



Communications
Security Establishment

Centre de la sécurité
des télécommunications



Annual Report to Parliament on the Administration of the *Access to Information Act* 2022-2023

Pursuant to subsection 94(1) of the *Access to Information Act*, this document contains the Annual Report to Parliament on the Administration of the *Access to Information Act* for 2022-2023 as submitted by the Minister of National Defence.

Table of Contents

Introduction	3
Mandate of the Communications Security Establishment	3
Organizational Structure	4
Part 2: Proactive Publications	5
Delegation Order	6
Performance 2022-2023	6
Number and Origin of Formal Requests	6
Disposition of Completed Requests	7
Neither Confirm Nor Deny	9
Completion Time.....	9
Exemptions to the Release of Information	10
Extension of the Time Limit	11
Consultations	11
Requests Treated Informally.....	12
Complaints, Judicial Review and Audits.....	12
Training and Awareness	13
Policies, Guidelines, and Procedures	14
Proactive Publication under Part 2 of the ATIA	14
Initiatives and Projects to Improve Access to Information	17
Reporting on Access to Information fees for the purposes of the <i>Service Fees Act</i>	19
Monitoring Compliance	19
Appendix I: Delegation of Authority	21
Appendix II: Statistical Report.....	22

Introduction

The purpose of the *Access to Information Act* is to extend the present laws of Canada to provide a right of access to information in records under the control of a federal government institution in accordance with the principles that:

- government information should be available to the public;
- necessary exceptions to the right of access should be limited and specific; and
- decisions on the disclosure of government information should be reviewed independently of government.

This is the tenth annual report prepared by the Communications Security Establishment (CSE) and tabled in Parliament in accordance with section 94 of the *Access to Information Act* and section 20 of the *Service Fees Act*. It presents an overview of the agency's activities and describes how the Access to Information and Privacy (ATIP) Office carried out its responsibilities under the *Access to Information Act* during the reporting period 1 April 2022 to 31 March 2023.

Mandate of the Communications Security Establishment

On August 1st, 2019, the *Communications Security Establishment Act (CSE Act)* entered into force as part of Bill C-59 (*An Act respecting national security matters*). The *CSE Act* sets out the five (5) aspects of CSE's mandate:

- helping to protect and defend Canada's most important cyber systems;
- acquiring foreign intelligence in support of the Government of Canada's intelligence priorities;
- conducting defensive foreign cyber operations;
- conducting active foreign cyber operations; and
- providing technical and operational assistance to federal law enforcement and security agencies, the Canadian Forces and the Department of National Defence.

The *CSE Act* provides CSE with a modern set of authorities and an enhanced accountability framework with new oversight and review functions.

Organizational Structure

The ATIP Office is part of the Transparency and Information Sharing group in CSE's Authorities, Compliance and Transparency (ACT) Branch. As noted in the previous annual report, this new restructuring was part of CSE's strategic goal to uphold the highest standards of compliance, lawfulness, and respect for the privacy of Canadians.

The Access to Information and Privacy Office include a manager responsible for eleven (11) full-time positions working in two (2) separate teams: ATIP Operations and, Privacy Policy and Governance. At the end of the reporting period, the ATIP Operations team consisted of one (1) supervisor and six (6) analysts, while the Privacy Policy and Governance team consisted of one (1) supervisor, three (3) analysts and two (2) coop students.

In addition to preparing reports for Parliament and Treasury Board Secretariat (TBS), the ATIP Office acts on behalf of CSE as the delegated authority in dealings with TBS, and representatives of the federal Information and Privacy Commissioners regarding CSE's administration of the *Access to Information Act* and *Privacy Act*.

Specifically, the ATIP Operations team is responsible for the following activities:

- Processing requests under the *Access to Information Act* and *Privacy Act*;
- Responding to consultation requests from other government institutions;
- Providing advice and guidance to senior management and staff of CSE on ATIP legislation and policy-related matters;
- Supporting CSE's legislative compliance obligations under the Acts, including the application of their associated regulations, policies and guidelines;
- Representing CSE in ATIP Communities of practice, such as the TBS ATIP Community meetings;
- Drafting and implementing internal ATIP procedures, guidance documents and working aids; and,
- Providing training and other outreach initiatives to CSE staff on the administration of the *Access to Information Act* and the *Privacy Act*.

The Privacy Policy and Governance team is responsible for the following activities:

- Providing advice and guidance to senior management and staff of CSE on privacy legislation and policy-related matters;

- Providing expert privacy advice and assistance to business lines in the preparation of Privacy Impact Assessments, privacy breach management, drafting of Privacy Notice Statements, and maintenance of Personal Information Banks;
- Supporting CSE's legislative compliance obligations under the Acts, including the application of their associated regulations, policies and guidelines;
- Representing CSE in privacy protection communities of practice;
- Coordinating the annual update of the institution's Info Source publication, which includes a description of the agency's organizational structure and record holdings;
- Drafting and implementing privacy-related policies, internal procedures, guidance documents and working aids; and,
- Providing training and other outreach initiatives to CSE staff on the administration of the *Privacy Act* with regards to the protection of personal information.

