



OFFICE OF THE  
INFORMATION & PRIVACY  
COMMISSIONER  
— for —  
*British Columbia*

***TIMELINESS OF GOVERNMENT'S ACCESS TO  
INFORMATION RESPONSES***

Report for Calendar Year 2008

February 2009

## **PREFACE**

This report aims to shine light on problems within the provincial government in meeting the legal obligations imposed by the *Freedom of Information and Protection of Privacy Act* to respond to access requests in a timely fashion. My overarching aim is remedial, not punitive—once problems are identified, they can be understood and fixed. My office is willing to work with the provincial government in as collaborative a fashion as possible to help the government solve the challenges highlighted in this report. Although this report reveals that there is much work to be done, the government's decision last month to centralize and streamline the processing of access requests holds promise and demonstrates a willingness to make timely access a priority. I look forward to ongoing co-operation with the Ministry as government moves forward with the needed solutions and as we report in future years.

This report is a first effort. Beginning with fiscal year 2009-2010, we will report annually on a fiscal-year basis on the provincial government's timeliness in responding to access requests. A shift to the fiscal year will more closely follow the budget cycle of individual ministries and the government as a whole. Although the reports set out below are for calendar year 2008, they will be useful in comparing year-over-year performance as we move forward. My goal in the near term is to encourage the government to continue to work on fixing the problems identified in this report. In view of the government's decision to radically alter how it processes access requests, it makes most sense for me to work over the next year on finalizing the grading methodology so I can start reporting annually using letter grades or comparable measures once the new, centralized system is up and running.

It is appropriate to repeat here my intention, first mentioned in my 2008-2009 annual report message, to report on my office's timeliness in meeting our obligations under FIPPA and the *Personal Information Protection Act*. We investigate hundreds of complaints, and handle hundreds of appeals, as the independent oversight agency under these laws. Our timeliness in doing so is an important part of the enforcement picture and thus the success of both laws given the resources we are allotted. My annual report for fiscal year 2008-2009 will therefore report statistics on our timeliness for that fiscal year.

Some thanks are in order. I would first like to thank the provincial government Council of Managers of Information and Privacy for their professionalism and candour throughout this process. There is no doubt this report focuses attention on these managers and their staff. There should be no unfair blame attached to any of them. The problems underlying delays are systemic and organizational and thus are, as a general proposition, almost wholly beyond the control of individual managers and their staff. Each time I have spoken out about delays in access responses, I have taken care to acknowledge the obvious, that the government's managers of information and privacy and their staff are dedicated and hardworking public servants. The provincial government needs to continue to foster openness and transparency within the public

service's ranks and the leadership needed to do this can be found in the ranks of these managers and their staff.

As for the spirit of co-operation, the Ministry of Labour and Citizens' Services has freely shared statistics from its Corporate Request Tracking System, which tracks all access requests to provincial government agencies. This is the source of the statistics contained in this report. I am grateful to the Ministry, particularly Lori Wanamaker, Deputy Minister, Dave Nikolejsin, Chief Information Officer, and Ursula Bolger, IM/IT Policy Program Analyst, for this co-operation. I look forward to ongoing timely and complete statistics from government on our request. I should also note that we gave the provincial government an opportunity to point out any errors or omissions in the statistics and calculations set out in this report. The provincial government questioned only two figures and these were corrected. Neither affects in any way the thrust of this report's clear message.

I am also indebted to Alasdair Roberts, the Jerome L. Rappaport Professor of Law and Public Policy at Suffolk University Law School in Boston, for his invaluable comments. Professor Roberts is highly respected as one of the world's leading experts on access to information issues and has published widely in the area. His book, *Blacked Out: Government Secrecy in the Information Age*, received the 2006 Brownlow Book Award from the US National Academy of Public Administration, and three other academic book awards. I am extremely grateful to him for his insights, which he provided on a volunteer basis.

Similarly, I am grateful to my colleagues in the Office of the Information Commissioner of Canada, which has been publishing annual report cards for federal government institutions for some ten years. Robert Marleau, Information Commissioner of Canada, generously shared the experience and assistance of his office, which are much appreciated, particularly the comments offered by Suzanne Legault, Assistant Information Commissioner of Canada, for which I thank her.

My Executive Director, Mary Carlson, provided input for which I am grateful. Last, but certainly not least, I am deeply indebted to my colleague, Catherine Tully, my Manager of Investigations and Mediation, for her work on this project. Her thinking and research, and her contributions to the writing of this report, have truly been indispensable to this first effort. This report could not have been undertaken without her.

February 12, 2009

David Loukidelis  
Information and Privacy Commissioner  
for British Columbia

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## REPORT SUMMARY

For over a decade now, successive administrations have failed to tackle the chronic problem of delay in provincial government ministry responses to access to information requests under the *Freedom of Information and Protection of Privacy Act*. My attempts, and the attempts of the OIPC staff over more than a decade to advocate for change and resolve the challenge of delay have not succeeded overall.

This cannot continue, which is why this report foreshadows what will become annual reports, on a fiscal-year basis, grading government's timeliness in responding to access to information requests. This report does not assign grades to individual ministries, but it does give a clear overview of what can only be described as an unacceptable pattern of government-wide failure to respond to access requests in as timely a fashion as it should. In fact, this report shows that in a significant number of cases—almost one third—government is in breach of its legal obligations to respond in the times set under the *Freedom of Information and Protection of Privacy Act*.

Here are the key findings in this report:

- The government closed 5,999 access to information requests in calendar year 2008. It took an average of 35 business days to respond to requests. It managed to respond within the time required by law only 71% of the time—including allowing for permitted time extensions and time properly on hold, as discussed below—meaning that almost one third of government's responses were late and thus in violation of the law. When a response was overdue, it was overdue, on average, by 37 business days.
- Of the 22 ministries and other public bodies reviewed, only 4 had an average processing time of 30 business days or less.
- The five lowest performing ministries or public bodies judged by the percentage of on-time request responses are listed below:

<b>Ministry/Public Body</b>	<b>Number of Requests Closed</b>	<b>% of Requests Closed on Time</b>
Office of the Premier	99	31%
Ministry of Labour & Citizens' Services	69	35%
Ministry of Tourism, Culture & the Arts	39	36%
BC Public Service Agency	115	37%
Ministry of Energy, Mines & Petroleum Resources	37	41%

- Another measure of performance is the overall average processing time of all closed requests.<sup>1</sup> From the perspective of overall average processing time of all closed requests, the five lowest performers were:

Ministry/Public Body	Number of Requests Closed	Average Overall Processing Time (Business Days)
Ministry of Aboriginal Relations & Reconciliation	12	106
Ministry of Tourism, Culture & the Arts	39	94
Office of the Premier	99	86
Ministry of Community Development	41	80
Ministry of Energy, Mines & Petroleum Resources	37	78

- The figures are even more disturbing when response time performance is calculated according to the type of requester. As the following chart shows, responses to access requests made by political parties are on time only 53%, while responses to businesses and other public bodies are on time 79% and 94% of the time respectively. Further, when they are overdue—again, request responses are ‘overdue’ when they fall outside any permitted time extensions or on-hold time—responses to requests by political parties are overdue on average 64 days, compared to 36 and 23, respectively, for businesses and other public bodies.

