

2014

# Annual Report to Parliament

## VIA Rail Canada

Administration of the  
*Access 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: government information should be available to the public, exceptions to the right of access should be specific and limited, and decisions on the disclosure of government information should be reviewed independently of government.

This annual report is tabled in Parliament according to section 72 of the *ATIA* and covers the period from April 1, 2014 to March 31, 2015.

## 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 national passenger rail transportation service that is safe, secure, efficient, reliable, and environmentally sustainable from coast to coast in both official languages. The Corporation operates over 500 trains weekly on 12,500 kilometers of track, connecting over 450 Canadian communities. With approximately 2,500 active employees, VIA Rail carried 3.8 million passengers in 2014.

### VIA Rail's Services

#### *Rapid Intercity Travel*

In the densely populated Corridor between Ontario and Quebec, more than 460 trains per week provide fast, convenient, downtown-to-downtown travel between major urban and suburban centers and communities. These trains carry more than 90 percent of Corporation's total ridership.

#### *Long-distance Travel and Tourism*

In Western and Eastern Canada, VIA Rail's trains attract travelers 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*

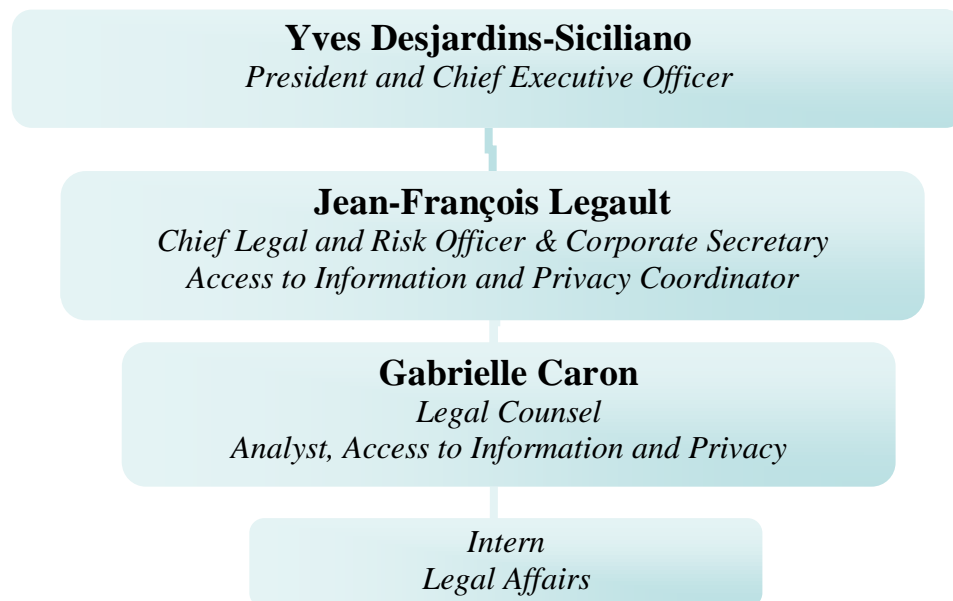
VIA Rail provides passenger service in several rural and remote regions of Canada. Mandated by the Government of Canada to meet essential transportation needs, these trains serve many communities where alternative year-round transportation is limited or unavailable.

## **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 the Chief Legal and Risk Officer & Corporate Secretary, the Coordinator for ATIP at VIA Rail.

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 *PA*. 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 requests for access to information and for personal information 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 Analyst of the ATIP.

Here's the most recent organizational structure of VIA Rail's ATIP unit effective from August 15, 2014 to March 31, 2015:



## 4. Delegation order

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

The delegation order is included in Appendix 1.

## 5. Interpretation of the statistical report

The completed statistical report for 2014 previously submitted to the Treasury Board Secretariat is included in Appendix 2.

### *Requests:*

VIA Rail received fifty (50) access to information requests and eleven (11) consultations from other government institutions (8) and organizations (3) between April 1, 2014 and March 31, 2015. Of these fifty (50), seven (7) requests are being carried forward into the next reporting year.

Thirty-eight (38) requests were carried over from the previous reporting period. Of these thirty-eight (38) requests, six (6) requests are being carried forward into the next reporting year.

### *Types of requests:*

Of the fifty (50) access to information requests received during the reporting period, 16% originated from the media, 2% from academia, 8% from businesses (private sector), 6% from organizations and 68% from the public.

### *Completion time:*

VIA Rail's completion time for requests closed during the reporting period is seventy-eight (78) days compared to the legislative requirement of 30 days. However, the completion time for requests closed during the reporting period is at forty-six (46) days if we exclude the thirty-five (35) requests received from the same requestor for which justified extension time were taken.