Part 2: Proactive Publications

Part 2 of the *Access to Information Act* outlines the need for government departments to proactively disclose information to the Canadian public. Although CSE handles a lot of sensitive, classified information, the organization is not exempt from these requirements and is committed to disclosing information where possible.

CSE's Strategic and Policy's Parliamentary Affairs unit is primarily responsible for preparing material that must be proactively disclosed, such as briefing binders for the Chief's parliamentary committee appearances and transition material for a new Chief. This unit also supports the Department of National Defence's publication of Question Period notes and/or transitional material for a new Minister as needed. Before these documents are posted on CSE's website and the Government of Canada's Proactive Disclosure site, CSE's ATIP Operations team reviews all materials for sensitive, classified information that would be exempted or excluded should this information be requested under Part 1 of the *Access to Information Act*.

The CSE ATIP Operations team is responsible for the publication of reports tabled in Parliament which includes the ATIA and PA annual reports as well as the monthly publication of briefing notes to the Chief, CSE.

Delegation Order

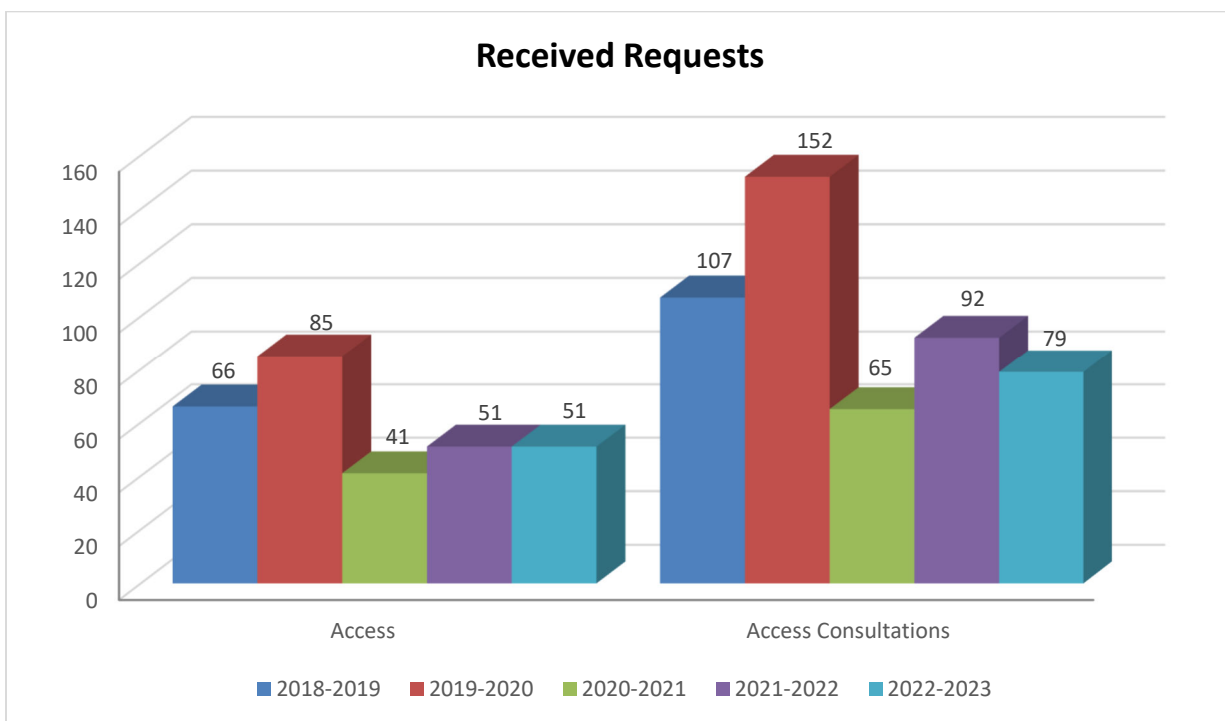
The delegation order in effect at the end of 2022-2023 reflects an earlier organizational structure at CSE and a copy can be found in Appendix I of this report. The then-Minister of National Defence, the Honourable Harjit Sajjan, delegated all authorities under section 95 of the *Access to Information Act* to the Deputy Chief, Policy and Communications, the Director General, Policy, Disclosure and Review, the Director, Disclosures and Information Sharing, and to the Manager, Disclosures. He also delegated limited authorities to the Supervisor, Access to Information and Privacy Operations. CSE is in the process of following up with the office of the current Minister of National Defence (the Honourable Bill Blair) on an updated delegation order which reflects recent changes to CSE titles and positions.

Performance 2022-2023

CSE's 2022-2023 Statistical Report on the *Access to Information Act* and Supplemental ATIP Statistical Report for 2022-2023 (both of which were previously validated by TBS) can be found in Appendix II.