#### All Public Bodies Combined: — Breakdown by Applicant Type

Applicant Type	Number of Requests Closed	% on Time	Average Number of Business Days Overdue
Business	178	79%	36
Individual	3123	74%	33
Interest Group	210	57%	38
Law Firm	1491	71%	36
Media	410	49%	40
Other Governments	38	82%	44
Other Public Body	252	94%	23
Political Party	273	53%	64
Researcher	24	75%	28

<sup>1</sup> FIPPA permits ministries and other public bodies to extend the time for responding to access requests in the three circumstances set out in s. 10 (*i.e.*, where more detail is needed to identify a requested record, where large numbers of records are requested; and where more time is needed to consult third parties or other public bodies). The commissioner can also extend further where it is fair and reasonable to do so. Accordingly, the average processing times noted in this report will include at least some requests that had legitimate time extensions, some for perhaps fairly lengthy periods, that would raise the average overall processing times noted in this report.

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Consistent with our usual practice in such reports, the draft contents of this report have been shared with government and government is already aware of my deep concern about what these numbers show. As a result, government has decided to significantly re-structure how it responds to access requests. It is creating a centralized agency to process requests, with a view to cutting response times by streamlining the process. I am optimistic that this new approach can succeed, although the new agency and its processes have to be designed well and properly resourced. I will to the extent appropriate offer my office's expertise to public servants as they design and roll out the new approach. I will then, starting with fiscal year 2009-2010, release annual graded report cards. This will allow the new process to be put in place, and allow me to start to measure its success or failure through our public reporting.

Two other things must happen if the problem of delay is to be seriously addressed.

First, government must cease using any kind of sensitivity ratings, whether these are applied to types of requesters—for example, media, political parties and interest groups—or to complex or otherwise difficult requests. The statistics reported here indicate, alarmingly, that access requests by political parties in particular are responded to significantly slower than requests from, for example, businesses or individuals. It is not clear whether this is due to use of applicant-related sensitivity ratings, but on its face the facts suggest different treatment. If this is the case, it must stop at once.

Second, the responsible minister, the Minister of Labour and Citizens' Services, needs to start meeting the minister's statutory obligation, under s. 68 of the *Freedom of Information and Protection of Privacy Act*, to report annually to the Legislative Assembly on the administration of that law. This important transparency and accountability duty has been fulfilled only once since 1993 and it is time for government to use this tool to report on its timeliness in responding to requests and its other responsibilities, including relating to privacy.

Things must change. Dramatic improvements are called for. The government's commitment to implementing meaningful organizational changes in order to meet its statutory obligations is welcome. I will monitor progress and report publicly to ensure that this commitment is met and met well.

## **GOVERNMENT'S RESPONSE TO THE REPORT**

On behalf of the Government of British Columbia, I would like to thank the Information & Privacy Commissioner for the opportunity to provide a response to his February 2009 "Timeliness of Government's Access to Information Responses—Report for Calendar Year 2008". We are pleased that the Commissioner allowed government to review his report and include comments before publication.

In his report, the Commissioner has identified challenges faced by all governments since the legislation came into effect in 1993. Government now responds to almost 6000 requests every year, some of which are large, complex and involve multiple ministries, and all of which are taking place in an age of evolving technologies. This government has repeatedly demonstrated the commitment to measure, benchmark and improve performance in every ministry. This report now equips us with a baseline measure to extend our efforts to improving this crucial aspect of government accountability and transparency. For this, I sincerely thank the Commissioner for the energy and resources he put into this report.

The analysis and methodology that informs this report is new and not without its complexities. As the Commissioner has noted, the average processing times identified in the report include at least some requests that had legitimate time extensions granted, some for perhaps fairly lengthy periods. Moreover, the nature of the work in different ministries often leads to substantively different information requests and response challenges. However, his main point, and our main commitment, remains: Government's obligation is not just to follow the Act, but also to do so in a timely manner.

It was this commitment that prompted the government to act in January 2009 when we centralized our information access and privacy operations. The new alignment of resources enables a broader and more comprehensive review of the information access system. Benefits of this approach include: standardized government-wide processes and consistent staff practices; an opportunity to implement across government best practices used within ministries and in other jurisdictions; development of comprehensive strategies to remediate problems; and effective deployment of staff when large and complex requests are received.

In this regard, specific system enhancements are under consideration and include: streamlined business processes to expedite responses to straightforward requests and address wherever possible delays associated with cross-ministry requests; a staged release process for more complicated requests; and increased use of technology to better facilitate request processing in areas such as record gathering, transference and severing. Moreover, an enhanced tracking system will be developed to allow the new organization to quickly identify areas of delay, target resources, address problems, and revise processes, as well as enable the production of value-added performance reports on quarterly and annual bases. Future implementation decisions regarding these



enhancements will be informed by the evidence we gather as we carefully track our progress and the effectiveness of our standardized processes.

In addition, the new organization is working closely with ministries to ensure responsibilities throughout the process are clear, to improve records management practices, to improve the release timelines of routine information requests where possible, and to implement an approval process that can delegate decision-making.

The Commissioner acknowledges in his report that this centralization initiative will likely lead to material improvements in government's response times to information requests. The Commissioner also makes several additional recommendations to improve access to information programs. We will act on these recommendations.

First, the Commissioner asks that government eliminate the use of "sensitivity ratings" in request processing; something government has discontinued at a corporate level. However, as the Commissioner advises that some ministries continue with this practice, we will use the opportunity presented by our new centralization initiative to ensure this practice is discontinued.

Second, he asks that government seeks to guarantee anonymity for requesters wherever possible throughout the request process. While there are times when the identity of a requester needs to be known as part of the decision-making process (for example, in the interest of public safety), we will undertake efforts to ensure anonymity is protected to the greatest extent possible.

Finally, the Commissioner recommends the Minister report annually to the Legislative Assembly on the administration of the Act. While government has been publishing annual information request statistics, we are committed to meeting this recommendation and will complete an annual report for the end of fiscal March 31, 2010.

