

Canada Development Investment Corporation

Access to Information Act
Annual Report to Parliament

April 1, 2020 to March 31, 2021

Contents

Introduction..... 3
Mandate of the Institution and Organizational Structure..... 3
Delegation Order 3
Information Holdings..... 3
Performance and Highlights of the 2020-2021 Statistical Report 4
Reporting on Access to Information fees for the purposes of the *Service Fees Act* 5
Training and Awareness 5
Policies, Guidelines, Procedures and Initiatives 5
Information Commissioner Complaints..... 6
Monitoring Compliance..... 6

Appendix A – *Access to Information Act* Designation Order

Appendix B – Statistical Report on the *Access to Information Act*

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

Introduction

The *Access to Information Act* (Revised Statutes of Canada, Chapter A-1, 1985) was proclaimed on July 1, 1983. The *Access to Information Act* (the “Act”) gives Canadian citizens and permanent residents a broad right of access to information contained in government records, including Crown Corporations and Agencies, subject to certain specific and limited exceptions.

This Annual Report to Parliament on the *Access to Information Act* is prepared and tabled in Parliament in accordance with section 94(1) of the Act and section 20 of the *Service Fees Act* and covers the period from April 1, 2020 to March 31, 2021.

Canada Development Investment Corporation (“CDEV” or the “Corporation”) became subject to the *Access to Information Act* on September 1, 2005.

Mandate of the Institution and Organizational Structure

CDEV was incorporated in 1982 as a federal crown corporation to provide a commercial vehicle for Government equity investment and to manage commercial holdings of the Government in the best interests of Canada, operating in a commercial manner.

CDEV is currently responsible for four wholly-owned subsidiaries: Canada Hibernia Holding Corporation (“CHHC”), Canada Eldor Inc. (“CEI”), Canada TMP Finance Ltd. (“TMP Finance”) and its subsidiary Trans Mountain Corporation (“TMC”), and Canada Enterprise Emergency Funding Corporation. An Annual Report on the *Access to Information Act* has been prepared for each subsidiary.

The Corporation reports to Parliament through the Minister of Finance.

Two full-time CDEV employees are dedicated part-time to Access to Information and Privacy (“ATIP”) activities for CDEV and its subsidiaries, excluding TMC. The ATIP department consists of the ATIP Coordinator and one analyst. CDEV retains advice from external legal counsel and independent consultants as needed.

Delegation Order

The Delegation of Authority Order (Appendix A) is reviewed and approved annually by the head of the organization. The authority to approve or deny the release of departmental information requested under the Act is shared by the Chief Executive Officer and the ATIP Coordinator.

Information Holdings

The ATIP Coordinator is responsible for providing a full accounting of the Corporation’s information holdings to the Treasury Board Secretariat and ensures that updates are provided on a timely basis for inclusion in the *Info Source* publications.

The *Info Source* publications contain a description of the classes of corporate records held by the Corporation. The Corporation does not have any exempt banks. The Corporation publishes its *Info Source* chapter on its website at www.cdev.gc.ca.

The Corporation maintains a public website: www.cdev.gc.ca. The website provides information on ATIP matters for CDEV and its subsidiaries. Completed Access to Information request summaries are published on the website's Access to Information section.

As of the first quarter of 2018, completed request summaries are also available on the Open Government website and included in the searchable database.

The Corporation does not maintain a formal reading room as it occupies only minimal office space. However, in accordance with the *Access to Information Act*, the Corporation will make arrangements to provide facilities for viewing material on an as required basis.

Performance and Highlights of the 2020-2021 Statistical Report

Appendix B provides a summarized statistical report on the *Access to Information Act* from April 1, 2020 to March 31, 2021.

Eight new requests were received in the period and seven were carried over from the previous fiscal year (due to complexities related to consultations with other government departments). All fifteen requests were closed on or before March 31, 2021. Most requests were in relation to projects undertaken by the Corporation that were of interest to the media and general public.

Ten formal requests, or 67% of all requests, resulted in the partial release of records. No requests, or 0%, were released in full. One request resulted in no responsive records. No requests were transferred to another institution and one request was abandoned by the requester. Three requests were withheld completely, although two of these resulted in records released after the fiscal year end.

Eight of the fifteen formal requests were closed within the statutory timelines, resulting in an overall timeline compliance rate of 53.3%. The seven late requests, carried over from the previous fiscal year, were released beyond the statutory timeline due to operational constraints related to COVID-19.

Formal requests have been sharply increasing over the last three years, with 6 requests closed in 2017-18, 5 requests closed in 2018-19, 13 requests closed in 2019-20, and 15 requests closed in this reporting period.

As noted above, due to request complexity and consultations with other government institutions, seven of formal requests received in 2019-2020 were carried over to the 2020-2021 reporting period. The Corporation put in place mitigation measures to rapidly address this situation, including using professional ATIP consulting services to complete

the formal requests in a timely manner. No requests were carried over to the 2021-2022 period.