### *Fees:*

The net fees collected for 2014 were \$325. VIA Rail waived fees in the amount of \$220. The total amount of \$325 comprises the \$5 applicable fee required to process each access to information request closed.

*Costs:*

The total costs incurred by the unit regarding access to information were \$153,639. This amount includes \$41,490 in salary, \$111,249 for consultation fees and \$900 for expenditures related to the standard operation of the service. In 2013, the global costs related to access to information were lower at \$100,448. This may be partly explained by the abundance of complex files handled and a hearing at the Federal Court.

ATIP staff resources dedicated to access to information represent 0,69 FTE (full time employee).

## **6. ATIP educational and training activities**

Listed below are some of VIA Rail's activities for 2014 in order to meet the legal requirements of the *ATIA*:

- No training activities took place during the reporting period.
- A report on access to information was included in every VIA Rail annual report as well as in each quarterly report.

## **7. Policies, guidelines and procedures**

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

## **8. Complaints**

Forty (40) complaints were closed between April 1, 2014 and March 31, 2015. Of these forty (40) complaints, three (3) complaints were settled, one (1) complaint was considered well-founded and thirty-six (36) complaints were considered not well-founded according to the Office of the Information Commissioner of Canada:

***OIC Files 3214-00276 to 3214-00303, 3214-00319 to 3214-00325***

Thirty-five (35) complaints, all from the same requestor, were filed with the Office of the Information Commissioner of Canada in May 2014 and closed in October 2014. The complaints alleged that VIA Rail had claimed an unreasonable extension of time to respond to the requests. The complaints were also about the notice in regards to the right to complain to the Office of the Information Commissioner of Canada, and the decision of the Corporation to manage the processing of separate requests as a single processing

exercise. Following a review of the matter, the Office of the Information Commissioner of Canada determined that the complaints were not well-founded.

***OIC Files 3212-00293 and 3212-00294***

Two (2) complaints that were filed with the Office of the Information Commissioner of Canada in June 2012 were closed in June 2014. The complaints alleged that VIA Rail had applied inapplicable exemptions to redact information. The two complaints were settled as part of the information was disclosed by VIA Rail due to passage of time.

***OIC File 3212-00146***

A complaint that was filed with the Office of the Information Commissioner of Canada in April 2012 was closed in April 2014. This complaint alleged that VIA Rail had applied inapplicable exemptions to redact information. The complaint was settled as part of the information was disclosed by VIA Rail due to passage of time.

***OIC File 3214-00134***

A complaint that was filed with the Office of the Information Commissioner of Canada in April 2014 was closed in February 2015. This complaint alleged that records should exist in response to the request. Following an additional research, VIA Rail provided the requestor with the missing information. Following a review of the matter, the Office of the Information Commissioner of Canada determined that the complaint was well-founded.

***OIC File 3214-00627***

A complaint that was filed with the Office of the Information Commissioner of Canada in July 2014 was closed in March 2015. This complaint alleged that VIA Rail failed to provide all records responsive to the request. Following a review of the matter, the Office of the Information Commissioner of Canada determined that the complaint was not well-founded.

Twenty (20) complaints are still ongoing at the Office of the Information Commissioner of Canada and are being carried over into the next reporting period.

## **9. Monitoring of Processing Time**

VIA Rail did not monitor time to process requests during the reporting period.

## **Appendix 1**





## **DELEGATION OF AUTHORITY**

### **ACCESS TO INFORMATION ACT AND PRIVACY ACT**

I, the undersigned, President and Chief Executive Officer, pursuant to Section 73 of the *Access to Information Act* and Section 73 of the *Privacy Act*, hereby designates the officers and employees of VIA Rail holding the positions of Coordinator and Analyst of Access to information and Privacy to exercise or perform any of the powers, duties or functions that are to be exercised or performed by me under the *Access to Information Act*, the *Privacy Act* and the applicable regulations.

This Delegation Order supersedes all previous Delegation Orders.

Signed at Montréal this May 22, 2015.

## **DÉLÉGATION DE POUVOIRS**

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

Je, soussigné, Président et chef de la direction, conformément à l'article 73 de la *Loi sur l'accès à l'information* et l'article 73 de la *Loi sur la protection des renseignements personnels*, délègue, par la présente, aux agents et employés de VIA Rail occupant les postes de Coordonnateur et d'Analyste d'accès à l'information et protection des renseignements personnels l'exercice de l'ensemble des pouvoirs, fonctions et tâches dont je suis investi par la *Loi sur l'accès à l'information*, la *Loi sur la protection des renseignements personnels* et les règlements applicables.

