

ANNUAL REPORT
Access to Information Act

National Security and Intelligence Review Agency
April 1, 2019 - March 31, 2020

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INTRODUCTION

This report is presented to Parliament for the fiscal year 2019-2020, in accordance with section 94 of the *Access to Information Act* (ATIA), for which the purpose is to provide the right of access to records under the control of government institutions.

The National Security and Intelligence Review Agency (NSIRA) is pleased to submit to Parliament its annual report on the administration of the ATIA for the fiscal year commencing April 1, 2019 and ending March 31, 2020.

The NSIRA is a new independent external review body, which reports to Parliament. NSIRA was established in July 2019 and is responsible to conduct reviews of the Government of Canada national security and intelligence activities to ensure that they are lawful, reasonable and necessary. NSIRA also hears public complaints regarding key national security agencies and activities. NSIRA replaces the Security Intelligence Review Committee (SIRC), which reviewed Canadian Security Intelligence Service activities as well as those related to the revocation or denial of security clearances. NSIRA will also now hear complaints regarding the Communications Security Establishment and national security-related complaints regarding the Royal Canadian Mounted Police.

ORGANIZATIONAL STRUCTURE

The responsibility of the administration of the ATIA is delegated to the NSIRA's Executive Director and further sub-delegated to the Access to Information and Privacy (ATIP) Coordinator consistent with the Designation Order provided in Appendix "A".

The person holding the position or acting in the position of Executive Director has full delegation to exercise or perform any of the powers, duties and functions under the ATIA. The ATIP Coordinator operates under a restricted delegation.

The coordinator works with the Executive Director's Office, Legal and Registry Services, and the Review directorate to meet requirements of the ATIP program.

The function is performed by a trained employee who is a member of the Corporate Services directorate.

DELEGATION OF POWERS

A signed and dated copy of the Delegation Order, in effect at the end of this reporting period, is attached as Appendix A.

PERFORMANCE

NSIRA received and closed **one** new request under the ATIA during this reporting period. Of the **two** requests carried over from the previous year, **one** was closed. The other is a substantial request of approximately 4,000 pages, redacted and in both official languages. The negotiated extension date between the Office of the Information Commissioner and the requester is currently September 6, 2021. Of the two files closed, one was delivered within legislative timelines, and the other is, at the end of the fiscal year, 122 days past the legislated timelines. NSIRA did not meet the legislative requirements due to the impact of external consultations.

COVID-19 disrupted NSIRA's work and challenged the organization to meet corporate deadlines. During the reporting period, three consultations were affected and there may now be a need to further extend an Access to Information deadline.

Since that time, NSIRA has implemented additional tools to increasingly enable employees to function well while working from home during the pandemic. Given the sensitivity level of NSIRA information holdings and the minimal amount of records that have been digitized, searches are not typically able to be performed remotely.

The ATIP Coordinator works from the office as required.

A detailed statistical report is included as Appendix "B".

TRAINING AND AWARENESS

For the reporting period, NSIRA was in existence for 8 months. NSIRA has individual employee and management training to support the completion of the access to information requests received. However, management is committed to implementing an Access to Information training and awareness program for its managers and employees to ensure NSIRA complies with the ATIA requirements.

ACCESS TO INFORMATION (Policies, guidelines, procedures and initiatives)

NSIRA was successfully on-boarded to the Treasury Board Secretariat (TBS) Automated On-line Request Service in October 2019. NSIRA implemented basic procedures and share the necessary information to ensure its employees and managers complied with the policies and guidelines of the TBS on access to information.

NSIRA wrote a *Proposed Redaction and Release Process* as a tool to communicate with our partners when responding to redaction requests relating to public releases. NSIRA and Agency Review Members are committed to publishing the complete history of redacted SIRC (now NSIRA) study inventory (2018-1986). This represents nearly 300 studies and approximately 4,000 pages of redacted material.

COMPLAINTS AND INVESTIGATIONS

During the 2019-2020 reporting period, NSIRA received one complaint. This complaint pertained to records previously under the responsibility of the Inspector's General (IG). Their records were transferred to SIRC (now NSIRA) when the organization folded. The complaint was for "reconsideration" of a release. The complaint is now closed.

MONITORING PROCESSING TIME

Request processing times are monitored through Access Pro software dashboard. The ATIP Coordinator notifies the Executive Director and suggests a course of action should any legislative timelines appear to be at risk.

APPENDICES

Appendix A: Delegation Order

Appendix B: 2019-2020 Statistical Report on the *Access to Information Act*

Appendix A: Delegation Order

APPENDIX A: DELEGATION ORDER

Access to Information Act Designation Order

The Executive Director of the National Security and Intelligence Review Agency, pursuant to section 95 of the Access to Information Act, hereby designates the persons holding the positions or acting in these positions, set out in the schedule hereto to exercise the powers and perform the duties and functions of the Executive Director of the National Security and Intelligence Review Agency as the head of a government institution under the section of the Access to Information Act set out in the schedule opposite each position.

