



Veterans Review and
Appeal Board Canada

Tribunal des anciens combattants
(révision et appel) Canada



ANNUAL REPORT

*Administration of the Access to
Information Act*

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© His Majesty the King in Right of Canada,
as represented by the Minister of Veterans Affairs and Associate Minister of National Defence,
2022

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Message from the Chair



On behalf of the Veterans Review and Appeal Board (VRAB or the Board), I am pleased to present the 2021-22 annual report to Parliament on the administration of the *Access to Information Act*.

This legislation gives Canadian citizens the right to access information in records held by the Government of Canada. It exists to protect the rights of individuals and to promote accountability and dialogue between citizens and their government.

In 2022-23, the Board's Access to Information and Privacy (ATIP) Unit saw a substantial increase in the complexity of requests received as well as the volume of information retrieved.

Additionally, the Board's ATIP unit continued its dedicated work updating and standardizing its processes and finding new work efficiencies. This work included participation in Treasury Board of Canada Secretariat activities as well as in-depth analysis of our processes and how they align with the Board's own values.

The Board has adopted a hybrid workplace during 2022-23. Our employees are working in office 2 days per week. The Board offers flexible work arrangements while putting operational needs and the needs of our clients at the forefront of its work arrangements.

The principles of transparency, openness and accessibility continue to guide the Board's ATIP Unit. We remain committed to protecting individual rights and developing our capacity in matters of access to information and privacy.

Sincerely,

A handwritten signature in black ink that reads "Christopher McNeil". The signature is written in a cursive, flowing style.

Christopher J. McNeil

Introduction

The *Access to Information Act* gives Canadian citizens and individuals present in Canada a broad right of access to information contained in government records under control of the institution, subject to certain specific and limited exceptions. It maintains that government information should be available to the public and should complement and not replace existing procedures for access to government information.

Section 94 of the *Access to Information Act* requires that the head of every government institution prepare an Annual Report on the administration of the *Act* for submission to Parliament during each fiscal year.

The Annual Report is prepared and tabled in Parliament in accordance with section 20 of the *Service Fees Act*.

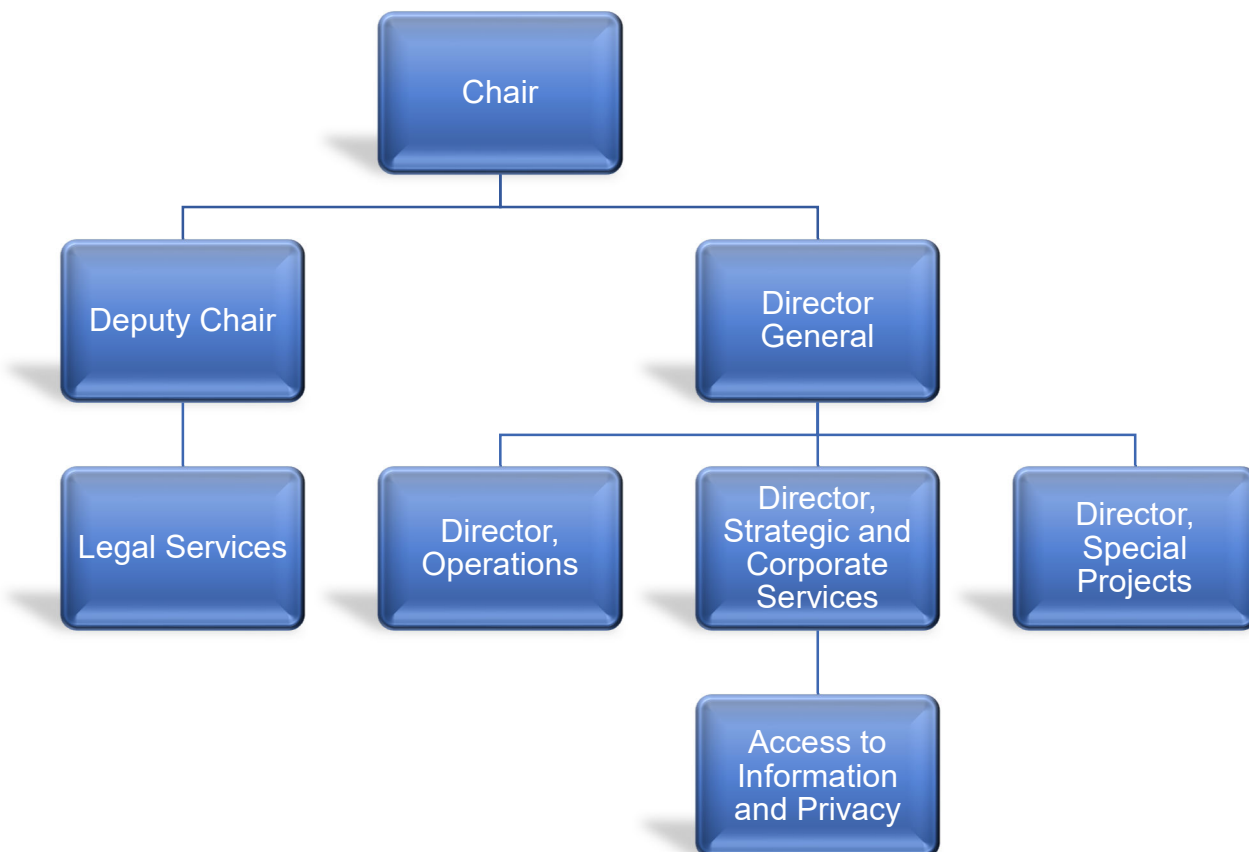
About the Veterans Review and Appeal Board

