

ANNUAL REPORT ON THE
ACCESS TO INFORMATION ACT

2018/2019

May 31, 2019



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Presentation of the 2018/2019 annual report

In compliance with section 72 of the *Access to Information Act*, this annual report is prepared by Telefilm Canada and tabled on its behalf in Parliament by the Minister of Canadian Heritage.

Purpose of the Access to Information Act

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 as well as by the federal courts.

Mandate of the institution

Telefilm Canada (hereinafter also called the “Corporation”) 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 Director of Legal Services is the designated Access to Information and Privacy Coordinator (the “Coordinator”) for the Corporation. The Coordinator refers requests filed under the Act to Legal Services staff, who ensure their coordination as well as all aspects of their processing, including final decisions issued to applicants. 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.

Findings

In 2018/2019, the number of access to information requests decreased compared to the previous year. Telefilm Canada received 2 formal access to information requests, which is 26 less than in the previous financial year and represents a 93% decrease. This trend appears to fluctuate over time, as 10 formal requests were received in 2016/2017 and 34 during the 2015/2016 period.

As for the number of informal requests, it rose from 4 to 5 files, representing a 25% increase from the 2017/2018 financial year. This trend also appears to fluctuate over time, as there were 7 informal requests in 2016/2017 and 5 in 2015/2016.

As in previous financial years, during the 2018/2019 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 4 requests for consultation from other federal institutions, 4 less than in 2017/2018. This trend also appears to fluctuate when compared with previous financial years: 3 requests for consultation were received in 2016/2017 and 3 in 2015/2016.

As has been the case in recent years, some formal access requests received in 2018/2019 concerned the communication of information related to specific project files, whereas other requests pertained to all documents and correspondence containing specific terms.

The 10 files completed during the 2018/2019 period (including 9 files which were outstanding from the previous reporting period) required an extension of processing time. These extensions were necessary due to – among other things – the volume of documents concerned and the relatively complex nature of the information requested, as well as the consultations conducted with other federal institutions, when applicable. Two of these files (20%) were completed outside of the legislated timelines. In one case, a complaint was filed with the Office of the Information Commissioner of Canada (the “OIC”) challenging Telefilm Canada’s 258-day extension to process a request for 2949 pages of records. The OIC concluded that the deadline for the Corporation to issue a response remained the 30th day following receipt of the request. In the other case, a complaint was filed with the OIC challenging the validity of an extension of 913 days to analyze more than 83,000 pages of records, but was subsequently abandoned after an agreement was reached between the complainant, the OIC and Telefilm Canada.

Aside from the weekly meetings previously mentioned under the “Organization” section of this report, no additional monitoring measures were required during the 2018/2019 period with respect to the time needed to process requests filed under the Act.

During the 2018/2019 period, the OIC opened 11 complaint files in connection with requests processed by the Corporation, compared with 2 complaint files in fiscal 2017/2018, 6 in 2016/2017 and 16 in 2015/2016. These 11 complaint files concern the application of exceptions under the Act. Furthermore, during this same financial year, the OIC closed all 20 ongoing complaint files – i.e., the 11 abovementioned complaints filed in 2018/2019, as well as 2 complaints filed in 2017/2018, 3 complaints filed in 2016/2017 and 4 complaints filed in 2015/2016. The OIC deemed 18 of those complaints to be abandoned, 1 to be not well-founded and 1 to be well-founded and resolved.

During the 2018/2019 period, Legal Services provided 1 training session to Telefilm Canada staff designed to raise awareness on the part of the Corporation’s employees and managers about important aspects related to access to information. As in previous financial years, this training was delivered by way of an interactive online platform and included a questionnaire. Total participation for all locations was estimated at 185 individuals.

During the same period, Legal Services also delivered 1 in-person training session at the head office in Montréal to raise awareness among new employees about, among other things, important aspects related to access to information. The session was attended by 13 individuals.

In addition to the foregoing, Legal Services continued to be consistently available to respond to the needs and questions of the Corporation’s employees and managers regarding access to information. Finally, in addition to the above, during the 2018/2019 period, the Corporation did not implement any new or revised access to information policies, guidelines or procedures.

Schedule "A"

Copy of the Delegation Orders

To: Stéphane Odesse, Director, Legal Services and ATIP Coordinator
 Pierre-Yves Marchand, Paralegal
 Khadidja Kedir, Legal Counsel
 Alexandra Beaulieu, Junior Legal Counsel

From: Jean-Claude Mahé, Acting Executive Director

Date: Mars 29, 2018

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

This is to confirm in writing that effective March 29, 2018 I designated, pursuant to section 73 of the *Access to Information Act* ("ATIA") and 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 March 29, 2018 I delegated these same powers, duties and functions to Pierre-Yves Marchand, Paralegal, Khadidja Kedir, Legal Counsel and Alexandra Beaulieu, Junior 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 29th day of March, 2018.

Telefilm Canada



Jean-Claude Mahé
 Acting Executive Director

To: Stéphane Odesse, Director, Legal Services and ATIP Coordinator
 Pierre-Yves Marchand, Paralegal
 Khadidja Kedir, Legal Counsel
 Pauline Halpern, Legal Counsel

From: Christa Dickenson, Executive Director

Date: July 31, 2018

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

This is to confirm in writing that effective July 30, 2018 I designated, pursuant to section 73 of the *Access to Information Act* ("ATIA") and 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 July 30, 2018 I delegated these same powers, duties and functions to Pierre-Yves Marchand, Paralegal, Khadidja Kedir, Legal Counsel and Pauline Halpern, 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 31st day of July, 2018.

