

**Annual Report on the *Access to Information Act*  
2020–21**

**National Security and Intelligence Review Agency  
April 1, 2020 to March 31, 2021**



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## Introduction

The National Security and Intelligence Review Agency (NSIRA) is pleased to submit to Parliament its annual report on the administration of the *Access to Information Act* (ATIA) for the fiscal year commencing April 1, 2020, and ending March 31, 2021. This annual report is presented in accordance with section 94 of the ATIA, whose purpose is to provide the right of access to records under the control of government institutions.

NSIRA is an independent and external review body that reports to Parliament on its operations under the *National Security and Intelligence Review Agency Act* (NSIRA Act). NSIRA reviews all Government of Canada national security and intelligence activities to ensure that they are lawful, reasonable and necessary. NSIRA also investigates public complaints regarding key national security agencies and activities.

### *Review mandate*

NSIRA has a statutory mandate to review activities of the Canadian Security Intelligence Service (CSIS) and the Communications Security Establishment (CSE), as well as the national security and intelligence activities of all other federal departments and agencies. This includes, but is not limited to, the national security and intelligence activities of the Royal Canadian Mounted Police (RCMP), the Canada Border Services Agency, the Department of National Defence, Global Affairs Canada and the federal Department of Justice.

To fulfil its mandate, NSIRA has unfettered access to classified information. This includes any and all information held by, or under the control of, departments and agencies, including information subject to legal privilege. NSIRA independently determines which information is relevant to the conduct of its reviews. The sole exception to NSIRA's right to access is information considered a Cabinet confidence.

In carrying out reviews, NSIRA may make any findings and recommendations it considers appropriate. In accordance with the NSIRA Act, however, it will pay particular attention to whether government activities are lawful and comply with ministerial direction and whether the activities are reasonable and necessary.

### *Complaints mandate*

Some of the activities under NSIRA's complaints mandate are the complaints investigation functions inherited from the Security Intelligence Review Committee (SIRC). SIRC was responsible for hearing public complaints regarding the actions of CSIS. SIRC was also responsible for complaints related to the Government of Canada security clearance process, as well as specific matters and reports referred to under the *Citizenship Act* and the *Canadian Human Rights Act*.

In addition to these SIRC-related activities, NSIRA investigates complaints against CSE, as well as complaints against the RCMP that are referred by the Civilian Review and Complaints Commission (CRCC). The CRCC will continue to review all other activities of the RCMP.

## **Organizational structure**

The responsibility for the administration of the ATIA is delegated to NSIRA's Executive Director and further subdelegated to the Access to Information and Privacy (ATIP) Coordinator, as set out in the ATIA Designation Order 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 ATIP Coordinator works with the Executive Director's Office, Legal Services and the Review Directorate to meet requirements of the ATIP program.

The ATIP Coordinator is a member of the Corporate Services Directorate and trained in ATIP legislation and review.

## **Delegation Order**

Pursuant to subsection 95(1) of the ATIA, the Executive Director of NSIRA has the duty to exercise full authorities under the ATIA legislation and regulations.

The Executive Director also designated the person holding the position or acting in the position of the ATIP Coordinator with delegation of specific sections and subsections (see Appendix A).

## **Highlights of the 2020–21 statistical report**

This report is an accounting of NSIRA's activities related to the administration of the ATIA in the 2020–21 fiscal year. NSIRA's 2020-21 statistical report on the *ATIA*, from which the data in this report is derived, is provided in Appendix B.