The Veterans Review and Appeal Board has full and exclusive jurisdiction to hear, determine and deal with all applications for review and appeal that may be made to the Board under the *Pension Act*, the *Veterans Well-being Act - Part 3*, the *War Veterans Allowance Act* and other Acts of Parliament. The *Veterans Review and Appeal Board Act* authorizes all matters related to appeals under this legislation.

This Board also adjudicates duty-related pension applications under the authority of the *Royal Canadian Mounted Police Pension Continuation Act* and the *Royal Canadian Mounted Police Superannuation Act*.

Organizational Structure

The Board's Access to Information and Privacy (ATIP) positions include a Deputy Coordinator, a Coordinator, and Senior ATIP Analyst, and an ATIP Analyst. The Board has full responsibility for the administration of the *Access to Information Act* and the *Privacy Act*. The ATIP unit is under the Director, Strategic and Corporate Services, who acts on behalf of the Chairperson of the Board to oversee the administration of the *Access to Information Act* and the *Privacy Act*.



Duties of the ATIP unit include:

- Process requests for information submitted under the *Access to Information Act* in accordance with the legislation, regulations, and Treasury Board of Canada Secretariat (TBS) policies, guidelines, and directives.
- Provide VRAB managers and staff with advice and guidance regarding the interpretation and application of the *Access to Information Act* and related TBS policies, guidelines, and directives.

- Develop policies, procedures, and guidelines for the administration of the *Act* and related TBS policies, guidelines, and directives.
- Coordinate the resolution of any complaints against the VRAB made to the Information Commissioner under the *Access to Information Act*.
- Respond to consultations from other government institutions on access to information requests.
- Promote awareness to ensure employees understand their roles and responsibilities and the Board fulfills its obligations under the *Acts*.
- Respond to Parliamentary written questions on access to information and privacy breaches.
- Support the VRAB's commitment to openness and transparency through proactive disclosures, informal releases of information and publishing the summaries of completed access to information requests to the Open Government portal.
- Review contracts with third parties using TBS guidance documents.
- Update the VRAB's Information about Programs and Information Holdings (formerly known as Info Source) chapter on the VRAB website in accordance with the TBS directive.
- Monitor and reporting on the Board's proactive disclosures.
- Prepare the Annual report to Parliament and the Annual Statistical Report on the Administration of the *Access to Information Act*.

Delegation Order

In September 2022, the Chair of the Veterans Review and Appeal Board delegated his authority for the purposes of the *Act*. [Annex A](#) is a copy of the signed delegation instrument that took effect September 1, 2022.

Performance for 2022-23

Formal Access to Information requests

The Statistical Report supports oversight, accountability, and transparency by providing data on the performance of the Government of Canada's Access to Information program. The following section provides a summary of the highlights of the Statistical Report [Annex 2](#) on the Administration of the *Access to Information Act* for the period of April 1, 2021, to March 31, 2022.

The VRAB ATIP unit (“the unit”) had the full ability to receive Access to Information (ATI) requests through the online portal, by email, by facsimile, or by mail. The unit received five requests through the ATIP online portal.