Le présent décret de délégation remplace et annule tout décret antérieur.

Signé à Montréal, ce 22 mai 2015.

Yves Desjardins-Siciliano  
President and Chief Executive Officer  
Président et chef de la direction

## **Appendix 2**



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

Name of institution: VIA Rail Canada Inc.

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	50
Outstanding from previous reporting period	38
<b>Total</b>	<b>88</b>
Closed during reporting period	75
Carried over to next reporting period	13

#### 1.2 Sources of requests

Source	Number of Requests
Media	8
Academia	1
Business (private sector)	4
Organization	3
Public	34
Decline to Identify	0
<b>Total</b>	<b>50</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	
0	0	0	0	0	0	0	0

**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	3	9	1	10	2	2	0	27
Disclosed in part	4	9	8	4	9	2	0	36
All exempted	0	0	0	1	0	0	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	1	1	2	1	1	0	0	6
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	2	3	0	0	0	0	0	5
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	10	22	11	16	12	4	0	75

### 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)	0	18(b)	0	20.2	0
13(1)(c)	0	16(2)(b)	9	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	0	18(d)	0	21(1)(a)	4
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	3
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	0
14(a)	1	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)	10	22	0
15(1)	0	16.1(1)(d)	0	19(1)	26	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	3	23	8
15(1) - Def.*	0	16.3	0	20(1)(b)	24	24(1)	0
15(1) - S.A.*	0	16.4(1)(a)	0	20(1)(b.1)	4	26	0
16(1)(a)(i)	0	16.4(1)(b)	0	20(1)(c)	18		
16(1)(a)(ii)	0	16.5	0	20(1)(d)	3		
16(1)(a)(iii)	0	17	0				
16(1)(b)	0						
16(1)(c)	0						
16(1)(d)	0						

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

## 2.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
68(a)	1	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	13	14	0
Disclosed in part	19	17	0
<b>Total</b>	<b>32</b>	<b>31</b>	<b>0</b>

## 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	2741	2741	27
Disclosed in part	3235	3235	36
All exempted	0	0	1
All excluded	0	0	0
Request abandoned	0	0	5
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	20	278	6	1952	1	511	0	0	0	0
Disclosed in part	30	736	4	774	1	677	1	1048	0	0
All exempted	1	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	5	0	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>	<b>56</b>	<b>1014</b>	<b>10</b>	<b>2726</b>	<b>2</b>	<b>1188</b>	<b>1</b>	<b>1048</b>	<b>0</b>	<b>0</b>

### 2.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	2	0	0	0	0
Disclosed in part		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	0	0	0	0	0
<b>Total</b>	2	0	0	0	2

### 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
8	8	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	1	1	2
16 to 30 days	0	3	3
31 to 60 days	0	0	0
61 to 120 days	0	2	2
121 to 180 days	0	0	0
181 to 365 days	0	1	1
More than 365 days	0	0	0
<b>Total</b>	1	7	8

### 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	16	0	0	0
Disclosed in part	19	0	1	1
All exempted	1	0	0	0
All excluded	0	0	0	0
No records exist	4	0	0	0
Request abandoned	0	0	0	0
<b>Total</b>	40	0	1	1

### 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	13	0	0	0
31 to 60 days	5	0	0	1
61 to 120 days	0	0	1	0
121 to 180 days	0	0	0	0
181 to 365 days	22	0	0	0
365 days or more	0	0	0	0
<b>Total</b>	40	0	1	1

## Part 4: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	65	\$325	10	\$50
Search	0	\$0	1	\$170
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>	65	\$325	11	\$220

## 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	8	254	3	90
Outstanding from the previous reporting period	0	0	1	60
<b>Total</b>	8	254	4	150
Closed during the reporting period	8	0	4	0
Pending at the end of the reporting period	0	254	0	150

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

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
Disclose entirely	5	1	0	0	0	0	0	6
Disclose in part	0	1	1	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
<b>Total</b>	5	2	1	0	0	0	0	8

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

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



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

### 6.1 Requests with Legal Services

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

### 6.2 Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
<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
54	57	40	151

## 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		\$41,490
Overtime		\$0
Goods and Services		\$112,149
• Professional services contracts	\$111,249	
• Other	\$900	
<b>Total</b>		<b>\$153,639</b>

### 9.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0.69
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
<b>Total</b>	<b>0.69</b>

**Note:** Enter values to two decimal places.