

National Energy  
Board



Office national  
de l'énergie

**Annual Report**  
**Pursuant to the**  
*Access to Information Act*

**1 April 2014 - 31 March 2015**

**Canada**



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## I. Introduction

### Access to Information Act

The *Access to Information Act* (Act) gives the Canadian public a right to access information contained in federal government records, subject to certain specific and limited exceptions.

In accordance with section 72 of the Act, the head of every federal institution is required to submit an Annual Report to Parliament on the administration of the Act following the close of each fiscal year. The Annual Reports are then tabled in Parliament pursuant to section 72 of the Act. This report describes how the National Energy Board (NEB or Board) fulfilled its access to information responsibilities during the fiscal year 2014-2015.

### About the National Energy Board

The Board is an independent federal regulator established in 1959 to promote safety and security, environmental protection and economic efficiency in the Canadian public interest within the mandate set by Parliament for the regulation of pipelines, energy development and trade.

The Board reports to Parliament through the Minister of Natural Resources. The Board regulates the following specific aspects of the energy industry:

- the construction and operation of interprovincial and international pipelines;
- pipeline traffic, tolls and tariffs;
- the construction and operation of international and designated interprovincial power lines;
- the export and import of natural gas;
- the export of oil and electricity; and
- frontier oil and gas activities.

Other responsibilities include:

- providing energy advice to the Minister of Natural Resources in areas where the Board has expertise derived from its regulatory functions;
- carrying out studies and preparing reports when requested by the Minister;
- conducting studies into specific energy matters;
- holding public inquiries when appropriate; and
- monitoring current and future supplies of Canada's major energy commodities.

In addition to its responsibilities under the *National Energy Board Act* (NEB Act), the Board also has responsibilities under the *Canada Oil and Gas Operations Act*, the *Canadian Environmental Assessment Act*, the *Northern Pipeline Act*, and certain provisions of the *Canada Petroleum Resources Act*. As a result of the *Canada Transportation Act*, which came into effect on 1 July 1996, the Board's jurisdiction has been broadened to also include pipelines that transport commodities other than oil or natural gas.

For more information about the National Energy Board, please visit our website at:

[www.neb-one.gc.ca](http://www.neb-one.gc.ca).

## II. Description of Institution Structure

### The Access to Information and Privacy (ATIP) Office

Activities relating to the *Access to Information Act* during the reporting period were the responsibility of the Secretary of the Board, who had been designated by the Chair and CEO of the Board as the Coordinator. Organizationally, the Access to Information and Privacy (ATIP) team resides within the Office of the Secretary and Regulatory Services Team.

The Chair and CEO has overall responsibility for ensuring that the Board's policies, procedures and practices are compliant with the application and administration of the *Access to Information Act*. The National Energy Board has procedures in place to process all formal and informal access to information requests. These requests are processed by the Access to Information and Privacy Coordinator who has the authority to access all records held by the Board. The ATIP Office works closely with Information and Document Services and Senior Management across the organization.

The ATIP Office is comprised of two permanent full-time Officers and one senior Officer on assignment from another department of the Board. The Executive Support Advisor oversees this team. In addition, the Board hired a contractor in the first half of the year to assist part-time in the processing of ATIP requests. Taking into account the contractor, the delegated authority and the Executive Support Advisor who work part-time on Access to Information, Privacy, and Parliamentary Enquiries, there are 4 full-time equivalents (FTEs) in the Board's ATIP Office.

In addition to providing legal advice and guidance to the ATIP Office on all issues related to the application of the Act, the Board's Legal Services, in general, assist the offices of primary interest within the Board and the ATIP Office in the delivery of their program and activities having an *Access to Information Act* component.