SCHEDULE

POSITION	SECTION OF THE ACCESS TO INFORMATION ACT
Executive Director National Security and Intelligence Review Agency	Full delegation of all sections and subsections pursuant to Section 95 of the Access to Information Act.
ATIP Coordinator National Security and Intelligence Review Agency	4(2.1), 7(a), 7(b), 8(1), 9, 11(b), 12(2)(b), 12(3)(b), 19, 27(1),(4), 28(1)(b), (2), (4), 33, 35(2)(b), 72

*S.C. 1980-81-82, c. 111

Privacy Act Designation Order

The Executive Director of the National Security and Intelligence Review Agency, pursuant to section 73 of the Privacy Act*, hereby designates the persons holding the positions or acting in these positions, set out in the schedule hereto to exercise the powers and perform the duties and functions of the Executive Director of the National Security and Intelligence Review Agency as the head of a government institution under the section of the Privacy Act set out in the schedule opposite each position.

SCHEDULE

POSITION	SECTION OF THE ACCESS TO INFORMATION ACT
Executive Director National Security and Intelligence Review Agency	Full delegation of all sections and subsections pursuant to Section 73 of the Access to Information Act.
ATIP Coordinator National Security and Intelligence Review Agency	9(4), 10, 14(a), 14(b), 15, 17(2)(b), 17(3)(b), 18(2), 26, 31, 33(2), 72

*S.C. 1980-81-82, c. 111

I concur: 
John Davies, Executive Director

Date: Feb 10 2020

Appendix B: 2019-2020 Statistical Report on the *Access to Information Act***Statistical Report on the *Access to Information Act***

Name of institution: National Security and Intelligence Review Agency

Reporting period: 2019-04-01 to 2020-03-31

Section 1: Requests Under the *Access to Information Act***1.1 Number of requests**

	Number of Requests
Received during reporting period	1
Outstanding from previous reporting period	2
Total	3
Closed during reporting period	2
Carried over to next reporting period	1

1.2 Sources of requests

Source	Number of Requests
Media	0
Academia	1
Business (private sector)	0
Organization	0
Public	0
Decline to Identify	0
Total	1

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
0	0	0	0	0	0	0	0

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

	Number of Requests
Outstanding from previous reporting period	0
Sent during reporting period	0
Total	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	0	0	0	0	0	0	0	0
Disclosed in part	0	1	0	0	1	0	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	0	0	0	0	0	0	0
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
Total	0	1	0	0	1	0	0	2

3.2 Exemptions

Section	of Requests	Section	of Requests	Section	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)	1	18(d)	0	21(1)(a)	0
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	0
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)	0	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	0
15(1) - Def.*	0	16.3	0	20(1)(b)	0	23.1	0
15(1) - S.A.*	0	16.31	0	20(1)(b.1)	0	24(1)	1
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)	1	17	1				
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
1	1	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
13	13	2

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	0	0	0	0	0	0	0	0	0	0
Disclosed in part	2	13	0	0	0	0	0	0	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	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	2	13	0	0	0	0	0	0	0	0

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	2	0	0	0	2
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
Total	2	0	0	0	2

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	1
Percentage of requests closed within legislated timelines (%)	50

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
1	0	1	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	1	0	1
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	1	0	1

3.8 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	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	0	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
Total	0	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	0	0	0	0
61 to 120 days	0	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
Total	0	0	0	0

Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Requests	Amount	Requests	Amount
Application	0	\$0	0	\$0
Other fees	0	\$0	0	\$0
Total	0	\$0	0	\$0

Section 6: Consultations Received From Other Institutions and Organizations

6.1 Consultations received from other Government of Canada institutions and

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during reporting period	15	0	0	0
Outstanding from the previous reporting period	1	0	0	0
Total	16	0	0	0
Closed during the reporting period	14	0	0	0
Carried over to next reporting period	2	0	0	0

6.2 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	0	2	0	0	0	0	0	2
Disclose in part	5	3	0	1	0	0	0	9
Exempt entirely	1	0	1	0	0	0	0	2
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	1	0	0	0	1
Total	6	5	1	2	0	0	0	14

6.3 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

Section 7: Completion Time of Consultations on Cabinet Confidences

7.1 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	
	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
365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	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 Request	Pages Disclosed	Number of Request	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Request	Pages Disclosed	Number of Request	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
365	0	0	0	0	0	0	0	0	0	0
Total	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
0	0	1	0	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		\$56,192
Overtime		\$0
Goods and Services		\$9,030
• Professional services contracts	\$9,030	
• Other	\$0	
Total		\$65,222

10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0.70
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.10
Students	0.00
Total	0.80