

2013

Annual Report to  
Parliament

VIA Rail Canada

Administration of the  
*Access to Information Act*

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## 1. Introduction

As a result of the *Federal Accountability Act* effective September 1, 2007, VIA Rail Canada Inc. ("VIA Rail") is included under the legislative 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 principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific, and that 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 of April 1, 2013 to March 31, 2014.

## 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, efficient and environmentally responsible service from coast to coast in both official languages. The Corporation operates almost 500 trains weekly on 12,500 kilometers of track, connecting over 450 Canadian communities. With approximately 2,500 employees, VIA Rail carried nearly four million passengers in 2013.

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

### *Mandatory Services*

VIA Rail operates 48 trains weekly 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 Corporate and Legal 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 is the organizational structure of VIA Rail's ATIP unit effective from April 1, 2013 to March 31, 2014:



## 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 2013 previously submitted to the Treasury Board Secretariat is included in Appendix 2. This also includes the supplementary reporting with regards to the number of times a previously released ATI package was released informally, and the table relating the processing times of Cabinet confidences.

### *Requests:*

VIA Rail received sixty-nine (69) access to information requests and ten (10) consultations from other government institutions (9) and organizations (1) between April 1, 2013 and March 31, 2014. Of these sixty-nine (69), thirty-eight (38) requests are carried forward into the next fiscal year.

Eighteen (18) requests were carried over from the previous reporting period. Thirteen (13) of them were abandoned and five (5) others were dealt with.

### *Types of requests:*

Of the sixty-nine (69) access to information requests received during the reporting year, 17% originates from the media, 3% from academia, 4% from businesses (private sector), 3% from organizations and 72% from the public.

### *Completion time:*

VIA Rail's completion time for requests closed during the reporting period is 53 days compared to the legislative requirement of 30 days<sup>1</sup>. This improved average completion time, compared to last year (94 days), may be explained by VIA Rail reducing its processes with regards to access to information, and the absence of complex files to handle.

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<sup>1</sup> Abandoned requests are not included in the calculation of average completion time.

*Fees:*

The net fees collected for 2012 were \$215. VIA Rail waived fees in the amount of \$30. The total amount of \$215 represents the \$5 applicable fee required to process each access to information request closed.

*Costs:*

The total costs related to the unit and regarding access to information were \$100,448. This amount includes \$74,033 in salary, \$25,515 for consultation fees and \$900 for expenditures related to the standard operation of the service. In 2012, the global costs related to access to information were significantly higher at \$180,363. This may partly be explained by VIA Rail reducing its processes with regards to access to information, and the absence of complex files to handle.

ATIP staff resources dedicated to access to information represent 1.927 FTE (full time employee).

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

Listed below are some of VIA Rail's activities for 2013 in order to meet the legal requirements of the *ATIA*:

- A review of key governance policies that includes an overview of access to information and privacy was presented to the Corporate Governance Committee of the Board of Directors in November 2013.
- 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 and procedures related to access to information during the reporting period.

## **8. Complaints**

Two (2) complaints were closed between April 1, 2013 and March 31, 2014. Of these two (2), one (1) complaint was abandoned and one (1) complaint was well-founded according to the Information Commissioner of Canada:

*OIC File 3213-00648*

A complaint that was filed with the Office of the Information Commissioner of Canada in 2013 was abandoned in August 2013. This complaint alleged that VIA Rail had applied inapplicable exemptions to redact information. After discussing the invoked restrictions with VIA Rail, the complainant was satisfied with the provided explanations and abandoned the complaint.

*OIC File 3213-01170*

A complaint that was filed with the Office of the Information Commissioner of Canada in 2013 was closed in February 2014. This complaint alleged that VIA Rail did not respond to the request in its entirety. Following a review of the matter, the Office of the Information Commissioner of Canada determined that the complaint was well-founded.

Six (6) complaints are ongoing at the Office of the Information Commissioner and have been carried over into the next reporting period.

