odina Desrochers: When the Information Commissioner gives you a grade, is he assessing the work you do with respect to access to information or with respect to informal requests, or is he assessing all the services you offer?

Mr. Douglas Rimmer: He assesses our work with respect to formal requests.

Mr. Odina Desrochers: These are formal requests and requests for access to information?

Mr. Douglas Rimmer: Yes, I was talking about formal requests for access to information.

Mr. Odina Desrochers: Do you think that having two units, one to deal with requests for access to information and another to deal

with informal requests, would help you earn a better grade from the Information Commissioner?

Mr. Douglas Rimmer: It is not a question of creating two teams, but of better managing informal requests for access.

Our access to information group did too much work on these requests. This work has to be better allocated within our organization. Our reference team should not be doing everything. The people in the Access to Information and Privacy Directorate must be able to concentrate on formal requests.

Mr. Odina Desrochers: I would like to ask you one final little question. Mr. Hearn and the other people we have heard from since the beginning are always talking about expertise and the difficulty of recruiting people qualified to deal with these requests. You say that the same staff can answer requests made under the Access to Information Act and informal requests for access. I'd like you to explain that.

Mr. Douglas Rimmer: I should perhaps explain what in our view constitutes an informal request for access. It is a request for government records made by a researcher or someone else, without using the form that entails the five-dollar charge... It is rather a request for access to information under the Access to Information Act. We take such requests very seriously and always attempt to answer them within 30 days.

Ms. Andrée Delagrave: I would like to add this: there is an interaction between the two. It sometimes happens that someone makes a formal request under the Access to Information Act, we consider the request and then return the five-dollar bill, suggesting they make an informal request since the information is in the public domain.

It may also happen that a request requires only 10 to 30 minutes work. In such cases, we consider it an informal request.

On the other hand, our reference services might receive an informal request for CSIS files, for example. We advise them to make a formal request under the Access to Information Act, since it requires a lot of work.

For us, there is a constant interaction between the two systems. This is why screening is so important. This is also why access to information specialists may often not be able to determine whether a request will require a lot of work. Only archivists specialized in the field can determine this.

The Vice-Chair (Mr. Derek Lee): Thank you, Mr. Desrochers.

Mr. Lukiwski, you have the floor.

[English]

Mr. Tom Lukiwski: Thank you again, Mr. Chair.

This question is to the LAC, and it's a fairly specific and personal one. How long does it take you to honour a request for personal military or service records?

• (2020)

Mr. Douglas Rimmer: We had a backlog that was running perilously close to two years. When we received urgent requests we'd deal with them in a much more expeditious fashion. That is the privacy backlog I talked about. There were some 1,900 files. We have now completed our review of all of those files by adding additional resources, but also by changing the way we do it. We haven't finally processed all of those requests. There's a lot of photocopying to actually send the material out to individuals now. But we have broken the back of that problem and changed our procedures such that we believe we can now provide a much more appropriate turnaround time on those records.

Mr. Tom Lukiwski: It just appears to me—and please educate me—that would be one of your simpler requests to honour. If someone gave you a regiment number, a name, date of birth—all of the salient information one needed—it seems to me you would be able to look up those records and produce them in heartbeat. Why was there a backlog of close to two years?

Mr. Douglas Rimmer: I wish it were so, and I agree that intuitively that's what you would think. Part of the challenge there is that when you give somebody their military file, you have to check to ensure it doesn't contain somebody else's personal information.

Mr. Tom Lukiwski: Why would it?

Mr. Douglas Rimmer: Say somebody had gone on a course. His or her results from the course are in that person's file, but so are the results of every other person who took the course, along with other personal information. Medical information on third parties is often in those files. In the more recent files the SIN number is often there.

One of our challenges has been to identify the kind of third-party information in a file that's 50 years old where there is a minimal risk of damage to an individual—an old address or something like that—versus a SIN number or medical information, which I think we would all agree should not be released. To say those 50-year-old files are not just on that one person and there's nothing else in there would be nice, but it's not the case.

Mr. Tom Lukiwski: I appreciate the answer.

