



The Canada-Newfoundland and Labrador Offshore Petroleum Board

Access to Information Act

**Annual Report to Parliament
April 1, 2011 to March 31, 2012**

PREFACE

The *Access to Information Act* was proclaimed on July 1, 1983. Section 72 of the *Access to Information Act* requires that the head of every government institution shall prepare for submission to Parliament an annual report on the administration of the Act within the institution during each financial year.

This annual report is intended to describe how the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) administered its responsibilities in the operation of the Access to Information Act.

OVERVIEW OF THE CANADA-NEWFOUNDLAND AND LABRADOR OFFSHORE PETROLEUM BOARD'S MANDATE AND MISSION

The Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) was established by the Federal and Provincial *Atlantic Accord Implementation Acts* as an independent arms-length regulator for the exploration for, and development and production of, the oil and gas resources in the Newfoundland and Labrador Offshore Area. It reports to the Government of Newfoundland and Labrador and the Government of Canada through the Province's Minister for Natural Resources and the Federal Minister for Natural Resources Canada.

The C-NLOPB has four primary mandates as follows:

- (i) Safety of Operations;
- (ii) Environmental Protection;
- (iii) Resource Management; and,
- (iv) Administering the Benefits provisions of the legislation.

ACCESS TO INFORMATION ACT

ORGANIZATION AND IMPLEMENTATION

The Board's Information Resources Manager has been designated as the Board's Access to Information and Privacy Coordinator and exercises the powers delegated pursuant to the legislation.

The Board's enabling legislation contains a provision (s. 119) which prohibits the Board from releasing confidential information obtained from companies operating in the Newfoundland and Labrador Offshore Area without the consent of the party which provided it to the Board. The Access to Information Coordinator must be diligent in dealing with access

requests to ensure that the Board's s.119 obligations are not compromised and must undertake appropriate notification or consultation with interested parties before disclosing these records.

The Coordinator is responsible for providing updates of the Board's information holdings to the Treasury Board Secretariat for inclusion in the Info Source publication.

PROCESSING OF FORMAL REQUESTS

To ensure effective and consistent administration of the legislation, the Board maintains a system for processing requests aimed at disclosing the maximum information possible to the requestor which is not injurious to the public and private interest. The process also ensures that all representations from mandatory consultations, deliberations, and decisions expressed concerning each request are respected and responded to in the most timely and consistent manner given the nature and scope of the request.

PUBLIC ACCESS FACILITIES

The Board maintains a public resource centre at its offices in TD Place in St. John's which is available as an Access Reading Room for the purpose of examining records that can be disclosed.

COMPLAINTS AND INVESTIGATIONS

During 2011-2012, the Information Commissioner received a complaint from a requestor that the Canada-Newfoundland and Labrador Offshore Petroleum Board failed to provide all records responsive to the request made under the *Access to Information Act*. The information commissioner forwarded a notification of the complaint receipt indicating that no documents are required at the time. The Board is still waiting for the Information Commissioner to request subsequent documentation.

SUMMARY OF INFORMATION REQUESTS

The caseload processed by the Board during the reporting period amounted to twelve (12) requests, eight (8) received during the period and four carried forward from the previous year. Information was disclosed in all or part for eight (8) requests, and two (2) requests there were no information to release. One (1) request was abandoned by the applicant and one (1) request was not completed during this period and will be reported on in next years Annual Report.

The Board initiated mandatory consultations regarding the disclosure of information provided to the Board by third parties and other government institutions in six (6) of the requests finalized in this reporting period.

FEDERAL COURT SUBMISSION

In one (1) request received during 2010-11 fiscal year, a third party sought review by the Federal Court to prevent the Board from releasing records to a requestor. The court had not released a decision on this challenge as of March 31, 2012.

ACCESS TO INFORMATION RELATED EDUCATION

The ATIP Coordinator successfully completed an Access to Information Act training course.

STATISTICAL REPORT

The following pages detail the Board's statistical report on the *Access to Information Act*.



Statistical Report on the Access to Information Act

Name of institution: Canada-Newfoundland and Labrador Offshore Petroleum Bo

Reporting period: 4/1/2011 to 3/31/2012

PART 1 – Requests under the Access to Information Act

1.1 Requests

	Number of Requests
Received during reporting period	8
Outstanding from previous reporting period	4
Total	12
Closed during reporting period	11
Carried over to next reporting period	1

1.2 Sources of requests

Source	Number of Requests
Media	0
Academia	1
Business (Private Sector)	7
Organization	0
Public	0
Total	8

PART 2 – Requests closed during the reporting period

2.1 Disposition and completion time

Disposition of requests	Completion Time							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	
All disclosed	0	0	2	0	0	0	0	2
Disclosed in part	0	0	4	1	1	0	0	6
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	0	2	0	0	0	0	0	2
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	1	0	0	0	0	0	1
Treated informally	0	0	0	0	0	0	0	0
Total	0	3	6	1	1	0	0	11

