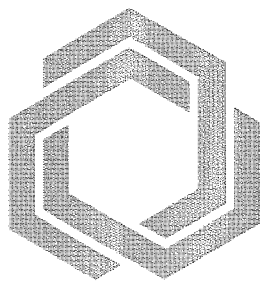


*Annual Report on the Administration  
of the*

*Access to Information Act*



*National Arts Centre*

**2009-2010**

# **National Arts Centre**

## **Annual Report on the Administration of the *Access to Information Act***

**2009-2010**

### **1. Introduction**

The National Arts Centre (NAC) is pleased to provide its third annual report on the administration of the *Access to Information Act* (ATIA) for the fiscal year 2009-2010, as required by section 72 of the Act.

The ATIA is based on the following principles:

- government information should be made available to Canadians and permanent residents of Canada;
- exceptions to the right of access should be limited and specific, and;
- decisions on the disclosure of government information should be reviewed independently of government.

### **2. Mandate**

The National Arts Centre Corporation was established in 1966 pursuant to the *National Arts Centre Act* and began operating the Centre in 1969. The NAC reports to Parliament through the Minister of Canadian Heritage.

The NAC is a federal cultural organization dedicated primarily to developing and showcasing the performing arts in the National Capital Region and across Canada. It is a multidisciplinary performing arts centre that features classical music, dance, English and French language theatre, regional programming, special events and variety shows. The NAC takes part in co-productions with other organizations throughout the country, hosts festivals, and, through its new technologies and international tours, reaches out to audiences across Canada and around the world. It is at the forefront of youth and educational activities, supporting programmes for young and emerging artists and programmes for young audiences and producing resources and study materials for teachers.

In furtherance of its objectives, the Corporation may arrange for and sponsor performing arts activities at the centre; encourage and assist in the development of performing arts companies resident at the Centre; arrange for or sponsor radio and television broadcasts and the screening of films in the Centre; provide accommodation at the Centre, on such terms and conditions as the Corporation may fix, for national and local organizations whose objectives include the development and encouragement of the performing arts in Canada; and, at the request of the Government of Canada or the Canada Council for the Arts, arrange for performances elsewhere in Canada by performing arts companies, whether resident or non-resident in Canada, and arrange for performances outside Canada by performing arts companies resident in Canada.

The Corporation is deemed, under Section 15 of the *National Arts Centre Act*, to be a registered charity within the meaning of that expression in the *Income Tax Act*.

### **3. Institution and Delegation Order**

The NAC is presided by a Board of Trustees consisting of eight members from across Canada who are appointed by the Governor in Council and two ex-officio members. It has the authority to appoint a President of the Centre, who is Chief Executive Officer, responsible for the operation and administration of the Corporation and its Centre.

The NAC's Access to Information and Privacy (ATIP) Office consists of one ATIP Coordinator on a contract basis.

Pursuant to Section 73 of the ATIA, delegated authority has been designated to the person holding the position of ATIP Coordinator, to exercise or perform all powers, duties and functions of the CEO and President under the Act insofar as they may be exercised or performed in relation to the NAC.

### **4. Summary of the NAC's access to information activities during the fiscal year 2009-2010**

The NAC received seven access to information requests. Six of these requests were completed during this fiscal year while one request was carried forward.

The statistical report for the period April 1, 2009 to March 31, 2010 is appended.

### ***Interpretation of the statistical report***

The NAC received one access request from the business sector; two requests from the public sector and four requests from the media during this fiscal period.

### ***Disposition of the requests***

Of the seven access to information requests received during this reporting period, portions of information was disclosed for two requests; no information was disclosed for one request; the NAC was unable to process one request; one request was abandoned by the applicant; one request was transferred, and one request was carried forward.

We are pleased to report that five of the six requests were processed and completed within the 30 day statutory limit. Only one request required an extension due to a search through a large number of records.

## **5. Education and Training**

The Coordinator participated in quarterly briefing sessions held by the Treasury Board Secretariat. It is anticipated that the Coordinator will participate in any relevant training, meetings and conferences offered by the federal and provincial governments in the 2010-2011 fiscal year.

## **6. Administration of the *Access to Information Act***

There were two events of note affecting the Office of the NAC ATIP Coordinator in the last year.