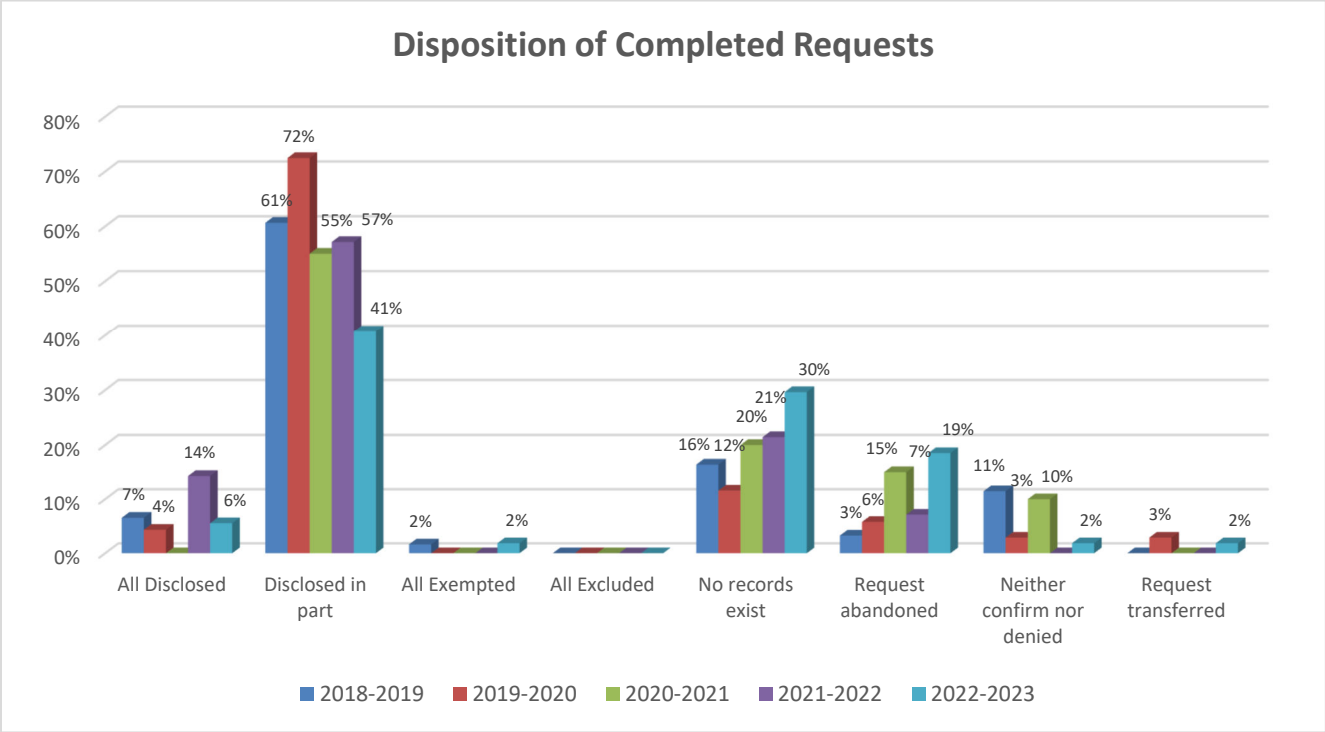
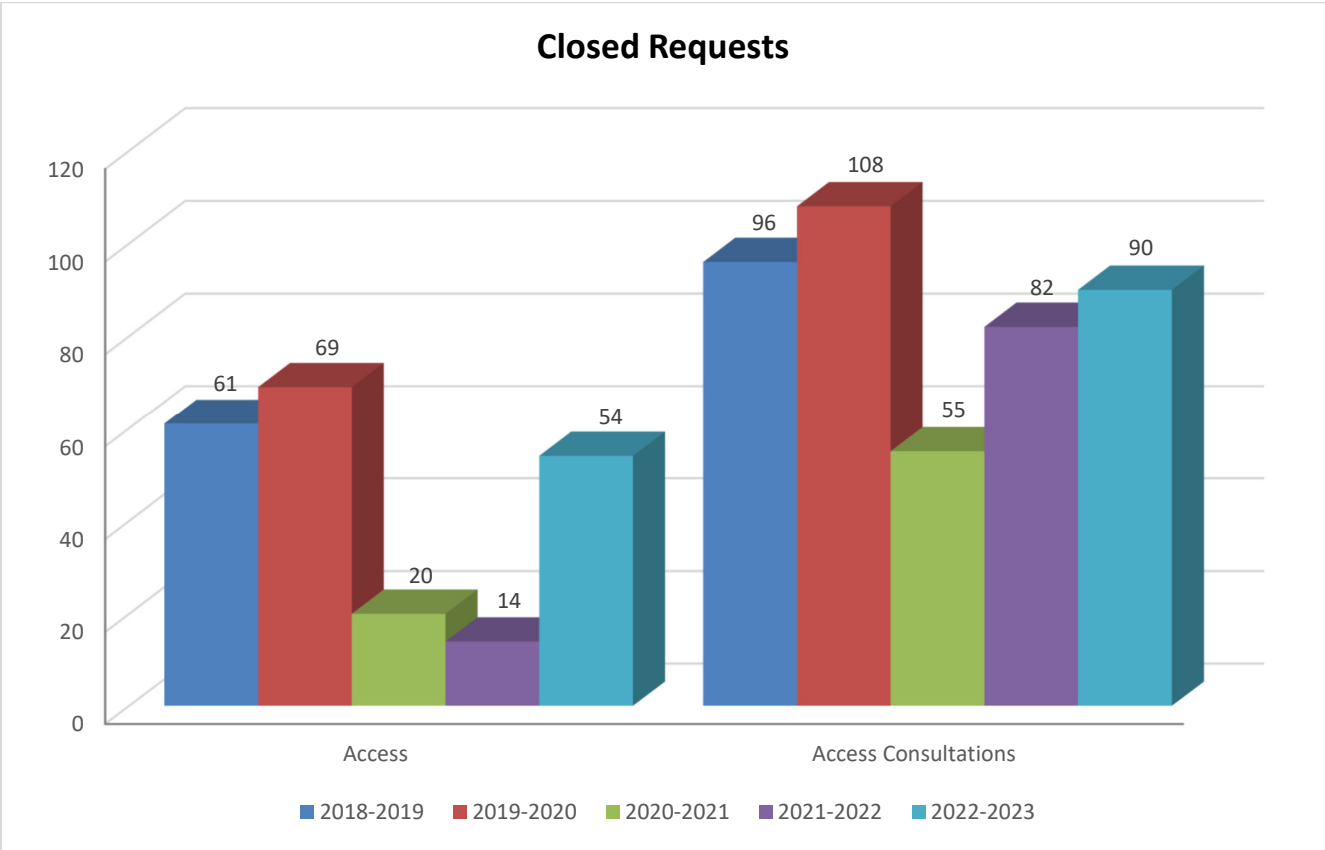
Number and Origin of Formal Requests

