

# **ANNUAL REPORT ON THE ACCESS TO INFORMATION ACT**

2020/2021

June 30, 2021

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## **Presentation of the 2020/2021 Annual Report**

In compliance with section 94 of the *Access to Information Act* (the “**Act**”), this annual report is prepared by Telefilm Canada (hereinafter also referred to as the “**Corporation**”) and tabled on its behalf in Parliament by the Minister of Canadian Heritage.

## **Purpose of the Access to Information Act**

The Act gives Canadian citizens the right to access information contained in records under the control of federal institutions governed by the Act. This right is nevertheless subject to exceptions specified in the Act. Furthermore, decisions made by federal institutions on the disclosure of information are subject to independent review by the Office of the Information Commissioner of Canada (the “**OIC**”) as well as by the federal courts.

## **Mandate of the Institution**

Telefilm Canada is a federal cultural institution dedicated to the development and promotion of the Canadian audiovisual industry. Telefilm Canada provides financial support to the private sector to create distinctively Canadian productions that appeal to domestic and international audiences. The Corporation also administers the funding programs of the Canada Media Fund.

## **Organization**

The Vice President, Legal Services, is the designated Access to Information and Privacy Coordinator (the “**Coordinator**”) for the Corporation. Requests filed under the Act are automatically referred to designated Legal Services staff, consisting of three legal counsels and one paralegal, who ensure the coordination of filed requests as well as all aspects of their processing, including final decisions issued to applicants (“**Legal Services staff**”). Furthermore, Legal Services staff deal with any other issues related to access to information within the Corporation. Monitoring of the time required to process requests filed under the Act is performed on a timely basis in the course of weekly meetings with the Coordinator.

Telefilm Canada was not a party to any services agreements within the meaning of section 96 of the Act during fiscal 2020/2021.

## **Findings**

In 2020/2021 the number of access to information requests again slightly increased compared to the previous year. Telefilm Canada received 9 formal requests, which is 3 more than in the previous financial year (2019-2020) and represents a 50% increase. This trend appears to fluctuate over time, as 28 formal requests were received in 2017/2018, 2 in 2018/2019 and 6 during the 2019/2020 period.

Regarding the number of formal access to information requests that were closed during fiscal 2020/2021, Telefilm Canada completed 7 requests, all received during that period. Of those requests, 3 (43%) resulted in fully disclosed records, 2 (28,5 %) in partially disclosed records and 2 (28,5 %) were abandoned. The number of closed formal requests fluctuates over time, depending on the number of new requests received during a reporting period: 7, 10, and 28 requests were respectively completed by Telefilm Canada during the 2019/2020, 2018/2019 and 2017/2018 periods.

As for the number of informal requests, it increased from 4 to 17 files, representing an increase of 325% from the 2019/2020 financial year. It is clear that 2020/2021 saw a big spike in informal requests, as compared to previous years, as Telefilm Canada received 4 informal requests in 2019/2020, 5 in 2018/2019 and 4 in 2017/2018.

As in previous financial years, during the 2020/2021 period our institution received no requests for a release package featured on the list of completed access to information requests published on “open.canada.ca”. Moreover, the Corporation processed 2 requests for consultation from another federal institution, one more than in 2019/2020. This trend also appears to be fluctuating compared to previous financial years, with 1 request for consultation received in 2019/2020, 4 in 2018/2019 and 8 in 2017/2018.

Regarding the formal access requests received in 2020/2021, some of them sought information related to the internal management of the Corporation’s programs, activities and operations, while others focused more on particular project files or on obtaining all documents or correspondence containing specific terms.

None of the 7 files completed during the 2020/2021 period were closed past the legislated timelines. The processing time for these files ranged between 1 to 15 days (1 file or 14%), 16 to 30 days (4 files or 58%), 61 to 120 days (1 file or 14%) and 181 to 365 days ( 1 file or 14% ), most of them (5 files or 71%) having been processed in less than 30 days. Only 2 of these files required an extension of processing time. These extensions were necessary due to – among other things – the volume of documents covered by the requests and more complex nature of the information in the first case, and in the second case, the consultations conducted with another federal institution.

Aside from the weekly meetings previously mentioned under the “Organization” section of this report, no additional monitoring measures were required during the 2020/2021 period with respect to the time needed to process requests filed under the Act.

During the 2020/2021 period, the OIC opened 1 complaint file in connection with requests processed by the Corporation, compared to 1 complaint file in 2019/2020, 11 in 2018/2019 and 2 in 2017/2018. This complaint alleged that Telefilm Canada had not conducted a reasonable search of the records relating to a request under the Act. The OIC deemed this complaint not well founded.

In order to raise awareness on the part of employees and managers about important aspects related to access to information, Legal Services provided 1 training session to the Corporation’s staff during the 2020/2021 period. As in previous financial years, this training was delivered by way of an interactive online platform and included a questionnaire. Total participation for all offices was estimated at 185 individuals.