The actions outlined in this response demonstrate government's continued commitment to freedom of information. Fees for general information requests have not increased since 1993 and a fee is not charged for people seeking access to their own personal information. As a national leader in freedom of information and protection of privacy, British Columbia has the strongest access and privacy legislation in Canada. We have added whistleblower protection to the legislation, and we were the first government in Canada to protect citizens from the *U.S.A. Patriot Act* by limiting disclosure and storage of personal information outside of Canada and by requiring all public bodies to report foreign requests for unauthorized access to personal information.

The Information & Privacy Commissioner's February 2009 report represents an opportunity to once again illustrate government's commitment to openness and accountability. We will continue to consult with the Commissioner as our new processes are developed and our organization evolves.

Honourable Iain Black, Minister of Labour and Citizens' Services

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## **TIMELINESS OF GOVERNMENT ACCESS TO INFORMATION RESPONSES**

### **1. Objective of this report**

This report is intended to examine provincial government compliance with the statutory timelines for responding to access to information requests under the *Freedom of Information and Protection of Privacy Act* (“FIPPA”). The appendices included in this report are on a ministry-by-ministry basis, but they paint an overall picture about how well the provincial government is or is not doing in meeting its legislated duties under FIPPA.

It is safe to say the story is not, for calendar year 2008, a happy one at all. The stark fact is that the government’s overall record of compliance with its legal obligations under FIPPA is far from good. Even if they do not expect perfect compliance at all times or across government, British Columbians have a right to expect better than they are getting. They expect that their requests for information about government actions and performance will be responded to in accordance with the law. Without timely compliance, the important public policy objectives of access to information—transparent and accountable government—wither.

My analysis of the situation suggests that, while more resources for improved staffing levels would help the situation, much of the delay could be eliminated by changes to how access to information requests are processed. Later in this report I lay out the features of a well-functioning access to information program and suggest ways forward. It is useful to note here, however, that the government’s very recently-announced centralization of request processing in a new unit having a government-wide mandate has real promise (although there are risks to be avoided as well). Although final details of the process have yet to emerge, I believe that many of the shortcomings of the present system can be addressed through the new approach. I look forward to timely consultation by the responsible ministry, the Ministry of Labour and Citizens’ Services, on the new unit and the processes to be used.

### **2. Importance of timely access to information**

A well-crafted freedom of information law is indispensable to the proper functioning of any democratic government, as the Supreme Court of Canada has recognized:<sup>2</sup>

The overarching purpose of access to information legislation, then, is to facilitate democracy. It does so in two related ways. It helps to ensure first, that citizens have the information required to participate meaningfully in the democratic process, and secondly, that politicians and bureaucrats remain accountable to the citizenry. As Professor Donald C. Rowat explains in his classic article, “How Much Administrative Secrecy?” (1965), 31 *Can. J. of Econ. and Pol. Sci.* 479, at p. 480:

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<sup>2</sup> *Dagg v. Canada (Minister of Finance)*, [1997] 2 S.C.R. 403.

Parliament and the public cannot hope to call the Government to account without an adequate knowledge of what is going on; nor can they hope to participate in the decision-making process and contribute their talents to the formation of policy and legislation if that process is hidden from view.

...

Rights to state-held information are designed to improve the workings of government; to make it more effective, responsible and accountable. Consequently, while the *Access to Information Act* recognizes a broad right of access to “any record under the control of a government institution” (s. 4(1)), it is important to have regard to the overarching purposes of the Act in determining whether an exemption to that general right should be granted.

As the United States Supreme Court has said, the basic purpose of such laws “is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to...hold the governors accountable to the governed.”<sup>3</sup> A 1996 House of Representatives report said this about the federal *Freedom of Information Act*:

...The Act reflects the view that the full disclosure of information to the public about government wrongdoing and other mistakes will ultimately generate appropriate corrective responses. Such revelations may have a certain degree of preventive effect, prompting a higher degree of probity and conscientiousness in the performance of government operations. Exposures resulting from FOIA disclosures, and the reactions they produce, are critical to maintaining an open and free society.<sup>4</sup>

In view of these vital public policy objectives, it has been said many times that ‘Access delayed is access denied.’ Timely access to information is, in other words, critical to the success of efforts by citizens, businesses, interest groups and others to hold government to account. For this reason, FIPPA imposes strict timelines on public bodies for responding to access requests. These timelines recognize that in many, if not all, cases access delayed might as well be access denied. FIPPA recognizes, in other words, that timely access to information is critically important for effective and meaningful openness and accountability.

Section 6 of FIPPA requires public bodies to make every reasonable effort to respond to access requests “without delay”, and s. 7 goes on to set an outside limit for responses of 30 days<sup>5</sup> after a request is received. In addition, under s. 10 a public body may extend the 30-day response time in the following circumstances:

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<sup>3</sup> *N.L.R.B. v. Robbins Tire & Rubber Co.*, 437 U.S. 214 at 242 (1978).

<sup>4</sup> Report on Electronic Freedom of Information Amendments of 1996 (House of Representatives Report 104-795), at p. 8. [http://www.epic.org/open\\_gov/efoia\\_report.html](http://www.epic.org/open_gov/efoia_report.html).

<sup>5</sup> In 2002, the provincial government materially relaxed this timeline by changing the definition of “day” from calendar to business days. This represents a roughly 40% increase in the time permitted for responses under s. 7.

- the applicant does not give enough detail to enable the public body to identify a requested record;
- a large number of records are requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the public body; or
- more time is needed to consult with a third party or other public body before the head can decide whether or not to give the applicant access to a requested record.

Yet another time extension may be available to public bodies, but only with the commissioner's permission if he or she determines it is fair and reasonable in the circumstances.

Despite the relaxation of timelines through the change to business days, these FIPPA provisions reveal a clear legislative intent to ensure timely responses to access requests. Delays are permitted, but only in tightly circumscribed cases, as specified in FIPPA. Time extensions are clearly not meant to be routine. They are not meant to be an excuse for cumbersome, inefficient processes for responding to requests. Nor are they intended to conceal inadequate resources for complying with FIPPA.

### **3. Ten years of advocating in vain for systemic improvements**

The overall failure of provincial government ministries to respond to access requests in a timely fashion spans several administrations; it is a chronic problem that extends back into the 1990s. In fact, some might question why, given the chronology outlined below, I have not acted more forcefully in combating this systemic problem:

- In my very first annual report to the Legislative Assembly, for the fiscal year 1999-2000, I expressed concern about the delay by provincial government ministries overall in responding to access requests.
- Two years later, in my 2001-2002 annual report message I expressed concern that cuts in government funding would further exacerbate the delay problem.
- I again expressed concern in 2002-2003 and 2004-2005 about the impact of budget cuts on overall timeliness of government responses.
- By 2006, it was not possible to rely any more on advocacy and co-operation alone. As reflected in the annual report message for 2006-2007, in late 2006 we implemented a new 'deemed refusal' procedure for dealing with failure by public bodies to respond to access requests in time.
- As the following excerpts from my 2007-2008 annual report message show, by the time 2008 rolled around, it was clear that the time for more meaningful, direct action was due, perhaps overdue:

This is now clearly a chronic problem at the provincial government level, a problem that predates my becoming commissioner in 1999, but which continues to be of grave concern. It is often said that access delayed is access denied and the inability of the citizens to exercise their rights to information under FIPPA in a timely way is cause for grave concern.