During the 2022-2023 reporting period, CSE received 51 requests under the ATIA (compared to 51, 41, 85, and 66 in 2021-2022, 2020-2021, 2019-2020, and 2018-2019 respectively) which is the same as the 2021-2022 reporting period and an overall decrease from the last several reporting periods. CSE carried over an additional 50 requests from the previous reporting period and 99 from other periods into 2022-2023 for a total of 200. By the end of the 2022-2023 fiscal year, CSE closed 54 requests and carried-forward 146 requests into the next reporting period. As in previous years, the requests covered information that included highly sensitive material, for which complex processing is required. This significant increase in CSE's request closure rate can be attributed to the lifting of the COVID-19 restrictions as staff had full access to CSE facilities to search and/or review classified systems and material. Requests from media decreased from 63% in 2021-2022 to 35% in 2022-2023. Requests from the public and academia made up 35% (an increase from 18% in the previous fiscal year) and 27% (up from 15%) of the total requests received respectively. 2% of requestors declined to identify.



Disposition of Completed Requests

CSE closed 54 requests during this reporting period. Of these, three (3) (6%) were disclosed in full, twenty-two (22) (41%) were disclosed in part, and one (1) (2%) was fully exempted. There were sixteen (16) cases in which no records existed, and ten (10) requests were abandoned by the applicants. The closed requests encompassed 5,309 pages processed, a large jump from the 1,200 pages processed in 2021-2022. This increase in pages processed can be attributed to the lifting of COVID-19 protocols which allowed staff to work on sensitive materials in the office.



Neither Confirm Nor Deny

Section 10(2) of the Act states that institutions do not have to disclose to a requester whether a record exists. Section 10(2) was designed to address situations in which the mere confirmation of a record's existence (or non-existence) would reveal information that could be protected under the Act. Access to information best practices recommend that the application of section 10(2) be limited to circumstances where the confirmation or denial of the existence of a record would be injurious to Canada's foreign relations, the defence of Canada, law enforcement activities, the safety of individuals, or the possible disclosure of personal information. When notifying a requester that it is invoking this provision, institutions must also indicate the part of the Act on which a refusal could reasonably be expected to be based if the record existed. The application of subsection 10(2) was used once during the 2022-2023 reporting period.