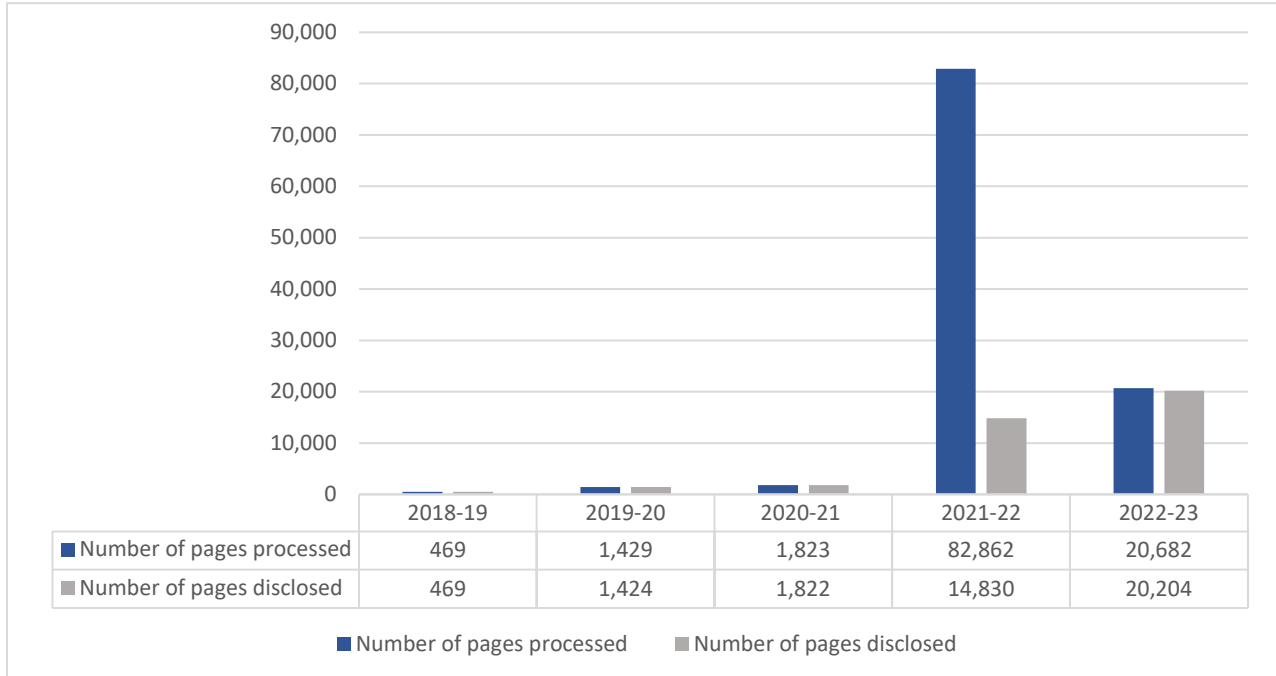
The Board responded 1 of 2 ATI requests within legislated timelines as the key measure of the Boards performance. One request containing a large volume of pages carried over from the previous reporting year.

Table 1. Number of Access to information request by fiscal year

| 2018-19 | 2019-20 | 2020-21 | 2021-22 | 2022-23 |
|---------|---------|---------|---------|---------|
| 4 | 7 | 12 | 6 | 2 |

The information was all disclosed for one request and disclosed in part for the second request. Due to the small number of requests, it is not practical to up display the information in a table or as a figure.

Figure 1. Number of pages processed vs the number of pages released by fiscal year



The number of formal access request have gone down from 6 the previous year to 2 (33.33%) in 2022-23. None the less the volume of information continues to grow. The number of pages released has increased from 14,830 in 2021-22 to 20,204 in 2022-23 representing a 73% increase.

Informal access to information request

The *Access to Information Act* requires that all Government of Canada institutions post summaries of ATI requests they process. Individuals can make an informal request for information previously released under the *Access to Information Act*. Informal requests do not fall directly under the ATIA and there is no charge or a required timeline.

VRAB ATIP received one informal access requests in 2022-23. 8,618 pages were released informally. It took 19 days to respond.

Deemed Refusal

Deemed refusal is when a government institution fails to give access to any information requested within the time limits set out in the *Access to Information Act*. During the reporting period one request was in deemed refusal.

Extensions

Section 9 of the Access to Information Act allows institutions to extend the original 30-day statutory time limit if the request is for a large number of records and meeting the original time limit would unreasonably interfere with the Board's operations, consultations are necessary, or third-party notification.

No extensions were taken to respond to ATI requests in 2022-23.

Exemptions

An exemption is a provision under the *Access to Information Act* that authorizes the head of the institution or delegate to refuse to disclose records in response to an access request. Exemptions should always have limited scope and be specific in nature.

The Board's ATIP Unit applied exemptions under the following sections of the *Access to information Act* (reference table in Annex 2):

- Subsection 19(1), which protects personal information of individuals, was applied in one requests
- Subsection 23, which protect records that contain information that is subject to solicitor/client privilege, was applied in one requests

During the reporting period, the Board did not invoke Section 68 or 69.