The ongoing failure by provincial government ministries to respond overall to requests in a timely fashion is particularly troubling because FIPPA's time limits were materially relaxed in 2003 by changing the response time to 30 business days, instead of 30 calendar days. Despite this generous change, responses by provincial government ministries to requests for general information—as opposed to requests for personal information—took an average of 51 business days, not calendar days, in fiscal years 2006-2007 and 2007-2008. The average response time for personal information requests in 2007-2008 was 26 business days, which, combined with the general information response average, yielded an overall average of 35 business days. Even this combined average is outside the relaxed 30 business day response time introduced in 2003. ...

- Having had no meaningful success in persuading various ministries to provide more funding for responding to access requests, and having had no meaningful indications of interest in obtaining our support to identify, ministry-by-ministry, changes to enhance compliance, the process I announced in 2008 has proceeded and this report is the first in an annual series.

#### **4. Sources of the problem**

Over the years I have identified inadequate resources as one source of the delay problem. This was apparently a feature of delays in the 1990s and it is likely that budget cuts to ministries beginning in 2002 had some impact. That said, I believe that most of the problems have to do with process, not funding, which means that process changes can go a long way to improving response times. These are the most likely culprits for a ministry's inability to respond on time:

- The information and privacy branch has insufficient formal power, or influence to secure timely and full co-operation of program area staff in retrieving requested records to process in response to a request for access. A branch in this position also may not be able to obtain the timely co-operation of professional program staff in advising on whether exceptions to the right of access apply. Quick retrieval of responsive records, and timely supporting advice from the program area staff who know the records best, are critically important to ensuring the timeliness (and quality) of access responses.
- Cumbersome sign-off processes for approving decisions to release or withhold information. Some ministries have required more than 12 individuals to sign off on release packages, including in some historical cases two or three assistant deputy ministers and the deputy minister. This unnecessarily adds to delays as each individual may be too busy, absent or reluctant (often because of risk aversion) to

act promptly. Managers of information and privacy are experienced professionals and should have the delegated authority and independence to make the vast majority of access decisions without further sign-off.

- Complex or cross-government access requests usually entail some consultation between or among ministries whose records or interests are implicated. A ministry that seeks input from another has no way of enforcing a timely response from the other ministry. This leaves the referring ministry at risk of substantial delay for reasons outside its control. (At the same time, some public bodies, notably the Office of the Premier with regard to s. 12, and as required by s. 16, of FIPPA, receive numerous consultation requests. This requires them to divert information resources towards addressing these consultation requests and away from responding to access requests made directly to them. This is only partially a process issue for such public bodies: it is also a resource issue for them.)
- Poor records management practices and lack of records management staff who can quickly find and retrieve relevant records can also contribute significantly to delays in response time and to the adequacy of access request responses.

It should be underscored that these are only some of the reasons for delay that we have encountered over the years.

## **5. Chronology of the process to date**

In September 2008, representatives from my office met with the Council of Managers of Information and Privacy (“CMIP”) for provincial government ministries and told them of the plan to issue a report on timeliness for calendar year 2008, with the report being issued early in 2009. CMIP was told that, after this first round of reporting, the reports would move to a fiscal-year basis, with the next reports being issued, some time in April 2010, for fiscal year 2009-2010. The proposed report methodology was shared with the CMIPS and feedback was received from a number of ministries. We also told CMIP that each ministry would be allowed to provide comments in response to our reports and promised to publish these comments as part of each ministry’s report, subject to our final right of editing.<sup>6</sup>

Also last fall, statistics on access request processing were gathered from the CRTS for the period January 1, 2008 to October 20, 2008 and produced sample individual ministry reports for that period. These were sent to the ministries on November 7, 2008, with comments being sought. A number of ministries commented and OIPC staff met with several of them as well to discuss their feedback.

My next report will cover the fiscal year 2009-2010. I will evaluate feedback from government ministries and other stakeholders about this initial report and use that input

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<sup>6</sup> For this year’s report, the provincial government has provided a single response, which is included as part of this report, in view of its decision to centralize its access to information functions.

to finalize the grading and reporting processes. I may also add subjective measures of performance in future reports,<sup>7</sup> but the nature of these measures remains to be determined.

## 7. Overall Results

As regards methodology, in calculating the average number of days that ‘overdue’ requests are overdue, we did not include time a request was placed on hold as permitted under s. 7 of FIPPA. Nor did we include time extensions as permitted under s. 10 of FIPPA. In other words, a request was not ‘overdue’ until the initial 30-day time period under FIPPA, plus any on-hold time and any time extension period, had expired. All of the figures in this report for days ‘overdue’ therefore reflect numbers of days outside these permitted periods.

We examined the timeliness of 22 ministries in responding to access requests. The key statistics for all ministries combined are as follows:

<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number of Business Days Overdue</b>
5,999	35	71%	37

Appendix 1 to this report sets out the total number of requests closed, average processing times overall for each ministry, percentage of responses released on time and the average number of days overdue requests were overdue.

The Ministry of Children and Family Development is overall the highest performer. It closed the most requests in calendar 2008 (1,469 closed requests, or just under 25% of all requests government-wide) and still managed to achieve an average processing time under the 30 business day statutory requirement. That Ministry was on time in 94% of its request responses. It is clear that the governments’ overall average processing time of 35 business days is thanks in large part to the efforts of this one ministry. The Ministry of Housing and Social Development also performs well, particularly with respect to its overall average processing time (18 business days), although its on-time rate was just 73%.

The Ministry of Healthy Living and Sport was established in 2008. It closed 9 access requests in 2008, but did so in each case within 30 business days. Although the number of processed requests was low, I note that other ministries with only a few more closed requests than this did not manage to respond within the 30 business day period.

<sup>7</sup> For example, training initiatives and routine release policies.

