

# CIDA MANUAL

HANDBOOK 3 Documentation Management  
CHAPTER 10 Public Access to CIDA Records  
ARTICLE 009 Non-Locatable Records

## 009 Non-Locatable Records

- ATIP Liaison Officer
- 1 Notifies the Access to Information and Privacy (ATIP) Coordinator in writing if a record has not been traced or retrieved after a reasonable search or a search consuming the fee limit authorized by the requester.
- ATIP Coordinator
- 2 Prepares a memorandum notifying the President/Senior Vice-President that the requested record cannot be found and seeking authorization to inform the requester accordingly.
  - 3 Records the action taken on the Request Control Sheet and closes the file.

# CIDA MANUAL

HANDBOOK 3 Documentation Management  
CHAPTER 10 Public Access to CIDA Records  
ARTICLE 010 Time Limit Extensions

## 010 Time Limit Extensions

ATIP Liaison Officer

- 1 Telephones the Access to Information and Privacy (ATIP) Coordinator immediately whenever it is determined within a branch that retrieval of a requested record will require an extension of the time limit.

ATIP Coordinator

- 2 Seeks an authorization of an extension for this, or any other reason, from the President/Senior Vice-President and, if so authorized, notifies the requester.
- 3 Informs the Information Commissioner if the authorized extension is for more than 30 days.

# CIDA MANUAL

HANDBOOK 3 Documentation Management  
CHAPTER 10 Public Access to CIDA Records  
ARTICLE 011 Fees

## 011 Fees

Fees chargeable for search, duplication and other services are itemized in Treasury Board Regulations Respecting Access to Information, Section 7.

Records will be released only when in receipt of full payment of assessed fees, unless waived by the President/Senior Vice-President.

# CIDA MANUAL

HANDBOOK	3	Documentation Management
CHAPTER	10	Public Access to CIDA Records
ARTICLE	012	Formal and Informal Requests

## 012 Formal and Informal Requests

A formal access request must be on a Request Form and be in sufficient detail to enable identification of a record under CIDA's control.

The President/Senior Vice-President may waive the requirement for a form (accept a letter) or an application fee.

Receipt of a formal access request places the Agency under the obligations of the law.

An informal request can be made in writing or verbally.

Written requests that make no reference to the Act, are not on a form, include no application fee, and are for information which is intended for public release, will be processed by the office having custody of the record according to the policies and procedures of the branch concerned.

Such requests are not subject to controls of the Access to Information and Privacy (ATIP) Unit, except in cases where the office concerned wishes to deny access or is in doubt as to what to do.

# CIDA MANUAL

HANDBOOK 3 Documentation Management  
CHAPTER 10 Public Access to CIDA Records  
ARTICLE 012 Processing Requests for Records at Canadian Missions

When an officer thinks an informal request should be denied, the senior manager concerned should forward the request, with a recommendation for denial, to the ATIP Coordinator, who will review the case and forward a recommendation to the President/Senior Vice-President for a decision.

# CIDA MANUAL

HANDBOOK	3	Documentation Management
CHAPTER	10	Public Access to CIDA Records
ARTICLE	013	Processing Requests for Records at Canadian Missions

## 013 Processing Requests for Records at Canadian Missions

Formal requests for CIDA records may be made at Canadian Missions abroad. The designated officer in the Mission will telex the Access to Information and Privacy Coordinators in both External Affairs and CIDA headquarters that a request has been received and is on the way via diplomatic bag.

The request will be processed at headquarters upon receipt. If required, arrangements will be made to retrieve a record from abroad for examination at headquarters. Likewise, a record could be sent to the Mission for viewing by the requester.

As for any other formal access request, decisions regarding release or denial, fees, time limit extensions, and language of access will be made by the President/Senior Vice-President.

# CIDA MANUAL

HANDBOOK 3 Documentation Management  
CHAPTER 10 Public Access to CIDA Records  
ARTICLE 014 Classified Records

## 014 Classified Records

Access to a record may not be denied simply because it is classified, for example, as "confidential".

It is the obligation of the program officer to review the record to determine whether the classification is valid and in accordance with the standards provided in Chapter 2, Handbook 7 Security.

The retention of a classification for parts or all of a requested record constitutes a denial and must be justified according to denial procedures, that is with reference to an exemption under the law.

# CIDA MANUAL

HANDBOOK	3	Documentation Management
CHAPTER	10	Public Access to CIDA Records
ARTICLE	015	Complaints

## 015 Complaints

The Access to Information and Privacy Acts contain provisions for making complaints regarding the operation of the Acts to the Information and Privacy Commissioners.

However, it is hoped that most problems can be resolved through discussions between officials and the applicant. It is important therefore to ensure, through discussion if necessary, that:

- . CIDA properly understands the nature and extent of the request
- . the applicant is aware of all the time and cost implications of his request.

Under the law, a person may complain to the Information or Privacy Commissioner on several grounds, including:

- . they believe that personal information about themselves was improperly used or disclosed
- . a fee that the person considers unreasonable has been required
- . they consider that the time limit for complying with a request for access has been unreasonably extended



# CIDA MANUAL

HANDBOOK     3   Documentation Management  
CHAPTER     10   Public Access to CIDA Records  
ARTICLE     015   Complaints

- . they are dissatisfied with some aspect of the Access Register or the Index of Personal Information
- . access to a record, in whole or in part, has been denied.

There are a number of specific steps that take place in handling a complaint, including initiation by the complainant, investigation by the Commissioner using powers conferred upon him by the Act, and possible appeal to the Federal Court.

All federal employees are obliged by law to cooperate with the offices of the Information and Privacy Commissioners in carrying out any investigation they are undertaking.

# CIDA MANUAL

HANDBOOK 3 Documentation Management  
CHAPTER 10 Public Access to CIDA Records  
ARTICLE 016 Definitions

## 016 Definitions

"Record" includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microform, sound recording, videotape, machine readable record, and any other documentary material, regardless of physical form or characteristics, and any copy thereof.

"Third party" means any person, group of persons or organization other than the person that made the request or a government institution.

"Personal information" means information about an individual that is recorded in any form including:

- . information relating to the race, national or ethnic origin, colour, religion, age or marital status of the individual
- . the views or opinions of another individual about the individual.

"Exemptions" are limited and specific exceptions to the right of access to government information. There are five mandatory exemptions such as information obtained in confidence from the government of a foreign state or institution thereof, and twelve discretionary exemptions including:

# CIDA MANUAL

HANDBOOK	3	Documentation Management
CHAPTER	10	Public Access to CIDA Records
ARTICLE	016	Definitions

- . information which could injure the conduct of international affairs if released
- . advice or recommendations developed by or for an institution or a Minister.



## 5. Highlights to Access to Information Act

(カナダ情報公開法の骨子解説：原文  
及び仮訳)



HIGHLIGHTS OF ACCESS TO INFORMATION ACT

## ATIA - GENERAL PRINCIPLES

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### PURPOSES

The purpose of the ACCESS TO INFORMATION ACT is to extend the present laws of Canada to provide a right of access to information contained in government records subject to certain limitations and in accordance with the following principles:

- o Government information should be available to the public,
  - o Exemptions to the right of access should be limited and specific,
  - o Decisions on the disclosure of government information should be reviewed independently of government.
- 

### DEFINITION

The definition of **Records** includes any of the following:

- o Correspondence, memorandum, book
  - o Plan, map, drawing, diagram
  - o Pictorial or graphic work
  - o Photograph, film, microform, sound recording, videotape
  - o Machine readable record
  - o Any documentary material regardless of physical form or characteristic and any copy thereof.
- 

### Policy

A record that does not exist but can be produced from machine readable records (subject to regulations) is also included in the definition of record.

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### COMMENT

As can be seen from the above, information in any form held by the government falls under the definition of "record".

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### RELATED PAGES

#### LEGAL REFERENCES

ATIA Sections 2, 3, 4.3

#### RELATED MATERIAL

APM C-410 Sections .2, .2.1



ATIA - SCOPE

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INTRODUCTION

The Act does not apply to certain materials, which for this reason are considered **EXCLUSIONS** to the Act.

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DESCRIPTION

These exclusions are:

- o Published material or material available for purchase by the public,
  - o Library or museum material preserved solely for reference or exhibition purposes,
  - o Material placed in the Public Archives, National Library or the National Museums by or on behalf of persons or organizations other than government institutions,
  - o Confidences of the Queen's Privy Council which includes all Cabinet documents such as:
    - o Memoranda to Cabinet
    - o Discussion Papers
    - o Agendas of the Council
    - o Draft Legislation
- 

DEFINITION

The term Council in this section means the Queen's Privy Council For Canada, committees of the Queen's Privy Council For Canada, Cabinet and committees of Cabinet.

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Policy

With respect to Confidences of the Queen's Privy Council, exceptions to the rule of exclusion exist in three situations:

- o Cabinet Documents which have been in existence for more than 20 years become accessible to the public subject to the exemptions in the Act.
  - o Discussion Papers (where decisions of Cabinet have been made public) become available to the public at the time the decisions are made.
  - o Discussion Papers (where decisions of Cabinet have not been made public) become available to the public four years after decisions have been made.
- 

RELATED PAGES

LEGAL REFERENCES

ATIA Sections 68, 69

**INTRODUCTION**

The federal government produces publications which contain descriptions of government records, their probable location and offer information which will likely assist an individual in identifying precisely which records he/she wishes to see.

**DEFINITIONS**

Access Register is a publication covering for all institutions listed in the schedule to the Act:

- o A description of the organization and responsibilities of the institutions including details and functions of programs and divisions,
- o A description of all classes of records, under the control of each institution,
- o A description of all manuals used by employees in administering programs,
- o Title and address of the person to whom requests for access should be sent.

Access Bulletin provides information on new activities and records created subsequent to the most recent Access Register and keeps the register up-to-date.

Classes of Records are defined as groups of related files, in use in government departments, reflecting the programs and activities of these departments.

**RULE**

All classes of records held by the government must be listed in the Access Register and the Access Bulletin. Even those classes of records that are exempted from disclosure must be listed. However, their description in the Register or Bulletin does not have to include any information or material exempted under the Act.

**Policy**

- o Treasury Board publishes:
  - o the Access Register once a year,
  - o the Bulletin twice a year.
- o The Register and the Bulletin will be available at Post Offices and Libraries throughout Canada to ensure that every person has reasonable access to them.

**LEGAL  
REFERENCES:**

ATIA Section 5

ATIA - HOW DOES AN INDIVIDUAL GET ACCESS TO INFORMATION?

**INTRODUCTION** The Act is not intended to limit in any way access to the type of government information that is normally available to the public; rather, it is intended to complement existing procedures for obtaining information.

**PROCEDURE TABLE** A simple three-step procedure exists for a person seeking access. That individual must:

STEP	PROCEDURE
1.	Request access in writing using the Access to Information Request Form.
2.	Provide sufficient detail to identify the record sought (relying on the Access Register for this purpose).
3.	Pay an application fee of \$ 5.00

**RULE** The law requires that all requests must be sufficiently precise to enable an experienced employee of the government institution to identify the desired record with a reasonable effort.

*Policy* The Access to Information Request form is not always necessary, provided that a written request is made, containing sufficient detail to enable a government institution to identify a record under its control.

**COMMENT** Access to Information Request Forms and the Access Register will be available at most Post Offices and Libraries throughout Canada.

**RELATED PAGES** Access Register, p. 3  
Classes of Records, p. 3

**LEGAL REFERENCES** ATIA Section 6  
ATIR Section 4

**RELATED MATERIAL** APM C-410 Section .2.2.1

ATIA - HOW SHOULD THE INSTITUTION RESPOND TO A REQUEST FOR INFORMATION?

5.

**OUTLINE** In responding to a request for access, a government institution has certain obligations with regard to the following:

- o Response time limits
- o Manner by which access is granted
- o Language of access

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**RULE** In all instances the institution receiving the request must notify the requester whether:

- o access is to be granted,
- o the time limit is to be extended,
- o fees will be required.

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**COMMENT** If the application does not contain sufficient detail to locate the record, the government institution should attempt to contact the applicant to ask for more information before refusing access.

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**PREVIEW** The following pages describe each obligation in more detail.

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**RELATED PAGES** Time Limits, p. 6  
Fees, p. 7

**LEGAL REFERENCES** ATIA Sections 7, 11, 25  
ATIR Sections 5, 8

**RELATED PAGES** APM C-410 Sections .2.2.5, .2.3,  
.2.5, .2.6,  
.2.7, .4.4

ATIA - RIGHT OF ACCESS: RESPONSE TIME LIMITS

6.

RULE

- o The Act requires that government institutions shall, within thirty (30) calendar days of receipt of a complete request, give a response to the requester.
- o The government institution must inform requester of his right to make a complaint to the Information Commissioner about the extension.

POLICIES

The time available to process requests for access is counted from the receipt of a complete request by the government institution. The head of a government institution may extend the thirty-day time limit if:

- o The request is for a large number of records or requires to search a large number of records and meeting time frames would unreasonably interfere with government operations
- o Consultations are necessary that cannot reasonably be completed within the original time limit
- o Third party information exists and notice to third party must be given

PROCEDURE TABLE

When the head of an institution extends the thirty day time limit, the following parties must be notified of the length of the extension as follows:

FOR AN EXTENDED RESPONSE TIME OF	SEND TO
Up to 30 days	o Requester
31 days or more	o Requester o Information Commissioner

RELATED PAGES

Third Party Information, p. 16

LEGAL REFERENCES

ATIA Section 9

RELATED MATERIAL

APM C-410 Section .2.3(C)

**INTRODUCTION**

The Act provides that fees may be demanded for the costs associated with processing requests for access. This provision is intended to discourage frivolous or unreasonable demands for access which could prove costly and time consuming for the government institution involved.