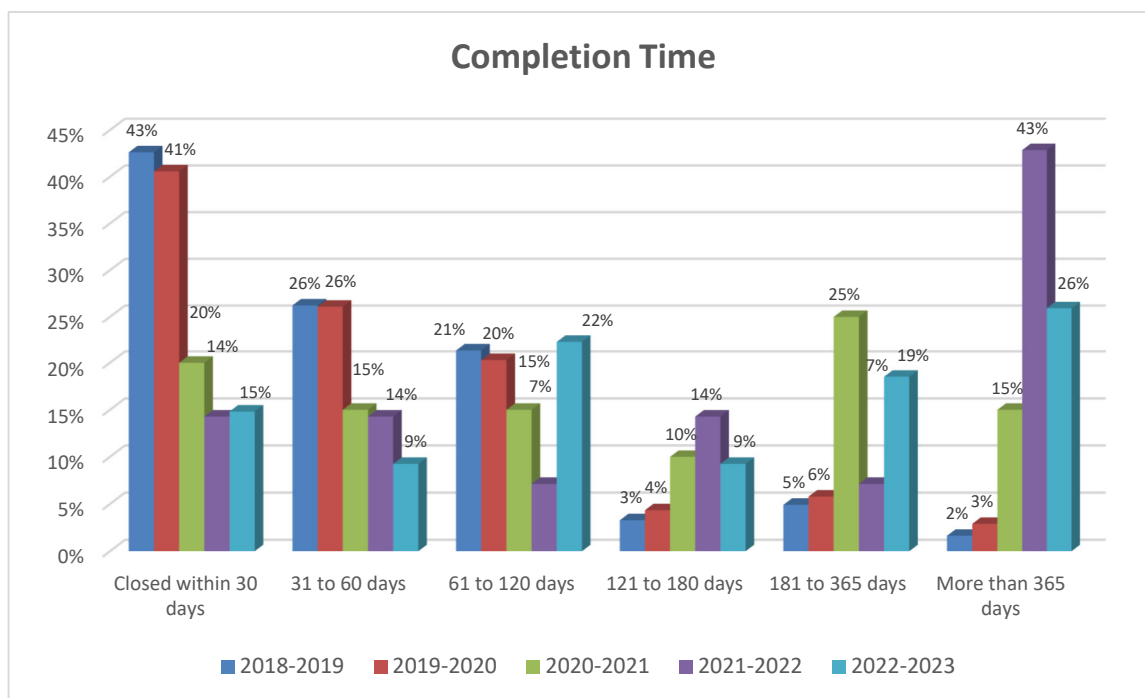
Completion Time

Ten (10) requests made under the ATIA were closed within legislated timelines in the 2022-2023 reporting period. These ten (10) requests represent 19% of the total completed requests. Two (2) of these requests were closed outside the initial 30 days because of extensions taken based on the need for external consultations. CSE closed eight (8) requests within 1-30 days; five (5) between 31 and 60 days; twelve (12) between 61 and 120 days; five (5) between 121 and 180 days; ten (10) between 181 and 365 days; and fourteen (14) took more than 365 days to process. 146 requests were carried forward into 2023-2024 compared to 149 from 2021-2022 into 2022-2023. While this is a slight decrease from the previous reporting period, CSE will endeavour to continue to improve on the timeliness of responses. In general, the requests received during 2022-2023 involved information of a highly sensitive nature, resulting in greater complexity in fulfilling them. Of the total request carried over into 2023-2024, 28 (19%) were received during the 2022-2023 reporting period.

Open Requests outstanding from previous reporting periods

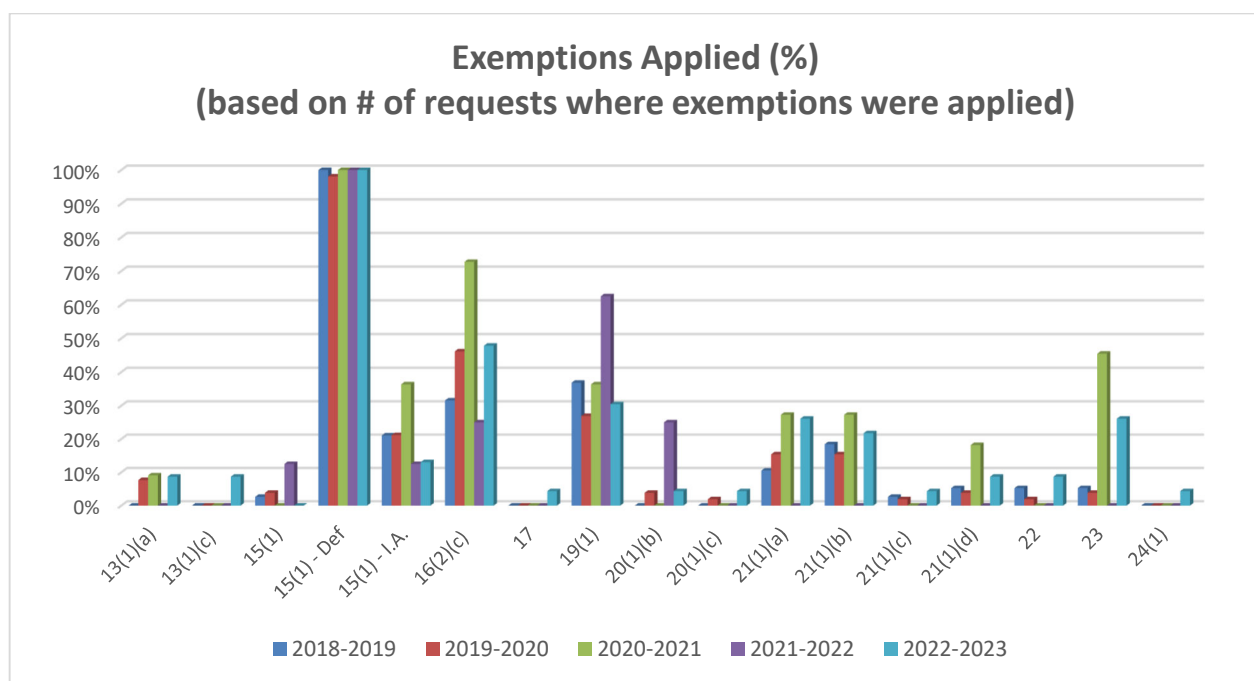
Reporting period received	Within Legislated timelines	Beyond Legislated timelines	Total
2013-2014 or earlier	0	3	3
2014-2015	0	8	8
2015-2016	0	4	4
2016-2017	0	18	18
2017-2018	0	17	17
2018-2019	1	8	9