The first was a staffing change from a full-time Coordinator to a part-time Coordinator on a contract basis. NAC Management made the change as a result of a steep decline in the annual number of ATI requests in the last three years (Forty-seven in 2007-2008, thirteen in 2008-2009 and seven in 2009-2010). It was felt that a part-time Coordinator was the most cost-efficient way to handle ATI requests and fulfill its obligations under the *ATIA*.

The second event of note was a survey of the NAC ATI Program by the Office of the Information Commissioner (OIC). As part of the survey, called the "2009-2010 Report Card Process", the OIC surveyed eight

Crown Corporations (including the NAC, CBC/Radio-Canada, Canada Post, Atomic Canada Energy Ltd, Canada Wheat Board, and Export Development Canada) on their ability to provide timely service to users of the *Act*. For its survey, the OIC selected institutions that became subject to the *Access to Information Act* as a result of the 2007 *Federal Accountability Act* and which have received at least five complaints. Although all ten NAC complaints the OIC received since 2007 have either been resolved, abandoned or deemed unsubstantiated, the NAC was still selected for the survey. At the time of this report, the OIC had not completed its survey.

The ATIP Coordinator also executed information sessions to sensitize NAC employees of their responsibilities under the Acts and other relevant legislation, regulations and guidelines.

## **7. Complaints, Investigations and Reviews to the Federal Court**

Two complaints were lodged with the Office of the Information Commissioner of Canada during this fiscal period but were either subsequently discontinued or resolved. There are currently no outstanding complaints.

There were no appeals or reviews made to the Federal Court for the 2009-2010 fiscal year.

September 2010

REPORT ON THE ACCESS TO INFORMATION ACT / RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION

|  |                     |                                  |   |                          |             |
|--|---------------------|----------------------------------|---|--------------------------|-------------|
| Institution<br>National Arts Centre/Centre national des Arts |                     |                                  | Reporting period / Période visée par le rapport<br>April 1, 2009 to March 31, 2010/1er avril 2009 au 31 mars 2010 |                          |             |
| Source   | Media / Médias<br>4 | Academia / Secteur universitaire | Business / Secteur commercial<br>1  | Organization / Organisme | Public<br>2 |

**I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information**

|   |          |
|---|----------|
| Received during reporting period / Reçues pendant la période visée par le rapport     | 7        |
| Outstanding from previous period / En suspens depuis la période antérieure            |          |
| <b>TOTAL</b>  | <b>7</b> |
| Completed during reporting period / Traitées pendant la période visées par le rapport | 6        |
| Carried forward / Reportées   | 1        |

**II Disposition of requests completed / Disposition à l'égard des demandes traitées**

|  |   |   |          |
|--|---|---|----------|
| 1. All disclosed / Communication totale                            |   | 6. Unable to process / Traitement impossible      | 1        |
| 2. Disclosed in part / Communication partielle                     | 2 | 7. Abandoned by applicant / Abandon de la demande | 1        |
| 3. Nothing disclosed (excluded) / Aucune communication (exclusion) | 1 | 8. Treated informally / Traitement non officiel   |          |
| 4. Nothing disclosed (exempt) / Aucune communication (exemption)   |   | <b>TOTAL</b>                                      | <b>6</b> |
| 5. Transferred / Transmission                                      | 1 |   |          |

**III Exemptions invoked / Exceptions invoquées**

|  |  |                  |   |                  |   |                  |   |
|--|--|------------------|---|------------------|---|------------------|---|
| S. Art. 13(1)(a)                                     |  | S. Art. 16(1)(a) |   | S. Art. 18(b)    |   | S. Art. 21(1)(a) | 2 |
| (b)  |  | (b)              |   | (c)              |   | (b)              |   |
| (c)  |  | (c)              |   | (d)              |   | (c)              | 1 |
| (d)  |  | (d)              |   | S. Art. 19(1)    | 2 | (d)              | 1 |
| S. Art. 14   |  | S. Art. 16(2)    | 2 | S. Art. 20(1)(a) |   | S. Art. 22       | 1 |
| S. Art. 15(1) International rel. / Relations intern. |  | S. Art. 16(3)    |   | (b)              |   | S. Art. 23       | 1 |
| Defence / Défense                                    |  | S. Art. 17       |   | (c)              |   | S. Art. 24       |   |
| Subversive activities / Activités subversives        |  | S. Art. 18(a)    | 1 | (d)              | 1 | S. Art. 26       |   |