The Corporation received five formal consultation requests from other government institutions. One formal consultation request was carried over from the previous reporting period. A total of 263 pages were reviewed. The Corporation's advice back to the government institutions was to generally release the records, subject to certain exemptions and exclusions.

During the reporting period exemptions were invoked under sections 13(1)(c), 14, 14(a), 14(b), 18(a), 18(b), 19(1), 20(1)(b), 20(1)(c), 20(1)(d), 21(1)(a), 21(1)(b), 21(1)(c), 21(1)(d), 22.1(1) and 23. These exemptions are the most commonly used by the Corporation due to the nature of the business.

Reporting on Access to Information fees for the purposes of the *Service Fees Act*

The *Service Fees Act* requires a responsible authority to report annually to Parliament on the fees collected by the institution.

With respect to fees collected under the Access to Information Act, the information below is reported in accordance with the requirements of section 20 of the *Service Fees Act*.

- Enabling authority: *Access to Information Act*
- Fee amount: \$5.00
- Total revenue: \$35.00
- Fees waived: \$5.00
- Cost of operating the program: \$83,144.00

In accordance with the *Interim Directive on the Administration of the Access to Information Act*, issued on May 5, 2016, and the changes to the *Access to Information Act* that came into force on June 21, 2019, CDEV waives all fees prescribed by the Act and Regulations, other than the \$5 application fee set out in paragraph 7(1)(a) of the Regulations. No application fees were waived during the reporting period.

Training and Awareness

CDEV management meets regularly with ATIP administrators to discuss specific requests and consultations as required.

Management are briefed on the status of files and reporting requirements on a regular basis. Summaries of formal and informal ATIP requests for CDEV and its subsidiaries are presented to the board of directors at least annually.

Policies, Guidelines, Procedures and Initiatives

ATIP policies, guidelines, procedures and initiatives are reviewed regularly. Changes in technology and software options are considered as they become available.

There were no changes to policies, guidelines or procedures during the reporting period.

Information Commissioner Complaints

No complaints were filed or concluded with the Information Commissioner of Canada against the Corporation in 2020-2021.

Monitoring Compliance

Outstanding requests are reviewed regularly to ensure the file is current and processing times are met.

Appendix A – Access to *Information Act* Designation Order

DESIGNATION/ DÉLÉGATION

*ACCESS TO INFORMATION ACT/
LOI SUR L'ACCÈS À L'INFORMATION*

Access to Information Act Designation Order

By this order made pursuant to section 95 of the *Access to Information Act*, I hereby authorize those officers and employees of the Canada Development Investment Corporation and subsidiaries (excluding Trans Mountain Corporation) occupying, on an acting basis or otherwise, the positions identified within the attached schedule to perform on my behalf any of the powers, duties, or functions specified therein.

This designation replaces and repeals all previous orders.

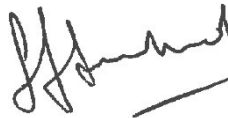
Dated in Vancouver on this 6 day of September 2021

Arrêté sur la délégation en vertu de la Loi sur l'accès à l'information

Par le présent arrêté pris en vertu de l'article 95 de la *Loi sur l'accès à l'information*, j'autorise les agents et les employés du Corporation de développement des investissements du Canada et les filiales (sauf la Corporation Trans Mountain) occupant, par intérim ou autrement, les postes identifiés dans l'annexe ci-jointe à exercer en mon nom, les attributions, les fonctions et les pouvoirs qui y sont spécifiés.

Le présent document remplace et annule tous les arrêtés antérieurs.

Fait à Vancouver en ce 6 jour en septembre 2021



Stephen Swaffield

Chairperson - Canada Development Investments Corporation /
Le Président - Corporation de développement des investissements du Canada

Schedule 1

Designation Order – Access to Information Act

Powers, duties, or functions	Section	CEO	ATIP Coordinator
Reasonable effort to assist applicants, respond accurately and completely and provide timely access in the format requested	4(2.1)	yes	yes
To give notice to applicant that access will be given	7(a)	yes	yes
To give access to the record	7(b)	yes	yes
To transfer to another institution or to accept transfer from another institution and to give notice to applicant	8(1)	yes	yes
To extend time limit and give notice	9	yes	yes
No records exist	10	yes	yes
To waive the requirement to pay a fee	11(2)	yes	yes
To determine whether a record should be translated	12(2)	yes	yes
To determine whether a record should be provided in an alternative format	12(3)	yes	yes
To refuse to disclose a record referred to in that section	13	yes	yes
To refuse to disclose a record referred to in that section	14	yes	yes
To refuse to disclose a record referred to in that section	15	yes	yes
To refuse to disclose a record referred to in that section	16	yes	yes
To refuse to disclose a record referred to in that section	16.5	yes	yes
To refuse to disclose a record referred to in that section	17	yes	yes
To refuse to disclose a record referred to in that section	18	yes	yes
To refuse to disclose a record referred to in that section	18.1	yes	yes
To refuse to disclose a record referred to in that section	19	yes	yes