## **Appendix 1**



# VIA RAIL

## DELEGATION OF AUTHORITY

### ACCESS TO INFORMATION ACT AND PRIVACY ACT

## DÉLÉGATION DE POUVOIRS

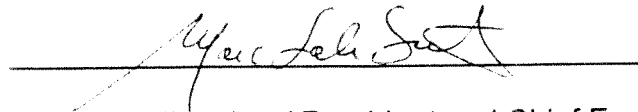
### LOI SUR L'ACCÈS À L'INFORMATION ET LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

I, the undersigned, President, pursuant to Section 73 of the *Access to Information Act* and Section 73 of the *Privacy Act*, hereby authorizes those officers and employees of VIA Rail occupying the positions identified within the attached schedule to exercise signing authorities or perform any of the President 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 personnels*, 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 et les attributions, fonctions et pouvoirs qui y sont spécifiés.

Dated at Montréal this 10<sup>th</sup> day of March, 2011.

Fait à Montréal, ce 10<sup>e</sup> jour de mars 2011.



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

**VIA Rail  
Delegation of Authority  
Under the *Access to Information Act***

Subject	Access to Information Act Section	Position / Title				
		Head, Legal Services (ATIP Coordinator)	ATIP Analyst	Program / Functional Directors	Others (specify)	Others (specify)
Notice where access granted	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 for computer records	11(3)	●	●			
Deposit	11(4)	●	●			
Notice of fee payment	11(5)	●	●			
Waiver or refund of fees	11(6)	●	●			
Translation	12(2)	●	●			
Conversion to alternate format	12(3)	●	●			
Refuse access - Information obtained in confidence from another government	13 (1)	●	●			
Grant access – information obtained in confidence from another government	13 (2)	●	●			
Refuse access - federal-provincial affairs	14	●	●			
Refuse access - international affairs, defence	15(1)	●	●			
Refuse access - law enforcement and investigation	16(1)	●	●			

**VIA Rail  
Delegation of Authority  
Under the *Access to Information Act***

Subject	Access to Information Act Section	Position / Title				
		Head, Legal Services (ATIP Coordinator)	ATIP Analyst	Program / Functional Directors	Others (specify)	Others (specify)
Refuse access - security information	16(2)	●	●			
Refuse access - policing services for provinces or municipalities	16(3)	●	●			
Refuse access - safety of individuals	17	●	●			
Refuse access - economic interests of Canada	18	●	●			
Refuse access - another person's 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	20(5)	●	●			
Disclose in public interest	20(6)	●	●			
Refuse access - advice etc.	21	●	●			
Refuse access - tests and audits	22	●	●			
Refuse access - solicitor-client privilege	23	●	●			
Refuse access - prohibited information	24(1)	●	●			
Disclose information not subject to exemption or exclusion	25	●	●			
Refuse access - information to be published	26	●	●			
Notice to third parties	27(1)	●	●			
Extension of time limit	27(4)	●	●			

**VIA Rail  
Delegation of Authority  
Under the *Access to Information Act***

Subject	Access to Information Act Section	Position / Title				
		Head, Legal Services (ATIP Coordinator)	ATIP Analyst	Program / Functional Directors	Others (specify)	Others (specify)
Notice of third party disclosure	28(1)	●	●			
Waiving obligation for third party to make representations 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 party 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	69	●	●			
Exempt information severed from manuals made available to the public	71(2)	●	●			

## **Appendix 2**



## Statistical Report on the Access to Information Act

Name of institution: VIA Rail Canada inc.

Reporting period: 4/1/2013 to 3/31/2014

### PART 1 – Requests under the Access to Information Act

#### 1.1 Number of Requests

	Number of Requests
Received during reporting period	69
Outstanding from previous reporting period	18
<b>Total</b>	<b>87</b>
Closed during reporting period	49
Carried over to next reporting period	38

#### 1.2 Sources of requests

Source	Number of Requests
Media	12
Academia	2
Business (Private Sector)	3
Organization	2
Public	50
<b>Total</b>	<b>69</b>

### 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	3	1	2	0	0	0	6
Disclosed in part	5	5	4	5	2	1	0	22
All exempted	1	0	0	0	0	0	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	3	2	0	0	0	0	0	5
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	2	0	0	0	12	14
Treated informally	0	0	0	1	0	0	0	1
<b>Total</b>	<b>9</b>	<b>10</b>	<b>7</b>	<b>8</b>	<b>2</b>	<b>1</b>	<b>12</b>	<b>49</b>