The ATIP Office is responsible for the coordination and implementation of policies, guidelines and procedures to ensure the organization's compliance with the *Access to Information Act*. The office also provides the following services to the organization:

- Promoting awareness of the *Access to Information Act* within the organization
- Processing and managing access to information requests and complaints
- Managing the electronic tracking system
- Responding to access-related matters in the Management Accountability Framework
- Processing consultations received from other institutions
- Providing advice and guidance to employees and senior officials on access related matters
- Preparing an Annual Report to Parliament
- Coordinating updates to the Info Source publications
- Developing internal procedures
- Participating in forums for the ATIP community, such as the Treasury Board Secretariat ATIP Community meetings and working groups



## Info Source

*Info Source* is a series of publications containing information about and/or collected by the Government of Canada. The primary purpose of *Info Source* is to assist individuals in exercising their rights under the *Access to Information Act* and the *Privacy Act*. *Info Source* also supports the federal government's commitment to facilitate access to information regarding its activities.

During this reporting period, the ATIP Office updated the content of its self-published *Info Source* chapter, including the description of its information holdings by institutional functions, programs and activities, to ensure it accurately reflect the contents of the records created to support the activities of the NEB. The NEB's chapter is aligned with its Program Activity Architecture. Under this approach, all classes of records and personal information banks are directly linked to the relevant institutional program and/or activity.

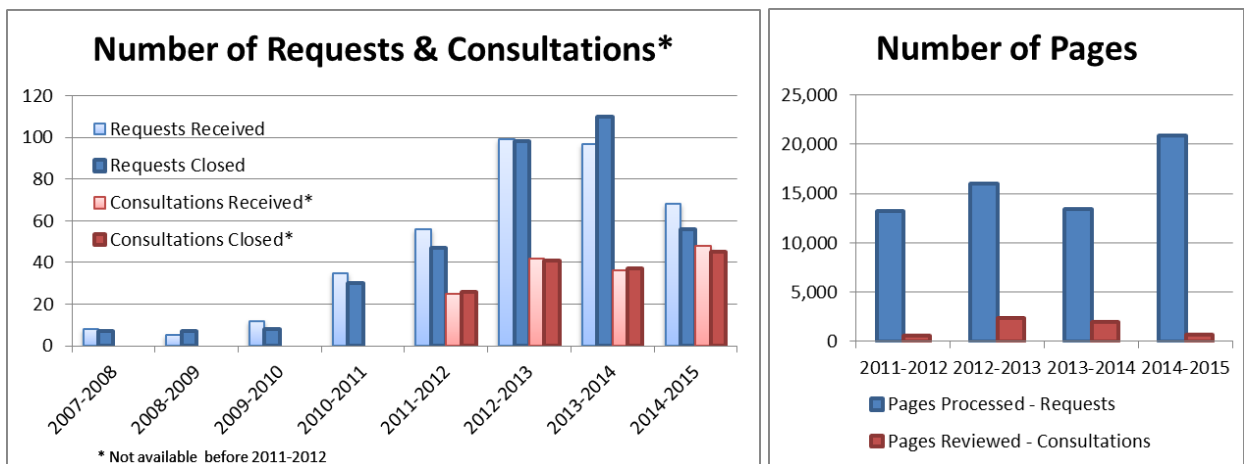
## Reading Room

Section 71 of the *Access to Information Act* requires government institutions to provide facilities where members of the public may obtain information such as *Info Source*. The following National Energy Board location in Calgary has been designated as a public reading room:

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

## Workload

The number of formal requests declined by 30% to 68 requests this year. However, the number of pages processed increased by 55%, reflecting an increase in complexity of requests. Considered together, workload in 2014-2015 was slightly higher than the workload experienced in 2013-2014. The number of access to information requests received and pages processed are demonstrated by the following charts:



The NEB continues to invest in the ATIP function with training and mentoring to retain the current ATIP staff where possible. As a direct result of these investments, the NEB was able to

respond to 82% of all access to information requests within the legislated timeframes. The NEB finished clearing its backlog of requests and strives to keep up with the high level of requests.