**CLASSIFICATION TABLE**

This table describes situations in which fees may or may not be charged to the person who makes a request for access to a record:

FEES ARE CHARGED FOR ...	NO FEES ARE CHARGED FOR ...
<ul style="list-style-type: none"> <li>o when the time required to search for, retrieve or produce the record(s) or to prepare any part(s) of the record(s) for disclosure exceeds five (5) hours</li> </ul>	<ul style="list-style-type: none"> <li>o reviewing documents to determine whether they are exempt or excluded</li> </ul>
<ul style="list-style-type: none"> <li>o when the records are produced from a machine-readable record</li> </ul>	<ul style="list-style-type: none"> <li>o maintaining statistics or documentation</li> </ul>
<ul style="list-style-type: none"> <li>o for the reproduction of copies</li> </ul>	<ul style="list-style-type: none"> <li>o filing (requests and records)</li> <li>o providing facilities for processing requests or public access</li> <li>o shipping</li> </ul>

**POLICIES**

- o The Act requires the calculation and payment of fees in accordance with the schedule provided in the Regulations.
- o Government institutions may require any amount to be paid as a deposit before the search or production of the record is undertaken or the record is prepared for disclosure.
- o The head has discretion with respect to these fees and may either waive the requirement for costs, or refund those fees already paid.

**RULES**

- o All fees must be paid by the applicant before access is given.
- o Where it is determined that fees be paid, the head must inform the requester of the amount being charged and of the person's right to complain to the Information Commissioner regarding the amount charged.

**RELATED PAGES**

Access, p. 5

**LEGAL REFERENCES**

ATIA Section 11  
ATIR Section 7

**RELATED MATERIAL**

APM C-410 Section .2.7

## ATIA - EXEMPTIONS

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### INTRODUCCION

The basic purpose of the Act is to provide access to government records. However, certain records require exemption from access in order to allow the government to function effectively. These exemptions form the basis for refusing access to government information.

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### PURPOSE

Each exemption is intended to protect information relating to a particular public or private interest. The spirit of the legislation emphasizes that exemptions can only be invoked if disclosure would have detrimental effect.

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### DESCRIPTION

The exemptions included in the Access to Information Act can be classified in two ways according to whether the exemption is subject to an injury test or class test and according to whether the exemption is discretionary or mandatory in nature.

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### POLICIES

- o Where it is unclear whether or not an exemption should apply to particular information, government institutions should favour more rather than less access.
  - o To ensure greater consistency in the application of certain exemptions, government institutions should consult with the government institution with particular expertise in the area.
- 

### RELATED PAGES

Mandatory Exemptions, p. 9  
Discretionary Exemptions, p. 9  
Injury Test, p. 9  
Class Test, p. 9

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### RELATED MATERIAL

APM C-410 Sections .4.1 -.4.5

**CLASSIFICATION TABLE**

The following table outlines the meaning of certain terms:

TERM	DESCRIPTION	SPECIFIC WORDING
INJURY TEST	° must be able to prove that disclosure would be harmful or damaging to the specific public or private interest covered by the exemption	o could reasonably be expected to be injurious
CLASS TEST	° must be able to show that the information falls within the class specified, but there is no requirement that a specific injury be proved	o objectively describes the categories of information or documents to which an exemption can be applied
MANDATORY	° identify those situations where government institutions must refuse to disclose a record	o shall refuse to disclose...
DISCRETIONARY	° identify those situations where the head of the institution has some flexibility in determining whether to disclose information or not	o may refuse to disclose...

**SUMMARY TABLE**

This table summarizes the relevant sections of the Act affecting each type of exemptions and outlines the options available to the head of a government institution:

TYPE OF EXEMPTIONS	DOES NOT APPLY TO ACT	MANDATORY EXEMPTIONS		DISCRETIONARY EXEMPTION
		WITHOUT PERMISSIBLE DISCLOSURE CONDITIONS	WITH PERMISSIBLE DISCLOSURE CONDITIONS	
Class Type Exemption	Section 69	Sections 16(3), 24	Sections 13, 19, 20 (1)(A)(B)	Sections 16(1)(A)(B), 18(A), 21, 23
Injury-Test Type Exemption			20(1)(C)(D)	14, 15, 16(1)(C)(D) 16(2), 17, 18(B)(C)(D), 22
Decisions	Shall Deny	Shall Deny	May Grant if Condition is Met	May Grant

**RELATED PAGES**

Exclusions, p. 2

**RELATED MATERIAL**

APM C-410 Sections .4.1 -.4.5



DEFINITION	<p>Severability means that any part of a record which can be disclosed, can be "severed" from any part covered by an exemption, and then released to the requester.</p>
PURPOSE	<p>Severability is intended to avoid situations where records would not be released because they contain a very small portion of exempted material.</p>
RULE	<p>Reasonable severability should not be established by the amount of review, preparation and production time needed to extract the exempt information, but rather by the intelligibility of the document once the exempted material has been removed.</p>
COMMENT	<p>All doubts about the intelligibility of remaining non-exempt information should be resolved in favour of release to the applicant.</p>
Policy	<p>Although the original purpose of the document may be lost when the exempt information is removed, an exemption cannot be claimed for the entire record so long as there remains some information that is itself intelligible, comprehensible and relevant to the request.</p>
LEGAL REFERENCES	<p>ATIA Section 25</p>
RELATED MATERIAL	<p>APM C-410 Section .4.4</p>

ATIA - MANDATORY EXEMPTIONS

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**INTRODUCTION** In the spirit of access, the majority of exemption provisions are discretionary. There are only five exemption provisions in the Access to Information Act that are mandatory.

**DEFINITION** Mandatory Exemptions identify those situations where government institutions must refuse to disclose a record. Their wording stipulate that a head of government institution shall refuse to disclose certain types of information.

**DESCRIPTION** All mandatory exemptions, except section 24 (statutory prohibitions), provide for circumstances which give government institution a discretion to release the information if certain conditions are met (e.g. consent of third party affected or if information is publicly available,

**OUTLINE** The 5 exemptions deal with:

- o Information obtained in confidence from other governments,
- o RCMP, provincial and municipal policing information,
- o Personal information about another individual,
- o Third party information,
- o Statutory prohibitions against disclosure.

**PREVIEW** The following pages describe the mandatory exemptions in more detail.

**RELATED PAGE.**

Third Party Information, p 15-21

**LEGAL REFERENCES**

ATIA Sections 13, 16.3, 19, 20.1, 24

**RELATED MATERIAL**

APM C-410 Section .4

**INTRODUCTION** Information qualifying for a discretionary exemption may be withheld by the head of the government institution on the basis of the specified criteria described in the Act.

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**DEFINITION** Discretionary Exemptions identify those situations where the head of the institution has some flexibility in determining whether to disclose information or not. Their wording stipulate that a head of a government institution may refuse to disclose certain types of information.

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**DESCRIPTION** There are ten categories of discretionary exemptions as follows:

- o Federal-Provincial Affairs,
  - o International Affairs and Defence,
  - o Law Enforcement, Investigation and Security,
  - o Safety of Individuals,
  - o Economic Interests of Canada,
  - o Operations of Government,
  - o Testing and Auditing Procedures,
  - o Solicitor-Client Privilege,
  - o Information to be published,
  - o Information that existed 3-5 years before passage of the Access Act.
- 

**COMMENT** Government institutions must assess each request on its own merits using precedents only as guidelines in making a determination either to disclose or exempt a record.

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**PREVIEW** The following pages describe each discretionary exemptions in more detail.

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**RELATED PAGES** Discretionary Exemptions, p 12

**LEGAL REFERENCES** ATIA Section 14, 15, 16(1), 16(2), 17, 18, 21, 23, 26, 27

**RELATED MATERIAL** APM C-410 Section .4.6.2, .4.6.6, .4.6.10, .4.6.12, .2.4.2

ATIA - EXEMPTIONS: OPERATIONS OF GOVERNMENT

13

DESCRIPTION

- o This exemption protects certain classes of information relating to the internal decision-making processes of government the disclosure of which would interfere with the operations of government institutions.
- o This exemption cannot be used to withhold information in a report prepared by a private consultant or advisor who was not employed by the government at the time the report was prepared. In other words, information that was not prepared by a public servant (employee) is not covered by the exemption but can be released, provided no other exemption applies to the material therein.

DEFINITIONS

- o Discretionary Power has been defined as a subjective decision taken in a situation without properly defined guidelines.
- o Adjudicative Function refers to those situations in which there are guidelines available.

PURPOSE

This exemption is designed to protect ministerial responsibility and discretion.

ROLE

The Minister may choose to exempt advice or recommendations developed by or for him/her, accounts or government consultations or deliberations, government positions or plans relating to government negotiations and information related to the personnel management or administration of a government institution.

Policy

The Act does not exempt information related to the exercise of a discretionary power or an adjudicative function affecting the rights of a person.

RULE

The exemption can only be invoked if a record came into existence less than twenty years prior to the request for the information.

COMMENT

The reports of consultants and advisers not employed by the government are excluded from protection because such individuals or firms are contracted to work outside the normal governmental process on a fee basis for work done.

RELATED PAGES

LEGAL REFERENCES

ATIA Section 21

RELATED MATERIAL

APM C-410 Section .4.6.10

ATIA - EXEMPTIONS: INFORMATION THAT EXISTED 3-5 YEARS BEFORE PROCLAMATION OF THE ACT 14

**DESCRIPTION** Information that was gathered or recorded three to five years before the coming into force of the Act may be exempted. This exemption will remain in force for three years after proclamation of the Act.

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**PURPOSE** This exemption was intended to keep administrative costs down by limiting searches to relatively contemporary data and thus providing an orderly and cost-effective phase-in. Full access (subject to exemptions) will be granted after the Act has been in force for three years.

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**EXAMPLE** During the first year after proclamation, for example, starting April 1, 1983, records that were in existence before April 1, 1979, may be exempted.

During the second year after proclamation, for example, starting April 1, 1984, records that were in existence before April 1, 1978, may be exempted.

During the third year after proclamation, for example, starting April 1, 1985, records that were in existence before April 1, 1978 may be denied but only if complying with a request would unreasonably interfere with the operations of the government institution.

From March 31, 1986, for all records subject to the Access to Information Act, no basis would exist for exempting records under the transitional provision.

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**COMMENT** When a request concerns records which may fall within the transitional provision and the information is easily located and produced, the request should be processed.

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**LEGAL REFERENCES** ATIA Section 27

**RELATED MATERIAL** APM C-410 Section .4.6.15

INTRODUCTION

All information dealing with the third parties, including their negotiations and contracts with the government which has been treated in a confidential manner by the third party must be exempted.

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DEFINITION

Third Party includes any person, group of persons or organization other than the person making an access request or other than the government institution itself.

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OUTLINE

The subject "Third Party" can be considered in 4 areas:

- o Third Party information
  - o Third Party intervention
  - o Representation by Third Party
  - o Recommendation of Information Commissioner
- 

PREVIEW

The following pages describe each area of the Third Party in more detail.

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RELATED PAGES

Third Party, p 15-21

LEGAL REFERENCES

ATIA Sections 20, 28, 29

RELATED MATERIAL

APM C-410 Sections .4.6.8, .4.6.9

ATIA - EXEMPTIONS: THIRD PARTY INFORMATION

16

**DESCRIPTION** The Access to Information Act protects from disclosure, on a mandatory basis, financial, commercial and scientific information received from, pertaining to or affecting third parties.

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- RULES**
- o A government institution shall refuse to disclose any record requested that contains:
    - o trade secrets of a third party,
    - o confidential financial, commercial, scientific or technical information.
  - o or that contains information the disclosure of which could reasonably be expected to:
    - o result in material financial loss or gain to a third party,
    - o prejudice the competitive position of a third party,
    - o interfere with contractual or negotiations of a third party.
  - o A government institution may release information if:
    - o consent of the third party has been given,
    - o or, the public interest overrides all mandatory exemptions for third party information, with the exception of trade secrets.
  - o Should a government institution intend to release information that might contain any of the types of information listed above, the head must notify the third party and provide the third party with an opportunity to make representations against the disclosure.
- 

**PREVIEW** The following pages describe the mandatory exemptions for third party information in more detail.

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**RELATED PAGES** Mandatory Exemptions, p. 11  
Trade Secrets, p. 17  
Intervention, p. 20  
Representation, p. 21

**LEGAL REFERENCES** ATIA Section 20

**RELATED MATERIAL** APM C-410 Section 4.6.8

**ATIA - EXEMPTIONS: TRADE SECRETS OF A THIRD PARTY**

17

**DESCRIPTION**

- o The Act provides that a government institution shall refuse to disclose any record that contains trade secrets of a third party.
  
- o This is a mandatory exemption, based on a class test.

**CHECKLIST**

For a record to qualify for this exemption, the information contained in it will have to satisfy the following criterias:

ITEM	CRITERIAS	YES
1	It consists of information.	
2	The information must be secret in an absolute or relative sense (i.e. known only by one or a few).	
3	The possessor of the information must demonstrate that he has acted with the intention to treat the information as secret.	
4	The information must be capable of industrial or commercial application.	
5	The possessor must have an interest (e.g. an economic interest) worthy of legal protection.	

**RELATED PAGES**

Mandatory Exemptions, p. 9  
Class Test, p. 9

**LEGAL REFERENCES**

ATIA Section 20 (1)(A)

**RELATED MATERIAL**

APM C-410 Section .4.6.8



ATIA - EXEMPTIONS: THIRD PARTY CONFIDENTIAL INFORMATION

13

**INTRODUCTION** The Act provides a mandatory class exemption for any record that contains financial, commercial, scientific or technical information that is confidential information supplied by a third party and is treated consistently in a confidential manner by the third party.

**DESCRIPTION** This exemption is intended to protect information of a confidential nature provided by a business or other commercial interest to the government regardless whether it was provided pursuant to a statutory obligation or on a voluntary basis.

**PURPOSE** Its purpose is to ensure that the obligation of the government to maintain this information on a confidential basis will continue, notwithstanding the Access to Information Act.

**DEFINITION** Confidential Information means information which is of value to the possessor of the information and which has been entrusted to another person in circumstances which create an obligation on that person to maintain the information in confidence.

