

ANNUAL REPORT 2015 TO PARLAMEN VA RAL CANADA

DIVINISTRATION OF THE CCESS TO INFORMATION ACT

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1. INTRODUCTION

According to the Federal Accountability Act effective September 1, 2007, VIA Rail Canada Inc. ("VIA Rail") is subject to the legal requirements of the Access to Information Act ("ATIA").

The ATIA provides a right of access to records under the control of VIA Rail in accordance with the following principles: 1) government information should be available to the public, 2) necessary exceptions to the right of access should be specific and limited, and 3) decisions on the disclosure of government information may be reviewed independently by the courts. This annual report is tabled in Parliament according to section 72 of the ATIA and covers the period from April 1, 2015 to March 31, 2016.

2. INSTITUTION

VIA Rail operates Canada's national passenger rail service on behalf of the Government of Canada. An independent Crown corporation established in 1977, VIA Rail provides a safe, cost-effective and environmentally responsible service from coast to coast in both official languages. The Corporation operates close to 475 train departures weekly on a 12,500 kilometers network, connecting over 400 Canadian communities. With approximately 2,600 active employees, VIA Rail carried 3.8 million passengers in 2015.

VIA Rail's Services

Inter-city Travel (The Corridor)

In the densely populated Corridor between Québec City, QC and Windsor, ON, more than 390 trains per week provide downtown-to-downtown travel between major urban centres, suburban centres and communities. These trains carry more than 90 percent of the Corporation's total ridership.

Long-distance Travel and Tourism

In Western and Eastern Canada, VIA Rail's trains attract travellers from around the world and support Canada's tourism industry. The *Canadian*, VIA Rail's Western transcontinental train, provides service between Vancouver and Toronto. In Eastern Canada, The *Ocean* runs between Montreal and Halifax.

Mandatory Services

VIA Rail provides a passenger service in several rural and remote regions of Canada. Mandated by the Government of Canada to meet essential transportation needs, these trains serve many communities where alternative, year-round transportation is limited or unavailable.

3. VIA RAIL'S ACCESS TO INFORMATION AND PRIVACY ("ATIP") UNIT

VIA Rail's ATIP unit was created in 2007. Since June 1, 2010, ATIP falls under the responsibility of VIA Rail's ATIP Coordinator, who is also the Corporation's Chief Legal & Risk Officer and Corporate Secretary.

This person is responsible for interpreting and applying the statutory and policy requirements as they relate to the public's right of access to VIA Rail's records under the *ATIA* and to personal information under the *Privacy Act*. In more complex cases, the Coordinator makes recommendations to senior management on the disclosure of information. The Coordinator's area of responsibility includes administering the process by which access to information and personal information requests are received and responded to, in compliance with the applicable statutory and policy requirements. It is to be noted that significant parts of these responsibilities are likely to be exercised by or in collaboration with the ATIP Analysts.

The organizational structure of VIA Rail's ATIP unit effective from May 25, 2014 to March 31, 2016, is as follows:



4. DELEGATION ORDER

Pursuant to section 73 of the ATIA, VIA Rail's President and Chief Executive Officer has delegated the totality of his functions as they relate to the administration of the ATIA within VIA Rail, to the Corporation's ATIP Coordinator and to the ATIP Analysts.

The delegation order is attached as Appendix 1.

5. INTERPRETATION OF THE STATISTICAL REPORT

The completed statistical report for 2015 is attached as Appendix 2.

Requests:

VIA Rail received thirty-three (33) access to information requests and five (5) consultations from other government institutions between April 1, 2015 and March 31, 2016. Of these thirty-three (33) formal requests, only one (1) request is being carried forward into the next reporting period.

Thirteen (13) requests were carried over from the previous reporting period (April 1, 2014 to March 31, 2015). All of the thirteen (13) requests carried over were closed during this reporting period.

Types of requests:

Of the thirty-three (33) access to information requests received during this reporting period, 43% originated from the media, 6% from academia, 15% from businesses (private sector), 9% from organizations and 27% from the public.

Completion time:

VIA Rail's completion time for requests closed during this reporting period is fifty-seven (57) days, compared with the legislative requirement of 30 days. However, the completion time for requests closed during this reporting period would be thirty-four (34) days had it not been for twelve (12) complex requests originating from the same applicant that were forwarded from the previous reporting period (April 1, 2014 to March 31, 2015) and for which a justified extension had been applied, were excluded.

