

**Office of the Administrator of the
Ship-source Oil Pollution Fund**

Annual Report to Parliament
on the *Access to Information Act*

2020-2021

Canada^{*}

Published by the Administrator of the
Ship-source Oil Pollution Fund
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1. Introduction

The Office of the Administrator of the Ship-source Oil Pollution Fund is pleased to submit to Parliament its annual report on the administration of the *Access to Information Act* (ATIA) for the fiscal year commencing on April 1, 2020, and ending March 31, 2021. This report is submitted in accordance with section 94 of the ATIA. The report is tabled in Parliament through the Minister of Transport.

The ATIA gives Canadian citizens, permanent residents, and any person and corporation present in Canada a right of access to information contained in government records, subject to certain specific and limited exceptions.

2. Our mandate

The Ship-source Oil Pollution Fund (the Fund) is a special purpose account established in the accounts of Canada. The Fund compensates victims of oil pollution for damages caused by any type of oil, from any ship or boat, anywhere in Canadian waters. Then, all reasonable steps are taken to recover costs from polluters.

The Fund is governed by Part 7 of the *Marine Liability Act* (MLA). Canada is also a contracting State in the international regime, thereby aligning the Canadian regime to international conventions.

The amount held in the Fund comes from the accumulated balance of the Maritime Pollution Claims Fund (MPCF), which was transferred to the Fund in 1989, and subsequent interest generated on that balance. The MPCF was funded by a levy paid by oil receivers and shippers to and from Canada between 1972 and 1976.

The Fund is managed by an independent Administrator, who reports to Parliament through the Minister of Transport. The Administrator, appointed by the Governor-in-Council:

- As an independent authority, must investigate and assess all claims submitted to the Fund, subject to appeal to the Federal Court of Canada;
- Has the powers of a Commissioner under Part 1 of the *Inquiries Act*;
- Offers compensation to claimants for whatever portion of the claim the Administrator finds to be established and, where a claimant accepts an offer, the Administrator directs payment to the claimant out of the Fund;
- Must take recourse action against third parties to recover the amount paid out of the Fund to a claimant and may also take action to obtain security, either prior to or after receiving a claim;

- Becomes a party by statute to any proceedings commenced by a claimant against the owner of a ship, its insurer, or the International Oil Pollution Compensation (IOPC) Funds, as the case may be after having been served with the document commencing the proceedings;
- Directs payments out of the Fund for all Canadian contributions to the IOPC Funds (such contributions are based on oil receipts in Canada reported by the Administrator to the Director of the IOPC Funds);
- Participates with the Canadian delegation at meetings of the Executive Committee and the Assembly of the IOPC Funds;
- Is consulted by the Minister of Transport with regard to the release of necessary emergency funding of up to \$10 million per fiscal year (or additional funds to a maximum of \$50 million per fiscal year, if required) to the Minister of Fisheries and Oceans (DFO), to respond to a significant incident involving the discharge of oil from a ship;
- Has inspection and inquiry powers with respect to oil shippers' data reporting obligations, infringement of which may cause Administrative Monetary Penalties (AMPs);
- Prepares an annual report on the operations of the Fund, which is laid before Parliament by the Minister of Transport.

3. Organizational structure for access to information activities

The Administrator is the designated head of the Office of the Administrator of the Fund for the ATIA. The Information Management Officer fulfills the role of Access to Information and Privacy (ATIP) Coordinator and has been delegated all authorities in relation to the ATIA. An ATIP Consultant is hired to address any ATIP requests or related issues. There are no regional ATIP staff.

The ATIP Coordinator is accountable for the development, coordination and implementation of effective policies, guidelines, systems and procedures. This will ensure responsibilities under the ATIA are met at the Office of the Administrator of the Fund, and there is appropriate processing and proper disclosure of information. The ATIP Coordinator is also responsible for related policies, systems and procedures emanating from the ATIA.

The main activities of the ATIP Coordinator include:

- Processing requests under the ATIA;
- Developing and maintaining policies, procedures and guidelines to ensure the ATIA is respected by the Office of the Administrator of the Fund;

- Promoting awareness of the ATIA to ensure the responsiveness of the Office of the Administrator of the Fund to the obligations imposed on the government;
- Monitoring compliance of the Office of the Administrator of the Fund with the ATIA, regulations and relevant procedures and policies;
- Preparing annual reports to Parliament and other statutory reports, as well as other material that may be required by central agencies;
- Representing the Office of the Administrator of the Fund in dealings with the Treasury Board Secretariat (TBS), the Information Commissioner and other government funds and agencies regarding the application of the ATIA as they relate to the Office of the Administrator of the Fund;
- Supporting the Office of the Administrator of the Fund in meeting its commitments in relation to greater openness and transparency through proactive disclosure of information and the disclosure of information through informal avenues.

The delegation order for the administration of the ATIA is attached in Appendix A.

For 2020-2021, the costs directly associated with the administration of the ATIA are estimated at \$4,240, covering salaries.