Exclusions

Sections 68 and 69 of the *ATIA*. In accordance with these sections, the Act do not apply to:

- published material or material available for purchase by the public
- library or museum material or material made or acquired and preserved solely for public reference or exhibition purposes
- material placed in the National Archives of Canada, the National Library, the National Gallery of Canada, the Canadian Museum of Civilization, the Canadian Museum of Nature or the National Museum of Science and Technology by or on behalf of persons or organizations other than government institutions

No exclusions were cited during the 2022-23 reporting period.

Format of information released

VRAB takes into account privacy, confidentiality and security when providing information.

Responses are provided to requesters in the desired format.

- 1 response was provided in paper format
- 1 response was provided on a CD
- 1 response was provided on a USB stick

Consultations received from other institutions and organizations

Consultations with other government institutions take place when records that originate from another institution are retrieved to in response to an ATIP request. Consultations are conducted if the disclosure of another institution's information could cause an injury to that institution, the conduct of international affairs, an investigation, the defense of our country, or other factors.

In 2022-23, VRAB ATIP did not receive any consultations from another Government of Canada institution for response.

Complaints and audits

An individual has the right to make a complaint to the Information Commissioner on grounds set out in the section 30 of the *Access to information Act* which reads:

“Receipt and investigation of complaints

(1) Subject to this Part, the Information Commissioner shall receive and investigate complaints

(a) from persons who have been refused access to a record requested under this Part or a part thereof.

(b) from persons who have been required to pay an amount under section 11 that they consider unreasonable.

(c) from persons who have requested access to records in respect of which time limits have been extended pursuant to section 9 where they consider the extension unreasonable.

(d) from persons who have not been given access to a record or a part thereof in the official language requested by the person under subsection 12(2) or have not been given access in that language within a period that they consider appropriate.

(d.1) from persons who have not been given access to a record or a part thereof in an alternative format pursuant to a request made under subsection 12(3) or have not been given such access within a period that they consider appropriate.

(e) in respect of any publication or bulletin referred to in section 5; or

(f) in respect of any other matter relating to requesting or obtaining access to records under this Part.”

In 2022-23, there were no complaints received through the Office of Information Commissioner of Canada.

There were no complaints outstanding from previous reporting periods.

Monitoring and Compliance

The VRAB ATIP unit monitors all requests for information in Access Pro Case Management (APCM) which is an automated case tracking reporting system. The Senior ATIP Officer monitors all requests received in the ATIP unit. They provide the coordinator a weekly status on:

- the number of requests received;
- the number of pages processed;
- the number of files closed;
- and if any requests require consultation.

The first report is workload related to ATIP requests. The second report provides trends by Fiscal Year over a period of five years.

This information is rolled up to provide a monthly snapshot for senior managers and the Chair’s Office. Additional feedback is provided when trends present information to be addressed. In

2022-23, the ATIP office was able to demonstrate the need for additional resources to meet the demand on incoming request in order to meet legislated time lines.

Appeals to the Federal Court of Canada

There were no applications filed with the Federal Court of Canada against VRAB pursuant to section 44 of the Access to information Act in 2022-23.

Initiatives and Projects to Improve Access to Information

VRAB ATIP has a number of initiatives and projects underway to improve access to information within our institution.

Access to information policy instruments

VRAB ATIP has been working on new features of VRAB's Access to Information Policy Instruments in response to requirements for proactive publication as we aim to make information more readily available to the public:

- VRAB ATIP has designated a coordinator the support requirements
- VRAB ATIP has designated officials responsible for supporting the head of our institution accountability requirements.
- VRAB ATIP is putting in place a system to monitor the Board's compliance on proactive publications is underway
- VRAB ATIP continues to participate in information sessions to develop a reporting strategy in response to TBS requirements

Technological improvements or innovation to modernize the delivery of services

We are continuously looking for new and innovative ways to facilitate information management and the processing of request

- VRAB ATIP can now receive and respond to request through the ATIP Online request portal
- We have obtained approval to move forward with the acquisition of a licence through Canada Post Connect to provide an additional means for requesters to receive information electronically.
- Responses on USB sticks is now the standard for providing information moving away from the use of CDs.
- VRAB ATIP has been preparing for the acquisition of new ATIP processing software. Continued efforts are being made to prepare for the migration to new software to provide requesters with more accurate and timely service.

Initiatives advancing Indigenous reconciliation and facilitating access to culturally appropriate access to information services for Indigenous requesters

VRAB as part of the Government of Canada is committed to advancing reconciliation with Indigenous peoples through renewed nation-to-nation, Inuit-Crown and government-to-government relationships as the foundation for transformative change.