Informal requests:

A total of eight (8) informal requests were received during the reporting period. Five (5) of these requests were processed in 30 days or less and three (3) were processed in fifteen (15) days or less.

Fees:

In 2015, net fees of \$115 were collected. VIA Rail waived fees in the amount of \$2,920. This total includes an amount of \$50 representing the \$5 applicable fee required to process each individual access to information request as well as an amount of \$2,870 representing search fees that were waived or reimbursed to the requester.

Costs:

The total costs incurred by the ATIP unit regarding access to information were \$76,630. This amount includes \$64,020 in salary, \$11,710 in consultation fees and \$900 for expenditures related to the standard operations of the service. In 2014, the global costs related to access to information were significantly higher and totaled \$153,639. This may be partly explained by the abundance of complex files handled and a hearing in Federal Court.

Human resources:

As for human resources, it has been estimated that 0.97 FTE (full time employee) was dedicated to access to information activities.

6. ATIP EDUCATIONAL AND TRAINING ACTIVITIES

Listed below are some of VIA Rail's activities for 2015 in order to meet the legal requirements of the *ATIA*:

- An access to information training activity was held on January, 20 2016 for VIA Rail's Procurement sector employees. A total of 8 employees participated in the training. This one hour course was an introduction to basic access to information concepts to help employees gain a better understanding of various issues related to access to information. Part of the training was devoted to the specifics of the information processed daily by the Procurement sector.
- An access to information report is included as part of every VIA Rail annual report as well as the quarterly reports.

7. POLICIES, GUIDELINES AND PROCEDURES

VIA Rail did not implement or review any policies, guidelines or procedures related to access to information during this reporting period.

8. PROACTIVE DISCLOSURE

VIA Rail periodically publishes access to information request summaries on its website as well as on the Government of Canada's portal (open.canada.ca) in accordance with the *Directive on the administration of the Access to Information Act* of the Treasury Board Secretariat of Canada.

9. COMPLAINTS

Sixteen (16) complaints were closed between April 1, 2015 and March 31, 2016. All of these complaints were filed by the same requester and were settled following an agreement between VIA Rail and the said requester.

OIC Files 3214-00740, 3214-01004 and 3214-01069

Three (3) complaints were filed with the Office of the Information Commissioner of Canada. Of these three (3) complaints, one (1) complaint was filed in August 2014 and two complaints (2) were filed in October 2014. All of these complaints were closed in September 2015. The complainant alleged that VIA Rail's fee assessment to produce records was unjustified. Following an agreement between VIA Rail and the requester, all fees were waived.

OIC Files 3214-01074 to 3214-01081, 3214-01094 and 3214-01095

Ten (10) complaints filed with the Office of the Information Commissioner of Canada in October 2014 were closed in September 2015. The complainant alleged that VIA Rail had improperly applied exemptions, so as to unjustifiably deny access to records, or portions thereof, requested under the Access to Information Act. These ten (10) complaints were settled following an agreement between VIA Rail and the requester.

OIC Files 3214-01091 to 3214-01093

Three (3) complaints submitted to the Office of the Information Commissioner of Canada in October 2014 were closed in September 2015. The complainant alleged that VIA Rail failed to provide all records pertaining to the request made under the Access to Information Act. Following additional research, VIA Rail provided supplementary information related to OIC file 3214-01094. The three (3) complaints were settled following an agreement between VIA Rail and the requester.

Ongoing files

There are currently eight (8) ongoing complaints at the Office of the Information Commissioner of Canada. These complaints are being carried over into the next reporting period.

10. FOLLOW-UP ON APPLICATION OF PROCESSING TIME

A new ATIP Analyst was hired in May 2015. This new Analyst has enabled a more rapid identification and resolution of issues that could affect the processing time of access to information requests.

APPENDIX 1 – DELEGATION OF AUTHORITY



DELEGATION OF AUTHORITY

ACCESS TO INFORMATION ACT AND PRIVACY ACT

DÉLÉGATION DE POUVOIRS

LOI SUR L'ACCÈS À L'INFORMATION ET LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

I, the undersigned, President, pursuant to Section 73 of the *Access to Information Act* and Section 73 of the *Privacy Act*, hereby authorize officers and employees of VIA Rail occupying positions identified within the attached appendix to exercise signing authorities or perform any of the President's powers, duties or functions specified therein. Je, soussigné, Président, conformément à l'article 73 de la *Loi sur l'accès à l'information* et à l'article 73 de la *Loi sur la protection des renseignements*, autorise par la présente les agents et les employés de VIA Rail occupant les postes identifiés dans l'annexe ci-jointe à assumer au nom du Président les pouvoirs de signature ainsi que les attributions, fonctions et pouvoirs qui y sont spécifiés.