**CHECKLIST** For a record to qualify for this exemption, the information contained in it must satisfy several elements:

ITEM	ELEMENTS	YES
1	The information involved must be financial, commercial, scientific or technical information.	
2	The information must be "confidential information".	
3	The information must have been supplied to the government institution by a third party.	
4	The information must be treated consistently in a confidential manner by the third party.	

**RULES**

- o Where the status of information received before proclamation of the Act is in doubt, government institutions shall consult the appropriate third party or parties forthwith, upon receipt of an access request, in order to establish whether or not the information is confidential.
  - o The receiving institution shall not disclose information which it believes may have been received on a confidential basis without first consulting with the government institution that provided the information.
- 

**RELATED PAGES**

Mandatory Exemptions, p. 11  
Third Party, p. 16

**LEGAL  
REFERENCES**

ATIA Section 20(1)(B)

**RELATED  
MATERIAL**

APM C-410 Section .4.6.8

- DESCRIPTION
- o Before releasing information supplied by outside sources or whose disclosure might affect third parties, the government institution must give prior notice to those concerned by the impending release.
  - o Third party intervention and notification rights apply whenever a record containing third party information may be disclosed under the Act.
- 

## RULES

- o Where the head of a government institution intends to disclose a record which might contain third party information, he must notify the third party:
    - o in writing,
    - o within 30 days after the access is received (if third party can be reasonably located),
    - o notice sent by registered mail to last known address.
  - o Government institutions should obtain waivers and consents to disclosure from third party in writing.
- 

## POLICIES

- o The only exception to the notification requirements is when third party has consented to the disclosure.
  - o Third party may waive the right to be notified of an intended disclosure either at the time the information was obtained or subsequently.
  - o The 30 day limit for responding to an access request can be extended where third party notification requirements are invoked.
- 

## RELATED PAGES

Third Party Information: p 15  
Time Limits, p. 4

## LEGAL REFERENCES

ATIA Section 28.1 - 28.4

## RELATED MATERIAL

APM C-410 Section .4.6.9

INTRODUCTION

The government institution shall give an opportunity to third party to make representation as to why the record or part thereof should not be disclosed.

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RULES

- o When a government institution decides to disclose the requested record, following receipt of third party representation, the notice to third party must contain a statement that:
    - o his right to apply to the Federal Court - Trial Division for a review of this decision,
    - o that disclosure will be given to requester within 20 days after this notice is given unless, he applies for a review.
  - o Third party representation must be made in writing, or, if the institution head agrees, may be made orally.
  - o Government institution shall not disclose the record until 20 days time period for application to Federal Court has expired.
- 

Policy

Following receipt of third party representation, notice of decision to exempt record shall be given within 30 days to both the third party and the requester.

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LEGAL REFERENCES

ATIA Sections 28.5 - 28.8

RELATED MATERIAL

APM C-410 Section .4.6.9

**REQUESTING ACCESS TO FEDERAL GOVERNMENT INFORMATION**

This form is required to make a request under the Access to Information Act. Requests for federal government information can ordinarily be made by means of a telephone call, a visit, or a written request to the appropriate departmental information office. If, however, you wish to request records under the Access to Information Act, use this form.

**STEP 1: Decide exactly what information you want.** - You can facilitate the search for records and reduce fees by defining as narrowly as you can the particular records you are looking for.

**STEP 2: Consult the Access Register.** - The Register contains descriptions of government records, their probable location and other information which will likely assist you in identifying the particular records you wish to see. A copy of the Access Register is available at major libraries, post offices, and certain other government offices.

**STEP 3: Ask for assistance if necessary.** - If you are not able to identify the records you are looking for in the Access Register, contact the Access Coordinator of the appropriate department, either in person, by telephone, or by letter. (All Access Coordinators are listed in the Access Register.) The Coordinator will assist you, at no charge, in identifying the records. If you ask for assistance by letter, include as much information as you can to identify the records you are seeking.

**STEP 4: Complete the Request Form,** providing as many specific details as you can about the desired records, such as:

- subject, title, author and date;
- specific events, activities, individuals, corporations, products reports, meetings, decisions, agreements, etc., of interest in the records;
- the number and title of the appropriate class of records, as listed in the Access Register.

**STEP 5: Send in the completed Request Form with an application fee of \$5.00,** to the officer named in the Access Register as the person responsible for that particular class of records. Unless you have already indicated what you are willing to pay for, you will be asked to authorize any fees that may be charged before the work is completed.

Federal Government Institution

Description of record and subject topic of interest (Please be as precise as you can, title, author, date, etc.)

Class of record, number and title (Consult Access Register - see step 2)

**Method of access preferred**

Receive copies  Examine in government office

Other method (please specify)

Name

Street address, apartment

City or town

Province or Territory

Postal Code

Telephone Number

Your application fee of \$5.00 must accompany this form, payable by money order or cheque to the Receiver General for Canada.

I have a right of access to government records under the Access to Information Act by virtue of my status as a Canadian citizen, or permanent resident within the meaning of the *Immigration Act, 1976*.

Signature

Date



## カナダ情報公開法 (ATIA) の骨子

### 1. 一般原則

目的：情報公開法の目的は、国民に政府の記録に包含される情報へアクセスを行なう権利を保障するよう、カナダの現行法を拡張するものである。ただし、一定の制限を条件とし、以下の原則に従うものとする

- 政府情報は、国民がこれを利用できるべきものとする。
- アクセス権利の例外は、限定的かつ具体的でなければならない。
- 政府の情報の開示／非開示に関する決定は、政府から独立して、見直しを受けなければならない。

定義：記録の定義は、以下の全てを含むこととする。

- 通信、覚書、書籍
- 図表、地図、図面、図式
- 絵画、線画
- 写真、フィルム、マイクロフォーム、録音、録画
- 機械読取可能な記録
- その形態、特徴を問わないあらゆる文書資料及びその複写

方針：実体としての存在はしないものの、機械読取可能な記録から作成できる記録（規制を条件とする）も、記録の定義の中に含まれる。

注釈：上述のごとく、あらゆる形態で政府が保管する情報が、“記録”の定義に含まれる。

関連記述：

関連法：ATIA（情報公開法）節 (sections) 2, 3, 4.3

### 2. 範囲

緒言：本法は、ある特定の資料には適用されない。このため、これら資料は、本法の例外 (exclusion) と考えられ、本法に基く開示はなされない。

内容：これらの例外とは、以下をさす。

- 公表資料または市販資料
- 参考または展示用目的のみのために保管されている図書館または博物館資料
- 政府機関以外の人物または組織により、または、これらのために、公文書館、国立図書館、または国立博物館に収められている資料
- 王室枢密院の秘密書類で、以下のような全ての内閣文書資料を含む：
  - 内閣への覚書
  - 閣議資料
  - 枢密院議事日程
  - 法案

定義：本節中の表記枢密院とは、王室カナダ枢密院（Queen's Privy Council for Canada）、王室カナダ枢密院委員会、内閣及び内閣委員会を意味する。

方針：王室枢密院秘密書類に関しては、以下の3つの状況において、除外規則の例外が存在する。

- 20年を超えて存在する内閣書類は、本法中の例外を条件に、一般のアクセスが可能になる。
- 討議資料（内閣決定が公表されている場合）は、決定が行なわれた時に、一般による利用が可能になる。
- 討議資料（内閣決定が公表されていない場合）は、決定が行なわれてから4年後に、一般による利用が可能となる。

関連法：ATIA 節（sections）68, 69

### 3. 政府機関に関する情報

緒言：連邦政府は、政府記録の内容とその考えられる所在場所を含み、また、個人が閲覧を望んでいる記録がどれかを正確に確定する上で役立つと思われる発行物を製作する。

定義：アクセス・レジスタは、本法付属一覧表に記載された全機関に関する発行物で、下記を含む。

- 機関の説明、及び、プログラム及び各部局の詳細・機能、機関の責任についての記述。
- 各機関の管理する、あらゆる記録群の記述。
- プログラム執行に携わる職員が使用する全マニュアルの記述。
- アクセス請求の送付先担当者の肩書及び宛先住所。

アクセス・ブリテンは、最新版アクセス・レジスタ発行後に発生した新しい活動及び記録に関する



情報を提供し、常に、レジスタの最新化を図る。

記録群 (Classes of Records)は、政府各省で使用される。各省のプログラム及び活動を示す、関連書類のファイル群と定義される。

規則：政府保管の全ての記録群は、アクセス・レジスタ及びアクセス・ブリテンに記載されなくてはならない。公開を除外されている記録群についても、リスト・アップされなくてはならない。しかし、レジスタ及びブリテンにおけるそれらの記述には、本法に基づき除外される情報または資料の内容を包含する必要はない。

方針：

- Treasury Board は、下記を発行する
  - 年一回、アクセス・レジスタ
  - 年二回、ブリテン
- レジスタ及びブリテンは、カナダ全国の郵便局及び図書館で閲覧でき、誰もが確実に、それらに合理的アクセスができるようにするものとする。

関連法：ATIA 節 (section) 5

#### 4. 個人による情報へのアクセス

緒言：本法は、通常、国民一般が利用できる政府情報の種類に対して、アクセスをいかなる場合も制限しようと意図するものでない、むしろ、既存の情報入手手続を補完する意図のものである。

手続表：アクセスを求める人のために、簡単な三段階手続がある。個人は、下記を行わなくてはならない：

段階	手続
1.	情報アクセス請求書式 (Access to Information Request Form) を使用して、書面により、アクセスを要求する。
2.	求める記録の確定のため、十分に詳細を説明したものを提出する (この目的で、アクセス・レジスタを参考にする)
3.	申請料 \$ 5.00 を支払う。

規則：法律で、全ての要請は、政府機関の経験ある職員が、合理的努力で要望の記録の確定ができるように、十分正確であることが要求されている。

方針：情報アクセス請求書式は、政府機関が、その管理下にある記録の確定を行なえるような十分な詳細説明を含む書面請求が行なわれるのであれば、必ずしも必要とはされない。

注釈：情報アクセス請求書式及びアクセス・レジスタは、カナダ全国の大半の郵便局及び図書館で入手できる。

関連記述：アクセス・レジスタ第3項  
記録群 第3項

関連法：ATIA 節 (section) 6

## 5. 情報請求に対する機関の対応

概略：アクセスの請求への対応について、政府機関は、以下に関し一定の義務を有する。

- 回答時間制限
- アクセスの付与方法
- アクセスの言語

規則：全ての請求について、請求受理機関は、請求人に対し、以下に関する可否または有無を通知しなくてはならない。

- アクセスの付与
- 時間制限延期の予定
- 料金の請求

注釈：申請に、記録の特定のための十分な詳細が含まれない場合、政府機関は、申請者への接触を試み、アクセスを拒否する為に、記録を特定する手がかりとなる情報をさらに求めなくてはならない。

予告：以下の項に、各義務について、さらに詳細を示す。

関連記述：時間制限 第6項  
料金 第7項

関連法：ATIA 節 (sections) 7, 11, 25

## 6. アクセスの権利：回答時間制限

規則：

- 本法は、政府機関が、完全な請求の受理より30日以内に、請求人に回答を送ることを要求する。
- 政府機関は、請求人に、請求人が情報コミッショナーに対して回答期限延長に関する不服を申し立てる権利を有することを、通知しなくてはならない。

方針：アクセス請求の処理に使用できる時間は、政府機関による完全な請求の受理の時点から数えられる。政府機関の長は、次の場合、30日の期限制限を延長できる。

- 請求された記録が膨大であるか、または膨大な記録を調べる必要のある請求で、時間枠内で処理するには、不当に政府業務を妨げられると思われる場合
- 協議を必要とし、これを、所定時間制限内に合理的に完了することができない場合
- 第三者情報が存在し、第三者への通知が行なわれなくてはならない場合

通知手続の表：機関の長が、30日の時間制限を延長する場合、延長の期間について、以下の当事者は、以下のように、通知を受けなくてはならない：

回答延長期間	通知送付先
30日まで	◦ 請求人
31日以上	◦ 請求人 ◦ 情報コミッショナー

関連記述：第三者情報 第15項

関連法：ATIA 節 (section) 9

## 7. アクセスの権利：料金及び保証金

緒言：本法は、アクセス請求の処理に関連する諸費用について、料金が請求されることがあると規定している。本規定は、つまらない又は不当なアクセス請求をなすと関係政府機関にとり、いかにどの費用及び時間の負担がかかるかを請求者に認識せしめ、かかる不当な請求を防ぐことを意図している。

分類：下記は、記録へのアクセス請求を行なう者に対して、料金が賦課される場合と賦課されない場合について表示する。

#### 料金賦課

- 記録の調査、検索、または作成、もしくは公開のための記録の一部の編集に要する時間が5時間を超える場合。
- 記録が、機械読取可能記録の中から作成される場合。
- コピーの複製を要する場合。

#### 無料

- 公開の対象の除外又は例外とされているかを確定するための書類の見直し。
- 統計または書類の維持。
- (請求及び記録の) 整理。
- 請求処理または一般アクセスのための便宜供与。
- 発送。

#### 方針：

- 本法は、料金の計算及び支払につき、規定されている一覧表 (Schedule) に従うことを要求している。
- 政府機関は、記録の調査または編集の前、もしくは、公開のための記録作成の前に、保証金としていくらかの金額が支払われるように要求することがある。
- 政府機関の長は、上記料金に関する裁量を有し、諸費用に関する要件の撤回、もしくは既に支払われた上記料金の返還の何れかを行なうことができる。

#### 規則：

- 全ての料金は、アクセスが付与される前に、申請者により支払われなくてはならない。
- 料金支払要件が確定された場合、機関の長は、情報請求者に対して、賦課料金額、及び、賦課額につき情報コミッショナーへ不服の申立てを行なえる当人の権利について、通知しなくてはならない。