To refuse to disclose a record referred to in that section	20(1)	yes	yes
To refuse to disclose a record referred to in that section	20(2)	yes	yes
To disclose part of a record referred to in that subsection and provide written explanation	20(3)	yes	yes
To disclose, with the consent of third party, a record referred to in subsection 20(1)	20(5)	yes	yes
To disclose, in the public interest, a record referred to in paragraphs 20(1)(b),(c) or (d)	20(6)	yes	yes
To refuse to disclose a record referred to in that subsection	21(1)	yes	yes
To refuse to disclose a record referred to in that section	22	yes	yes
To refuse to disclose a record referred to in that section	22.1	yes	yes
To refuse to disclose a record referred to in that section	23	yes	yes
To refuse to disclose a record referred to in that section	24	yes	yes
To disclose information that can reasonably be severed	25	yes	yes
To refuse to disclose a record referred to in that section	26	yes	yes
To give to third party notice of intent to disclose	27(1)	yes	yes
To extend time limit set out in 27(1)	27(4)	yes	yes
To decide on disclosure after third party representation and to give notice of decision to third party	28(1)	yes	yes
To waive requirement for written representations	28(2)	yes	yes
To give access unless review of decision is requested	28(4)	yes	yes

To advise the Information Commissioner of any third party who received notification or, if the document had been disclosed, would have received notification	33	yes	yes
To make representations to the Information Commissioner	35(2)	yes	yes
To give notice to the Information Commissioner that access to a record will be given	37(4)	yes	yes
To give notice to a third party of application for Court review	43(2)	yes	yes
To give notice to applicant that third party has applied for Court review	44(2)	yes	yes
To request hearing in the National Capital Region	52(2)	yes	yes
To request opportunity to make representations <i>ex parte</i>	52(3)	yes	yes
To carry out responsibilities conferred on the Head of the institution by regulations made under section 71 which are not included above	71	yes	yes
Publish travel expenses	82	yes	yes
Publish hospitality expenses	83	yes	yes
Publish tabled reports	84	yes	yes
Exempt information from publication	90	yes	yes
To prepare annual report for submission to Parliament	94	yes	yes
Provide services to another government institution	96	yes	yes

Appendix B – Statistical Report on the *Access to Information Act*



Statistical Report on the Access to Information Act

Name of institution: CANADA DEVELOPMENT INVESTMENT CORPORATION

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	8
Outstanding from previous reporting period	7
Total	15
Closed during reporting period	15
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	2
Public	5
Decline to Identify	1
Total	8

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	
1	1	1	0	0	0	0	3

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

Section 2: Decline to act 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

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	0	0	0	0	0	0
Disclosed in part	0	1	0	1	0	4	4	10
All exempted	0	0	0	0	0	0	3	3
All excluded	0	0	0	0	0	0	0	0
No records exist	1	0	0	0	0	0	0	1
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	1	0	0	1
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Decline to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0
Total	1	1	0	1	1	4	7	15

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)	1	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	11	20.2	0
13(1)(c)	1	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	0	18(d)	0	21(1)(a)	11
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	8
14	1	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	6
14(a)	1	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	3
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)	8	22.1(1)	1
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	8
15(1) - Def.*	0	16.3	0	20(1)(b)	12	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)	8	26	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(d)	8		
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	10	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
8325	1003	14

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	7	278	3	725	0	0	0	0	0	0
All exempted	3	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	1	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	11	278	3	725	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	12	0	0	0	12
All exempted	2	0	0	0	2
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	14	0	0	0	14

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	8
Percentage of requests closed within legislated timelines (%)	53.3

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
7	0	7	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	7	7
More than 365 days	0	0	0
Total	0	7	7

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	8	0	9	4
All exempted	3	0	3	1
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	11	0	12	5

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	1	0	1	0
61 to 120 days	0	0	1	0
121 to 180 days	7	0	7	4
181 to 365 days	3	0	3	1
365 days or more	0	0	0	0
Total	11	0	12	5

Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Requests	Amount	Requests	Amount
Application	7	\$35	1	\$5
Other fees	0	\$0	0	\$0
Total	7	\$35	1	\$5

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		\$45,000
Overtime		\$0
Goods and Services		\$38,144
• Professional services contracts	\$24,771	
• Other	\$13,373	
Total		\$83,144

10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0.400
Part-time and casual employees	0.000
Regional staff	0.000
Consultants and agency personnel	0.100
Students	0.000
Total	0.500

Note: Enter values to three decimal places.

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



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

Name of institution: CANADA DEVELOPMENT INVESTMENT CORPORATIO

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	0	52	52
Protected B Paper Records	0	0	52	52
Secret and Top Secret Paper Records	0	0	52	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	0	52	52
Protected B Electronic Records	0	0	52	52
Secret and Top Secret Electronic Records	0	0	52	52