### **Highlights and Accomplishments for 2014-2015**

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

- The NEB concluded the year with 82 percent of requests completed within statutory deadlines;
- The NEB has remained committed to on-time performance in the face of increasing complexity and the continued high volume of requests and consultations received from other institutions;
- Training sessions, focusing exclusively on the *Access to Information Act* and the NEB's procedures for processing requests, are held annually for new staff, or more frequently as required;
- All institution specific classes of records relating to the NEB's information holdings were included in updates in Info Source and self-published on the Board's website;
- The Board implemented the procedural documents that were posted and communicated last year, including those that form part of the Privacy Management Framework;
- The Senior ATIP Officer developed and delivered a presentation to various parts of the NEB, raising awareness and providing an overview of the ATIP process; and
- The NEB furthered its transparency initiative to proactively post additional information on its compliance and enforcement activities with the goal of providing all relevant information in a manner that is clear and accessible.

### III. Designation Order



#### **Access to Information Act Designation Replacement Order**

The Chair and CEO of the National Energy Board (the Board), pursuant to Section 73 of the *Access to Information Act* (the Act) hereby replaces the *Access to Information Act Designation Replacement Order* made on the 1<sup>st</sup> day of April 2011, at the City of Calgary, in the Province of Alberta by the following text.

The Chair and CEO of the Board, pursuant to Section 73 of the *Access to Information Act*<sup>1</sup> hereby designates the person holding the position of Secretary of the Board to exercise the powers and perform the duties and functions of the Chair and CEO as head of a government institution under the Act.

Dated at the City of Calgary, in the Province of Alberta, this 1<sup>st</sup> day of February 2013.

Gaétan Caron  
Chair and CEO

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<sup>1</sup> S.C. 1980-81-82 c. 111

## IV. Statistical Report



Government  
of Canada

Gouvernement  
du Canada

### Statistical Report on the *Access to Information Act*

Name of institution: National Energy Board of Canada

Reporting period: 2014-04-01 to 2015-03-31

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

##### 1.1 Number of requests

	Number of Requests
Received during reporting period	68
Outstanding from previous reporting period	7
<b>Total</b>	<b>75</b>
Closed during reporting period	56
Carried over to next reporting period	19

##### 1.2 Sources of requests

Source	Number of Requests
Media	24
Academia	4
Business (private sector)	16
Organization	7
Public	17
Decline to Identify	0
<b>Total</b>	<b>68</b>

##### 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	
23	3	0	0	0	0	0	26

**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	8	0	0	0	0	0	8
Disclosed in part	3	8	9	6	2	3	1	32
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	4	10	0	0	0	0	0	14
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	1	0	1	0	0	0	0	2
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	8	26	10	6	2	3	1	56

### 2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	0	16(2)	3	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)	7	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	0	18(d)	0	21(1)(a)	15
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	12
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	2
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	1
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)	32	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	1	23	13
15(1) - Def.*	0	16.3	0	20(1)(b)	3	24(1)	0
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)	1		
16(1)(a)(iii)	0	17	1				
16(1)(b)	0						
16(1)(c)	1						
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)	4	69(1)	0	69(1)(g) re (a)	1
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	7	1	0
Disclosed in part	20	12	0
<b>Total</b>	27	13	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	41	41	8
Disclosed in part	20750	11678	32
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	51	16	2
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	8	41	0	0	0	0	0	0	0	0
Disclosed in part	11	376	12	2411	1	957	8	7934	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	2	16	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	21	433	12	2411	1	957	8	7934	0	0

## 2.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	0	0	1	0	1
Disclosed in part	14	0	11	3	28
All exempted	0	0	0	0	0
All excluded	1	0	0	0	1
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
<b>Total</b>	15	0	12	3	30

## 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
10	7	1	1	1

### 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	2	2
16 to 30 days	0	3	3
31 to 60 days	0	0	0
61 to 120 days	0	3	3
121 to 180 days	0	0	0
181 to 365 days	0	1	1
More than 365 days	1	0	1
<b>Total</b>	1	9	10