関連記述：アクセス 第5項

関連法：ATIA 節 (section) 11

## 8. 除外 (Exemptions)

緒言：本法の基本的目的は、政府記録へのアクセスを供与することにある。しかし、一部の記録については、政府が効果的に機能できるように、アクセスの除外が必要になる。このような除外は、政府情報へのアクセス拒否の基準となる。

目的：各除外は、特定の公共または民間の権益に係わる情報を保護することを意図している。本法律の精神は除外は、公開すると不利益な効果が伴うと思われる場合に限り行使できることを強調している。

内容：情報公開法に含まれる除外は、二つの方式、つまり、除外が傷害テストまたは記録群テストを条件とするかどうかによって、及び、除外が性格的に、自由裁量または強制的なものであるかどうかによって、分類できる。

方針：

- 除外を特定情報に適用すべきかどうか不明である場合、政府機関は、アクセスを少なくするよりは、むしろ多くする方向に奨励すべきである。
- 一定の除外の適用について一貫性を確実にするために、政府機関は、その分野の具体的専門知識を有する政府機関に協議すべきである。

関連記述：

強制的除外 第8項

自由裁量的除外 第8項

傷害テスト 第8項

記録群テスト 第8項

分類表：下記のとおり、用語の意味について、概略を示す。

用語	内容	具体的語法
傷害テスト	公開が、除外で守られる特定の公共または民間権益に対して有害または損害を与えらると思われれることを証明できなければならない。	合理的に、有害になると予期できるようなものであること。
記録群テスト	情報が、特定記録群に入ることを明示できなくてはならないが、特定の傷害の証明は、必ずしも必要ではない。	除外の適用ができる情報または書類の範ちゅうを、客観的に記述するものであること。
強制的除外	政府機関が記録の公開を拒否する必要がある状況を確定している。	……の公開を拒否しなくてはならない。
自由裁量的除外	機関の長が、情報を公開するか否かの決定について、いくらかの柔軟性を持つ状況を確認する。	……の公開を拒否することがある。

要約表：本表は、本法中の各種の除外に影響する関連の節（section）要約し、政府機関の長が使用できる選択権（options）の概略を示す。

除外の種類	法に適用されない	強制的除外		自由裁量的除外
		許可公開条件なし	許可公開条件あり	
記録群型除外	節 69	節 16 (3), 24	節 13, 19, 20 (1) (A) (B)	節 16 (1) (A) (B), 18 (A), 21, 23
傷害試験型除外			20 (1) (C) (D)	14, 15, 16 (1) (C) (D), 16 (2), 17, 18 (B) (C) (D), 22
決定	否定のこと	否定のこと	条件が満たされれば付与可。	付与可

関連記述：例外（exclusion）第2項

## 9. 分離可能性

定義：分離可能性（severability）とは、公開できる記録の部分が、公開適用除外に含まれる部分から“分離”でき、その上で請求人に公表できることをいう。

目的：分離可能性は、記録に含まれる公開適用除外資料の割合が非常に少なくても、記録全体が公表されなくなってしまう状況を回避しようと意図している。

規則：合理的分離可能性の確証は、公開適用除外情報の抽出に所要する見直し、作成及び編集時間量によるべきでなく、むしろ、一旦除外資料が除去された後の書類の明瞭度により判断されるべきである。

注釈：残りの非除外情報（公開情報）の明瞭度に関するあらゆる疑義は、申請者に対する開示を奨励する方向で解決すべきである。

方針：除外情報が除去される場合、書類の元来の目的が失われることがあるが、そこに、ある情報が残っており、それ自身で明瞭であり、理解し得るものであり、請求に関連している限り、除外を、記録全体について拡大要求することはできない。

関連法：ATIA 節 (section) 25

## 10. 強制的除外

緒言：アクセスの精神においては、公開適用除外規定の大多数は、自由裁量のものである。情報公開法には、強制的な除外規定は、5つあるのみである。

定義：強制的除外は、政府機関が、記録の公開を拒否しなければならない状況を確定している。その表現としては、政府機関の長は、一定種類の情報の公開を拒否するものとする、規定している。

内容：全ての強制的除外は、節 (section) 24 (法制上の禁止) を除いて、政府機関に、一定条件が満足される場合 (例、影響を受ける第三者の同意、または、情報が一般に入手できる場合) には、情報を公表する裁量を付与する状況を規定している。

概略：5つの除外は、次に関するものである

- 他政府より、秘密裡に入手した情報
- RCMP (カナダ騎馬警察: Royal Canadian Mounted Police) 及び市警察の情報
- 他の個人に関する個人情報
- 第三者情報
- 公開に対する法制上の禁止

予告：次項以下では、強制的除外について、より詳細に記述している。

関連記述：

第三者情報 第14項～第19項

関連法：ATIA 節 (section) 13, 16.3, 19, 20.1, 24

## 11. 自由裁量的除外

緒言：自由裁量的除外の適格性を証明する情報は、本法中に記述される特定基準に基づいて、政府機関の長が、留保することができる。

定義：自由裁量的除外は、機関の長が、情報を公開するか否かを決定する上である程度の柔軟性を有する状況を確認する。その表現においては、政府機関の長は、ある種の情報の公開を拒否できると規定している。

内容：自由裁量的除外は、次の10の範ちゅうに分けられる：

- 連邦－地方関係情報
- 国際関係情報及び防衛情報
- 法施行、捜査、及び治安に関する事項
- 個人の安全に関する事項
- カナダの経済権益に関する事項
- 政府運営に関する事項
- 検査及び監査手続
- 弁護士－依頼人間の事項
- 出版予定の情報
- 情報公開法通過 3～5 年前に存在していた情報

注釈：政府機関は、各請求について、記録を公開または除外するか何れかの決定を行なう上で、前例は単に指針としてのみ用いることとし、各々の利点に関し、査定しなくてはならない。

予告：次項以下は、各自由裁量的除外を、もっと詳細に記述している。

関連記述：自由裁量的除外 第11項



関連法：ATIA 節 (section) 14, 15, 16 (1), 16 (2), 17, 18, 21, 23, 26, 27

## 12. 除外：政府の運営

内容：

- この除外は、政府内部意思決定に関連する一定記録群の情報で、その公開により、政府機関の運営に支障があると思われるものを保護する。
- この除外は、報告書作成時点で、政府に雇用されていなかった民間コンサルタントまたは顧問が作成した報告書の中にある情報を保留するために使用することはできない。すなわち、公務員（職員）が作成者でない情報は、そのことだけでは除外の対象にならず、他の除外が、その中の資料に適用されていないことを条件として、それは、公表することができる。

定義：

- 自由裁量権限とは、正式に定義された指針のない状況において下される主観的決定と定義されている。
- 裁定機能とは、使用可能な指針のある状況をいう。

目的：この除外は、政府側の責任及び裁量の保護を意図としている。

役割：大臣は、自身によりまたは自身のため作案した助言または勧告、報告または政府協議または検討、政府見解または政府交渉に関連する計画、及び、人事管理または政府機関の管理に関連する情報を公開適用から除外する選択を行なえる。

方針：本法は、自由裁量権限または、ある人物の権利に影響する裁定機能の行使に関連する情報を除外しない。

規則：除外は、情報の請求以前に、記録が存在した期間が20年未満の場合のみ、適用することができる。

注釈：政府に雇用されていないコンサルタント及び顧問の報告書は、これらの個人または企業は、実施した作業に対して報酬を支払われることを条件に、通常の政府業務過程の枠外で作業を行なう契約をしていることから、保護の対象から除外される。

関連法：ATIA 節 (section) 21

### 13. 除外：本法発布 3～5 年前に存在した情報

内容：本法発効 3～5 年前に収集または記録された情報は、除外することができる。この除外は、本法発布後 3 年間、効力を持続する。

目的：本除外は、調査を比較的最近のデータに制限することで、秩序ある、また費用効果のある段階的な情報組入れを行ない、管理費用の削減維持を図ることを意図したものである。全面的なアクセス（除外を条件とする）は、本法発効後 3 年の後に、付与される。

例：例えば、発布後の、1983 年 4 月 1 日に始まる最初の一年間は、1979 年 4 月 1 日以前に存在した記録を、除外することができる。例えば、発布後 2 年目の、1984 年 4 月 1 日に始まる年は、1978 年 4 月 1 日以前に存在した記録を除外することができる。例えば、発布後 3 年目の、1985 年 4 月 1 日以前に存在した記録の開示を拒否できるが、ただし、請求に従うことが、不当に、政府機関の運営を妨げることになると思われる場合に限られる。1986 年 3 月 31 日からは、情報公開法に従う全ての記録について、暫定規定に基づく記録の除外の根拠が存在しないことになる。

注釈：請求が、暫定規定に入ると思われる記録に関するものであっても、その情報が容易に発見、作成される場合、その請求は処理すべきものである。

関連法：ATIA 節 (section) 27

### 14. 第三者

緒言：第三者を扱っている全ての情報は、第三者により秘密裡に取扱われている政府と第三者との交渉及び契約関係の情報を含めて、公開適用から除外されなくてはならない。

定義：第三者とは、アクセス請求を行なう人物以外または政府機関そのもの以外の、全ての人物、人物の集団または組織を言う。

概略：主題の“第三者”は、次の 4 分野において、考慮することができる。

- 第三者情報
- 第三者干渉 (intervention)
- 第三者の主張 (representation)

。情報コミッショナーの勧告

予告：以下の各項には、第三者の各分野に関し、より詳細に記述している。

関連記述頁：第三者 第14～19項

関連法：ATIA 節 (sections) 20, 28, 29

## 15. 除外：第三者情報

内容：情報公開法は、強制的基準において、第三者から受理する、第三者に関連する、または第三者に影響を及ぼす金融・商業及び科学的情報が公開されないように保護する。

規則：

。政府機関は、以下を含む、請求のあった全ての記録について、公開を拒否する：

- 。第三者の企業秘密
- 。秘密の金融、商業、科学、または技術的情報

もしくは、公開により合理的に次のことが予期される情報を含む、請求のあった全ての記録について：

- 。結果的に、第三者に、実質的な財務損失または利益を与える。
- 。第三者の競争的位置を害する。
- 。第三者の契約または交渉を妨害する。

。政府機関は、次の場合、情報を公表できる：

- 。第三者の同意が得られた場合
- 。または、企業秘密を例外として、公共利益が、第三者情報に関する全ゆる強制的除外より優先される場合

。政府機関が、上記に列挙した種類の情報の何れかを含むと思われる情報を発表する意図が万一ある場合には、政府機関の長は、第三者に通知し、第三者に、公開に対する主張を表明する機会を与えてはならない。

予告：以下の各項には、第三者情報の強制的除外について、より詳細に記述されている。

関連記述頁：

強制的除外 第10項

企業秘密 第16項

干渉 (intervention) 第18項

主張 (representation) 第19項

関連法：ATIA 節 (section) 20

## 16. 除外：第三者の企業秘密

内容：本法は、政府機関は、第三者の企業秘密を包含する全ての記録の公開を拒否しなければならないと、規定している。

◦これは、記録群テストに基づく、強制的除外である。

チェックリスト：記録が、この除外について適格とされるには、その中に含まれる情報が次の基準を満足する必要がある。

項目	基準
1.	情報より構成されること。
2.	情報は、絶対的または相対的意味において秘密でなくてはならない（即ち、一人または僅かの人のみを知る）。
3.	情報の所有者は、情報を秘密として取扱う意図を持って行動していることを証明しなくてはならない
4.	情報は、産業的または商業的適用が可能でなくてはならない。
5.	所有者は、法的保護に値する権益（例、経済的利益）を有さなくてはならない。

関連記述：

強制的除外 第8項

記録群テスト 第8項

関連法：ATIA 節 (section) 20 (1) (A)

## 17. 除外：第三者秘密情報

緒言：本法は、金融、商業、科学、または技術的情報を包含する全ての記録で、第三者から提供された秘密情報であり、また、第三者により一貫して秘密裡に取扱われているものについて、強制的に除外資格を付与する。

内容：本除外は、それが、法制上の義務により、または、自発的に提供されたものの如何を問わず、会社またはその他の商業者から、政府に提供された、秘密的性格を持つ情報を保護することを意図している。

目的：その目的は、情報公開法にかかわらず、この情報を秘密に保持すべき政府の義務が確実に持続されるようにすることである。

定義：秘密情報とは、情報の所有者にとり価値を持ち、また、他者に委託されることで、その人に、当該情報を秘密に維持する義務を創出している情報を言う。

チェックリスト：記録について、この除外が適格とされるためには、その中に含まれる情報が、下記のいくつかの要素を満足しなくてはならない。

項目	要素
1.	関係情報は、金融、商業、科学、または技術的情報でなくてはならない。
2.	情報は、“秘密情報”でなくてはならない。
3.	情報は、第三者から政府機関に提供されたものでなくてはならない。
4.	情報は、第三者により、一貫して秘密裡に取扱われていなくてはならない。

規則：

- 本法発布前に受理した情報の取扱に疑義がある場合、政府機関は、アクセス請求の受理後直ちに、情報が秘密であるか否かを確認するために、適切な第三者（単または複数）に、協議しなくてはならない。
- アクセス請求の受理機関は、秘密裡に受理した可能性があると信じる情報について、その情報を提供した政府機関に、先ず協議することなく、公開を行なってはならない。

関連記述：強制的除外 第8項

第三者 第14項

関連法：ATIA 節 (section) 20 (1) (B)

## 18. 第三者干渉

内容：

- 外部筋から提供された情報または、その公開が第三者に影響する可能性がある情報を開示する前に、政府機関は、差し迫った開示の関係者に対して、事前に通知しなくてはならない。
- 第三者干渉及び通知権利は、第三者情報を含む記録が、本法に基き、公開される可能性がある場合はいつでも適用される。

規則：

- 政府機関の長が、第三者情報を含むと思われる記録の公開を意図する場合、機関の長は、第三者に対し、次の通り通知しなくてはならない：
  - 書面により
  - アクセス要請受理後30日以内に（第三者が、合理的に特定できた場合）
  - 書留郵便にて、最新の既知の宛先に、通知を送付。
- 政府機関は、第三者から書面により、権利放棄及び公開への同意を取付けなくてはならない。