The associated human resources for administering the ATIA in 2020-2021 are estimated at 0.045 person years.

4. Access to information activities

4.1 Requests, consultations, audits, and complaints

During the reporting period, no formal requests were received, and none were outstanding from the previous period. This is consistent with previous years.

One request for information was received in January 2021, and was handled informally. At the end of the reporting period, the request remained open.

The Office of the Administrator of the Fund did not receive any consultations from other institutions or complaints under the ATIA during the reporting period.

There was no monitoring of compliance of the time taken to process access to information requests required.

The complete statistical report on the ATIA for 2020-2021 is attached in Appendix B.

4.2 Training and awareness

All new staff are provided with a one-on-one introduction to ATIP by the ATIP Coordinator when they start their position at the Office of the Administrator of the Fund. Optional monthly training sessions are also offered throughout the year on various information management topics. Topics covered during the reporting period include access to information and privacy responsibilities, and information protection. The goal of these sessions is to encourage and facilitate adoption of information management practices, which improves efficiency and ease of retrieving information from the institution's records. The sessions were attended by an average of five staff members (about a third of the complement) per month.

Additional advice and recommendations were provided by a consultant on an as required basis to Management and staff.

4.3 Policies, guidelines, and procedures

No policies, guidelines, procedures, or initiatives were newly adopted or revised during the reporting period. Preparatory activities were undertaken to develop processes related to the use of the ATIP Online Management Tool (AOMT). The AOMT is being rolled out to government institutions by the Treasury Board of Canada Secretariat (TBS). Onboarding to the AOMT will be completed in accordance with TBS timelines.

4.4 Impact of COVID-19 related measures

COVID-19 related measures were in place throughout the reporting period, adjusted as required according to public health guidelines. Nevertheless, the Office of the Administrator of the Fund retained the ability to receive requests by mail, by email, and via the ATIP Online Request Service (AORS). There was no change in the number of requests received. Responses could be provided to the requestors by mail or electronically.

The Office of the Administrator of the Fund had a reduced capacity to process records in response to requests, should any have been received. This was due to limited access to physical records and to the internal network, both by staff responsible for carrying out access to information activities, and by the business units who retain primary interest in the records. This would impact the ability to retrieve and process records in a timely manner, which would have resulted in minor delays.

Other responsibilities under ATIA, notably proactive disclosure requirements, were not hindered or impacted by the COVID-19 related measures.

The complete supplemental statistical report, detailing the institution's capacity to receive requests and process records during the reporting period, is attached in Appendix C.

Appendix A: Delegation order

Ship-source Oil Pollution Fund

Access to Information Act
Delegation Order

The Administrator of the Ship-source Oil Pollution Fund, pursuant to section 94 of the *Access to Information Act* (the *Act*) hereby designates the persons holding the positions set out herein or the persons occupying those positions on an acting basis, to exercise the powers, duties or functions of the Administrator as the head of a government institution, under the section or sections of the *Act* set out hereunder opposite each position.

Position	<i>Access to Information Act</i>	
ATIP Coordinator	4(2.1)	Responsibility of government institutions
ATIP Coordinator	7(a)	Notice where access requested
ATIP Coordinator	7(b)	Giving access to record
ATIP Coordinator	8(1)	Transfer of request to another government institution
ATIP Coordinator	9	Extension of time limits
ATIP Coordinator	11(2)	Additional fees
ATIP Coordinator	12(2)(b)	Language of access
ATIP Coordinator	12(3)(b)	Access in an alternative format
ATIP Coordinator	13	Exemption - Information obtained in confidence
ATIP Coordinator	14	Exemption - Federal-provincial affairs
ATIP Coordinator	15	Exemption - International affairs and defence
ATIP Coordinator	16	Exemption - Law enforcement and investigations
ATIP Coordinator	16.5	Exemption - <i>Public Servants Disclosure Protection Act</i>
ATIP Coordinator	17	Exemption - Safety of individuals
ATIP Coordinator	18	Exemption - Economic interests of Canada
ATIP Coordinator	18.1	Exemption—Economic interest of the Canada Post Corporation, Export Development Canada, the Public Sector Pension Investment Board and VIA Rail Canada Inc.
ATIP Coordinator	19	Exemption—Personal information
ATIP Coordinator	20	Exemption—Third party information
ATIP Coordinator	21	Exemption—Operations of Government
ATIP Coordinator	22	Exemption—Testing procedures, tests and audits