ATIP is preparing to examine areas where we can initiate advancing Indigenous reconciliation and facilitating access to culturally appropriate access to information services for Indigenous requesters.

Complementary Procedures in place for Canadians to have access to government information

I have reached out to different areas to get some feedback on anything new that could be included here.

Proactive Publication under Part 2 of the ATIA

All government institutions as defined in section 3 of the Access to Information Act
We are required by legislation to proactively disclose:

Travel Expenses

The publication timeline is within 30 days after the end of the month of reimbursement. This was met 0% of the time.

Hospitality Expenses

The publication timeline is within 30 days after the end of the month of reimbursement. This was met 0% of the time.

Government entities or Departments, agencies and other bodies subject to the Act and listed in Schedules I, I.1, or II of the Financial Administration Act

Reports tabled to parliament

The publication timeline is within 30 days after the end of the month of reimbursement. This was met 100% of the time.

Contracts over \$10,000.00

The publication timeline Q1-3: Within 30 days after the quarter, Q4: Within 60 days after the quarter. This was met 0% of the time.

Grants and contributions over \$25,000.00

The publication time line is within 30 days after the quarter. This was met 0% of the time.

Packages of briefing materials prepared for new or incoming deputy heads or equivalent

The publication timeline is within 120 days after appointment. There is nothing to report.

Titles and reference numbers of memoranda prepared for a deputy head or equivalent, that is received by their office

The publication timeline is within 30 days after the end of the month received. There is nothing to report.

Packages of briefing materials prepared for a deputy head or equivalent's appearance before a committee of Parliament

The publication timeline is within 120 days after appearance. There is nothing to report.

Government institutions that are departments named in Schedule I to the Financial Administration Act or portions of the core public administration named in Schedule IV to that Act (i.e. government institutions for which Treasury Board is the employer)

Reclassification of positions

The reporting timeline is within 30 days after the quarter. This was met 0% of the time.

Training and Awareness

In 2022-23, VRAB ATIP worked with key areas at the Board to strengthen training for all employees in the areas of:

- Developed and implemented a new ATIP training program for the onboarding of new staff at VRAB
- Held information sessions on the Right of Access, the importance of information management, and the process of responding to Access to Information requests.

Access to information fees and operating costs

The [Service Fees Act](#) requires a responsible authority to report annually to Parliament on the fees collected by the institution.

The enabling authority is the *Access to Information Act*.

In accordance with the changes to the *Access to Information Act* that came into force on June 21, 2019, VRAB may only charge an application fee of \$5, as set out in paragraph 7(1)(a) of the *Regulations*. Pursuant to section 11 of the *Access to Information Act*, institutions can waive this application fee as deemed appropriate.

In accordance with the requirements of section 20 of the *Service Fees Act*, the fees recorded were:

- Service fees of \$5.00 for 1 request
 - .The cost for resources related to the *Access to Information Act* include salaries, goods and services, software for tracking and reporting on requests, and training for ATIP staff. The total of operating the program for 2022-23 is \$124,466

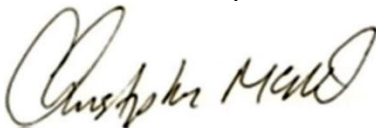
Annex A: 2022-Delegation Order – Access to Information Act and Privacy Act

The Chairperson, Veterans Review and Appeal Board, pursuant to Section 73 of the *Access to Information Act* and section 73 of the *Privacy Act*, hereby designates the persons 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 Chairperson as the head of the Veterans Review and Appeal 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.

Schedule

| Position | <i>Access to Information Act</i> and Regulations | <i>Privacy Act</i> and Regulations |
|-------------------------|---|--|
| Director General | Full authority | Full authority |
| ATIP Coordinator | Full authority | Full authority |
| ATIP Deputy Coordinator | Full authority | Full authority |
| Senior ATIP Officer | Sections of the Act: 4(2.1), 7(a), 7(b), 8(1), 9, 11(2)(3)(4)(5)(6), 12(2)(b), 12(3)(b), 13, 16, 17, 19, 20, 21, 22, 22.1, 23, 24, 25, 26. Sections of the Regulations: 6(1), 7(2), 7(3) | Sections of the Act: 14(a), 14(b), 15, 17(2)(b), 17(3)(b), 18(2), 19, 22, 23, 24, 25, 26, 27, 28. Sections of the Regulations: 9, 11(2), 11(4) |

Dated, at the City of Charlottetown, this first day of September, 2022.



Christopher J. McNeil

Chairperson, Veterans Review and Appeal Board

Annex B: Statistical report on the Access to Information Act

Annex C: Statistical report on the Privacy Act

Annex D: Supplemental statistical report on the Access to information Act and privacy Act