2019-2020	0	17	17
2020-2021	1	15	16
2021-2022	0	26	26
2022-2023	7	21	28
Total	9	137	146



Exemptions to the Release of Information

The exemption most applied by CSE was subsection 15(1) - Defence of the *Access to Information Act*. It was applied to protect information which could be reasonably expected to be injurious to the defence of Canada on twenty-four (24) requests. Subsection 15(1) – International Affairs was also used three (3) times to protect information that could be injurious to the conduct of international affairs. Other frequently used exemptions that were applied throughout the course of the fiscal year are paragraphs 16(2)(c), information relating to the vulnerability or methods used to protect particular buildings or other structures or systems; 19(1), personal information of individuals; 21(1)(b), an account of consultations or deliberations in which directors, officers or employees of a government institution, a minister of the Crown or the staff of a minister participate; and 23, information that is subject to solicitor-client privilege or the professional secrecy of advocates and notaries or to litigation privilege.



Extension of the Time Limit

There were two (2) extensions taken pursuant to paragraph 9(1)(a) of the *Access to Information Act*. CSE claimed seven (7) extensions under 9(1)(b) to conduct consultations that could not reasonably be completed within the original time limit and two (2) extensions under paragraph 9(1)(c) to conduct third party consultations in accordance with subsection 27(1) of the *Act*. This increase from the 2021-2022 reporting period can be attributed to the lifting of restrictions due to the pandemic, enabling the ATIP Operations team and the OPIs to retrieve and review records so that appropriate extensions could be taken within legislated timelines.

Consultations

CSE was consulted on 79 requests during this fiscal year compared to 92 for the previous reporting period. Other federal government institutions accounted for all 79 of the consultations while none were received from non-federal government organizations. In addition to the 79 new consultations, 107 were carried over from 2021-2022, resulting in 186 ongoing consultation requests in 2022-2023. CSE closed 90 consultations with a total of 4,666 pages. 96 consultations have been carried over into 2023-2024. Consultation requests for records of historical nature (e.g. during the Cold War era) continue to contribute to the volume of consultations. These historical consultation requests comprise 79 of the 96 consultations carried over into 2023-2024. The historical requests are voluminous in nature and have impacted the ATIP Operations team's ability to close other requests in a timely fashion.

Of the 90 consultations closed, six (6) were closed between 1-15 days; fourteen (14) in 16-30 days; twenty-two (22) in 31-60 days; twenty-one (21) between 61-120 days; five (5) in 121-180 days; fourteen (14) in 181-365 days; and eight (8) took more than 365 days.

Requests Treated Informally

CSE closed 19 out of 22 informal requests during this reporting period and carried over 3 into the next reporting period. CSE responded to thirteen (13) requests between 1-15 days; two (2) requests between 16 to 30 days; and four (4) took more than 365 days.

Complaints, Judicial Review and Audits

Individuals who are not satisfied with the processing of their access to information request can file a complaint with the Office of the Information Commissioner of Canada (OIC).