You said you think you've broken the back of the backlog. I would like a quick estimate. I don't want to be unfair asking this question, but how long do you think it might take now that you've looked the beast in the eye and broken his back? How long do you think it might take on average to produce military service records?

Mr. Douglas Rimmer: It depends a little bit on the nature of the request, if you want only certain information or the whole file, but we would aim for a 30-day standard. If we were living within that, we would feel we were doing a good job.

Mr. Tom Lukiwski: Thank you.

The Vice-Chair (Mr. Derek Lee): Monsieur Laframboise has indicated an interest.

[Translation]

Mr. Mario Laframboise: Surprisingly, Ms. Delagrave, you haven't convinced me. I have been listening to you for some time. You have a team who handle formal and informal requests, which is complicated; you return the five dollars, and so forth. The fact is, Madam, the law requires you to reply within 30 days. So you have to

solve this problem: it doesn't make any sense. You are going to continue to leave a trail of outstanding requests. Your backlog is 18 or 20 months. As long as your agency does not have a section that deals specifically with access to information cases, you will continue to have a big problem, and so will we, because we will be seeing you before this committee every year from now on. It's not that we don't like you, but we don't really want to see you here again.

We must ensure that citizens obtain a reply within 30 days. However, you have not at all convinced me that you will succeed in doing that. You have funds and you no doubt provide information. The problem is that the Access to Information Act requires that you reply within 30 days. When this isn't done, we have a problem as representatives of the people.

Ms. Andrée Delagrave: We are completely aware that the law sets out a 30-day deadline, and this, of course, is what we are aiming at. But why is Library and Archives Canada different? Our systems are much larger than any of the others. We have established a task force that has spent eight months to analyse why such a backlog had built up. We concluded the following. It's not the Access to Information Division but rather the organization as a whole that was short of resources. The working relationship between the Access to Information Division and the archivists who have to find documents has not always been very satisfactory. Our computer systems that provided the information—and once again, we are speaking of a huge volume—didn't always give the needed results.

Behind certain of our internal procedures, there is an assumption that all records we receive from other departments are closed, and need to be reviewed. However, if we obtained better information from the departments, we would probably consider many of these records open, and therefore they could be released without being reviewed by access to information people.

This study group, which worked very hard for several months, did not conclude that the problem arose from the Access to Information Division. They found that our whole department had to improve its overall procedures as well as interactions among the various divisions in order to reach this 30-day deadline that you are asking us to comply with. We all agree on this. We would be pleased to provide you with the report by this study group.

• (2025)

Mr. Mario Laframboise: Madam, I find that all very complicated. At the end of the day, the problem is one of managers. The next step will be to replace them. For our part, we want these access to information problems solved. If you are not able to do so, it is because there is a problem with managers, period!!

Mr. Douglas Rimmer: The fact is, we have already eliminated 80 per cent of our backlog. There is still work to be done to eliminate the remaining 20 per cent, but we have made significant progress. As Andrée indicated, we have not just added management resources, although we did do that. We have also improved our procedures throughout the organization.

[English]

The Vice-Chair (Mr. Derek Lee): Good. Thank you.

I have two or three easy questions.

One of them has to do with your reference to this delegation instrument. Agriculture mentioned that and other witnesses have mentioned it as well. For the record, I'd like you to explain what is involved from a practical perspective. Why does certain authority have to be delegated?

Clearly, an individual will make decisions about the release of certain types of information. This person really has to know what's cooking if he or she is going to have this delegated authority. Can you describe that to us practically? This is an element or a component for fixing some of the ATI problems in other ministries as well.

Mr. Terry Hearn: Again, I think it's an excellent question. You have actually explained it in your response. It is to indeed provide delegated authority to consider requests to release information, based on an assessment of what is releasable. It's certainly in Agriculture and Agri-Food.

Over the course of the past couple of years, we have undergone a significant reorganization of our department, where we have moved from an organizationally based structure or a hierarchical structure to teams and projects, etc. It has driven us to actually undergo a significant revision of our delegation instrument.

We did so a few years ago. It's now certainly very clear to us that the delegations that were there a couple of years ago are no longer valid, and I have to get a new set out.

