

Access to Information Act

Annual Report to Parliament

April 1, 2019 - March 31, 2020



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1. INTRODUCTION

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

The Access to Information Act was proclaimed on July 1, 1983.

2. (1) The purpose of this Act is to extend the present laws of Canada to provide a right of access to information in records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific and that decisions on the disclosure of government information should be reviewed independently of government.

This report has been prepared pursuant to section 94 of the Access to Information Act.

94 (1) Every year the head of every government institution shall prepare a report on the administration of this Act within the institution during the period beginning on April 1 of the preceding year and ending on March 31 of the current year.

a. C-NLOPB OVERVIEW

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 Canada-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, Minister for Service NL and the Federal Minister for Natural Resources Canada.

b. C-NLOPB MANDATE

To interpret and apply the provisions of the Atlantic Accord and the Atlantic Accord Implementation Acts to all activities of operators in the Canada-Newfoundland and Labrador Offshore Area; and, to oversee operator compliance with those statutory provisions.

c. C-NLOPB ROLE

In the implementation of its mandate, the role of the C-NLOPB is to facilitate the exploration for and development of the hydrocarbon resources in the Newfoundland and Labrador Offshore Area in a manner that conforms to the statutory provisions for:

- offshore safety;
- environmental protection and safety;
- effective management of land tenure;



- resource management; and,
- Canada-Newfoundland and Labrador benefits.

Worker health and safety and environmental protection will be paramount in all Board decisions.

d. C-NLOPB OBJECTIVES

i. SAFETY

- To verify that operators have appropriate safety plans in place.
- To verify, through audits and inspections, that operators follow their safety plans and applicable statutory requirements.
- To verify, through compliance actions, that deviations from approved plans and applicable statutory requirements are corrected.

ii. ENVIRONMENT

- To verify that operators assess and provide for effects of the environment on the safety of their operations.
- To verify that operators perform an environmental assessment pursuant to Canadian regulations, of the effects of their operations on the environment, and prepare a plan and provide for mitigation where appropriate.
- To verify, through compliance actions, that operators comply with their environmental plans.

iii. RESOURCE MANAGEMENT

- Effective and efficient administration of land tenure.
- Oversight of production activities for consistency with maximum recovery, good oilfield practice, production accounting and approved plans.
- To build a knowledge base for the Canada-Newfoundland & Labrador Offshore Area through the acquisition and curation of data from exploration and production activity.

iv. BENEFITS

• To verify operators comply with approved Canada-Newfoundland and Labrador Benefits Plan that addresses their statutory obligations.



2. ORGANIZATION AND IMPLEMENTATION OF THE ACT

The C-NLOPB's Access to Information and Privacy responsibilities are assigned to the Exploration and Information Resources Department. The Information Resources Manager co-ordinates and processes requests as received in the Information Resources Centre. Information Resources staff, and when required, Legal Counsel have been tasked with the responsibility of reviewing and assisting with the processing of requests received under the *Access to Information Act*, and other staff of the C-NLOPB are consulted as required when completing requests.

The C-NLOPB did not enter any service agreements under section 96 of the Access to Information Act during the reporting period.

The C-NLOPB's enabling legislation, Canada-Newfoundland and Labrador Atlantic Accord Implementation Act, S.C. 1987, c.3. (C-NLAAIA), contains a provision (s.119) which prohibits the C-NLOPB from releasing confidential information obtained from companies operating in the Canada-Newfoundland and Labrador Offshore Area without the consent of the party which provided it. The Access to Information Coordinator is diligent in dealing with access requests to ensure that the C-NLOPB's s.119 obligations are not compromised and undertakes appropriate notification or consultation with interested parties before disclosing these records.

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

a. PROCESSING OF FORMAL REQUESTS

To ensure effective and consistent administration of the legislation, the C-NLOPB 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.

b. PUBLIC ACCESS FACILITIES

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



3. DELEGATION ORDER

The C-NLOPB's Information Resources Manager has been designated as Access to Information and Privacy Coordinator and exercises the powers delegated pursuant to the legislation (Appendix A).

4. SUMMARY OF INFORMATION REQUESTS

The C-NLOPB received eight requests during the 2019-2020 reporting period, three more than the 2018-2019 reporting period and substantially less than the record-high of 40 requests received during the 2012-2013 reporting period. Over the past five years, the C-NLOPB has received on average 11 requests per year.