Telefilm Canada



Christa Dickenson
 Executive Director

Schedule "B"

Statistical Report

Statistical Report on the *Access to Information Act*

Name of institution: TELEFILM CANADA

Reporting period: 2018-04-01 to 2019-03-31

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

1.1 Number of requests

	Number of Requests
Received during reporting period	2
Outstanding from previous reporting period	9
Total	11
Closed during reporting period	10
Carried over to next reporting period	1

1.2 Sources of requests

Source	Number of Requests
Media	0
Academia	0
Business (private sector)	2
Organization	0
Public	0
Decline to Identify	0
Total	2

1.3 Informal 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	
4	1	0	0	0	0	0	5

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

Part 2: Requests Closed During the Reporting Period

2.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	2	6	8
All exempted	0	0	0	0	0	0	1	1
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	0	1	0	0	0	0	1
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	0	0	1	0	0	2	7	10

2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	8	16(2)	0	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	1	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)	9
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	9
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)	9	22.1(1)	0
15(1) - I.A.*	8	16.2(1)	0	20(1)(a)	0	23	3
15(1) - Def.*	0	16.3	0	20(1)(b)	8	24(1)	3
15(1) - S.A.*	0	16.4(1)(a)	0	20(1)(b.1)	0	26	0
16(1)(a)(i)	0	16.4(1)(b)	0	20(1)(c)	2		
16(1)(a)(ii)	0	16.5	0	20(1)(d)	0		
16(1)(a)(iii)	0	17	0				
16(1)(b)	0						
16(1)(c)	0						
16(1)(d)	0						

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

2.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
68(a)	0	69(1)	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

2.4 Format of information released

Disposition	Paper	Electronic	Other Formats
All disclosed	0	0	0
Disclosed in part	0	8	0
Total	0	8	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of Requests	Number of Pages Processed	Number of Pages Disclosed	Number of Requests
All disclosed	0	0	0
Disclosed in part	56841	38611	8
All exempted	51	0	1
All excluded	0	0	0
Request abandoned	0	0	1
Neither confirmed nor denied	0	0	0

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	0	0	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	1	69	4	4416	3	34126
All exempted	1	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	1	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	1	0	0	0	2	69	4	4416	3	34126

2.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	8	0	0	0	8
All exempted	0	0	1	0	1
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor	0	0	0	0	0
Total	8	0	1	0	9

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of Requests Closed Past the Statutory Deadline	Principal Reason			
	Workload	External Consultation	Internal Consultation	Other
2	2	0	0	0

2.6.2 Number of days past deadline

Number of Days Past Deadline	Number of Requests Past Deadline Where No Extension Was Taken	Number of Requests Past Deadline Where An Extension Was Taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	1	1
More than 365 days	0	1	1
Total	0	2	2

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Part 3: Extensions

3.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
All disclosed	0	0	0	0
Disclosed in part	8	0	7	0
All exempted	1	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	1	0	0	0
Total	10	0	7	0

3.2 Length of extensions

Length of Extensions	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
30 days or less	1	0	5	0
31 to 60 days	0	0	0	0
61 to 120 days	0	0	1	0
121 to 180 days	0	0	1	0
181 to 365 days	2	0	0	0
365 days or more	7	0	0	0
Total	10	0	7	0

Part 4: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	0	\$10	0	\$0
Search	0	\$0	0	\$0
Production	0	\$0	0	\$0
Programming	0	\$0	0	\$0
Preparation	0	\$0	0	\$0
Alternative format	0	\$0	0	\$0
Reproduction	0	\$0	0	\$0
Total	0	\$10	0	\$0

Part 5: Consultations Received From Other Institutions and Organizations

5.1 Consultations received from other Government of Canada institutions and organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during reporting period	4	16	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	4	16	0	0
Closed during the reporting period	4	0	0	0
Pending at the end of the reporting period	0	16	0	0

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

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
Disclose entirely	3	0	0	0	0	0	0	3
Disclose in part	1	0	0	0	0	0	0	1
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	4	0	0	0	0	0	0	4

5.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

Part 6: Completion Time of Consultations on Cabinet Confidences

6.1 Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	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
Total	0	0	0	0	0	0	0	0	0	0

6.2 Requests with Privy Council Office

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

Part 7: Complaints and Investigations

Section 32	Section 35	Section 37	Total
11	11	2	24

Part 8: Court Action

Section 41	Section 42	Section 44	Total
0	0	0	0

Part 9: Resources Related to the Access to Information Act
9.1 Costs

Expenditures		Amount
Salaries		\$67 814
Overtime		\$3 232
Goods and Services		\$0
• Professional services contracts	\$0	
• Other	\$0	
Total		\$71 046

9.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0,86
Part-time and casual employees	0,00
Regional staff	0,00
Consultants and agency personnel	0,00
Students	0,00
Total	0,86

Note: Enter values to two decimal places.

New Exemptions Table

Access to Information Act	
Section	Number of requests
16.31 Investigation under the Elections Act	0
16.6 National Security and Intelligence Committee	0
23.1 Patent or Trademark privilege	0