方針：

- 通知要件の唯一の例外は、第三者が既に公開に同意している場合である。
- 第三者は、情報が入手された時またはその後の何れかに、意図されている公開について通知を受け、権利を放棄することができる。
- アクセス請求への回答の30日の期限は、第三者通知の要件が発生する場合には、延長することができる。

関連記述：第三者情報 第15項

時間制限 第5項

関連法：ATIA 節 (section) 28.1～28.4

## 19. 第三者の主張

緒言：政府機関は、第三者に、記録またはその一部が公開されてはならない理由について、主張を表明する機会を与えてはならない。

規則：

- 政府機関が、第三者主張にかかわらず、請求された記録の公開を決定する場合、第三者への通知には、次のような記述が含まれていなくてはならない。
- この決定の見直しについて、連邦裁判所—審理部（Trial Division）に訴える権利。
- 請求された記録は、上記見直しの申し立てがなければ、この通知送付後20日以内に、請求人に公開されること。
- 第三者主張は、書面により行なわれなくてはならないが、もしくは、機関の長が同意すれば、口頭で行なうことができる。
- 政府機関は、連邦裁判所への申し立ての20日間の期限が失効するまでは、記録を公開してはならない。

方針：第三者主張受理後、記録を公開適用除外する決定の通知は、30日以内に、当該第三者及び請求人の両方に送付されなくてはならない。

関連法：ATIA 節（sections） 28.5 ~ 28.8

連邦政府情報へのアクセス請求（書式）

本書式は、情報公開法に基き、請求を行なう際に必要となります。連邦政府情報の請求は、通常、適切と思われる省庁の情報担当部局に対して、電話、訪問、または書面請求の手段によって、行なうことができます。しかし、情報公開法に基く記録を請求したい場合には、本書式を使用して下さい。

手順1：どのような情報を入手したいのかを正確に決定する — つまり、お求めの特定記録を、できる限り狭く限定すれば、記録調査が迅速化し、料金も軽減されます。

手順2：アクセス・レジスタを参照して下さい。 — レジスタには、政府記録の内容、それらの予想される在所、及び、閲覧を希望する特定記録の確定に有用と思われるその他の情報が含まれています。アクセス・レジスタの写しは主要図書館、郵便局、及び、一定のその他政府機関で閲覧することができます。

手順3：必要な場合には援助を依頼して下さい。 — アクセス・レジスタの中で、お求めの記録を特

定できなければ、適切な省庁のアクセス・コーディネーターに直接、または電話で、または書状で接触して下さい。（アクセス・コーディネーターは全員、アクセス・レジスタに記載されています）。コーディネーターは、無料で、記録の確定をお助けします。書状で助けを依頼する場合、求める記録の確定のため、できるだけ多くの情報を書き込むようにして下さい。

手順4：御要望の記録について、次のようなできるだけ多くの具体的な詳細を示して、請求書式に完全に記入して下さい。

—主題、題目、著者及び日付

—記録の中で関心のある具体的な催事、活動、個人、企業、製品、報告、会議、決定、協定等

—アクセス・レジスタに記載されている適切な記録群を示す数字及び題目

手順5：その特定の記録群を所轄する者としてアクセス・レジスタに名前が明記されている担当官宛に、完全に記入済の請求書式を申請料 \$ 5.00 を添えて送付して下さい。また、あらかじめ手数料の支払にすすんで応じられる資料検索範囲、程度、分野等を特定し表示して下さい。この記述がない場合、作業の完了までにかかる全ての料金について、支払を要請されることとなります。

連邦政府機関名

記録の説明及び関心ある主題の話題（題目、著者、日付などできる限り詳しく）

記録群、数字及び題目（アクセス・レジスタ参照………手順2参照）

希望のアクセス法

写しを受取る 政府機関で閲覧

その他の方法（具体的に御記入下さい）

姓名

所番地、アパート 市町

地方または領 郵便番号 電話番号

申請料 \$ 5.00 をカナグ収入役（Receiver General）宛に支払われる為替または小切手の形式で、本書式に添付願います。



私は、カナダ市民として、または、1976年移民法における永久居住者としての私の資格によって、情報公開法に基く、政府記録へのアクセスの権利を有します。

署名

日付



6. Annual Report to Parliament 1986-1987

Access to Information and Privacy, June 1987

( 1986-1987 年度 CIDA の情報公開, プライ  
バシー保護関係実施状況の議会への報告  
書:原文 )





Canadian International  
Development Agency

Agence canadienne de  
développement international

# Annual Report to Parliament 1986 - 1987

## Access to Information and Privacy

June 1987

TABLE OF CONTENTS

PART I

REPORT ON ACCESS TO INFORMATION

	<u>PAGE</u>
A) INTRODUCTION .....	1
B) STATISTICAL REPORT ON ACCESS TO INFORMATION .....	2
C) PROCESSING OF REQUESTS .....	2
D) DOCUMENTATION .....	4
E) DEVELOPMENT INFORMATION CENTRE / READING ROOM .....	5
F) DELEGATION INSTRUMENT .....	6
G) INVESTIGATIONS .....	6
H) NEW SECURITY POLICY.....	6
I) CONCLUSION AND APPENDIX .....	7

PART II

REPORT ON PRIVACY

A) INTRODUCTION .....	8
B) STATISTICAL REPORT ON PRIVACY .....	8
C) DOCUMENTATION .....	9
D) DELEGATION INSTRUMENT .....	10
E) CONCLUSION AND APPENDIX .....	10

PART 1

REPORT ON ACCESS TO INFORMATION

Annual Report, 1986-1987

Access to Information Act

Canadian International Development Agency

April 1, 1986, to March 31, 1987

A. INTRODUCTION

1. CANADIAN INTERNATIONAL DEVELOPMENT AGENCY

The Canadian International Development Agency (CIDA) is the principal federal entity responsible for implementing Canada's official development assistance program. CIDA is a full federal government department, subject to the same rules and government-wide standards and practices as other government departments. The Agency is headed by a President who reports directly to the Minister for External Relations and to the Secretary of State for External Affairs.

- . The Business Cooperation Branch is responsible for providing a focal point in CIDA for Canadian companies who want to participate in international development. It supports Canadian business initiatives aimed at transferring technology as an important tool of development.
- . Bilateral or government-to-government programs are administered by the Anglophone Africa, Francophone Africa, Americas and Asia Branches.
- . Special Programs Branch supports and encourages the initiatives of over 300 Canadian non-governmental groups and institutions to play a greater role in international development.
- . Multilateral programs are the avenue through which Canada supports various United Nations agencies, development banks, humanitarian institutions and other international organizations.



Other Branches within CIDA - including Professional Services, Policy, Operations Services, Comptroller's, Personnel and Administration, and Public Affairs - provide day-to-day professional, technical and administrative support.

2. Access to Information and Privacy Unit

Under the direction of the Coordinator, Access to Information and Privacy (ATIP), the Unit plays a key role in the processing of requests, and co-ordinates all activities involving the application of acts, regulations, directives and the interpretation of laws according to Treasury Board guidelines.

3. Annual Report 1986-1987

This report outlines the Agency's activities for the period from April 1, 1986, to March 31, 1987.

B. STATISTICAL REPORT ON ACCESS TO INFORMATION

The appended statistical report (Appendix) deals with requests received under the Access to Information Act during the period covered by this report.

C. PROCESSING OF REQUESTS

The Agency received 107 formal requests and 16 requests which were treated informally.

1. Sources

The formal requests were received from the following sources:

24 from Media - refers to applications originating with reporters, magazine writers, or their researchers.

61 from Academia - refers to applications originating with students, professors, teachers or researchers operating on behalf of projects in international development carried out in universities, colleges or schools. A large proportion of the requests concerned the Evaluation Reports on active CIDA projects.

15 from Business - refers to applications originating with private business representatives on behalf of their own business, for improving their performance in the elaboration of their service in international development.

4 from Organizations - refers to applications originating with law firms, unions, associations, or lobby groups on behalf of a client or class of clients.

3 from Public - refers to applications originating with individual members of the general public seeking information on international development.

## 2. Time limits

The major causes of delays are due to the complexity of requested information. Indeed, the sensitivity of the information is such that it requires very careful scrutiny and necessitates consultations at various levels and with other government institutions, mainly External Affairs and the Posts, due to the international level of the Agency's programs.

## 3. Fees

The charges for reproduction of documents caused applicants to submit two complaints to the Information Commissioner about excessive estimated fees.

D. DOCUMENTATION

1. Organization of access to information

The Access to Information Coordinator is CIDA's Director/Planning and Systems Division in the Personnel and Administration Branch. We are currently revising the records system and updating the index of records. There is also a great deal of computerized data on projects. The Unit is responsible for administering and co-ordinating all enquiries under the Access to Information Act; it does this with the assistance of branch liaison officers. If necessary, a review committee is set up to examine all documentation pertaining to enquiries that require special study. This committee is made up of Vice-Presidents, program directors, project officers and a representative from Legal Services. Routine administration of enquiries received under the Access to Information Act and the Privacy Act, as well as liaison with the officers responsible, is handled by the Agency's fourteen liaison officers.

The Access to Information Coordinator is responsible for annual preparation of the Access Register, which provides information to the public, including a description of the organization of the Agency, details of its program/projects and a list of all manuals used in administering or carrying out its responsibilities.

2. Formal/Informal Interface

The Access to Information Act is intended to complement, not replace, existing procedures and channels for access to government information. In fulfilling its mandate of fostering international development, the Agency regularly collects, develops, analyzes and disseminates information in order to assist and inform the business community, the educational milieu and the public in general.

Generally, this information is made readily available to interested parties through sources such as publications, press releases, special reports and press interviews. The use of these regular and informal channels is encouraged to the fullest extent possible. Public requests for such published information are handled in the usual manner by Public Affairs Branch - as distinguished from those requests concerning internal documents made under the Access to Information Act.

In 1986-87, sixteen formal access requests were dealt with as informal requests. In addition, the ATIP Unit dealt with a number of informal written and verbal queries from the public, which also were ultimately disposed of on the same basis.

The Access to Information Unit works in close cooperation with the Agency's central secretariat, helping to respond to letters/requests in which the Act is involved.

Requests from the media are studied in conjunction with the Public Affairs Branch, which has the mandate and the expertise to deal with journalists. Formal access requests addressed to someone other than the Coordinator or a project officer should be forwarded immediately to the Access to Information Unit. Branch liaison officers are responsible for forwarding the request to the Unit, which will determine as quickly as possible what follow-up action is to be taken.

E. DEVELOPMENT INFORMATION CENTRE/READING ROOM

At present, the Development Information Centre (DIC) provides a place where the public, after making arrangements with the Access to Information Unit, may consult manuals and CIDA guides. The DIC has collections on such subjects as:

- socio-economic, political and cultural aspects of most of the countries of Africa, the Americas and Asia;
- current development issues, such as aid, North-South dialogue, rural development, the food situation, the role of women, technology transfer and specific sectors of economic and social activity;
- Canadian aid to development;
- the major international and regional development agencies.

The fact that the Access to Information and Privacy Unit is physically located on the same floor ensures that the necessary expertise is always available to visitors, whether it be to assist them in the completion of access to information or privacy requests, or to provide elaboration/interpretation on various aspects of the legislation.

#### F. DELEGATION INSTRUMENT

The President and the Senior Vice-President exercise the powers and perform the duties and functions of the Minister as head of CIDA under the Access to Information Act.

#### G. INVESTIGATIONS

Four complaints were submitted to the Information Commissioner. The investigations are still ongoing.

#### H. NEW SECURITY POLICY

The new security policy of the Government of Canada was announced on June 18, 1986. It makes major changes to the current system of classifying and protecting information as well as to the personnel screening system.

A number of actions have been taken to implement the provisions of the new security policy:

- appointment by the President of a Senior Coordinator for the implementation of the new security policy, and designation of a number of senior managers in each branch to assist employees in complying with the new classification guidelines.
- preparation of a Classification Guide and distribution to designated officials. An abridged version of the Guide has been prepared for distribution to all employees.
- preparation and publication of Personnel Security Policy for the Agency.
- numerous briefing sessions for managers and employees.

This is an enormous project which will require the cooperation of everyone to ensure its success. The Senior Coordinator and her advisors, the Director of Security and the Advisor on Access to Information and Privacy are involved in the implementation of the new Security Policy Guidelines.

## I. CONCLUSION

The Access to Information Act gives any Canadian citizen or permanent resident of Canada the right to examine or obtain copies of records of a federal government institution except in limited and specific circumstances.

The Agency's Public Affairs Branch prepares and publishes a great deal of material to inform the public of international development assistance programs.

In keeping with the Agency's mandate, the emphasis is placed on information to the general public.

You can reach the Coordinator, Access to Information and Privacy, at (819) 997-1413 for any interpretation or additional information on this report.