Of the 22 ministries and public bodies reviewed, only 4 had an average processing time of 30 business days or less:

<b>Ministry</b>	<b>Number of Requests Closed</b>	<b>Overall Average Processing Time (Business Days)</b>
Housing & Social Development	1336	18
Children & Family Development	1469	21
Healthy Living & Sport	9	29
Forests & Range	192	30

We know that the success of these ministries is based on adoption of some of the strategies mentioned below as key features of good access to information programs. For example, the Ministry of Children and Family Development manages to respond to almost 1500 access requests each year in a timely fashion because it has delegated the authority to disclose the majority of personal access request responses to analysts. This means there is no delay due to multiple sign-offs in different departments and at different levels within the Ministry. To take another example, the Ministry of Forests has developed a response strategy that involves identifying certain types of records as being releasable by program areas in the Ministry's branches and regions. Once again, there is no real delay in sign-off. The Ministry of Healthy Living and Sport received strong executive support and direction for making timely responses a priority, another feature of a successful access to information program.

The five lowest performing ministries by percentage of on-time requests are listed below:

<b>Ministry/Public Body</b>	<b>Number of Requests Closed</b>	<b>% of Requests Closed on Time</b>
Office of the Premier	99	31%
Ministry of Labour & Citizens' Services	69	35%
Ministry of Tourism, Culture & the Arts	39	36%
BC Public Service Agency	115	37%
Ministry of Energy, Mines & Petroleum Resources	37	41%

Another measure of performance is the overall average processing time of all closed requests. In that category, the five slowest performers were:



Ministry/Public Body	Number of Requests Closed	Average Overall Processing Time (Business Days)
Ministry of Aboriginal Relations & Reconciliation	12	106
Ministry of Tourism, Culture & the Arts	39	94
Office of the Premier	99	86
Ministry of Community Development	41	80
Ministry of Energy, Mines & Petroleum Resources	37	78

## 8. Processing Time Results by Applicant Type

One important issue we examined was whether request response times varied according to the type of access applicant, such as media, political parties and so on. When public bodies receive access requests, they identify the type of applicant in the CRTS. There are nine applicant types used across government. While data for individual ministries can be of limited value because of low numbers of requests, the data across the provincial government are of more interest.

As might be expected, many ministries have so few requests in certain applicant type categories that the results are not all that meaningful. However, the results across government paint a troubling picture of response times according to the type of applicant making requests:

All Public Bodies Combined – Breakdown by Applicant Type			
Applicant Type	Number of Requests Closed	% on Time	Average Number of Business Days Overdue
Business	178	79%	36
Individual	3123	74%	33
Interest Group	210	57%	38
Law Firm	1491	71%	36
Media	410	49%	40
Other Governments	38	82%	44
Other Public Body	252	94%	23
Political Party	273	53%	64
Researcher	24	75%	28

There are two patterns of concern. First, media, political parties and interest groups all have a percentage of on-time responses that is significantly lower than those for any other groups. Second, on the face of things, political parties in particular are receiving responses to their access requests significantly later than all other groups. This raises the deeply troubling prospect that such groups are not being treated fairly in relation to

the access requests they make to government. These figures also raise the issue of the use of sensitivity ratings, an issue that is addressed below.

## 9. Moving forward

### *Cautious optimism about the new approach*

An internal government announcement last month revealed that the provincial government will centralize the access request processing. No details of the new agency or processes were available at the time of writing. Nonetheless, I am, in principle optimistic about the benefits that could be gained through a streamlined, centralized process for responding to access requests, certainly a process that incorporates the key features, set out below, of sound access to information programs.

A central freedom of information agency in government can and should become a centre of excellence, well resourced and staffed by the best in the business, commanding the respect and co-operation of program staff in client ministries. It must be free of influence by public affairs and communications staff in relation to the processing of requests and disclosure decisions.

### *Key features of good access to information programs*

In a 2006 investigation report I identified the following key features of a well-functioning access to information program, all of which should be reflected in the design and operation of the central agency, with these features applying to any ongoing ministry-level responsibilities:<sup>8</sup>

1. Strong public body executive support and leadership in the area of access to information. This is in turn evidenced by well funded and well staffed FOI offices, ongoing access and privacy training programs for staff, regular messaging to all staff supporting the goals of FIPPA and by a streamlined and efficient request sign-off process.
2. The public body actively and regularly publishes, without formal access requests, records of interest to the public. This is known as routine release or pro-active release of records. At the very least, records such as program audits, financial audits, impact assessments, records previously released in response to access requests will be posted on the internet and otherwise made available as part of a well-functioning routine release process. As part of a successful disclosure program, program area staff should regularly review their records for posting and staff should be encouraged to identify records for pro-active release.

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<sup>8</sup> The new system must, of course, respect the fact that each ministry is a separate public body under FIPPA, with each minister as its head, having legal obligations to the public and individual access requesters. This important feature of FIPPA can and should be preserved under the new approach, with appropriate delegations to the access experts housed in the central agency.

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3. Records are disclosed in a timely fashion and, at least on average, within the initial 30-business day time limit set out under FIPPA. There are numerous strategies a public body can employ to ensure that it meets this goal, including these:
- Have a fully staffed and well trained FOI office with strong support from the executive.
  - Make meeting the 30-business day response time a performance objective of ministry executives.
  - Have trained records management staff in each branch ready to collect requested records as soon as a request is received.
  - Have regular access and privacy training for all existing staff and required access and privacy training for all new staff. Monitor the training using online testing.
  - Use a rational and consistent records management strategy across the public body. Preferably use a central filing system for both electronic and paper records.
  - Delegate as many decisions as possible to the Director/Manager of Information and Privacy and their staff.
  - Limit sign-off (approval) of decisions to no more than two people.
  - Do not include communications staff in the sign-off process. Create a parallel process that allows the ministry to manage communications issues associated with disclosure without interfering with the timely release of records.
  - When requests are for large numbers of records, release records in phases.
  - Interpret requests in a manner that a fair and rational person would consider appropriate in the circumstances. Avoid overly literal or narrow interpretations of requests.
  - Communicate regularly with applicants from the outset and throughout the processing of the request, particularly regarding the scope of the request and the scope of records available.
  - The executive management of all public bodies covered by FIPPA ought to show leadership in access to information and the above practices should form part of any properly functioning, forward-looking access to information program.

Making use of its existing information system, the CRTS—with any necessary improvements—the government should now begin to report at least quarterly to the OIPC and publicly on ministry-by-ministry performance in timeliness of responses. We will provide input to government respecting the data elements we believe should be included in these reports.

### ***Eliminate sensitivity ratings for access requests***

The timeliness of responses may also be affected by the practice of attaching a ‘sensitivity rating’ to access requests. Because of a complaint to the OIPC about the use of such ratings, and their impact on responses, in recent years I examined the practice of some government ministries of assigning a ‘sensitivity rating’ to requests for records made under FIPPA. A sensitivity rating is a label attached to a particular request signalling that the request should be handled with special attention, due to either the nature of the request, the complexity of the request or the identity of the requester. The rating will be high, medium or low. Requests that have been tagged with a sensitivity rating generally go through a different sign-off process than requests that have no rating. The difference is that requests with a higher sensitivity levels result in more or higher levels of sign-off, with the highest levels requiring sign-off by an assistant deputy or deputy minister.