During the same period, Legal Services also provided 11 new employees live virtual training sessions to raise their awareness about, among other things, important aspects related to access to information. In addition, Legal Services staff continued to be consistently available to respond to the needs and questions of the Corporation’s employees and managers regarding access to information.

During the 2020/2021 period, the Corporation did not implement any new or revised access to information policies, guidelines or procedures.

Due to the public health measures imposed in connection with the COVID-19 pandemic during the 2020/2021 period, Legal Services staff had no on-site access for processing physical files (for example, reviewing paper records scanning, processing incoming and outgoing mail). Telefilm Canada’s offices being closed since March 17, 2020, all staff continued working remotely during fiscal 2020/2021. Aside from the lack of on-site access, the continuation of the COVID-19 pandemic had no other impact on the Corporation’s ability to fulfill its responsibilities under the Act and did not require adopting specific measures in connection with access to information or the Act.

**Schedule "A"**

**Copy of the Delegation Order**

TO: Stéphane Odesse, Director, Legal Services and ATIP Coordinator  
Pierre-Yves Marchand, Paralegal  
Khadidja Kedir, Legal Counsel  
Joshua Samson, Legal Counsel  
Jordan Bélanger, Legal Counsel

FROM: Christa Dickenson, Executive Director

DATE: January 11, 2021

SUBJECT: Delegation of Powers, Duties and Functions under the *Access to Information Act* and the *Privacy Act*.

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This is to confirm in writing that effective October 13, 2020 I designated, pursuant to sections 95(1) of the *Access to Information Act* ("ATIA") and 73(1) of the *Privacy Act*, Stéphane Odesse, Director, Legal Services and Access to Information and Privacy ("ATIP") Coordinator for Telefilm Canada, to exercise and perform all the powers, duties and functions of the Executive Director as head of Telefilm Canada under the ATIA and the *Privacy Act*.

In addition, effective October 13, 2020 I delegated these same powers, duties and functions to Pierre-Yves Marchand, Paralegal, Khadidja Kedir, Legal Counsel, Joshua Samson, Legal Counsel and Jordan Bélanger, Legal Counsel, for the administration and carrying out of all and any of Telefilm Canada's responsibilities and activities pursuant to and under the ATIA and the *Privacy Act*.

The Paralegal and Legal Counsels listed above shall report directly to the Director, Legal Services and ATIP Coordinator and to no other person within Telefilm Canada for ATIA and *Privacy Act* purposes.

Any proposed changes to the authority and procedure hereby granted shall require my prior written authorization.

Signed this 11<sup>th</sup> day of January, 2021.

**Telefilm Canada**



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Christa Dickenson  
Executive Director

**Schedule "B"**

**Statistical Report**



## Statistical Report on the Access to Information Act

Name of institution: Telefilm Canada

Reporting period: 2020-04-01 to 2021-03-31

### Section 1: Requests Under the Access to Information Act

#### 1.1 Number of requests

	Number of Requests
Received during reporting period	9
Outstanding from previous reporting period	0
<b>Total</b>	<b>9</b>
Closed during reporting period	7
Carried over to next reporting period	2

#### 1.2 Sources of requests

Source	Number of Requests
Media	0
Academia	0
Business (private sector)	2
Organization	1
Public	4
Decline to Identify	2
<b>Total</b>	<b>9</b>

#### 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
16	1	0	0	0	0	0	17

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



## Section 2: Decline to act vexatious, made in bad faith or abuse of right requests

	Number of Requests
Outstanding from previous reporting period	0
Sent during reporting period	0
<b>Total</b>	0
Approved by the Information Commissioner during reporting period	0
Declined by the Information Commissioner during reporting period	0
Carried over to next reporting period	0

## Section 3: Requests Closed During the Reporting Period

### 3.1 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	1	2	0	0	0	0	0	3
Disclosed in part	0	0	0	1	0	1	0	2
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	0	0	0	0	0	0	0	0
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	2	0	0	0	0	0	2
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Decline to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0
<b>Total</b>	1	4	0	1	0	1	0	7

### 3.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	0	16(2)	0	18(a)	0	20,1	0
13(1)(b)	0	16(2)(a)	0	18(b)	0	20,2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20,4	0
13(1)(d)	0	16(2)(c)	0	18(d)	0	21(1)(a)	1
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	1
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	0
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	0
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	0
15(1)	0	16.1(1)(d)	0	19(1)	2	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	2	23	1
15(1) - Def.*	0	16,3	0	20(1)(b)	2	23,1	0
15(1) - S.A.*	0	16,31	0	20(1)(b.1)	0	24(1)	0
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(c)	0	26	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(d)	0		
16(1)(a)(iii)	0	16,5	0				
16(1)(b)	0	16,6	0				
16(1)(c)	0	17	0				
16(1)(d)	0						