**IV Exclusions cited / Exclusions citées**

|                  |  |                  |  |
|------------------|--|------------------|--|
| S. Art. 68(a)    |  | S. Art. 69(1)(c) |  |
| (b)              |  | (d)              |  |
| (c)              |  | (e)              |  |
| S. Art. 69(1)(a) |  | (f)              |  |
| (b)              |  | (g)              |  |

**V Completion time / Délai de traitement**

|                                      |   |
|--------------------------------------|---|
| 30 days or under / 30 jours ou moins | 5 |
| 31 to 60 days / De 31 à 60 jours     | 1 |
| 61 to 120 days / De 61 à 120 jours   |   |
| 121 days or over / 121 jours ou plus |   |

**VI Extensions / Prorogations des délais**

|                       |                                      |                                    |          |
|-----------------------|--------------------------------------|------------------------------------|----------|
|                       | 30 days or under / 30 jours ou moins | 31 days or over / 31 jours ou plus |          |
| Searching / Recherche |                                      |                                    | 1        |
| Consultation          |                                      |                                    |          |
| Third party / Tiers   |                                      |                                    |          |
| <b>TOTAL</b>          |                                      |                                    | <b>1</b> |

**VII Translations / Traduction**

|  |  |  |
|--|--|--|
| Translations requested / Traductions demandées |  |  |
| Translations prepared / Traductions préparées  | English to French / De l'anglais au français |  |
|  | French to English / Du français à l'anglais  |  |

**VIII Method of access / Méthode de consultation**

|   |   |
|---|---|
| Copies given / Copies de l'original       | 1 |
| Examination / Examen de l'original        |   |
| Copies and examination / Copies et examen | 1 |

**IX Fees / Frais**

|  |       |   |              |
|--|-------|---|--------------|
| Net fees collected / Frais net perçus  |       |   |              |
| Application fees / Frais de la demande | 19.04 | Preparation / Préparation                     |              |
| Reproduction                           | 71.43 | Computer processing / Traitement informatique |              |
| Searching / Recherche                  |       | <b>TOTAL</b>                                  | <b>90.47</b> |
| Fees waived / Dispense de frais        |       | No. of times / Nombre de fois                 | \$           |
| \$25.00 or under / 25 \$ ou moins      |       |   | \$           |
| Over \$25.00 / De plus de 25 \$        |       |   | \$           |

**X Costs / Coûts**

|   |                    |
|---|--------------------|
| Financial (all reasons) / Financiers (raisons)                              |                    |
| Salary / Traitement   | \$ 92341.37        |
| Administration (O and M) / Administration (fonctionnement et maintien)      | \$ 4348.50         |
| <b>TOTAL</b>  | <b>\$ 96689.87</b> |
| Person year utilization (all reasons) / Années-personnes utilisées (raison) |                    |
| Person year (decimal format) / Années-personnes (nombre décimal)            | 1                  |





CENTRE NATIONAL DES ARTS  
NATIONAL ARTS CENTRE

*Access to Information Act*

**Designation Order**

BY THIS ORDER made pursuant to Section 73 of the *Access to Information Act*, I hereby designate the person holding the position of Access to Information and Privacy Coordinator to exercise or perform all of the powers, duties and functions of the head of a government institution under the Act insofar as they may be exercised or performed in relation to the **National Arts Centre**, effective September 1, 2007.

**Arrêté sur la délégation en vertu de la**

***Loi sur l'accès à l'information***

PAR LE PRÉSENT ARRÊTÉ pris en vertu de l'article 73 de la *Loi sur l'accès à l'information*, je délègue, à compter du 1<sup>er</sup> septembre 2007, au titulaire du poste de Coordonnatrice de l'accès à l'information et de la protection des renseignements personnels, les attributions se rapportant au **Centre National des Arts** qui me sont confiées aux termes de cette loi en ma qualité de responsable d'une institution fédérale.

\_\_\_\_\_  
President and Chief Executive Officer/  
Président et chef de la direction

R.S. 1985, c. A-1, s. 73