Seven of the nineteen ministries we surveyed<sup>9</sup> responded that, at that time, they assigned access requests a sensitivity rating of either low, medium or high depending on a number of things, including the identity of the requester, the subject matter and the complexity of the request. The sensitivity rating was generally applied at the time the request is received, although it may change during the processing of the request as sensitive issues are identified. Four other ministries<sup>10</sup> stated that, while they do not apply a formal sensitivity rating, they nonetheless may treat certain requests differently depending on the applicant or type of record. The result might be a higher level of sign-off or a ‘heads-up’ to the ministry executive. The remaining eight ministries reported to us that they neither apply sensitivity ratings nor apply any other system to rate the sensitivity or complexity of access requests.

The other effect of the sensitivity rating on the processing of access requests is that the Public Affairs Bureau (“PAB”), the centralized government communications office under the aegis of the Ministry of Finance, may review a disclosure package once the sign-off process is complete. This is to enable PAB to prepare briefing notes for ministers or ministry executives in anticipation of release of the requested information. With a few exceptions, the identity of the access applicant is not, we were told, disclosed to PAB.

We have already reported here that the data indicate that requests by political parties, media and advocacy groups are responded to much later than other requests. The reasons for this disparity are not known at this time. Whatever the reasons for this

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<sup>9</sup> Ministries of Aboriginal Affairs, Advanced Education, Attorney General, Education, Forests & Range, Health and Public Safety & Solicitor General.

<sup>10</sup> Ministries of Agriculture & Lands, Employment & Income Assistance, Environment, and Transportation.

situation, any bureaucratic processes to influence in any way responses to access requests made by political parties, media or interest groups is inconsistent with principles of open government. Requests made by those who have typically received high sensitivity ratings—advocacy groups, opposition parties, environmental groups and the media—can actually strengthen democracy by shedding light on the decisions and actions of government. Any use of sensitivity ratings to identify requests made by such requesters is inconsistent with FIPPA's goals of openness and accountability.

The 2004 Special Committee to review FIPPA expressed concern that the practice of assigning sensitivity ratings based on the identity or type of requester would not ensure equal and impartial treatment of requesters. The Special Committee recommended that any practice of assigning sensitivity ratings be abandoned, and that the criterion for classifying any request as 'sensitive' should be based only on the complexity of the request.<sup>11</sup>

With deference to the Special Committee's recommendation, there should, in our view, be no sensitivity ratings whatsoever for access requests under FIPPA, even for so-called complex requests. Such ratings, informal or formal, are likely to do nothing but delay access to information responses, which must be avoided.

### ***Guaranteeing anonymity for requesters seeking non-personal information***

Timely access to information should not be affected by the nature of the request or the identity of the requester. The legislation does not require requesters to provide reasons for making an access request. A person's motives for asking are irrelevant and a response to an access request should not be influenced by whether the requested information is for the benefit of one person or of an organization or group the applicant represents.

The most efficient way to ensure that all requests are treated equally is to guarantee that the identity of the requester remain shielded throughout the process, known only to the branch responsible for making the decision on disclosure and for sending the records to the requester. Practices vary across ministries around concealing or revealing the identity of a requester throughout the sign-off process. I am aware of no valid operational reason for communicating the identity of the applicant to any executive, program area, records managers, sign-off authorities or public affairs officers in the response process.

Obviously, anonymity cannot be guaranteed when the request is for personal information. Even so, in these cases, to ensure timeliness and protect the privacy of the requesters, the response processes should, wherever possible, protect anonymity. The same is true where other third-party information, such as business information that may be protected under s. 21, is involved.

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<sup>11</sup> Report of the Special Committee to Review the Freedom of Information and Protection of Privacy Act (2004), p. 7. <http://www.oipc.bc.ca/pdfs/public/Rpt-FOIPPA37-5.pdf>.

The 2004 Special Committee to Review the Freedom of Information and Protection of Privacy Act strongly recommended that FIPPA be amended to “to establish that an applicant who makes a formal access request has the right to anonymity throughout the entire process.” The government has not acted on this recommendation and I urge it to do so now.

***One further key step—regular public reporting by the responsible minister***

Under s. 68 of FIPPA, the minister responsible for FIPPA, “must prepare an annual report on its administration and lay the report before the Legislative Assembly as soon as possible.” As far as we can tell, the responsible minister has complied with this legal duty only once in the life of FIPPA, which came into force in 1993. We brought this to the attention of the previous minister in 2007 and asked her to start reporting annually as required. We were told that ministers have complied with this duty ‘in spirit’ by publishing information about FIPPA’s operation here and there. With deference, piecemeal publication of information in various places and at different times in no way meets the clear language and intent of s. 68.

Leaving aside the statutory duty, an annual report would be an excellent measure for achieving greater transparency and accountability respecting all aspects of FIPPA’s administration. Annual reports to the Legislative Assembly will allow government to report on its progress in meeting FIPPA’s timelines, as well as a host of other access to information and privacy issues arising under FIPPA. We will be urging the current minister to begin to fulfill this reporting obligation with a report for the current fiscal year.

## **10. Conclusion**

As indicated at the outset, the goal of this first report is remedial. By identifying problem areas, we hope to encourage positive change by government, to enable government to learn from past mistakes, and successes, and improve its compliance overall with the vitally important timelines laid down in FIPPA.

This is, again, our first effort at reporting government’s compliance in this area. We will, as noted above, welcome criticism and comments and use the information we receive to improve our methodology and reporting for future reports, which will be issued on a fiscal year basis.

February 12, 2009

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David Loukidelis  
Information and Privacy Commissioner  
for British Columbia

<b>Appendix 1: All Ministries — Compliance Report Summary</b>
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Public Body	Number of Requests Closed	Average Processing Time (Business Days)	% on Time	Average Number Business Days Overdue <sup>12</sup>
<b>All Ministries Total</b>	<b>5999</b>	<b>35</b>	<b>71%</b>	<b>37</b>
Aboriginal Relations & Reconciliation	12	106	42%	52
Advanced Education & Labour Market Development	50	44	72%	34
Agriculture & Lands	73	42	71%	18
Attorney General	133	44	71%	57
BC Public Service Agency	115	47	37%	23
Children & Family Development	1469	21	94%	13
Community Development	41	80	56%	90
Economic Development	18	52	61%	34
Education	96	35	72%	23
Energy Mines & Petroleum Resources	37	78	41%	47
Environment	185	38	82%	22
Finance	151	53	53%	35
Forests & Range	192	30	77%	24
Health Services	161	31	67%	26
Healthy Living & Sport	9	29	100%	0
Housing & Social Development	1336	18	73%	8
Labour & Citizens' Services	69	68	35%	41
Office of the Premier	99	86	31%	59
Public Safety and Solicitor General	1413	48	55%	56
Small Business & Revenue	58	35	91%	61
Tourism, Culture & the Arts	39	94	36%	79
Transportation	243	45	66%	42

<sup>12</sup> Average number of business days overdue in all tables is the average number of business days overdue requests were overdue.