### 2.7 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

## 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	9	0	5	6
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	1	0	0	0
Request abandoned	0	0	0	1
<b>Total</b>	10	0	5	7



### 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	4	0	4	1
31 to 60 days	2	0	1	6
61 to 120 days	4	0	0	0
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
<b>Total</b>	10	0	5	7

### Part 4: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	48	\$240	8	\$40
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
<b>Total</b>	48	\$240	8	\$40

### 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	48	739	0	0
Outstanding from the previous reporting period	0	0	0	0
<b>Total</b>	48	739	0	0
Closed during the reporting period	45	667	0	0
Pending at the end of the reporting period	3	72	0	0



## Part 6: Completion Time of Consultations on Cabinet Confidences

### 6.1 Requests with Legal Services

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

## Part 7: Complaints and Investigations

Section 32	Section 35	Section 37	Total
1	1	1	3

## 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		\$238,774
Overtime		\$0
Goods and Services		\$33,145
• Professional services contracts	\$14,516	
• Other	\$18,629	
<b>Total</b>		<b>\$271,919</b>

### 9.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	2.62
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.07
Students	0.00
<b>Total</b>	<b>2.69</b>

## **V. Interpretation / Explanation**

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

#### 1.1 Number of requests

During the reporting period, the Board received 68 requests under the *Access to Information Act* compared to 97 in the previous reporting period. Seven requests were outstanding from the previous reporting period. Of these 75 requests, 56 were completed and 19 were carried forward to the next year (of which 14 were received in March, 2015).

#### 1.2 Sources of requests

Of the 68 requests received, the largest number of new requests came from the media sector with a total of 24. Seventeen requests were from the public and 16 were from the business sector. The Board received seven requests from Organizations and four from Academia.

#### 1.3 Informal requests

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

There were 26 cases of informal requests processed in 2014-2015, compared to 29 that were treated informally last year. Of these informal requests, 23 were completed in 1 – 15 days and three were completed in 16 - 30 days. Of the 26 informal requests, 19 requests sought only to be provided with one or more copies of release packages previously released in response to formal requests.

### **PART 2 - Requests Closed During the Reporting Period**

#### 2.1 Disposition and completion time

Of the 56 requests closed during the reporting period, the Board disclosed all documents in eight cases; in 32 cases, documents were disclosed in part; in 14 cases, no records existed. Two requests were abandoned by the applicant.

All eight of the requests in which all documents were disclosed were completed in 16 - 30 days.

Of the 32 requests disclosed in part, three were completed in 1 – 15 days, eight were completed in 16 – 30 days, nine were completed in 31 – 60 days, six were completed in 61 – 120 days, two were completed in 121 – 180 days, three were completed in 181 – 365 days, and one was completed in more than 365 days.

There were no requests where all of the information was either exempted or excluded. Nor were there any requests where the request was transferred, or where the response was to neither confirm nor deny the existence of records.

For the requests where the Board had no records, four of the 14 requests were completed in less than 15 days and 10 were completed in 16 – 30 days.

In the two cases where requests were abandoned by the applicant, one was abandoned in less than 15 days, and one was abandoned in 31 – 60 days.

## 2.2 Exemptions

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

Information that could facilitate the commission of an offence:

- 16(1)(c) was invoked in one request
- 16(2) was used in three requests
- 16(2)(b) was invoked in seven requests

Safety of individuals:

- 17 was invoked in one request

Personal information:

- 19(1) was invoked for 32 requests

Third party information:

- 20(1)(a) was used in one request
- 20(1)(b) was used in three requests
- 20(1)(c) was invoked in two requests
- 20(1)(d) was invoked in one request

Advice:

- 21(1)(a) was invoked for 15 requests
- 21(1)(b) was invoked in 12 requests
- 21(1)(c) was used in two requests
- 21(1)(d) was used in one request

Solicitor-client privilege:

- 23 was invoked for 13 requests

## 2.3 Exclusions

The *Access to Information Act* does not apply to published material, material available to the public for purchase or for public reference (section 68). Nor does it apply to confidences of the Queen's Privy Council, with some exemptions (section 69). Requests containing proposed

exclusions under section 69 require consultation with the Privy Council Office. There were four requests completed during the reporting period in which exclusions were applied pursuant to section 68(a) of the Act, and one request with exclusions under section 69(1)(g) re (a).