We have actually reorganized the department in order to be able to provide good performance information to Parliament on a basis of output and outcome. We're one of the very few departments that have done so.

But in doing so, we've created some difficulties, not only with the access to information delegation but also with the financial authorities delegation. We're actually in the process of doing the financial authorities delegation and the HR delegation.

The Vice-Chair (Mr. Derek Lee): This presumably involves an expansion in the number of people who can finally sign off on the release of information. Practically speaking, isn't that what this is?

Why do you have to delegate? Can you explain why, for the record?

• (2030)

Mr. Terry Hearn: It's very clear. As you have said, it's to provide a greater number of people with the authority to actually be able to release information.

The Vice-Chair (Mr. Derek Lee): A greater number?

Mr. Terry Hearn: A greater number, yes.

The Vice-Chair (Mr. Derek Lee): We'll expand it from three people to six or nine or ten people.

Mr. Terry Hearn: Whatever. Yes.

The Vice-Chair (Mr. Derek Lee): A category of information can be signed off by these six new people, but they can't sign off on category X.

Mr. Terry Hearn: Exactly.

The Vice-Chair (Mr. Derek Lee): All right. That's fine.

Mr. Lukiwski, for three minutes.

Mr. Tom Lukiwski: I'd like to follow up on one further question on military service records, if I may. I have a very specific example, because this has already been requested, quite frankly, of the LAC.

In June of this year a request was sent. The response from your department was that it would actually still take two years, as of June of this year. You said that you've broken the back of the beast, and you're hopeful that it would take far less time than that, maybe 30 to 45 days or so. Did you break the back of the beast after June or did you have an employee who was working with false information? Why would I have been given a response in June that it would still take two years?

Mr. Douglas Rimmer: That was the situation in June. It has really been from June to now that we have made tremendous progress. We made some system changes and brought in some additional resources starting on June 6.

Mr. Tom Lukiwski: So hopefully, then, if I made the same request today, the response would be far different. You might be able to get those records within 30 to 60 days or thereabouts.

Mr. Douglas Rimmer: We are certainly working much closer to that timeframe, yes. We still have that big pile of photocopying to get out the door, but once that's done, we're going to be in that sort of timeframe.

Mr. Tom Lukiwski: Thank you.

The Vice-Chair (Mr. Derek Lee): I have an additional short question.

ATIP requests can sometimes red-flag a problem in a department. I know it's definitely not the job of the ATIP people to even think about that, but if I were a manager in a department or if I were somewhere at the ADM level or something, I wouldn't mind getting a quick look at the ATIP requests that are going on, just because it might prove to be a management tool. I would assume most departments run the ATIP requests by somebody, somebody middle level or higher level in the department, so they'd just see the flow. Your department does that. The Archives probably doesn't do that, because they're giving out information all the time.

Does that need of managers to see the flow of ATIP requests slow down the process? I assume it does, or maybe they see the requests after the stuff has been sent out.

Mr. Terry Hearn: I think it's a very important question. Fundamentally one has to be very cautious if one is exercising that. Again, we go back to the delegation authority. If there is an authority to actually respond, to be able to release information, that's the authority.

In my case—and it could be for a number of reasons, mainly because I'm new, or I want to be able to ensure I have the right processes in place and I'm responding appropriately and things like that—I see the access to information requests as the ADM corporate in the department. One of the things I have to do is ensure that I don't delay. It means that I work at night to ensure that it's done.

The Vice-Chair (Mr. Derek Lee): Would you agree that keeping an eye on the ATIP requests is a management tool, or could be? It doesn't necessarily help you do your job. It might, but....

Mr. Terry Hearn: I don't do it from that perspective. I'm doing it to ensure that my ATIP responsibility is exercised and accomplished.

Would it in some circumstances provide a useful tool? I haven't evidenced that, to be honest with you. Maybe my colleague, Doug, has.

The Vice-Chair (Mr. Derek Lee): Just hypothetically, say somebody sends in an ATIP request and asks how many employees of the government working out of our office in ABC city took a vacation in Guatemala at the government's expense. If there's nothing there, that's great. But if the question flags something there, someone has to say "Whoops".

Mr. Terry Hearn: Yes, of course.