\* I.A.: International Affairs    Def.: Defence of Canada    S.A.: Subversive Activities

### 3.3 Exclusions

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

### 3.4 Format of information released

Paper	Electronic	Other
0	5	0

### 3.5 Complexity

#### 3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
3622	3028	7

#### 3.5.2 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	3	27	0	0	0	0	0	0	0	0
Disclosed in part	1	10	0	0	0	0	1	2991	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0	2	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>4</b>	<b>37</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>2991</b>	<b>2</b>	<b>0</b>

### 3.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	0	0	0
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
Declined to act with the approval of the Information Commissioner	0	0	0	0	0
<b>Total</b>	0	0	0	0	0

### 3.6 Closed requests

#### 3.6.1 Number of requests closed within legislated timelines

	Requests closed within legislated timelines
Number of requests closed within legislated timelines	7
Percentage of requests closed within legislated timelines (%)	100

### 3.7 Deemed refusals

#### 3.7.1 Reasons for not meeting legislated timelines

Number of Requests Closed Past the Legislated Timelines	Principal Reason			
	Interference with Operations / Workload	External Consultation	Internal Consultation	Other
0	0	0	0	0

### 3.7.2 Requests closed beyond legislated timelines (including any extension taken)

Number of Days Past Legislated Timelines	Number of Requests Past Legislated Timeline Where No Extension Was Taken	Number of Requests Past Legislated Timeline Where an Extension Was Taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
<b>Total</b>	0	0	0

### 3.8 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
<b>Total</b>	0	0	0

## Section 4: Extensions

### 4.1 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	2	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Decline to act with the approval of the Information Commissioner	0	0	0	0
<b>Total</b>	2	0	0	0

## 4.2 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	0	0	0	0
31 to 60 days	1	0	0	0
61 to 120 days	0	0	0	0
121 to 180 days	0	0	0	0
181 to 365 days	1	0	0	0
365 days or more	0	0	0	0
<b>Total</b>	2	0	0	0

## Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Requests	Amount	Requests	Amount
Application	9	\$45	0	\$0
Other fees	0	\$0	0	\$0
<b>Total</b>	9	\$45	0	\$0

## Section 6: Consultations Received From Other Institutions and Organizations

### 6.1 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	2	17	0	0
Outstanding from the previous reporting period	0	0	0	0
<b>Total</b>	2	17	0	0
Closed during the reporting period	2	17	0	0
Carried over to next reporting period	0	0	0	0



## 7.2 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 Request	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	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
<b>Total</b>	0	0	0	0	0	0	0	0	0	0

## Section 8: Complaints and investigations

Section 32 Notice of intention to investigate	Subsection 30(5) Ceased to investigate	Section 35 Formal representations	Section 37 Reports of finding received	Section 37 Reports of finding containing recommendations issued by the Information Commissioner	Section 37 Reports of finding containing orders issued by the Information Commissioner
1	0	0	1	0	0

## Section 9: Court Action

### 9.1 Court actions on complaints received before June 21, 2019 and on-going

Section 41 (before June 21, 2019)	Section 42	Section 44
0	0	0

### 9.2 Court actions on complaints received after June 21, 2019

Section 41 (after June 21, 2019)				
Complainant (1)	Institution (2)	Third Party (3)	Privacy Commissioner (4)	Total
0	0	0	0	0



## Section 10: Resources Related to the Access to Information Act

### 10.1 Costs

Expenditures		Amount
Salaries		\$92 034
Overtime		\$3 942
Goods and Services		\$0
• Professional services contracts	\$0	
• Other	\$0	
<b>Total</b>		<b>\$95 976</b>

### 10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0,825
Part-time and casual employees	0,000
Regional staff	0,000
Consultants and agency personnel	0,000
Students	0,000
<b>Total</b>	<b>0,825</b>

**Note:** Enter values to three decimal places.



## Supplemental Statistical Report on the *Access to Information Act* and *Privacy Act*

Name of institution: Telefilm Canada

Reporting period: 2020-04-01 to 2021-03-31

### Section 1: Capacity to Receive Requests

Enter the number of weeks your institution was able to receive ATIP requests through the different channels.

	Number of Weeks
Able to receive requests by mail	0
Able to receive requests by email	52
Able to receive requests through the digital request service	52

### Section 2: Capacity to Process Records

2.1 Enter the number of weeks your institution was able to process paper records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
<b>Unclassified Paper Records</b>	52	0	0	<b>52</b>
<b>Protected B Paper Records</b>	52	0	0	<b>52</b>
<b>Secret and Top Secret Paper Records</b>	52	0	0	<b>52</b>

2.2 Enter the number of weeks your institution was able to process electronic records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
<b>Unclassified Electronic Records</b>	0	0	52	<b>52</b>
<b>Protected B Electronic Records</b>	0	0	52	<b>52</b>
<b>Secret and Top Secret Electronic Records</b>	52	0	0	<b>52</b>