## 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)(a)	1	18(a)	2	20.1	0
13(1)(b)	0	16(2)(b)	1	18(b)	4	20.2	0
13(1)(c)	0	16(2)(c)	1	18(c)	0	20.4	0
13(1)(d)	0	16(3)	1	18(d)	0	21(1)(a)	1
13(1)(e)	0	16.1(1)(a)	1	18.1(1)(a)	0	21(1)(b)	4
14(a)	0	16.1(1)(b)	1	18.1(1)(b)	0	21(1)(c)	0
14(b)	0	16.1(1)(c)	1	18.1(1)(c)	1	21(1)(d)	1
15(1) - I.A.*	1	16.1(1)(d)	1	18.1(1)(d)	12	22	2
15(1) - Def.*	2	16.2(1)	1	19(1)	7	22.1(1)	0
15(1) - S.A.*	4	16.3	1	20(1)(a)	0	23	0
16(1)(a)(i)	2	16.4(1)(a)	1	20(1)(b)	4	24(1)	0
16(1)(a)(ii)	1	16.4(1)(b)	1	20(1)(b.1)	1	26	0
16(1)(a)(iii)	2	16.5	1	20(1)(c)	1		
16(1)(b)	1	17	4	20(1)(d)	5		
16(1)(c)	3						
16(1)(d)	1						

\* 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)(a)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(b)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(c)	0	69(1)(g) re (c)	0
68.1	0	69(1)(d)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(e)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(f)	0	69(1)(g) re (f)	0
				69.1(1)	0

## 2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	3	3	0
Disclosed in part	18	4	0
<b>Total</b>	21	7	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	100	100	6
Disclosed in part	3675	3368	22
All exempted	0	0	1
All excluded	0	0	0
Request abandoned	0	0	14

## 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	6	100	0	0	0	0	0	0	0	0
Disclosed in part	17	236	4	781	0	0	1	2351	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
Abandoned	14	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>38</b>	<b>336</b>	<b>4</b>	<b>781</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>2351</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	2
Disclosed in part	4	0	0	0	4
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	8	0	0	0	8
<b>Total</b>	<b>14</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14</b>

## 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
14	6	3	2	3

### 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	2	0	2
16 to 30 days	1	2	3
31 to 60 days	1	3	4
61 to 120 days	2	2	4
121 to 180 days	0	0	0
181 to 365 days	0	1	1
More than 365 days	0	0	0
<b>Total</b>	<b>6</b>	<b>8</b>	<b>14</b>



## 2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	1	1
French to English	0	0	0
<b>Total</b>	0	1	1

## 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	1	0	2	0
Disclosed in part	5	0	0	3
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
<b>Total</b>	6	0	2	3

### 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	3	0	0	2
31 to 60 days	1	0	1	0
61 to 120 days	2	0	1	1
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>	6	0	2	3

## PART 4 – Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of requests	Amount	Number of requests	Amount
Application	43	\$215	6	\$30
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>	43	\$215	6	\$30

## PART 5 – Consultations received from other institutions and organizations

### 5.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during reporting period	9	41	1	60
Outstanding from the previous reporting period	0	0	0	0
<b>Total</b>	9	41	1	60
Closed during the reporting period	9	41	0	0
Pending at the end of the reporting period	0	0	1	60

### 5.2 Recommendations and completion time for consultations received from other government 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	than 365 days	
Disclose entirely	6	0	0	0	0	0	0	6
Disclose in part	2	0	0	0	0	0	0	2
Exempt entirely	0	1	0	0	0	0	0	1
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>	8	1	0	0	0	0	0	9

### 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	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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### PART 6 – Completion time of consultations on Cabinet confidences

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

### PART 7 – Resources related to the Access to Information Act

#### 7.1 Costs

Expenditures		Amount
Salaries		\$74,033
Overtime		\$0
Goods and Services		\$26,415
• Professional services contracts	\$25,515	
• Other	\$900	
<b>Total</b>		<b>\$100,448</b>

## 7.2 Human Resources

<b>Resources</b>	<b>Dedicated full-time to ATI activities</b>	<b>Dedicated part-time to ATI activities</b>	<b>Total</b>
Full-time employees	0.00	2.00	2.00
Part-time and casual employees	0.00	0.00	0.00
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.00	0.00	0.00
Students	1.00	0.00	1.00
<b>Total</b>	1.00	2.00	3.00