• (2035)

The Vice-Chair (Mr. Derek Lee): Okay. My next question is to the Archives.

Once a document is in the Archives, it could be there for five years or fifty years or whatever. At what point do you not have to go and get third-party consent for release? Is there a point when you don't have to get third-party consent?

Mr. Douglas Rimmer: The need for third-party consent is not, to my understanding, time driven. If a record set is of sufficient sensitivity that it requires third-party consultation, we carry out that consultation. Sometimes that can be on very recent files; sometimes it can be on very old files, simply because the nature of the file suggests that consultation is appropriate.

The Vice-Chair (Mr. Derek Lee): Okay. We don't have a statute of limitations on third-party consents, then.

Ms. Andrée Delagrave: Well, of course if the file was 200 years old, probably it wouldn't make any sense. We have those kinds of files as well.

It also largely is the nature of the file. A file from CSIS, for example, has long-term implications. We don't over-consult.

The Vice-Chair (Mr. Derek Lee): Okay, there's no set rule. I was just curious. So that's a continuing issue forever.

On another area, departments routinely archive their stuff with you, correct? Let's say something's 10 years old, and a citizen is looking for something in an ATIP request. Who goes to the Archives? Does the department go in and trip over you guys, or are you guys working on an ATIP request when the department walks in

the back door and says "We have a 10-year-old file in here. We have to get it"?

Since the departments use you guys as the archive, which group of ATIP people is going to go and get the file? Are you, or are they? Is there duplication? Has that ever happened, or am I thinking about something that's non-existent here?

Ms. Andrée Delagrave: Let's say that generally our files are 20 years old when they are transferred over, and they're all transferred over—negotiations, protocols, the kinds of records they are. Nothing is younger than 10 years old, and usually they're 20 years old when they're transferred, and some are older. Normally it's pretty clear where the file is. If it's in our holdings, we answer.

The Vice-Chair (Mr. Derek Lee): Does the department contact you to say they've had an ATIP request, Mr. Archive or Madam Archive, and could you please dig out the information? No?

Mr. Douglas Rimmer: No. If they had received an access request that they felt pertained to information they had transferred to us and that was now under our care and control, they would direct that individual to us and suggest that the individual submit an access request to us. Likewise, if somebody submitted a request to us for records we didn't yet have, we would refer the person to the department.

I don't think there's confusion between us and departments. It works pretty well.

The Vice-Chair (Mr. Derek Lee): Now there's just confusion with me, that's all.

Mr. Douglas Rimmer: Either it's their records or it's our records.

The Vice-Chair (Mr. Derek Lee): Mr. Powers.

Mr. Russ Powers: Is that from the delay? Is this a small portion of it? All I'm thinking of is the element of fitting into that 30 days.

Mr. Douglas Rimmer: Not really, because if you had submitted your request to a department, and they said that you should have gone to LAC, they would close off their request. You'd come to us, and we'd open up a new request, so it's not a factor in the delay.

Mr. Russ Powers: Okay, fine.

The Vice-Chair (Mr. Derek Lee): Okay, that exhausts my crazy questions.

Mr. Powers, do you have a question? No?

Mr. Trost? No?

That would allow us to wrap up.

On the request from our colleagues here to check in with us again, what month were we suggesting? I thought somebody said October 31, which seemed awfully.... Let's say that the committee will be in touch at an appropriate point in time to seek an update. If colleagues are satisfied with that, then that's the approach we'll take.

Mr. Richard Harris: Yes, we can make that formal request to the committee and seek that, unless it's—

The Vice-Chair (Mr. Derek Lee): I'm wondering whether we want the witnesses to respond or whether they should wait for us to contact them. At this point, let us contact you, and let's see where the members want to go with this. That will serve our purpose. At some point, the House will look to us to be on the file on these things.

Thank you very much for your presentations; they've been very helpful. Thank you for attending tonight.

We're adjourned until 11 o'clock tomorrow morning, in room 253-D of the Centre Block.

Thank you. The meeting is adjourned.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliamentary Internet Parlementaire at the following address:
Aussi disponible sur le réseau électronique « Parliamentary Internet Parlementaire » à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.