#### 2.4 Format of information released

Of the eight requests that were disclosed in their entirety, the requesters received paper copies of the information in seven cases and one request was released in electronic format.

Of the 32 requests that were disclosed in part, the requesters received paper copies of the information in 20 cases and 12 requests were released in electronic format.

#### 2.5 Complexity

The number of pages processed means the number of pages that were analyzed to determine whether the information can be disclosed, exempted or excluded. It does not reflect the number of pages that were examined to determine relevancy. A partially disclosed page would be counted as a page disclosed.

##### 2.5.1 Relevant pages processed and disclosed

In the eight cases where all documents were disclosed, the NEB processed and disclosed 41 pages. In the 32 cases where documents were disclosed in part, the NEB processed 20,750 pages and disclosed 11,678 pages. In the two requests that were abandoned, the NEB processed 51 pages and disclosed 16 pages.

##### 2.5.2 Relevant pages processed and disclosed by size of requests

In the 21 instances where less than 100 pages were processed, the NEB disclosed 433 pages. Where 101-500 pages were processed, the NEB disclosed 2,411 pages for those 12 requests. In response to one request where 501-1000 pages were processed, the NEB disclosed 957 pages. Eight requests required the processing of 1001 – 5000 pages and, in those cases, 7,934 pages were disclosed.

##### 2.5.3 Other complexities

In certain cases, there were factors that increased the complexity of requests. In 15 cases, consultations were required, and legal advice was sought on 12 requests completed during the reporting period. Other complexities identified throughout the reporting period included three requests where the NEB did not agree with the objections raised by third parties, and released the information in question.

#### 2.6 Deemed refusals

Requests are considered to fall into a deemed refusal status when they have not been answered within the deadlines (either the original 30-day period or within an extended period).

### 2.6.1 Reasons for not meeting statutory deadline

The Board met statutory deadlines for 82% of the requests closed during the reporting period. There were 10 requests that the Board did not close within the statutory (original or extended) deadline. The reason for not meeting the deadline in seven of those cases was due to workload, in one instance external consultation was the reason, and in another case internal consultation was the reason for not meeting the statutory deadline. There was one request that the Board did not close within the statutory deadline for other reasons.

### 2.6.2 Number of days past deadline

Where no extension was taken, the Board exceeded the deadline for one request by more than 365 days.

In the nine cases when the NEB responded past the deadline where an extension was taken, two were completed 1 – 15 days past the deadline, three were completed 16 – 30 days past the deadline, three were completed 61 – 120 days past the deadline, and one was completed 181-365 days past the deadline.

### 2.7 Requests for translation

No translations were required to respond to 2014-2015 access requests.

## **PART 3 - Extensions**

### 3.1 Reasons for extensions and disposition of requests

Legal extensions were most frequently invoked to provide time to search through voluminous records and to conduct third party notifications. No extensions were required where all records were disclosed.

Where records were partially disclosed, nine extensions were taken under 9(1)(a), five extensions were taken under 9(1)(b) and six extensions were taken under 9(1)(c).

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

### 3.2 Length of extensions

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

In five cases where an extension was taken under 9(1)(b), four required an extension of 30 days or less and one required an extension of 31 – 60 days.



In seven cases where an extension was taken under 9(1)(c), one required an extension of 30 days or less and six required an extension of 31 – 60 days.