REPORT ON THE ACCESS TO INFORMATION ACT

Institution Canadian International Development Agency (CIDA)	Reporting period April 1986/March 1987
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Media	24	Academia	65	Business	17	Organization	7	Public	10
-------	----	----------	----	----------	----	--------------	---	--------	----

I Requests under the Access to Information Act		II Disposition of requests completed			
Received during reporting period	123	1. All disclosed	99	6. Unable to process	4
Outstanding from previous period	2	2. Disclosed in part	7	7. Insufficient information	
TOTAL	121	3. Nothing disclosed (excluded)		8. Abandoned	3
Completed during reporting period	121	4. Nothing disclosed (exempt)		9. Does not exist	2
Carried forward	2	5. Transferred		10. Treated informally	6
		TOTAL			121

III Exemptions invoked				IV Exclusions cited	
S. 13(1) (a)		S. 16(1) (d)		S. 20(1) (c)	3
(b)		S. 16(2)		(d)	
(c)		S. 16(3)		S. 21(1) (a)	3
(d)		S. 17		(b)	
S. 14		S. 18 (a)		(c)	
S. 15(1) Internat. rel.		(b)		(d)	
Defence		(c)		S. 22	
Subversive activities		(d)		S. 23	
S. 16(1) (a)		S. 19(1)	1	S. 24	
(b)		S. 20(1) (a)		S. 25	
(c)		(b)		S. 26	

V Completion time	
30 days or under	113
31 to 60 days	3
61 to 120 days	1
121 days or over	4

VI Extensions		
	30 days or under	31 days or over
Searching		
Consultation		
Third party		
TOTAL		

VII Translations	
Translation requested	
Translation prepared	English to French French to English

VIII Method of access	
Copies given	
Examination	
Copies and examination	

IX Fees		
Net fees collected		
Application fees		515
Reproduction		
Searching		
Preparation		700
Computer processing		
TOTAL		1,215
Fees waived	No. of times	\$
\$25.00 or under		\$
Over \$25.00		\$

X Costs	
Financial (all reasons)	
Salary	\$
Administration (O and M)	\$59,995
TOTAL	\$59,995
Person year utilization (all reasons)	
Person year (decimal format)	

XI Complaints to info. commissioner	
Complaints activity	
Outstanding from previous period	
No. initiated during reporting period	3
Number completed during period	
Number carried forward	

Complaints to Information Commissioner (con't)	
Reasons for complaints	
Non-disclosure	
Fees	
Extension	
Publication	
Denial of translation	
Time to prepare translation	
Other	
Certificates produced	

Complaints to Information Commissioner (con't)	
Disposition of complaints	
Complaint unjustified	
Concurrence with institution	
No finding	
Recommendation accepted	
Recommendation rejected	
XII Appeals to Federal Court	
Outstanding from previous period	
Number initiated during period	
Number completed during period	
Number carried forward	

PART 11  
REPORT ON PRIVACY



Annual Report, 1986-1987

Privacy Act

Canadian International Development Agency

April 1, 1986 to March 31, 1987

A. INTRODUCTION

The Canadian International Development Agency is responsible for most of the Government of Canada's programs of assistance to developing countries.

Under the direction of the Co-ordinator, Access to Information and Privacy, the Unit plays a key role in the processing of requests, and co-ordinates all activities involving the application of acts, regulations, and directives and the interpretation of laws according to Treasury Board guidelines. The record system itself is subject to ongoing scrutiny to ensure all procedures for the collection, use, retention and storage of information are in conformity with the Privacy Act legislation and applicable sections of Treasury Board directives and guidelines.

This report outlines the Agency's activities for the period from April 1, 1986 to March 31, 1987.

B. STATISTICAL REPORT ON PRIVACY

1. The appended statistical report covers requests received under the Privacy Act.

2. Processing of requests

The Agency received eleven formal requests -- from employees wanting to receive a copy of their standard banks.

C. DOCUMENTATION

1. Personal Information

The Agency has always been very open in its approach to giving people access to their records. If an employee wishes to consult his/her personal file, he/she may do so upon written request to the Personnel Operations Directorate. An appointment will be scheduled to let the employee review his/her personal file in the presence of an authorized representative of the Personnel Operations Directorate.

2. Briefing Sessions

Briefing sessions are held for Agency staff and these emphasized that all information contained in personal information banks must be used only for the Index and that no new personal information banks were to be created without proper authority. In other words, all personal information must be in the employee's personal bank.

3. Operating costs

The enquiries that we received were so straightforward that the time spent on them by staff was negligible. Briefing costs and time spent by staff was applied in full to Access to Information since that was the primary focus of the briefing sessions.

4. Disclosure under 8(2)(e) of the Privacy Act

Paragraph 8(2)(e) of the Privacy Act provides that personal information may be disclosed to specified investigative bodies on the written request of that body for the purposes of law enforcement or lawful investigations. The nature of these requests requires that adequate control be maintained over disclosures. In all cases, replies to requests under Section 8(2)(e) of the Privacy Act will be

for the signature of the Agency's President or Senior Vice-President only. A record of such requests and disclosures will be maintained for review by the Privacy Commissioner.

D. DELEGATION INSTRUMENT

The President and the Senior Vice-President exercise the powers and perform the duties and functions of the Minister as head of CIDA under the Privacy Act.

E. CONCLUSION

You can reach the Privacy Co-ordinator at (819) 997-1413 for any interpretation or additional information on this report.



REPORT ON THE PRIVACY ACT

Institution Canadian International Development Agency (CIDA)	Reporting period April 1986 / March 1987
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I Requests under the Privacy Act		II Disposition of requests completed			
Received during reporting period	11	1. All disclosed	11	6. Insufficient information	
Outstanding from previous period		2. Disclosed in part		7. Abandoned	
TOTAL	11	3. Nothing disclosed (excluded)		8. Does not exist	
Completed during reporting period	11	4. Nothing disclosed (exempt)		9. Transferred	
Carried forward		5. Unable to process		TOTAL	11

III Exemptions invoked				IV Exclusions cited			
S. 18 (2)		S. 21		S. 23 (b)		S. 69 (1) (a)	
S. 19 (1) (a)		S. 22 (1) (a)		S. 24		(b)	
(b)		(b)		S. 25		S. 70 (1) (a)	
(c)		(c)		S. 26		(b)	
(d)		S. 22 (2)		S. 27		(c)	
S. 20		S. 23 (a)		S. 28		(d)	
						(e)	
						(f)	

V Completion time		VI Extensions			VII Translations			VIII Method of access	
30 days or under		Interference with operations	30 days or under	31 days or over	Translation requested		Copies given		
31 to 60 days			Consultation						
61 to 120 days			Translations		French to English	Copies and examination			
121 days or over			TOTAL						

IX Correction and notation		
Corrections requested <input type="checkbox"/>	Corrections made <input type="checkbox"/>	Notation attached <input type="checkbox"/>

X Costs	
Financiel (all reasons)	
Salary	\$
Administrative (O and M)	\$
TOTAL	\$
Person year utilization (all reasons)	
Person year (decimal format)	

XI Complaints to privacy commissioner	
Complaints activity	
Outstanding from previous period	
Number initiated during period	
Number completed during period	
Number carried forward	
Reasons for complaints	
Use and disclosure	
Non disclosure	
Extension	
Publication	
Denial of translation	
Time to prepare translation	
Other	

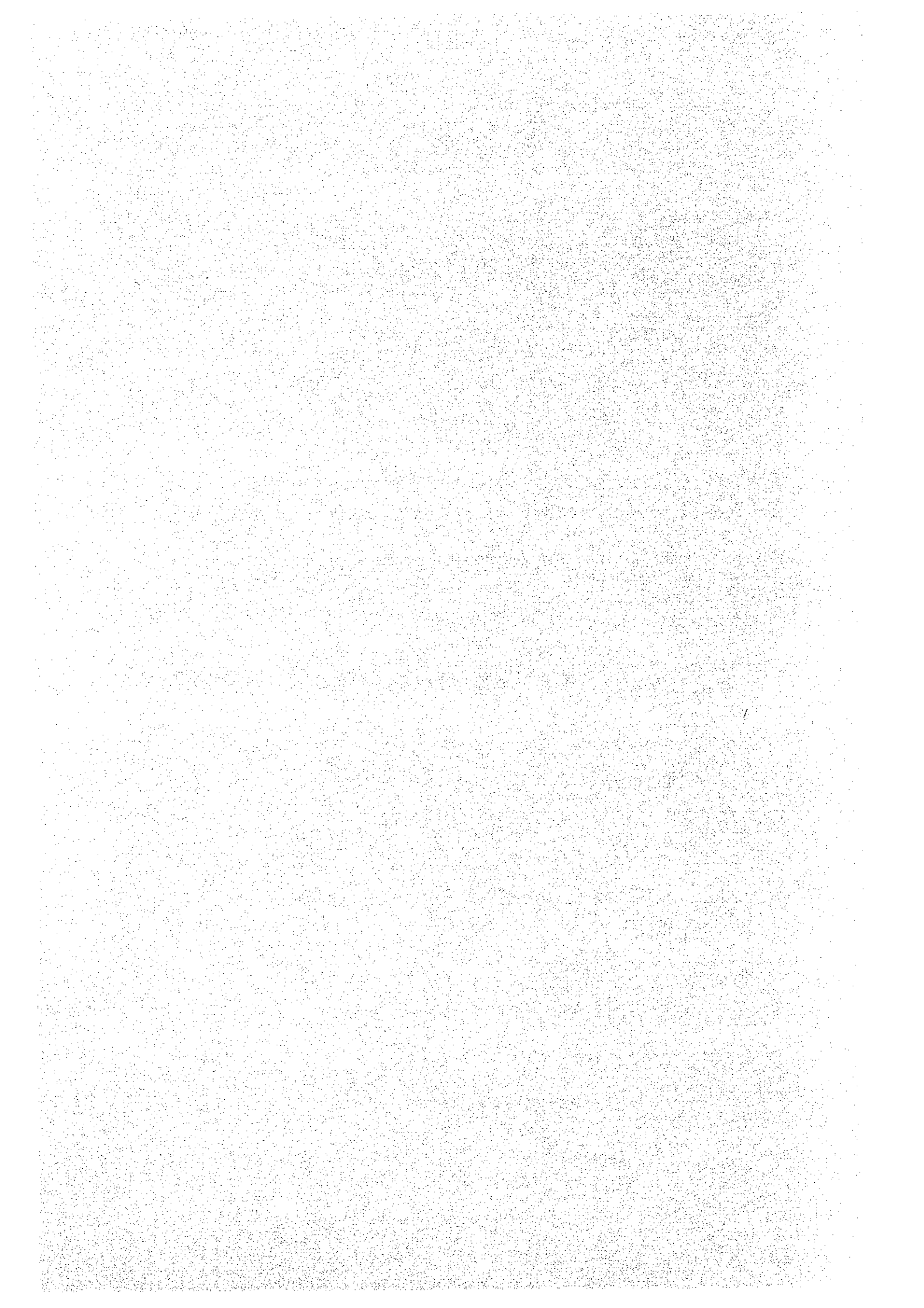
Complaints to privacy commissioner (con't)	
Disposition of complaints	
Complaint unjustified	
Concurrence with institution	
No finding	
Recommendation accepted	
Recommendation rejected	

Number of new exempt banks	
----------------------------	--

XII Appeals to Federal Court	
Outstanding from previous period	
Number initiated during period	
Number completed during period	
Number carried forward	

7. Access Register 1987 抜すい

(カナダ情報公開法利用のため  
の市民用手引“アクセス・レ  
ジスター1987年版”抜すい)

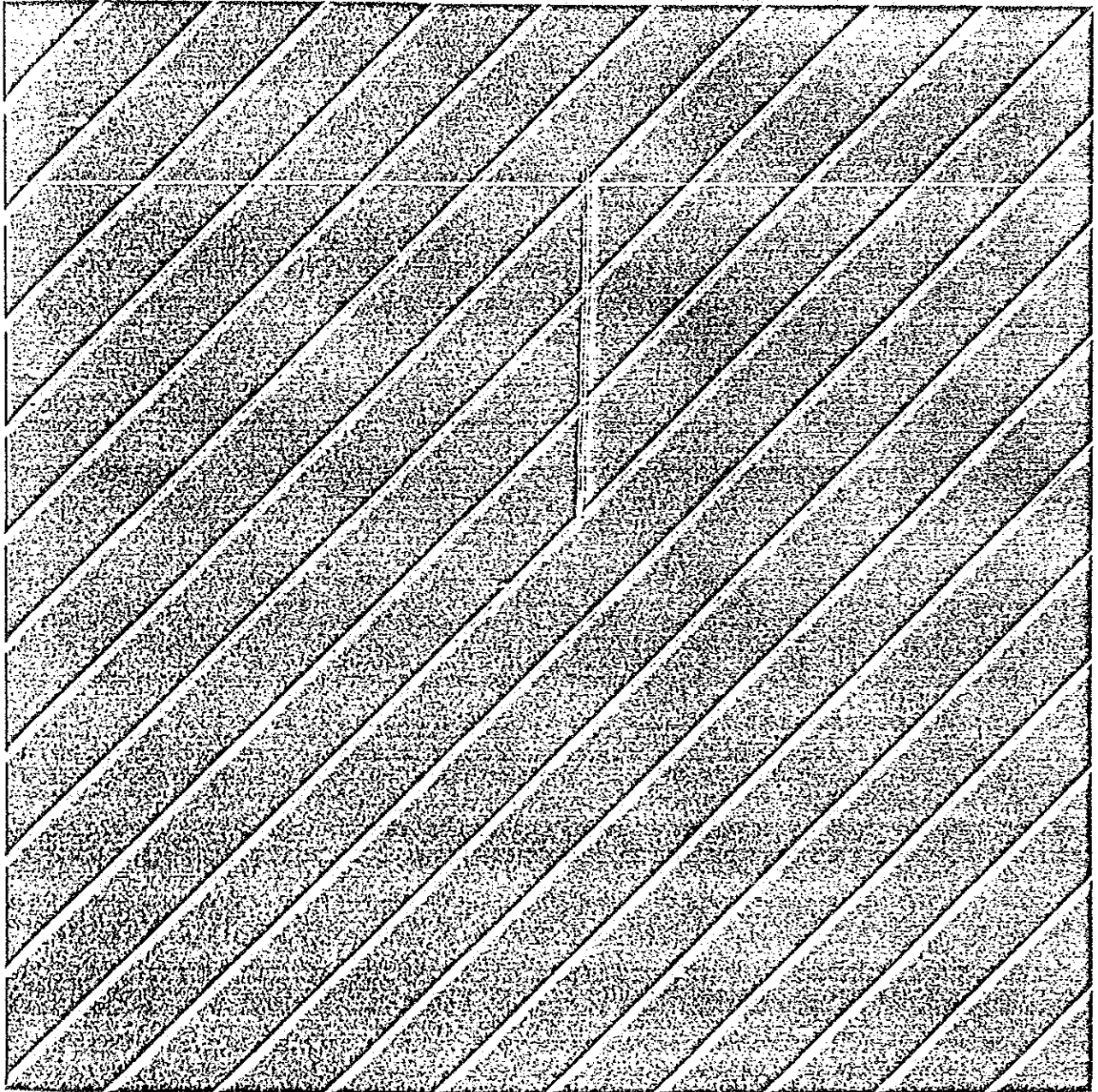




Government of Canada    Gouvernement du Canada

Access to Information Act

# Access Register 1987



## Table of Contents

I.	Introduction.....	iii
II.	Standard Classes of Records.....	ix
III.	Subject Index.....	xiii
IV.	Classes of Records by Institution  (This section contains chapters 1 to 105. Each chapter is paginated individually.)	
V.	Cross-Reference Index of New and Former Identifiers	



## Introduction

### The Access Register — what it is

The Access Register, hereafter referred to as the Register, is an annual publication of the federal government. Required under the *Access to Information Act*, the Register provides a current description of information held by those federal government institutions (departments, agencies and Crown corporations) which are affected by the Act.