Signed at Montréal this June 6, 2016.

Signé à Montréal, ce 6 juin 2016.

Alleijadis Siction

President and Chief Executive Officer Président et chef de la direction

VIA Rail Delegation of Authority Under the Access to Information Act

Subject	Access to Information Act Section	Positio	n / Title
		Jean-François Legault Head, Legal Services (ATIP Coordinator)	Gabrielle Caron et Kristel Cantara ATIP Analysts
Notice where access requested	7	•	•
Transfer of request	8(1)	•	•
Extension of Time Limits	9(1)	•	•
Notice of extension to Commissioner	9(2)	•	•
Notice where access refused	10(1)&(2)	•	•
Payment of additional fees	11(2)	•	•
Payment of fees from a machine readable record	11(3)	٠	•
Deposit	11(4)	•	•
Notice of fee payment	11(5)	•	•
Waiver or refund of fees	11(6)	•	•
Translation	12(2)	•	•
Access to record in alternate format	12(3)	•	•
Refuse access - Information obtained in confidence from another government	13(1)	•	•
Grant access – information obtained in confidence from another government when disclosure authorized	13(2)	•	•
Refuse access - federal-provincial affairs	14	•	•
Refuse access - international affairs, defence	15(1)	•	•
Refuse access - law enforcement and investigation	16(1)	٠	•
Refuse access - security information	16(2)	•	•
Refuse access - policing services for provinces or municipalities	16(3)	٠	•
Refuse access - safety of individuals	17	•	•
Refuse access - economic interests of Canada	18	•	•
Refuse access – personal information	19(1)	•	•
Disclose personal information	19(2)	•	•
Refuse access - third party information	20(1)	•	•
Disclose testing methods	20(2)&(3)	•	•
Disclose third party information – if supplier consents	20(5)	•	•
Disclose in public interest	20(6)	•	•
Refuse access - advice etc.	21	•	•
Testing procedure - tests and audits	22	•	•
Refuse access - solicitor-client privilege	23	•	•
Refuse access – Statutory prohibitions against disclosure	24(1)	•	•
Disclose information - Severability	25	•	•
Refuse access - information to be published	26	•	•

VIA Rail Delegation of Authority Under the Access to Information Act

Subject	Access to Information Act Section	Position	n / Title
		Jean-François Legault Head, Legal Services (ATIP Coordinator)	Gabrielle Caron et Kristel Cantara ATIP Analysts
Notice to third parties	27(1)	•	•
Extension of time limit	27(4)	•	•
Representation of third party and decision	28(1)	•	•
Representation to be made in writing	28(2)	•	•
Disclosure of record	28(4)	•	•
Disclosure on Commissioner's recommendation	29(1)	•	•
Action to take in response to the notice of intention to investigate	32	•	•
Notice to third party	33	•	•
Right to make representations	35(2)	•	•
Findings and recommendations of the Information Commissioner	37(1)(b)	•	•
Access given to complainant	37(4)	•	•
Notice to third parties of court action	43(1)	•	•
Notice to person who requested record	44(2)	•	•
Special rules for hearings	52(2)	•	•
Ex parte representations	52(3)	•	•
Excluded information – Confidences of the Queen's Privacy Council for Canada	69	•	•
Manuals may be inspected by public	71(2)	•	•

APPENDIX 2 – STATISTICAL REPORT



Statistical Report on the Access to Information Act

Name of institution:	VIA Rail Canada Inc.			
Reporting period:	2015-04-01	to	2016-03-31	

Part 1: Requests Under the Access to Information Act

1.1 Number of requests

	Number of Requests
Received during reporting period	33
Outstanding from previous reporting period	13
Total	46
Closed during reporting period	45
Carried over to next reporting period	1

1.2 Sources of requests

Source	Number of Requests
Media	14
Academia	2
Business (private sector)	5
Organization	3
Public	9
Decline to Identify	0
Total	33

1.3 Informal requests

Completion Time							
1 to 15 16 to 30 31 to 60 61 to 120 121 to 181 to More Days Days Days 180 Days 365 Days Days							
3	5	0	0	0	0	0	8