#### **PART 4 - Fees**

Over the reporting period, the Board collected \$240 in application fees for 48 requests. The Board waived or refunded \$40 in application fees for eight requests. Fees were waived primarily in the cases where requests were abandoned or no records were found to exist.

#### **PART 5 - Consultations Received from Other Institutions and Organizations**

The interdepartmental nature of information in many records under the control of the National Energy Board continues to necessitate external consultations. For the purposes of Part 5 of this report, other government institutions are defined as other institutions subject to the *Access to Information Act*. Other organizations include the governments of the provinces, territories and municipalities and of other countries.

##### 5.1 Consultations received from other Government of Canada institutions and organizations

During the reporting period, the Board received 48 consultations from other government institutions resulting in the requirement to review 739 pages.

Three consultations received from other government institutions remained pending at the end of the reporting period, requiring 72 pages to review.

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

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

In the 29 cases where the NEB recommended that the records be disclosed entirely, the consultation request was completed in 1-15 days for 28 consultations and one consultation required 16 – 30 days to complete. In the 15 cases where the Board recommended that the records be partially disclosed, 14 consultation requests were completed in 1-15 days, and one in 16 – 30 days. In the one case where the Board recommended that the documents be entirely excluded, the consultation was completed in less than 15 days.

##### 5.3 Recommendations and completion time for consultations received from other organizations

The NEB did not receive consultations from other organizations.

#### **PART 6 - Completion Time of Consultations on Cabinet Confidences**

The Board did not seek any consultations on the application of section 69 of the *Access to Information Act* and therefore did not send any documents to the Cabinet Confidences Section of the Privy Council Office.

## **PART 7 - Complaints and Investigations**

The Office of the Information Commissioner notified the NEB of one complaint in 2014-15 (Section 32 column) for which the NEB subsequently responded to (Section 35 column).

The Information Commissioner provided a report for one complaint that had been pending from 2013-14 (Section 37 column). In it, the complainant alleged that the NEB failed to provide all records responsive to the request, but the Information Commissioner determined that the complaint was not well founded. There are eight complaints from previous years that remain pending a decision by the Information Commissioner.

## **PART 8 - Court Action**

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

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

### 9.1 Costs

Costs are only to include those related to the administration of the *Access to Information Act* incurred by the ATIP Office that has authority to respond to formal access to information requests. Costs do not include those that were incurred by other areas of the institution, including Offices of Primary Interest and Legal Services. The total cost for resources related to the *Access to Information Act* over the reporting period was \$271,919.

The total amount paid for salaries of employees working in the ATIP Office on activities related to the administration of the *Access to Information Act* was \$238,774.

The Board spent \$33,145 on goods and services related to the administration of the *Access to Information Act*. Of that amount \$14,516 was spent on professional services contracts and \$18,629 was spent on other goods and services.

### 9.2 Human Resources

Over the reporting period, the NEB's four full-time employees (three Officers and the Executive Support Advisor) dedicated the equivalent of 2.62 person years to Access to Information activities and one consultant dedicated the equivalent of 0.07 of a person year to Access to Information activities.

## **VI. Description of Education and Training Activities**

### Training for National Energy Board Staff

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

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

Yvon Gauthier Info-Training provided a complete selection of training courses designed to increase knowledge and awareness of Access to Information and Privacy issues and legislation. The mandatory "ATIP for all NEB employees" is a half-day course that was provided in two sessions on September 16 and 18, 2014, to 46 employees, including 37 new employees. The two-hour "ATIP – Focus on Privacy" course is available to all, but was attended this year by two ATIP Office staff on September 17, 2014. The one-day course, "ATIP for Designated Staff only", was attended by eight employees on September 19, 2014.

In addition, the Board's Records Services Team delivered training highlighting horizontal linkages between ATIP, Security and Records Management, and our electronic corporate records repository (RDIMS). Employees who attend these sessions develop a complete awareness of their responsibilities and are more able to responsibly handle information at the National Energy Board.