<b>Appendix 2: All Ministries — Breakdown By Applicant Type</b>
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<b>Applicant Type</b>	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
Business	178	140/178 = 79%	36
Individual	3123	2306/3123 = 74%	33
Interest Group	210	119/210 = 57%	38
Law Firm	1491	1065/1491 = 71%	36
Media	410	202/410 = 49%	40
Other Governments	38	31/38 = 82%	44
Other Public Bodies	252	237/252 = 94%	23
Political Party	273	145/273 = 53%	64
Researcher	24	18/24 = 75%	28
<b>Total</b>	<b>5999</b>	<b>4263/5999 = 71%</b>	<b>37</b>



<b>Appendix 3: Individual Ministry Compliance Reports</b>
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<b>Ministry of Aboriginal Relations &amp; Reconciliation</b>				
	Number of Requests Closed	Average Processing Time (Business Days)	% on Time	Average Number Business Days Overdue
<b>All Requests Closed in 2008</b>	12	106	5/12 = 42%	52
<b>Breakdown By Applicant Type</b>				
	# of Closed Requests	% on Time	Average # Business Days Overdue	
Business	0			
Individual	2	0/2 = 0%	115	
Interest Group	2	2/2 = 100%	0	
Law Firm	1	1/1 = 100%	0	
Media	0			
Other Governments	0			
Other Public Body	0			
Political Party	7	2/7 = 29%	27	
Researcher	0			

<b>Ministry of Advanced Education &amp; Labour Market Development</b>				
	Number of Requests Closed	Average Processing Time (Business Days)	% on Time	Average Number Business Days Overdue
<b>All Requests Closed in 2008</b>	50	44	36/50 = 72%	34
<b>Breakdown By Applicant Type</b>				
	Number of Requests Closed	% on Time	Average Number Business Days Overdue	
Business	2	2/2 = 100%	0	
Individual	24	20/24 = 83%	10	
Interest Group	3	0/3 = 0%	41	
Law Firm	9	6/9 = 67%	35	
Media	1	0/1 = 0%	93	
Other Governments	2	2/2 = 100%	0	
Other Public Body	0			
Political Party	7	4/7 = 57%	36	
Researcher	2	2/2 = 100%	0	

<b>Ministry of Agriculture &amp; Lands</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	<b>73</b>	<b>42</b>	<b>52/73 = 71%</b>	<b>18</b>
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>	
Business	7	5/7 = 71%	10	
Individual	31	23/31 = 74%	9	
Interest Group	7	6/7 = 86%	30	
Law Firm	10	6/10 = 60%	10	
Media	5	3/5 = 60%	35	
Other Governments	3	2/3 = 67%	5	
Other Public Body	2	½ = 50%	4	
Political Party	8	6/8 = 75%	72	
Researcher	0			

<b>Ministry of Attorney General</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	<b>133</b>	<b>44</b>	<b>94/133 = 71%</b>	<b>57</b>
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>	
Business	3	3/3 = 100%	0	
Individual	77	69/77 = 90%	60	
Interest Group	1	1/1 = 100%	0	
Law Firm	14	7/14 = 50%	76	
Media	17	6/17 = 35%	47	
Other Governments	2	½ = 50%	10	
Other Public Body	1	1/1 = 100%	0	
Political Party	17	5/17 = 29%	58	
Researcher	1	1/1 = 100%	0	

<b>BC Public Service Agency</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	115	47	43/115 = 37%	23
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>	
Business	1	0/1 = 0%	7	
Individual	47	17/47 = 36%	30	
Interest Group	0			
Law Firm	50	22/50 = 44%	20	
Media	17	4/17 = 24%	14	
Other Governments	0			
Other Public Body	0			
Political Party	0			
Researcher	0			

<b>Ministry of Children &amp; Family Development</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	1469	21	1381/1469 = 94%	13
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>	
Business	1	1/1 = 100%	0	
Individual	1427	1361/1427 = 95%	7	
Interest Group	11	6/11 = 55%	31	
Law Firm	4	3/4 = 75%	56	
Media	15	5/15 = 33%	30	
Other Governments	2	2/2 = 100%	0	
Other Public Body	1	1/1 = 100%	0	
Political Party	8	12/8 = 25%	27	
Researcher	0			

<b>Ministry of Community Development</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	<b>41</b>	<b>80</b>	<b>23/41 = 56%</b>	<b>90</b>
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on time</b>	<b>Average Number Business Days Overdue</b>	
Business	3	3/3 = 100%	0	
Individual	18	12/18 = 67%	39	
Interest Group	4	2/4 = 50%	68	
Law Firm	4	2/4 = 50%	56	
Media	3	1/3 = 33%	9	
Other Governments	0			
Other Public Body	1	1/1 = 100%	0	
Political Party	8	2/8 = 25%	186	
Researcher	0			

<b>Ministry of Economic Development</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	<b>18</b>	<b>52</b>	<b>11/18 = 61%</b>	<b>34</b>
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>	
Business	0			
Individual	2	1/2 = 50%	40	
Interest Group	1	1/1 = 100%	0	
Law Firm	3	3/3 = 100%	0	
Media	6	3/6 = 50%	21	
Other Governments	0			
Other Public Body	0			
Political Party	6	3/6 = 50%	46	
Researcher	0			

<b>Ministry of Education</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	<b>96</b>	<b>35</b>	<b>69/96 = 72%</b>	<b>23</b>
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>	
Business	1	1/1 = 100%	0	
Individual	30	23/30 = 77%	18	
Interest Group	16	10/16 = 63%	10	
Law Firm	15	13/15 = 87%	30	
Media	5	3/5 = 60%	15	
Other Governments	1	1/1 = 100%	0	
Other Public Body	5	5/5 = 100%	0	
Political Party	21	11/21 = 52%	35	
Researcher	2	2/2 = 100%	0	

<b>Ministry of Energy, Mines &amp; Petroleum Resources</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	<b>37</b>	<b>78</b>	<b>15/37 = 41%</b>	<b>47</b>
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>	
Business	0			
Individual	7	3/7 = 43%	39	
Interest Group	6	1/6 = 17%	95	
Law Firm	6	2/6 = 33%	44	
Media	10	2/10 = 20%	27	
Other Governments	0			
Other Public Body	1	0/1 = 0%	9	
Political Party	7	7/7 = 100%	0	
Researcher	0			