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

	Completion Time							
Disposition of Requests	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days		181 to 365 Days	More Than 365 Days	Total
All disclosed	3	6	1	0	0	1	0	11
Disclosed in part	1	5	10	1	1	1	0	19
All exempted	2	6	1	0	0	0	0	9
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	1	0	1	4	0	0	6
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	6	18	12	2	5	2	0	45

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)	0	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	2	18(b)	7	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)	3
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	4
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)	20	22	0
15(1)	0	16.1(1)(d)	0	19(1)	12	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	8
15(1) - Def.*	0	16.3	0	20(1)(b)	11	24(1)	4
15(1) - S.A.*	4	16.4(1)(a)	0	20(1)(b.1)	0	26	0
16(1)(a)(i)	4	16.4(1)(b)	0	20(1)(c)	3		-
16(1)(a)(ii)	0	16.5	0	20(1)(d)	3		
16(1)(a)(iii)	0	17	4		•		
16(1)(b)	4			-			
16(1)(c)	4						

* I.A.: International Affairs Def.: Defence of Canada

0

16(1)(d)

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	2	9	0
Disclosed in part	10	9	0
Total	12	18	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	1207	1207	11
Disclosed in part	11295	10179	19
All exempted	26	0	9
All excluded	0	0	0
Request abandoned	192	0	6
Neither confirmed nor			
denied	0	0	0

2.5.2 Relevant pages processed and disclosed by size of requests

		han 100 rocessed	00 101-500 sed Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
Disposition	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	9	79	1	104	0	0	1	1024	0	0
Disclosed in part	14	282	1	150	1	597	3	9150	0	0
All exempted	9	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	5	0	1	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	37	361	3	254	1	597	4	10174	0	0

2.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	1	1	0	0	2
Disclosed in part	3	2	0	0	5
All exempted	1	0	0	0	1
All excluded	0	0	0	0	0
Request abandoned	1	4	0	0	5
Neither confirmed nor	0	0	0	0	0
Total	6	7	0	0	13

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of Requests Closed		Principa	l Reason					
Past the Statutory Deadline	Workload	External Internal Workload Consultation Consultation						
2	2	O	O	Other				
Z	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	1	1
16 to 30 days	0	0	0
31 to 60 days	0	1	1
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
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

	9(1)(a)	9(1 Consu	9(1)(c)	
Disposition of Requests Where an Extension Was Taken	Interference With Operations	Section 69	Other	Third-Party Notice
All disclosed	1	0	0	1
Disclosed in part	9	0	1	3
All exempted	0	0	0	1
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	4	0	0	1
Total	14	0	1	6

3.2 Length of extensions

	9(1)(a)	9(1 Consu	9(1)(c)	
Length of Extensions	Interference With Operations	Section 69	Other	Third-Party Notice
30 days or less	7	0	1	4
31 to 60 days	1	0	0	2
61 to 120 days	0	0	0	0
121 to 180 days	0	0	0	0
181 to 365 days	6	0	0	0
365 days or more	0	0	0	0
Total	14	0	1	6

Part 4: Fees

	Fee Co	ollected	Fee Waived or Refunded		
Fee Type	Number of Requests	Amount	Number of Requests	Amount	
Application	22	\$115	11	\$50	
Search	0	\$0	4	\$2,870	
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	22	\$115	15	\$2,920	

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	5	64	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	5	64	0	0
Closed during the reporting period	5	64	0	0
Pending at the end of the reporting period	0	0	0	0

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

	Numb	Number of Days Required to Complete Consultation Requests								
Recommendation	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		
Disclose entirely	2	1	0	0	0	0	0	3		
Disclose in part	1	1	0	0	0	0	0	2		
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	3	2	0	0	0	0	0	5		

5.3 Recommendations and completion time for consultations received from other organizations

	Numb	er of Da	ys Requi	red to C	omplete	Consulta	tion Rec	uests
							More	
		16 to	31 to	61 to	121 to	181 to	Than	
	1 to 15	30	60	120	180	365	365	
Recommendation	Days	Days	Days	Days	Days	Days	Days	Total
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

		han 100 rocessed	101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
Number of Days	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

6.1 Requests with Legal Services

6.2 Requests with Privy Council Office

		han 100 rocessed	101–500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
Number of Days	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
5	25	16	46

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		\$64,020		
Overtime		\$0		
Goods and Services		\$12,610		
 Professional services contracts 	\$11,710			
• Other	\$900			
Total		\$76,630		

9.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0.97
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	0.97

Note: Enter values to two decimal places.