- The OIC notified CSE of seven (7) complaints in 2022-2023 and closed three (3) complaints against CSE. CSE provided information to the OIC in relation to all complaints as requested.
- Six (6) of the complaints received during the reporting period were a result of delays in responding to requests. Three (3) were received in January 2023 and the remaining three (3) in March of 2023. CSE responded to one (1) of these requests in March of 2023 resulting in the OIC discontinuing the complaint as it was deemed unnecessary due to the response being provided to the requester. The five (5) remaining complaints were carried forward into 2023-2024.
- The seventh complaint, received in March of 2023, alleged that CSE had improperly applied exemptions, to unjustifiably deny access to records, or portions thereof, requested under the ATIA. CSE provided requested information to the OIC and is waiting on the assignment of an investigator to the file. This complaint was also carried forward into 2023-2024
- Three (3) closed complaints noted above consist of two (2) carried over from the previous reporting period and one (1) that was received in 2022-2023. All three (3) were delay complaints. In addition to the complaint noted above where the OIC ceased to investigate, the two (2) other delay complaints were found to be well-founded, with orders.
- The six (6) remaining complaints received in the current reporting period are detailed above. CSE has made representations to the OIC on all active complaints and will

continue to work with the OIC to resolve them. The remaining active complaints at the end of the reporting period were received in 2017-2018 and 2021-2022 respectively.

- At the end of 2022-2023, the OIC had eight (8) complaints pending with CSE. CSE continues to work closely with the OIC to resolve complaints in an efficient manner.

Active Complaints from previous reporting periods

Reporting period received	Number of Open Complaints
2013-2014 or earlier	0
2014-2015	0
2015-2016	0
2016-2017	0
2017-2018	1
2018-2019	0
2019-2020	0
2020-2021	0
2021-2022	1
2022-2023	6
Total	8

Training and Awareness

CSE is committed to the ongoing learning and development of its employees and has put a special emphasis on reaching new hires by delivering ATIP training to incoming co-op students. All new employees are required to complete ATIP training during the on-boarding process.

The ATIP Operations team provided the following training to approximately 18 CSE staff members on ATIP and their responsibilities and reached out to Offices of Primary Interest (OPI) as required. In addition to these, the ATIP Operations team delivered 8 informal one-on-one training sessions upon request in the reporting period.

CSE has taken a tailored approach to training Subject Matter Experts (SME) on their legislative requirements, roles, and responsibilities. Following this training, the ATIP Office regularly met with SMEs to respond to questions to facilitate their review of CSE information.

Representatives from the ATIP Office also participated in three internal CSE Career Fairs (two in-person and one virtual) to provide information to employees across the organization about the importance of ATIP in the Government of Canada.

CSE encourages employees to take [Canada School for Public Service \(CSPS\)](#) ATIP training courses and the ATIP Office continues to make educational resources available via a dedicated page on the internal web. New employees are required to complete an online training session “*Access to Information and Privacy Fundamentals*” within three months of their start date.

Policies, Guidelines, and Procedures

CSE did not introduce any new policies, guidelines, or procedures to comply with any new Treasury Board of Canada Secretariat policies and directives or in response to issues raised by the Office of the Information Commissioner or other Agents of Parliament. However, the ATIP Operations team did implement some measures to increase efficiencies.

The ATIP Operations team continues to seek new opportunities to improve the efficiency and timeliness of processing requests. In fiscal year 2022-2023, the team created several internal documents to ensure consistency and continuity in processing requests as the team welcomed new staff members. This included an *ATIP Manual* outlining how to respond to access requests, access consultations, privacy requests and privacy consultations; and flow charts illustrating the ATIP Operations team’s processes.

The team is also actively recruiting new hires both internal and external to the federal government. It is important to note though that CSE’s hiring process is conducted in three phases which can take anywhere from 6-12 months thereby making it challenging to respond quickly to staffing needs.

Proactive Publication under Part 2 of the ATIA

CSE is a government institution as defined in section 3 of the *Access to Information Act* and in Schedule I.1 of the *Financial Administration Act*. CSE is subject to sections 82 to 88 of the ATIA, except for section 85. CSE also supports the Department of National Defence in their compliance with sections 74 (a) and (c) as needed.

CSE posts briefing material to the Chief, CSE (deputy head) to [Open.Canada.ca. Reports tabled in Parliament](#) and briefing material for the Chief in support of [parliamentary committee appearances](#) as well as briefing material (transition binder) for a new Chief are published on CSE’s public website.

CSE does not currently disclose travel and hospitality expenses, contracts over \$10,000 or grants and contributions over \$25,000. CSE is required under legislation to disclose this

information and is currently developing processes to ensure that the release of travel locations and business partnerships is not injurious to national security.

Legislative Requirement	Section	Publication Timeline
All Government Institutions as defined in section 3 of the <i>Access to Information Act</i>		
Travel Expenses <i>CSE does not proactively disclose.</i>	82	Within 30 days after the end of the month of reimbursement
Hospitality Expenses <i>CSE does not proactively disclose.</i>	83	Within 30 days after the end of the month of reimbursement
Reports tabled in Parliament <i>CSE's ATIP office is responsible for meeting the proactive disclosure requirements.</i>	84	Within 30 days after tabling
Government entities or Departments, agencies, and other bodies subject to the Act and listed in Schedules I, I.1, or II of the <i>Financial Administration Act</i>		
Contracts over \$10,000 <i>CSE does not proactively disclose.</i>	86	Q1-3: Within 30 days after the quarter Q4: Within 60 days after the quarter
Grants & Contributions over \$25,000 <i>CSE does not proactively disclose.</i>	87	Within 30 days after the quarter
Packages of briefing materials prepared for new or incoming deputy heads or equivalent <i>CSE's ATIP office is responsible for reviewing these documents and redacting sensitive, classified information to meet the proactive disclosures requirements.</i>	88(a)	Within 120 days after appointment
Titles and reference numbers of memoranda prepared for a deputy head or equivalent, that is received by their office	88(b)	Within 30 days after the end of the month received