The 2019-2020 reporting period saw four requests being received from media, three from business (private sector) and one from academia.

Of the eight requests closed during the reporting period, one had information which was "All Disclosed", five had information which was "Disclosed in Part", one had information which was "All Exempted", and one had "No Records" relevant to the request. This reflects 75% of requests are "All Disclosed or "Disclosed in Part". The five year average indicates that 68% of requests result in records being "All Disclosed" or "Disclosed in Part."

One request is being carried to the next reporting period.

The C-NLOPB received nine "Informal Requests" during this reporting period.

Mandatory consultations regarding the disclosure of information provided by third parties and other government institutions were initiated in six of the eight requests closed during the reporting period, which represents 75% of the requests.

During the reporting period, the C-NLOPB reviewed and commented on four consultations from Federal Government Institutions and four from other Governments. The five year average for consultation requests received is five annually. The highest numbers of consultation requests were received in the 2012-2013 reporting period, where 23 were received.

There were no COVID-19-related measures implemented which impacted the ability to fulfill *Access to Information Act* responsibilities.

a. FEDERAL COURT SUBMISSION

One request received during the reporting period resulted in a third party seeking review by the Federal Court to prevent the C-NLOPB from releasing their records to a requestor. 12 requests since 2011 have resulted in a third party seeking review by the Federal Court.



b. STATISTICAL REPORT

The C-NLOPB's statistical report on the Access to Information Act is presented in Appendix B.

5. EDUCATION ACTIVITIES

Apart from on-boarding of new employees, no formal education activities related to the *Access to Information Act* occurred during the reporting period.

6. POLICY PROCEDURES IMPLEMENTED

The C-NLOPB did not implement any new Access to Information related policies, procedures or guidelines during the reporting period.

7. COMPLAINTS AND INVESTIGATIONS

During the reporting period, the Information Commissioner received a one complaint related to *Access to Information Act* requests processed by the C-NLOPB. The complaints dealt with claims of an improper application of exemptions. The Information Commissioner's Office has provided two "Reports of Findings" to date related to previous complaints.

8. MONITORING OF REQUESTS

The C-NLOPB ATIP Coordinator has added metadata within the C-NLOPB document management system (HPRM) to allow the tracking of the receipt date and the legislated completion date, including extensions, of the requests to ensure compliance with the Act. Notifications are being used to remind when the close date is nearing. In the event that the timeframes extend past the legislated timeframe, the Chief Executive Officer and General Counsel for the organization will be notified.



APPENDIX A – DELEGATION ORDER



MEMO TO:

Scott Tessie

Chief Executive Officer

FROM:

Trevor Bennett

Information Resources Manager

DATE:

February 25, 2020

SUBJECT:

Designation of Privacy and Information Officer

Pursuant to section 3 of the *Access to Information Act*, R.S.C., 1985, c. A-1 (*ATIA Act*) and the *Privacy Act*, R.S.C., 1985, c. P-21 (*Privacy Act*) the head, in respect of the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB), means the Chief Executive Officer;

- (a) in the case of a department or ministry of state, the member of the Queen's Privy Council for Canada who presides over the department or ministry, or
- (b) in any other case, either the person designated under subsection 3.2(2) to be the head of the institution for the purposes of this Act or, if no such person is designated, the chief executive officer of the institution, whatever their title;

And pursuant to section 95(1) of the ATIA Act and 73 of the Privacy Act;

95(1) The head of a government institution may, by order, delegate any of their powers, duties or functions under this *Act* to one or more officers or employees of that institution.

73(1) The head of a government institution may, by order, delegate any of their powers, duties or functions under this *Act* to one or more officers or employees of that institution.

Therefore, please indicate your approval to have myself designated the Privacy and Information Officer on behalf of the C-NLOPB by signing the attached form and returning same to myself or John Crocker for further handling.





DELEGATION ORDER

Pursuant to section 95 of the Access to Information Act and section 73 of the Privacy Act

The head of the Canada-Newfoundland and Labrador Offshore Petroleum Board, Scott Tessier, Chief Executive Officer, pursuant to section 95 of the *Access to Information Act* and section 73 of the *Privacy Act*, hereby designates the person holding the position 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 Chief Executive Officer of the Canada-Newfoundland and Labrador Offshore Petroleum Board, under the provisions of the Acts and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders and appointments.