### The Access Register — a tool

The Access Register is designed to help members of the public exercise their rights under the *Access to Information Act*. A formal request for information made under the *Access to Information Act* should be made on an Access to Information Request Form. Copies of this form are included in the green display box with the Register.

Government institutions may give you access to the information held in their files without a formal request under the *Access to Information Act*. You may wish to request the information informally by telephoning or writing to the appropriate institution before you make a formal request.

If you are seeking access to personal information about yourself, use the *Privacy Act*. This Act governs access to personal information, and you may use it to gain access to information about yourself. The Index of Personal Information provides guidance on how to apply for access to personal information.

### The Access to Information Act

Passed by Parliament in July 1983, the *Access to Information Act* is the law which gives Canadians (Canadian citizens and permanent residents of Canada within the meaning of the *Immigration Act*, 1976) the right to have access to information held by the federal government.

Most information is available to the public. Information already published, and which is easily accessible through libraries, public affairs offices, museums, and publicly accessible computer enquiry systems is not generally available by formal request under the *Access to Information Act*. If you apply for such information, you will likely be referred to another source, such as a library or bookstore. There are other exceptions:

- information collected by non-federal institutions, such as provincial and municipal governments, and by some private institutions; and
- information damaging to defence, external relations, the economy, or law enforcement, and confidential business information.

Information directly connected with Cabinet, including Cabinet papers or records of decision, is excluded from access under the *Access to Information Act*.

## Using the Access Register

Once you are familiar with the organization of the Access Register, it's easy to use. Before you start, it's worth spending a few minutes reading the description of the major sections of the Register, along with the step-by-step approach.

### A. Important Terms to Understand Before You Use the Register

#### Access Co-ordinator

Within each institution covered by the *Access to Information Act*, an Access Co-ordinator is designated to handle all requests for information made under the Act. This person is also available to answer questions concerning your application or the information you want to see.

#### Chapter

Section IV of the Register consists of more than 100 chapters; one for each institution covered by the *Access to Information Act*. The format and general contents of each chapter are described below under "B. Organization of the Register".

#### Class of Records (CoR)

This is the term used to describe clusters of similar types of information held by institutions. The information within a Class of Record may be stored in the form of letters, reports, microfilm, computer tapes or disks, to name a few. The grouping of information into a Class of Record is based on subject matter.

#### Class of Records Number

The Class of Record (CoR) number is the number which, in addition to the name of the CoR, precisely identifies that CoR. The format of each CoR number is the same. For example:

DOC/BCI-220

DOC = the institutional identifier for the Department of Communications

BCI = the identifier for the Broadcasting and Cultural Industries Branch of the Department of Communications

220 = the identifier for the precise Class of Record called "Film, Video and Sound Recording Policy and Programs"

#### Standard Class of Record

Some Classes of Records contain subject matter which is similar for all institutions, such as records on personnel, finance, purchasing and property control. Because of their broad nature, these "Standard CoRs" are described in Section II of the Index, rather than in each institutional chapter.

## Deleted Class of Record

At the end of some chapters, there is a list of those CoRs which no longer exist. In cases where the information previously held in these CoRs is now held in other CoRs, the relevant CoR is listed beside each deleted CoR.

## B. Organization of the Register

The Access Register consists of five major sections, each of which is briefly described below.

### I Introduction

The main purpose of the introductory pages is to illustrate how to use the Register. Relevant background information about the *Access to Information Act* and the procedures for registering complaints are also included in this section.

### II Standard Classes of Records

This section provides a description of information which is similar for each government institution, such as information on administration, finance, and materiel management.

### III Subject Index

The Subject Index is easy to find — it appears in the bright green pages located near the beginning of the Register. It is organized by both general and specific subjects, and provides an easy way of locating the specific CoR in which the required information is found. At the end of the Subject Index is a list of the unique institutional identifiers for all institutions in the Register.

### IV Classes of Records by Institution

This is by far the largest section, consisting of more than 100 chapters. Chapters are organized alphabetically; there is one chapter for each government institution affected by the *Access to Information Act*.

Each chapter contains the following material, organized as presented below:

- an organization chart, which gives a graphic view of the major functions of the institution, and which identifies the CoRs held by that institution;
- a description of the institution's programs and activities;
- information on how to access information from that institution; and
- a listing, in numerical order, of the CoRs maintained by the institution.

### V Cross-Reference Index of New and Former Identifiers

The last section of the Register is a cross-reference index which relates the current CoR numbers to those used in 1986. Only those CoRs that have changed since 1986 appear in the cross-reference index.

## C. Getting the Most Out of the Register: A Step-by-Step Approach

The following paragraphs are intended to help those who are unfamiliar with the Register learn how to use it quickly and effectively. It may also be useful as a "refresher" for those who use the Register only occasionally.

To illustrate the process, an example is followed through from beginning to end of this eight-stage process.

### The Example

*You are interested in the Canadian film industry. Perhaps you are a film student, or an avid movie fan who wants to know more about the Canadian film and video industry.*

*More specifically, you would like to know what studies the Canadian government has commissioned on the state of the film and video industry.*

#### 1. Prepare Yourself

If you think that the material you want might be published and available through a bookstore, library or other institution, you should consider writing to or telephoning the Access Co-ordinator in the appropriate institution to enquire about that before you use the Register. You might save yourself both time and money by following this preliminary step.

Once you decide to use the Register, you will need the Access to Information Request Form, located in the green display box with this Register.

#### 2. Identify the Appropriate Federal Government Institution

If you know which institution holds the information you want, proceed to Stage 3. If not, you should use the Subject Index to help.

The Subject Index contains key words which relate to a wide range of subject matter found in the various classes of records held by government institutions. It's easily recognized by the bright green colour of its pages.

### The Example

... when you look up "film and video" in the Subject Index, you see that there are many key words that relate to that subject. Examination reveals that only a few relate directly to your particular interest — Canadian film and videotape productions. You can reduce your choice to several key words that interest you.

### 3. Note the Class of Record Number(s) You Want to Investigate

In the Subject Index, a CoR number is displayed beside each key word. If you plan to investigate more than one key word and CoR number, it's worth jotting the numbers down on a piece of paper before beginning your investigation.

#### The Example

... some key words and corresponding CoR numbers you would find are ...

Films and video policies concerning	DOC/BCI-220
conferences and special projects	NFB/COM-015
co-production treaties	CFD/ADM-010

### 4. Locate the Appropriate Chapter

As described earlier, the first three letters of the CoR number identify the federal institution that holds the information. If you can't tell from the three letters which institution it is, refer to the Listing of Unique Institutional Identifiers, located at the end of the Subject Index. At the beginning of Section IV, "Classes of Records by Institution", a chapter number is listed beside each institution's proper name.

#### The Example

... you have three different identifiers, which, when located in the Listing of Unique Institutional Identifiers, indicate to you the proper names for the institutions. Then you may look them up in the Chapter Index:

Institutions:	I.D.	Chapter
Canadian Film Development Corporation	CFD	19
Communications, Department of	DOC	37
National Film Board	NFB	76

### 5. Find the Class of Record Description

Once you have identified the chapter(s) you require, turn to them to locate the description for each Class of Record held by the institution in question. The organization chart at the beginning of the chapter will show you how the CoRs are distributed among the institution's various administrative units. Each chapter has its own internal page numbering system.

#### The Example

... one of your CoR numbers is found in Department of Communications, Chapter 37. Turn to Chapter 37, skim past the organization chart, and the General Information to the section entitled Classes of Records. Look through the CoRs — organized in numerical order — for the one in which you are interested in: DOC/BCI-220.

### 6. Read the CoR Description

A quick read through the description will help you determine if this is the CoR you want, or whether you should move on to another.

#### The Example

... when you read the description of DOC/BCI-220, you will see that it likely does contain some of the information you are after. You may still wish to check the other CoRs you noted.

### 7. Complete the Access to Information Request Form

If possible, use the Request Forms available with this Access Register when making a request for information, following the instructions on the form.

If you don't use a form, you may submit your request in writing on a sheet of paper. You must state clearly that you are requesting information under the *Access to Information Act*, and include the following vital information:

- the name of the government institution holding the information you require;
- the CoR number(s) you are interested in;
- a description (as specific as possible) of the records you would like to see;
- your preferred method of viewing the records (e.g., do you want to: receive copies of the original documents; view the originals in the government office where they are located; or use some other method?);
- complete identification: your name, street address, city or town, province or territory, postal code, telephone number(s), and your signature;
- the date of the request.

#### The Example

... a sample of a completed form for the example we have followed appears at the end of the Introduction.

### 8. Enclose Payment of \$5 with Your Application

A fee of \$5, made payable to the Receiver General for Canada, must be enclosed with each application made under the *Access to Information Act*. For this minimum fee, up to five hours of time will be spent in searching, retrieving and preparing information related to your request. You will be notified before any additional expenses are incurred (including copying charges, computer fees, and time in excess of five hours), and you may be asked to make a deposit.

The mailing address and telephone number of the Access Co-ordinator for each government institution appears under the heading "Access Procedures" in that institution's chapter.

## Once You Have Made a Request

Under the Act, you should be contacted within 30 days of the government institution receiving your request. One of two scenarios will apply:

- Your request is accepted:
  - if the information you requested is available to you under the Act, you will either receive it, or receive word that it is being processed. If necessary, you may be given a fee estimate for work in excess of five hours and computer and/or copying expenses required to process your request. If your request requires major research or processing, you may be notified that an extension past 30 days is required to process it.
- Your request is denied for one of two reasons:
  - the information you requested does not exist; or
  - it is exempt or excluded from the provisions of the *Access to Information Act*. In this case, you may wish to take further action. Refer to the complaint procedure outlined below.

## Other Information

### Help

If you need help in using the Access Register or the Request Form, or if you would like assistance in determining whether the information you want is available to you under the Act before you make a formal request, you should contact the Access Co-ordinator in the government institution you think holds the information you want. Addresses and telephone numbers for each Access Co-ordinator are found under the heading "Access Procedures" in each chapter. More general information about the *Access to Information Act* and the *Privacy Act* may be obtained by contacting:

Communications Division  
Treasury Board of Canada  
9th Floor, L'Esplanade Laurier  
East Tower - 140 O'Connor  
Ottawa, Ontario  
K1A 0R5

Telephone: (613) 957-2400

## Complaint Procedure

If you feel that your request was processed too slowly or was too costly, or that your request was wrongly denied, you may complain in writing to:

The Office of the Information Commissioner  
Place de Ville, Tower B  
14th Floor, 112 Kent Street  
Ottawa, Ontario  
K1A 1H3

The Information Commissioner will investigate your complaint and make recommendations to the institution as to the validity of your complaint. If you are still not satisfied with the results, you may take your case to the Federal Court within 45 days of receiving the Commissioner's report.



Government of Canada / Gouvernement du Canada

Access to Information Act

Access to Information Request Form

For official use only

Use of this form will help speed your access to records under the Access to Information Act. Requests for federal government information can ordinarily be made by means of a telephone call, a visit, or a written request to the appropriate government information office. There is a fee of \$5.00 for making a formal request under the Access to Information Act.

**STEP 1: Decide exactly what information you want** - You can facilitate the search for records and reduce fees by defining as narrowly as you can the particular records you are looking for.

**STEP 2: Consult the Access Register** - The register contains descriptions of government records, their probable location and other information which will likely assist you in identifying the particular records you wish to see. A copy of the Access Register is available at major libraries, post offices, and government information offices.

**STEP 3: Ask for assistance if necessary** - If you are unable to identify the records you are looking for in the Access Register, contact the Access Co-ordinator of the appropriate department, either in person, by telephone or by letter at the address shown in the Register. The Co-ordinator will assist you in identifying the records.

**STEP 4: Complete this Request Form**, providing as many specific details as you can about the desired records, such as:

- subject, title and date;
- specific events, activities, individuals, corporations, products, reports, meetings, decisions, agreements, etc., of interest in the records;
- the number and title of the appropriate class of records, as listed in the Access Register.

**STEP 5: Send in the completed Request Form or written request with an application fee of \$5.00**, payable by money order or cheque to the Receiver General of Canada, to the appropriate officer identified in the Access Register. Unless you have already indicated what you are willing to pay for, you will be asked to authorize any fees that may be charged before the work is completed.

Federal Government Department, Agency or Crown Corporation

Department of Communications

Identification number and title of class(es) of record(s) (see step 2)

DOC/BC1 - 220 Film, Video and Sound Recording, Policy and Programs

Description of records and topics of interest (see step 4)

I would like to see all Consultants' reports commissioned since 1980 concerning Canadian film and video productions.

I wish to:

- Receive copies of the original     Examine original in government office     Other method (please specify)

Identification of applicant

Name

Street address, apartment

City or town

Province, territory or other

Postal Code

Telephone number(s)

I have a right of access to government records under the Access to Information Act by virtue of my status as a Canadian citizen, a permanent resident within the meaning of the Immigration Act, 1976, or by Order of the Governor in Council pursuant to subsection 4(2) of the Access to Information Act.