<b>Ministry of Environment</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	<b>185</b>	<b>38</b>	<b>152/185 = 82%</b>	<b>22</b>
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>	
Business	26	25/26 = 96%	11	
Individual	74	65/74 = 88%	18	
Interest Group	18	11/18 = 61%	28	
Law Firm	25	23/25 = 92%	15	
Media	23	15/23 = 65%	25	
Other Governments	3	2/3 = 67%	11	
Other Public Body	5	5/5 = 100%	0	
Political Party	9	5/9 = 56%	22	
Researcher	2	1/2 = 50%	24	

<b>Ministry of Finance</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	<b>151</b>	<b>53</b>	<b>80/151 = 53%</b>	<b>35</b>
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>	
Business	5	3/5 = 60%	18	
Individual	17	8/17 = 47%	28	
Interest Group	6	2/6 = 33%	16	
Law Firm	2	2/2 = 100%	0	
Media	72	33/72 = 46%	25	
Other Governments	1	0/1 = 0%	26	
Other Public Body	0			
Political Party	48	32/48 = 67%	69	
Researcher	0			

<b>Ministry of Forests &amp; Range</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	<b>192</b>	<b>30</b>	<b>147/192 = 77%</b>	<b>24</b>
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>	
Business	26	21/26 = 81%	48	
Individual	82	60/82 = 73%	18	
Interest Group	2	2/2 = 100%	0	
Law Firm	39	30/39 = 77%	22	
Media	8	6/8 = 75%	25	
Other Governments	4	4/4 = 100%	0	
Other Public Body	7	7/7 = 100%	0	
Political Party	16	10/16 = 63%	35	
Researcher	8	7/8 = 88%	11	

<b>Ministry of Health Services</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	<b>161</b>	<b>31</b>	<b>108/161 = 67%</b>	<b>26</b>
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>	
Business	4	4/4 = 100%	0	
Individual	55	51/55 = 93%	5	
Interest Group	35	13/35 = 37%	29	
Law Firm	26	19/26 = 73%	28	
Media	30	16/30 = 53%	27	
Other Governments	0			
Other Public Body	1	1/1 = 100%	0	
Political Party	10	4/10 = 40%	21	
Researcher	0			

<b>Ministry of Healthy Living &amp; Sport</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	<b>9</b>	<b>29</b>	<b>9/9 = 100%</b>	<b>0</b>
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>	
Business	1	1/1 = 100%	0	
Individual	3	3/3 = 100%	0	
Interest Group	1	1/1 = 100%	0	
Law Firm	0			
Media	3	3/3 = 100%	0	
Other Governments	0			
Other Public Body	0			
Political Party	1	1/1 = 100%	0	
Researcher	0			

<b>Ministry of Housing &amp; Social Development</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	<b>1336</b>	<b>18</b>	<b>973/1336 = 73%</b>	<b>8</b>
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>	
Business	4	4/4 = 100%	0	
Individual	447	246/447 = 55%	7	
Interest Group	41	33/41 = 80%	30	
Law Firm	598	454/598 = 76%	6	
Media	12	9/12 = 75%	29	
Other Governments	14	14/14 = 100%	0	
Other Public Body	214	207/214 = 97%	10	
Political Party	6	6/6 = 100%	0	
Researcher	0			



<b>Ministry of Labour &amp; Citizens' Services</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	<b>69</b>	<b>68</b>	<b>24/69 = 35%</b>	<b>41</b>
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>	
Business	5	3/5 = 60%	4	
Individual	23	10/23 = 43%	35	
Interest Group	4	0/4 = 0%	53	
Law Firm	19	7/19 = 37%	21	
Media	8	2/8 = 25%	56	
Other Governments	0			
Other Public Body	0			
Political Party	10	2/10 = 20%	73	
Researcher				

<b>Office of the Premier</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	<b>99</b>	<b>86</b>	<b>31/99 = 31%</b>	<b>59</b>
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>	
Business	6	1/6 = 17%	46	
Individual	11	5/11 = 45%	59	
Interest Group	12	0/12 = 0%	52	
Law Firm	3	2/3 = 67%	160	
Media	31	3/31 = 10%	59	
Other Governments	0			
Other Public Body	0			
Political Party	36	20/36 = 56%	60	
Researcher	0			

<b>Ministry of Public Safety &amp; Solicitor General</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	<b>1413</b>	<b>48</b>	<b>783/1413 = 55%</b>	<b>56</b>
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>	
Business	57	45/57 = 79%	33	
Individual	625	246/625 = 39%	52	
Interest Group	8	2/8 = 25%	30	
Law Firm	603	427/603 = 71%	63	
Media	83	46/83 = 55%	66	
Other Governments	4	2/4 = 50%	117	
Other Public Body	13	7/13 = 54%	44	
Political Party	17	5/17 = 29%	50	
Researcher	3	3/3 = 100%	0	

<b>Ministry of Small Business &amp; Revenue</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	<b>58</b>	<b>35</b>	<b>53/58 = 91%</b>	<b>61</b>
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>	
Business	9	6/9 = 67%	69	
Individual	28	28/28 = 100%	0	
Interest Group	4	4/4 = 100%	0	
Law Firm	6	5/6 = 83%	2	
Media	4	3/4 = 75%	98	
Other Governments	0			
Other Public Body	0			
Political Party	7	7/7 = 100%	0	
Researcher	0			

<b>Ministry of Tourism, Culture &amp; the Arts</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	<b>39</b>	<b>94</b>	<b>14/39 = 36%</b>	<b>79</b>
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>	
Business	0			
Individual	12	4/12 = 33%	40	
Interest Group	2	2/2 = 100%	0	
Law Firm	6	0/6 = 0%	47	
Media	6	3/6 = 50%	10	
Other Governments	0			
Other Public Body	0		0	
Political Party	13	5/13 = 38%	169	
Researcher				

<b>Ministry of Transportation</b>				
	<b>Number of Requests Closed</b>	<b>Average Processing Time (Business Days)</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>
<b>All Requests Closed in 2008</b>	<b>243</b>	<b>45</b>	<b>160/243 = 66%</b>	<b>42</b>
<b>Breakdown By Applicant Type</b>				
	<b>Number of Requests Closed</b>	<b>% on Time</b>	<b>Average Number Business Days Overdue</b>	
Business	17	12/17 = 71%	44	
Individual	81	51/81 = 63%	35	
Interest Group	26	20/26 = 77%	60	
Law Firm	48	31/48 = 65%	42	
Media	51	36/51 = 71%	41	
Other Governments	2	1/2 = 50%	26	
Other Public Body	1	1/1 = 100%	0	
Political Party	11	6/11 = 55%	68	
Researcher	6	2/6 = 33%	34	