2.2 Exemptions

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

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

2.3 Exclusions

Section	Number of requests	Section	Number of requests	Section	Number of requests
68(a)	0	69(1)(a)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(b)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(c)	0	69(1)(g) re (c)	0
68.1	0	69(1)(d)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(e)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(f)	0	69(1)(g) re (f)	0
				69.1(1)	0

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	2	0	0
Disclosed in part	2	4	0
Total	4	4	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of requests	Number of pages processed	Number of pages disclosed	Number of requests
All disclosed	57	57	2
Disclosed in part	4596	3336	6
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	1

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less than 100 pages processed		101-500 pages processed		501-1000 pages processed		1001-5000 pages processed		More than 5000 pages processed	
	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed
All disclosed	2	57	0	0	0	0	0	0	0	0
Disclosed in part	1	83	3	882	0	0	2	2371	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	1	0	0	0	0	0	0	0	0	0
Total	4	140	3	882	0	0	2	2371	0	0

2.5.3 Other complexities

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	1	0	0	0	1
Disclosed in part	6	2	0	0	8
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
Total	7	2	0	0	9

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of requests closed past the statutory deadline	Principal Reason			
	Workload	External consultation	Internal consultation	Other
0	0	0	0	0

2.6.2 Number of days past deadline

Number of days past deadline	Number of requests past deadline where no extension was taken	Number of requests past deadline where an extension was taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	0	0

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

PART 3 – Extensions

3.1 Reasons for extensions and disposition of requests

Disposition of requests where an extension was taken	9(1)(a) Interference with operations	9(1)(b) Consultation		9(1)(c) Third party notice
		Section 69	Other	
All disclosed	1	0	0	1
Disclosed in part	1	0	0	5
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	2	0	0	6

3.2 Length of extensions

Length of extensions	9(1)(a) Interference with operations	9(1)(b) Consultation		9(1)(c) Third party notice
		Section 69	Other	
30 days or less	1	0	0	5
31 to 60 days	0	0	0	1
61 to 120 days	1	0	0	0
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	2	0	0	6

PART 4 – Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	# of Requests	Amount	# of Requests	Amount
Application	6	\$30	1	\$150
Search	1	\$181	0	\$0
Production	0	\$0	1	\$100
Programming	0	\$0	0	\$0
Preparation	2	\$1,921	2	\$170
Alternative format	0	\$0	0	\$0
Reproduction			6	\$86
Total	9	\$2,132	10	\$506

PART 5 – Consultations received from other institutions and organizations

5.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during reporting period	4	87	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	4	87	0	0
Closed during the reporting period	4	87	0	0
Pending at the end of the reporting period	0	0	0	0

5.2 Recommendations and completion time for consultations received from other government institutions

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	
Disclose entirely	2	0	0	0	0	0	0	2
Disclose in part	2	0	0	0	0	0	0	2
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	4	0	0	0	0	0	0	4

5.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

PART 6 – Completion time of consultations on Cabinet confidences

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

PART 7 – Resources related to the Access to Information Act

7.1 Costs

Expenditures	Amount
Salaries	\$25,148
Overtime	\$0
Goods and Services	\$0
• Professional services contracts	\$0
• Other	\$0
Total	\$25,148

7.2 Human Resources

Resources	Dedicated full-time to ATI activities	Dedicated part-time to ATI activities	Total
Full-time employees	0	4	4
Part-time and casual employees	0	0	0
Regional staff	0	0	0
Consultants and agency personnel	0	0	0
Students	0	0	0
Total	0	4	4

MEMO TO: Max Ruelokke
Chairman & CEO


FROM: Susan Gover
Legal Counsel

DATE: August 10, 2011

SUBJECT: Designation of Privacy and Information Officer

Pursuant to the Board's By-Law No.1, as amended (Schedule I –subparagraph 2(a)(xxx)), the Chairman may resolve, perform, or authorize on behalf of the Board any other matter or action required of the Board pursuant to any other Act of Parliament or the Legislature of Newfoundland and Labrador.

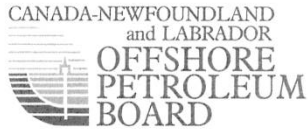
Please indicate your approval to have Trevor Bennett, Information Resources Manager, designated the Privacy and Information Officer on behalf of the Board by signing the attached form and returning same to me or Mike Baker for further handling.



Susan Gover
Legal Counsel
Attachment

d. concur.

Aug 9/11



DELEGATION ORDER


Pursuant to section 73 of the *Access to Information Act* and Section 73 of the *Privacy Act*

Max Ruelokke, P. Eng., Chairman and Chief Executive Officer of the Canada –Newfoundland and Labrador Offshore Petroleum Board, pursuant to section 73 of the *Access to Information Act* and Section 73 of the *Privacy Act*, hereby designates the person holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers, duties and functions of the Chairman and Chief Executive Officer of the Canada-Newfoundland and Labrador Offshore Petroleum Board, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders and appointments.

Schedule

Position	<i>Access to Information Act</i> and Regulations	<i>Privacy Act</i> and Regulations
Information Resources Manager	Full Authority	Fully Authority

Date at the City of St. John's, this 9th day of August, 2011



Max Ruelokke, P. Eng.
Chairman and CEO