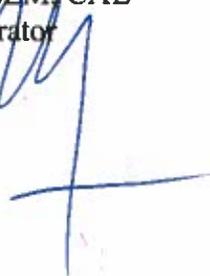
Position	<i>Access to Information Act</i>	
ATIP Coordinator	22.1	Exemption—Audit working papers and draft audit reports
ATIP Coordinator	23	Exemption—Solicitor-client privilege
ATIP Coordinator	24	Exemption—Statutory prohibitions
ATIP Coordinator	25	Severability
ATIP Coordinator	26	Exception—Information to be published
ATIP Coordinator	27(1), (4)	Third-party notification
ATIP Coordinator	28(1)(b), (2), (4)	Third-party notification
ATIP Coordinator	33	Advising Information Commissioner of third-party involvement
ATIP Coordinator	35(2)(b)	Right to make representations
ATIP Coordinator	37(4)	Access to be given to complainant
ATIP Coordinator	43(1)	Notice to third party (application to Federal Court for review)
ATIP Coordinator	44(2)	Notice to applicant (application to Federal Court by third party)
ATIP Coordinator	52(2)(b), (3)	Special rules for hearings
ATIP Coordinator	71(1)	Facilities for inspection of manuals
ATIP Coordinator	94	Annual report to Parliament

Position	<i>Access to Information Regulations</i>	
ATIP Coordinator	6(1)	Transfer of request
ATIP Coordinator	7(2)	Search and preparation fees
ATIP Coordinator	7(3)	Production and programming fees
ATIP Coordinator	8	Providing access to record(s)
ATIP Coordinator	8.1	Limitations in respect of format

Dated at Ottawa on September 2, 2020



Anne Legars, LLM/CAE
Administrator



Appendix B: Statistical report



Statistical Report on the Access to Information Act

Name of institution: Ship-source Oil Pollution Fund

Reporting period: 2020-04-01 to 2021-03-31

Section 1: Requests Under the Access to Information Act

1.1 Number of requests

	Number of Requests
Received during reporting period	0
Outstanding from previous reporting period	0
Total	0
Closed during reporting period	0
Carried over to next reporting period	0

1.2 Sources of requests

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

1.3 Informal requests

Completion Time							Total
1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
0	0	0	0	0	0	0	0

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

3.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	0	16(2)	0	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	0	20.2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	0	18(d)	0	21(1)(a)	0
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	0
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	0
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	0
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	0
15(1)	0	16.1(1)(d)	0	19(1)	0	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	0
15(1) - Def.*	0	16.3	0	20(1)(b)	0	23.1	0
15(1) - S.A.*	0	16.31	0	20(1)(b.1)	0	24(1)	0
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(c)	0	26	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(d)	0		
16(1)(a)(iii)	0	16.5	0				
16(1)(b)	0	16.6	0				
16(1)(c)	0	17	0				
16(1)(d)	0						

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

3.3 Exclusions

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

3.4 Format of information released

Paper	Electronic	Other
0	0	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

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

3.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	0	0	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

3.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	0	0	0
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0
Total	0	0	0	0	0

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	0
Percentage of requests closed within legislated timelines (%)	0

3.7 Deemed refusals

3.7.1 Reasons for not meeting legislated timelines

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

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

Number of Days Past Legislated Timelines	Number of Requests Past Legislated Timeline Where No Extension Was Taken	Number of Requests Past Legislated Timeline Where an Extension Was Taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	0	0

3.8 Requests for translation

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

Section 4: Extensions

4.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
All disclosed	0	0	0	0
Disclosed in part	0	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Decline to act with the approval of the Information Commissioner	0	0	0	0
Total	0	0	0	0

4.2 Length of extensions

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

Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Requests	Amount	Requests	Amount
Application	0	\$0	0	\$0
Other fees	0	\$0	0	\$0
Total	0	\$0	0	\$0

Section 7: Completion Time of Consultations on Cabinet Confidences

7.1 Requests with Legal Services

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

7.2 Requests with Privy Council Office

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

Section 9: Court Action

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

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

9.2 Court actions on complaints received after June 21, 2019

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

Section 10: Resources Related to the Access to Information Act

10.1 Costs

Expenditures	Amount
Salaries	\$4,240
Overtime	\$0
Goods and Services	\$0
• Professional services contracts	\$0
• Other	\$0
Total	\$4,240

10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0.045
Part-time and casual employees	0.000
Regional staff	0.000
Consultants and agency personnel	0.000
Students	0.000
Total	0.045

Note: Enter values to three decimal places.

Appendix C: Supplemental statistical report



Supplemental Statistical Report on the *Access to Information Act* and *Privacy Act*

Name of institution: Ship-source Oil Pollution Fund

Reporting period: 2020-04-01 to 2021-03-31

Section 1: Capacity to Receive Requests

Enter the number of weeks your institution was able to receive ATIP requests through the different channels.

	Number of Weeks
Able to receive requests by mail	52
Able to receive requests by email	52
Able to receive requests through the digital request service	52

Section 2: Capacity to Process Records

2.1 Enter the number of weeks your institution was able to process paper records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Paper Records	0	52	0	52
Protected B Paper Records	0	52	0	52
Secret and Top Secret Paper Records	52	0	0	52

2.2 Enter the number of weeks your institution was able to process electronic records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Electronic Records	0	52	0	52
Protected B Electronic Records	0	52	0	52
Secret and Top Secret Electronic Records	52	0	0	52