Signature

Date

Canada

Français au verso

TBC 350-57 (Rev. 85/8)

## II. STANDARD CLASSES OF RECORDS

## Standard Classes of Records

The following section describes the subject matter of certain records which are common to most federal departments and agencies, such as personnel records, financial records, purchasing and property control records, materiel management and central services. Individuals seeking access to the Standard Classes of Records of a particular institution, should forward their access requests to the address given under the Access Procedures heading of the appropriate chapter.

901

### Administration

*Description:* Administration generally; accidents generally; motor vehicle accidents; agreements; appreciation; complaints and enquiries; associations, clubs and societies; audit, review and evaluation; badges, emblems and flags; bilingualism and biculturalism; cafeterias and eating facilities; campaigns and canvassing; ceremonies and celebrations; circulars, directives and orders; committees; conferences, meetings and symposia; corporations, companies and firms; emergency measures; inventions, patents and copyrights; licences and permits; parliamentary matters; plans and programs; reports and statistics; visits and tours.

902

### Acts and Legislation

*Description:* Acts and legislation — general, departmental, federal, foreign and provincial.

903

### Administration and Management Services

*Description:* Administrative and management services generally; correspondence management; duplication services; electronic data processing; forms management; information services; legal services; library services; mail, messenger and postal services; management services; records management; security services; telecommunications; travel and transportation services; secretarial, typing and word processing services; translation services.

904

### Co-operation and Liaison

*Description:* Co-operation and liaison generally and at the federal, international, provincial, university, college and school levels.

905

### Buildings and Properties

*Description:* Buildings and properties generally; accommodation; accounting and inventories; planning and requirements; reports and statistics.

906

### Buildings

*Description:* Buildings generally; acquisition; alterations and repairs; construction; contracts; damages; disposal; fires and fire prevention; and maintenance.

907

### Lands

*Description:* Lands generally; acquisition; concessions; development; disposal; fencing; flood control; landscaping; parking areas; roads; streets and sidewalks.

908

### Utilities

*Description:* Utilities generally; air conditioning; electric power; water and sewage; garbage disposal; gas and oil; heating; lighting; plumbing and ventilation.

909

### Equipment and Supplies

*Description:* Equipment and supplies generally; accountability and inventories; catalogues; clothing; disposal and surplus; food; forms; fuels; laboratory; loans; maintenance and repairs; price lists and stationary.

910

### Furniture and Furnishings

*Description:* Furniture and furnishings generally; beds and bedding; chesterfields and sofas; drapes; filing cabinets; household and office furniture and furnishings; and pictures.

911

### Office Appliances

*Description:* Office appliances generally; calculators; data processing hardware; duplicating equipment; photographic and microfilming equipment; recorders and typewriters.

912

### Procurement

*Description:* Procurement generally; contracts; local purchase orders; procedures and regulations; requisitions and standing offer agreements.

913

### Vehicles

*Description:* Vehicles generally; air, land and water vehicles; insurance; maintenance and repairs; operating standards; registration and licences.

914

### Finance

*Description:* Finance generally; agreements and arrangements; allotments and transfers; allowances; banks and banking; cheques; claims; contracts; currency; encumbrances; expenditures; fees; funds; revolving funds and working capital advances; grants; signing authorities; taxes and travel allowances; and expenses.

915

### Accounts and Accounting

*Description:* Accounts and accounting generally; cash accounts; accounts payable; accounts receivable; and standing advances.

916

**Audits**

*Description:* Auditor General reports and internal audit reports.

917

**Budgets**

*Description:* Budgets generally; estimates and supplementary estimates; and program forecasts.

918

**Personnel**

*Description:* Personnel generally; accidents and injuries; appointments; attendance; awards and honours; Corps of Commissionaires; establishment; hours of work and overtime; leave and holidays; promotions and reclassifications; regulations and directives; reports and statistics; retirements; and separations.

919

**Classification of Positions**

*Description:* Classification generally; audits; category and group; individual positions; and standards.

920

**Employment and Staffing**

*Description:* Employment and staffing generally; applications; casual and term employees; competitions; programs; recruitment; requests for staffing action; and summer students.

921

**Human Resources**

*Description:* Human resources generally; career management; inventories; performance appraisal; reports and statistics; requirements and utilization.

922

**Occupational Health, Safety and Welfare**

*Description:* Occupational health, safety and welfare generally; counselling; health units; medical examinations; nursing services; recreation and sports; and surveys.

923

**Official Languages**

*Description:* Official languages generally; identification and designation of bilingual positions; language requirements program; recruitment; and replacements.

924

**Pensions and Insurance**

*Description:* Pensions and insurance generally; superannuation plans; Canada Pension Plan; Québec Pension Plan; reciprocal transfer agreements; federal, provincial and private hospital and medical insurance plans; death benefit plan; disability insurance and unemployment insurance plans.

925

**Salaries and Wages**

*Description:* Salaries and wages generally; acting pay; deductions; pay rates; pay system; performance and senior merit pay; regulations; salary revisions; and severance pay.

926

**Staff Relations**

*Description:* Staff relations generally; adjudication; bargaining agents; collective agreements and interpretations; discipline; grievances; managerial and confidential exclusions; and union relations.

927

**Training and Development**

*Description:* Training and development generally; attendance; course content; course evaluations; individual courses; language training; nominations; plans; schedules and directives; and types of courses.



## フランス編

### 1. JICA's Study about Freedom of Information Provisions of Aid Agencies in France

(フランス現地コンサルタントの報告書：原文及び仮訳  
フランス情報公開法「行政と公衆の関係改善に関する  
法律」第一章「行政文書へのアクセスの自由」を含む。)



**JICA'S STUDY ABOUT  
FREEDOM OF INFORMATION  
PROVISIONS OF  
AID AGENCIES IN FRANCE**

**JC. Bouvier**

JICA'S STUDY ABOUT FREEDOM  
OF INFORMATION PROVISIONS OF AID AGENCIES IN FRANCE

STUDY PLAN

- I - Answers to the questionnaire.
- II - Presentation of the French documentation center.
- III - The French juridical norms hierarchy.
- IV - The access to administrative documents in France from a juridical point of view.
- V - Appendixes :
  - 1 - Ministry of Co-operation communication and documentation structure,
  - 2 - Summarized chart of the Ministry of Cooperation,
  - 3 - IBISCUS system,
  - 4 - The 17th of July 1978 act,
  - 5 - Decree relative to the composition of the "Committee for Access to Administrative Documents",
  - 6 - Summarized Departmental order related to the enforcement of the 17th of July 1978 act,
  - 7 - Summarized circular related to the enforcement of the law mentioned above.

## I - Answers to the questionnaire

Question 1 - Are there any laws, ordinances , or by-laws to ensure access to information related to O.D.A. and what is the basic philosophy of your government or its organizations as to such freedom of information ?

### The juridical point of view

The communication department of the Ministry of Cooperation has been created by an ordinance emanating from the Minister of Cooperation (any ministerial structure has to be created by an official ordinance).

Its mission which is bound to the will of the Minister, is to inform, to make the ministry's actions known by the public (see appendix 1).

The department of communication is more active now (since 1986) and has created a logo.

For a general juridical point of view about the access to administrative documents, see §IV.

### The basic philosophy

The basic philosophy of the Ministry regarding the freedom of information, consists in a more intensive circulation through leaflets and booklets of general information on each activity of the Ministry (Ministry's actions, actions sphere, some figures ...).

As Mrs Keo-Kosal said, a leaflet is the first answer.

- . where does the Ministry work,
- . when,
- . with what kind of means ?

A documentation center and a telematic system of information about developing countries called IBISCUS participate in this effort of information, and help the private partners of the Ministry to be in a good position to be involved in the French Cooperation policy.

The specific information regarding the very specific projects are not reported to the public (are housed in the library of the Documental Department). For instance, the Department of health is working in Cotonou (Benin), the French Government gives funds to build an hospital.

Some general information related to this aid, will be reported to the public, but all the problems regarding this project will not be revealed.

As Mrs. Keo-Kosal said, the public does not need to know the problems which occur around the projects. That is the main source, even if the policy of the Ministry moves with government changes. (It changed in 1986, since this date, the Ministry of Cooperation follows a new policy.).

If a journalist asks for detailed information about a project, Mrs Keo-Kosal will recommend him to come and see the Geographical Chargé de Mission in charge of the project. But this has never occurred since she is in charge of the communication department.

Only general information are requested by schools and people from the communication department, except those emanating from the Parliament, which are very definite.

Question 2 - What type of information does your organization open to the public and what methods and means does your organization adopt to assure such freedom of information ?

#### The opened information

It generally depends on the will of the Minister's Departmental staff (the principal private secretary) to open the information to the public or not from a general point of view. For instance, information relative to the Ministry's budget are reported to the press.

Moreover, the Department of Communication is now, directly linked with the Minister's departmental staff (see appendix 1). As it has been precised in question 1, only general information are opened to the public (detailed information are, as we will examine in question 3, partly opened).

#### The method and means

The public can have access to the "opened information" through leaflets and booklets which are free, a documentation center (opened to the public :see question 10<sub>/2</sub> and appendix 1) which depends on the documentation department (see appendix 1). This documentation center was created 30 years ago.

The duplicates of documents housed in the Ministry's library (documentation center) must be paid , nevertheless, their price must not exceed the photocopyer running costs (a ministry in France is not allowed to earn money).

Very often, people ask for information to the communication department which mission is to be in touch with the public, by writing a letter (there are no forms to fill out in France) or phone calls (generally, the person is advised to write his request).

The communication dept. answers each written request emanating from either French people or foreign people by sending the information, for instance some leaflets, or advising the persons to come and see the documentation center with which the communication dept. works closely.

Concerning the other means of the communication dept. relative to its mission of information, see appendix 1.

Question 3 - What are the types of information which are not opened to the public at all or only in part and in what manner is this accomplished ?

All the reports elaborated by the Ministry and housed in the documentation department library are classified as follows :

- fully opened / partly opened (too specific) / not opened (confidential)

It concerns technical information, not administrative documents. Moreover, we have been told that it was quite impossible to have access, for the civil servant of the Ministry, to the circulars even through the Minister's departmental staff.

#### The partly opened information

Some specific studies are housed in the Ministry's library (in the documentation dept. )and only the Ministry civil servants, and teachers or researchers who work on ministry similar subjects, are allowed to have access to this kind of studies, which are not published.

An application form must be filled in by the non-civil servants to have access to these documents.

Some mixt commissions (France and recipient countries) regularly work at cooperation project agreements and settlements .

Very often, some journalists attend the debate and, as a matter of fact, some information are reported to the public.

Researchers may have access to these information relative to mixt commissions, in this case too an application form must be filled in.

#### The non opened information

The Ministry service internal documents collected in the documentation dept. library are not opened to the public. There are some confidential documents (very few in fact) relative to projects and studies carried out by the Ministry, which



are not opened to the public, because the stated facts are susceptible to evolve, are relative to political problems, because the economical and development policy of the country concerned by the report, is criticized by the one who writes it.

As long as it may be prejudicial to the success of other projects, these kinds of reports are confidential.

Some of these confidential documents are relative to studies ordered by foreign countries and belong to these countries.

Nevertheless, the confidential nature of these documents is lifted after 2, 5 or 10 years, except if it implicates someone.

#### The decision making system

As it has been stated before, the Minister's Departmental staff (the principal private secretary) usually decides, from a general point of view, which kind of information may be opened or not to the public.

The missions which work on the spot, in Africa, send regularly to the ministry some information through the Chief of Mission (who is the ministry representative in the country) (his office is located in the French Embassy).

The Chief of Mission transmits the information to the Geographical Chargés de Mission, who are placed under the Geographical Coordination Dept. (see appendix 2).

The Chief of Mission sometimes advises them to be very cautious with information relative to politics or to avoid to publish it.

As we can see, the Geographical Chargés de Mission are able to precise which information may be opened or not to the public.

That is why, Mrs Keo-Kosal works closely with them.

When she prepares a file (economy, society,...) which will be reported to the press or opened to the public at the documentation center, regarding a country that the Minister of Cooperation is about to visit, or is requested by journalists for specific information, she always checks up with the Geographical Chargés de Mission, which information are susceptible to be given or not.

The confidential nature of the reports is decided at the level of the services which supervise the projects (rural development health services ...). These services depend on the development head office (see appendix 2).

Moreover, most of the project reports are elaborated by Chiefs of projects who are nominated for the duration of the project to carry it on the spot.

If a chief of projects appreciates that some information of his report must not be opened to the public, that will be notified to the chief of the documentation dept. under which depends the documentation center.

#### Special training

There is no special training to help the civil servants to decide which information may be opened or not to the public. A general training just exists.

#### Laws or ministry's discretion

The information are opened or not opened at the ministry's discretion.

Moreover, the Communication Dept. is not in touch with the Committee for Access to Administrative Documents because leaflets are not considered as administrative documents. Any problems have never happened at that stage.

As Mrs Keo-Kosal said, the Ministry of Cooperation as the Foreign Office are different of the other traditional government services which work for, and are closely in touch with the French people. The government services mentioned above are more concerned by the problems of the free access to administrative documents and the activity of the Committee.

Nevertheless, there is a special case which could occur : if a person leaves the Ministry definitively, and wants some information about a project he knows, and if the Ministry does not want to give him these information, this situation can be reported to the Committee by the petitioner (see article 7 of the 1978 act).

For a juridical point of view of the access to administrative documents in France, see IV.

Question 4 - Impact of freedom of information upon  
relationship with recipient countries

About third-party government's requests

If a third-party government wants information about a country with which the Ministry of Cooperation is in touch, Mrs Keo-Kosal thinks (but it is just a supposition) that this country will have the information through a contact between its Embassy on the spot and the Chief of Mission.

If this request concerns published information, there is no problem to give them to the third-party government.

Unfortunately, the Communication Dept. does not manage the problems revealed by the present question and cannot answer.