Schedule

Position	Access to Information Act and Regulations	Privacy Act and Regulations
Information Resources Manager	Full Authority	Full Authority

Dated this 25 day of February, 2020

Scott Tessie

Chief Executive Officer



APPENDIX B - STATISTICAL REPORT

Statistical Report on the Access to Information Act

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

Reporting period: 2019-04-01 to 2020-03-31

Section 1: Requests Under the Access to Information Act

1.1 Number of requests

	Number of Requests
Received during reporting period	8
Outstanding from previous reporting period	1
Total	9
Closed during reporting period	8
Carried over to next reporting period	1

1.2 Sources of requests

Source	Number of Requests
Media	4
Academia	1
Business (private sector)	3
Organization	0
Public	0
Decline to Identify	0
Total	8

1.3 Informal requests

	Completion Time										
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	Total				
9	0	0	0	0	0	0	9				

Note: All requests previously recorded as "treated informally" will now be accounted for in this section only.



TBS/SCT 350-62

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

	Number of Requests
Outstanding from previous reporting period	0
Sent during reporting period	0
Total	0
Approved by the Information Commissioner during reporting period	0
Declined by the Information Commissioner during reporting period	0
Carried over to next reporting period	0

Section 3: Requests Closed During the Reporting Period

3.1 Disposition and completion time

				Complet	ion Time			
Disposition of Requests	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days		181 to 365 Days	More Than 365 Days	Total
All disclosed	0	0	0	1	0	0	0	1
Disclosed in part	0	0	1	4	0	0	0	5
All exempted	0	1	0	0	0	0	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	0	0	1	0	0	0	0	1
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Decline to act with the approval of the Information Commisioner	0	0	0	0	0	0	0	0
Total	0	1	2	5	0	0	0	8

3.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	0	16(2)	0	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	1	18(b)	0	20.2	0
13(1)(c)	0	16(2)(b)	1	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	1	18(d)	0	21(1)(a)	0
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	2
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	0
14(a)	1	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	0
14(b)	1	16.1(1)(c)	0	18.1(1)(d)	0	22	0
15(1)	0	16.1(1)(d)	0	19(1)	5	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	0
15(1) - Def.*	0	16.3	0	20(1)(b)	2	23.1	0
15(1) - S.A.*	0	16.31	0	20(1)(b.1)	5	24(1)	4
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(c)	0	26	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(d)	0		
16(1)(a)(iii)	0	16.5	0		· — ·	_	
16(1)(b)	0	16.6	0				
16(1)(c)	1	17	0				
16(1)(d)	0	* I.A.: In	ternational Affairs	Def.: De	efence of Can	ada S.A.:	Subversive

3.3 Exclusions

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

3.4 Format of information released

Paper	Electronic	Other
0	6	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
648	471	7

3.5.2 Relevant pages processed and disclosed by size of requests

	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
Disposition	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	1	10	0	0	0	0	0	0	0	0
Disclosed in part	2	38	3	423	0	0	0	0	0	0
All exempted	1	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	4	48	3	423	0	0	0	0	0	0

3.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	1	0	0	0	1
Disclosed in part	5	0	0	0	5
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Total	6	0	0	0	6

3.6 Closed requests

3.6.1 Number of requests closed within legislated timelines

	Requests closed within legislated timelines
Number of requests closed within legislated timelines	7
Percentage of requests closed within legislated timelines	
(%)	87.5

3.7 Deemed refusals

3.7.1 Reasons for not meeting legislated timelines

	Principal Reason						
Number of Requests Closed Past the Legislated Timelines	Interference with Operations / Workload	External Consultation	Internal Consultation	Other			
1	0	0	1	0			

3.7.2 Requests closed beyond legislated timelines (including any extension taken)

Number of Days Past Legislated Timelines	Number of Requests Past Legislated Timeline Where No Extension Was Taken	Number of Requests Past Legislated Timeline Where an Extension Was Taken	Total
1 to 15 days	1	0	1
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	1	0	1