### Training for ATIP Analysts

In addition to ATIP staff participating in informal on-the-job training on AccessPro software (Privasoft), Case Management and Redaction, during the reporting period, ATIP staff participated in the some more formal events and training sessions.

ATIP staff participated in the contracted training delivered by Yvon Gauthier Info-Training. One ATIP officer new to the NEB attended an "ATIP for all NEB employees" session, and two ATIP Office staff attended both the "ATIP for Designated Staff only" session and the "ATIP – Focus on Privacy" session. The consultant also met informally with ATIP staff while here, and provided advice and guidance as needed throughout the year.

The Canadian Access and Privacy Association (CAPA) is a non-profit incorporated organization established in 1987 for the purpose of furthering the knowledge and expertise of its members in the legal and practical aspects of access to information and the protection of privacy. This year, the NEB again supported one member of the ATIP team to attend the December 8, 2014 Annual Conference in Ottawa, featuring:

- Keynote speeches from Emily McCarthy, Assistant Commissioner, Office of the Information Commissioner of Canada and from Daniel Therrien, Privacy Commissioner of Canada;
- A legal update on privacy-enabling innovation and new technologies; and
- A summary of important court decisions from the past year on access and privacy issues.

## **VII. New or Revised Policies and Guidelines**

The NEB did not roll out any additional policies, procedures, or guidelines directly related to access to information during 2014-2015, focusing rather on the effectiveness of our processes. The NEB complies with the *Directive on the Administration of the Access to Information Act* and all other related Treasury Board Secretariat policies, guidelines, and procedures.

During the reporting period, the ATIP Office provided support and advice in the enhancement of the NEB's proactive posting on the NEB website of information on its compliance and enforcement activities, which has the goal of providing all relevant information related to its compliance and enforcement actions in a manner that is clear and accessible. The information posted regarding compliance and enforcement activities include:

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

In addition, a couple new sources of information were published this past year. The complete Notice of Violation under the *Administrative Monetary Penalties Regulations (NEB)* is now posted once the 30-day review period has expired, and the NEB is now providing an Interactive Incident Map which can be filtered to depict incidents by type, province and year, or one may download a spreadsheet of the incident data. These additions and enhancements to information provided demonstrate the NEB's commitment to transparency and public access to data.

## **VIII. Duty to Assist**

We continue to make every effort to fulfill our duty to assist requesters. Here are some examples of how we put this duty into action in 2014–2015:

- When extensions were necessary, we provided interim releases;
- When the wording of applications under the Act could have resulted in limited disclosure, or we were aware of additional records of interest, we notified the requester and gave them the option to modify their applications, providing guidance and suggested wording;
- When consultations were required, we adhered to the shortest timeframes possible in responding; and
- Where requested records were publically available and therefore excluded, we provided requesters with a copy of the publicly available information.

## **IX. Enhancing Support and Sustaining Compliance**

The NEB continues to improve the timeliness, efficiency and accuracy of responses to ATIP requests. The ATIP Office uses a database to track the process of completing requests and sends

out weekly reports listing those requests outstanding. The ATIP Office staff meets weekly with the Secretary of the Board as the ATIP Coordinator, along with legal counsel and other senior management, to monitor and direct the progression of the requests. The Chair and CEO, and the Chief Operating Officer are kept apprised of the time to process ATIP requests as appropriate. If requests to correct personal information were received, they would be monitored with the same system.

This year, the NEB:

- Cleared the backlog of requests from previous years that were not yet closed;
- Improved its proactive disclosures to increase information available to the public, thereby reducing the need to file formal access to information requests;
- Improved negotiations with requesters to more clearly understand the requests, clarify scope and provide requesters with the information they seek;
- Continued to implement a structured and Board-wide ATIP awareness program to ensure that staff and senior officials understand their roles and responsibilities regarding ATIP; and
- Worked collaboratively with consultants who have expertise in ATIP and business processes to assist with the development and implementation of a Privacy Management Framework.