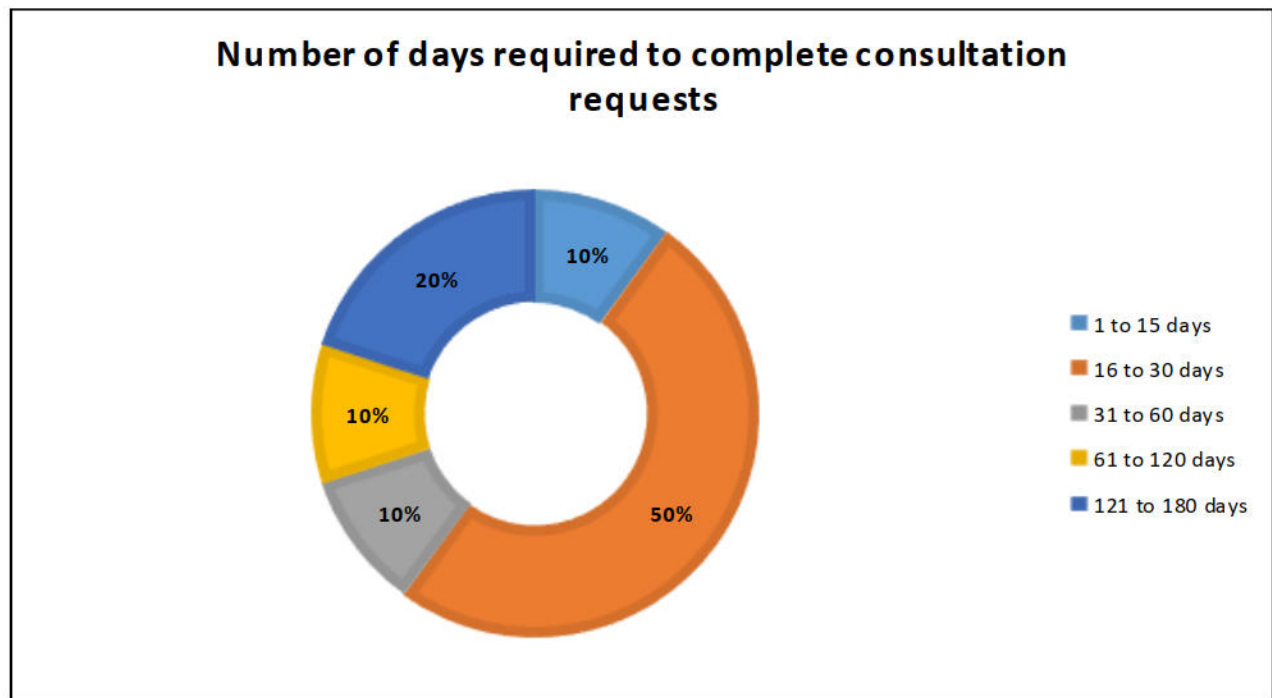
### *Access to information requests*

NSIRA received one new request under the ATIA during this reporting period; it was abandoned within 30 days. One request was carried over from the previous year; it was not closed during this reporting period because NSIRA needed to conduct external consultations.

*Consultation requests*

NSIRA received seven consultation requests in addition to three carried over from the previous reporting period. All 10 consultations were closed during the reporting period for a total of 373 pages reviewed. No consultations were carried over to the next reporting period.

As shown in the graphic below, 80% of the NSIRA's consultations were closed within four months, with the remaining 20% closed within six months. Whenever NSIRA receives a consultation request, it often has to make its own consultation requests to the departments and agencies it reviews prior to delivering a decision on disclosing the information.



Source: Appendix B: Section 6.2

The following table shows that 40% of NSIRA's consultation requests resulted in the release of the requested information in its entirety.

Recommendation	Number of consultation requests
Disclosed entirely	4 (40%)
Disclosed in part	5 (50%)
Exempted entirely	1 (10%)
<b>Total</b>	<b>10 (100%)</b>

Source: Appendix B: section 6.2

### *Pandemic impacts*

In March 2020, NSIRA implemented exceptional workplace measures to curb the spread of COVID-19 and to protect federal employees and the public. These measures have limited NSIRA's access to a secure office space, as well as access to the facilities and information of the departments and agencies it reviews.

### **Training and awareness**

During the reporting period, one employee participated in a specialized training session concerning responsibilities relating to access to information and privacy. Guidance to employees and managers on access to information matters was provided on an ad hoc basis (e.g., in person, by email and through NSIRA's electronic newsletter).

### **Access to information policies, guidelines, procedures and initiatives**

During the reporting period, NSIRA did not implement any new institution-specific policies, guidelines, procedures or initiatives related to access to information. However, management is committed to implementing the procedures and guidelines to ensure employees are aware of their responsibilities with respect to ATI requests and to support NSIRA's compliance with the requirements of the ATIA.

### **Complaints and investigations**

Over the period covered by this report, the Information Commissioner of Canada did not receive any complaints against NSIRA under the ATIA, nor did the Information Commissioner undertake any ATIA-related audit or investigation of NSIRA.

### **Monitoring processing time**

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

## 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: 2020–21 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: 2020-04-01 to 2021-03-31

#### 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	1
<b>Total</b>	<b>2</b>
Closed during reporting period	1
Carried over to next reporting period	1

##### 1.2 Sources of requests

Source	Number of Requests
Media	0
Academia	0
Business (private sector)	0
Organization	0
Public	1
Decline to Identify	0
<b>Total</b>	<b>1</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.

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

	Number of Requests
Outstanding from previous reporting period	0
Sent during reporting period	0
<b>Total</b>	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	0	0	0	0	0	0	0
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	1	0	0	0	0	0	1
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
<b>Total</b>	0	1	0	0	0	0	0	1

**3.2 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)	0	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	0	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)	0
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)	0	17	0				
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
0	0	0

**3.5 Complexity**

**3.5.1 Relevant pages processed and disclosed**

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
0	0	1

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	0	0	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	1	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>1</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>	<b>0</b>

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	0	0	0	0	0
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
Declined to act with the approval of the Information Commissioner	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**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 (%)	100

**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
0	0	0	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	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
<b>Total</b>	0	0	0

**3.8 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

**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
Decline to act with the approval of the Information Commissioner	0	0	0	0
<b>Total</b>	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
<b>Total</b>	0	0	0	0

**Section 5: Fees**

Fee Type	Fee Collected		Fee Waived or Refunded	
	Requests	Amount	Requests	Amount
Application	0	\$0	1	\$5
Other fees	0	\$0	0	\$0
<b>Total</b>	0	\$0	1	\$5

**Section 6: Consultations Received From Other Institutions and Organizations**

**6.1 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	7	129	0	0
Outstanding from the previous reporting period	3	244	0	0
<b>Total</b>	10	373	0	0
Closed during the reporting period	10	373	0	0
Carried over to next reporting period	0	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	1	1	1	0	1	0	0	4
Disclose in part	0	3	0	1	1	0	0	5
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>	1	5	1	1	2	0	0	10

**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
<b>Total</b>	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 Processed	
	Number of Requests	Pages Disclosed	Number of Request	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

**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 Requests	Pages Disclosed	Number of Request	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

**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	0	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		\$0
• Professional services contracts	\$0	
• Other	\$0	
<b>Total</b>		<b>\$56,192</b>

10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0.700
Part-time and casual employees	0.000
Regional staff	0.000
Consultants and agency personnel	0.000
Students	0.000
<b>Total</b>	<b>0.700</b>

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