3.8 Requests for translation

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

Section 4: Extensions

4.1 Reasons for extensions and disposition of requests

	9(1)(a)	9(1)(b) Co		
Disposition of Requests Where an Extension Was Taken	Interference With Operations	Section 69	Other	9(1)(c) Third-Party Notice
All disclosed	0	0	0	1
Disclosed in part	0	0	0	5
All exempted	0	0	0	1
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	0	0	0	7

4.2 Length of extensions

	9(1)(a)	9(1)(b) Co		
Length of Extensions	Interference With Operations	Section 69	Other	9(1)(c) Third-Party Notice
30 days or less	0	0	0	0
31 to 60 days	0	0	0	7
61 to 120 days	0	0	0	0
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	0	0	0	7

Section 5: Fees

	Fee C	ollected	Fee Waived or Refunded		
Fee Type	Requests	Amount	Requests	Amount	
Application	8	\$40	0	\$0	
Other fees	0	\$0	0	\$0	
Total	8	\$40	0	\$0	

Section 6: Consultations Received From Other Institutions and Organizations

6.1 Consultations received from other Government of Canada institutions and organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during reporting period	4	478	4	419
Outstanding from the previous reporting period	0	0	0	0
Total	4	478	4	419
Closed during the reporting period	4	478	4	419
Carried over to next reporting period	0	0	0	0

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

	N	lumber of	Days Req	uired to Co	omplete C	onsultatio	n Request	S
Recommendation	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days		181 to 365 Days	More Than 365 Days	Total
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

6.3 Recommendations and completion time for consultations received from other organizations

	1	Number of	uired to Co	ired to Complete Consultation Requests				
Recommendation	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days		181 to 365 Days	More Than 365 Days	Total
Disclose entirely	1	0	0	0	0	0	0	1
Disclose in part	2	0	0	0	0	0	0	2
Exempt entirely	1	0	0	0	0	0	0	1
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	4	0	0	0	0	0	0	4

Section 7: Completion Time of Consultations on Cabinet Confidences

7.1 Requests with Legal Services

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

7.2 Requests with Privy Council Office

		han 100 rocessed		0 Pages essed		1000 rocessed		-5000 rocessed		an 5000 rocessed
Number of Days	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Section 8: Complaints and investigations

Section 32 Notice of intention to investigate	Subsection 30(5) Ceased to investigate	Section 35 Formal representations	Section 37 Reports of finding received	Section 37 Reports of finding containing recommendations issued by the Information Commissioner	Section 37 Reports of finding containing orders issued by the Information Commissioner
1	0	0	2	0	0

Section 9: Court Action

9.1 Court actions on complaints received before June 21, 2019 and on-going

Section 41 (before June 21, 2019)	Section 42	Section 44
0	0	1

9.2 Court actions on complaints received after June 21, 2019

Section 41 (after June 21, 2019)					
Complainant (1)	ant (1) Institution (2) Third Party (3) Privacy Commissioner (4) Total				
0	0	0	0	0	

Section 10: Resources Related to the Access to Information Act

10.1 Costs

Expenditures	Amount	
Salaries	\$105,224	
Overtime	\$0	
Goods and Services	\$0	
Professional services contracts		
Other		
Total	\$105,224	

10.2 Human Resources

Resources	Access to Information Activities
Full-time employees	1.00
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	1.00

Note: Enter values to two decimal places.



APPENDIX C – SUPPLEMENTAL STATISTICAL REPORT

Supplemental Statistical Report on the Access to Information Act

Table 1 – Requests Received

	Number of requests
Received from 2019-04-01 to 2020-03-13	8
Received from 2020-03-14 to 2020-03-31	0
Total	8

Table 2 – Requests Closed

	Number of requests closed within the legislated timelines	Number of requests closed past the legislated timelines
Received from 2019-04-01 to 2020- 03-13 and outstanding from previous reporting periods	7	1
Received from 2020-03-14 to 2020- 03-31	0	0
Total	7	1

Table 3 – Requests Carried Over

	Number of requests
Requests received from 2019-04-01 to 2020-03-13 and	
outstanding from previous reporting period that were	1
carried over to the 2020-2021 reporting period	
Requests received from 2020-03-14 to 2020-03-31 that were	0
carried over to the 2020-2021 reporting period	0
Total	1