<i>CSE's ATIP office is responsible for providing this information to meet the proactive disclosures requirements.</i>		
<p>Packages of briefing materials prepared for a deputy head or equivalent's appearance before a committee of Parliament</p> <p><i>CSE's ATIP office is responsible for reviewing these documents and redacting sensitive, classified information to meet the proactive disclosures requirements.</i></p>	88(c)	Within 120 days after appearance

Following a committee appearance, CSE's Parliamentary Affairs sends the preparatory binder to ATIP for consultation. ATIP will recommend any necessary redactions and a Parliamentary Affairs analyst will apply them accordingly.

Following ATIP's response to the consultation, the analyst sends the binder to Linguistic Services to have each document translated. Since there are several binders, many items in the binders may be identical or similar to previous binders that have been published, or that are seeking to be published. In that case, the analyst makes sure to highlight the similarities and differences between each item and identifies them to our Linguistic Services team. If the document has already been translated, this alleviates any duplication of work. Once Linguistic Services returns the French translated documents, the analyst verifies if the document (formatting, content, etc.) aligns with the English binders, before sending it to the Web Team for publication.

Prior to sending a request to the Web Team to have the binder published, the analyst includes each document found in the binder into a Word document in effort to compile the documents and facilitate accessibility for the Web Team. The analyst also fills out a publication template to meet the Web Team's requirements to proactively disclose the briefing material. The Web Team is also notified if there are any similarities or differences between binders.

Lessons Learned include:

- Reviewing materials to determine duplicative materials saves time for each of the Linguistic Services, ATIP, and Web teams.
- It is critical to begin the proactive disclosure process as soon as materials are finalized.

When preparing binders, it is critical to ensure they are designed with accessibility in mind to ensure all Canadians will be able to access them. Bill C-58 requires briefing packages for Parliamentary Committee appearances to be published 120 calendar days following the appearance. Although CSE was unable to publish preparatory binders within the 120-days timeline required under Bill C-58, CSE disclosed four binders in the 2022-23 fiscal year. These four binders are the following:

- [NDDN February 9, 2022](#) (published July 2022)
- [CACN February 25, 2021](#) (published August 2022)
- [CACN March 11, 2021](#) (published February 2023)
- [CACN April 12, 2021](#) (published February 2023)

CSE was unable to meet the legislative deadline, due to the volume of materials and time constraints with the proactive disclosure process, including translation and working to ensure accessibility on the CSE and Open Government websites.

The CSE ATIP Operations Team is responsible for the publication of briefing notes to the Chief, CSE monthly. Once retrieved, the list of briefing notes is reviewed for redactions which are then confirmed by the subject matter experts and the Chief's Office. The finalized list is translated and published to [Open.Canada.ca](#) as indicated above.

Initiatives and Projects to Improve Access to Information

CSE proactively publishes [ATIA request summaries](#), reports and other publications to the [Open Gov portal](#) as well as other material on its own [external site](#). Visitors to CSE's main [external site](#) can also find information on the laws and authorities that govern CSE's activities, oversight and review bodies that ensure CSE activities comply with the law, steps on how to make an official complaint to the Chief of CSE, and laws and policies CSE follows to protect the privacy of Canadians.

CSE is also part of the [National Security Transparency Commitment](#) which strives to increase Canadians' understanding of what the Government does to protect national security, how the Government does it, and why such work is important.

The ATIP Operations team works in conjunction with CSE's Open Government unit to promote transparency and information sharing to the Canadian public. The former is responsible for posting ATIP request summaries and coordinating the review of material for publication under Part 2 of the Act while the latter works within the organization to identify datasets that can be shared publicly while not specified for publication under the Act.

CSE's Open Government unit works to promote a culture of openness and transparency across the organization by proactively accelerating the release of data and information of value to the public. The unit performs two uploads a year (September and March) to the Open Government website. Documents may include, for example, datasets which contain human resources and financial information and CSE's Annual Report. While CSE does primarily handle sensitive information, the organization is committed to finding new and innovative ways to share information of interest to Canadians.

CSE hosted its annual Open Government Week May 16-20, 2022, (Open by Design) which promoted training and learning tools for CSE employees and information on how to tell if a document is a good candidate for open government. CSE has designed a guide to help CSE employees determine the eligibility of assets for release onto the GC Open Government Portal.

As part of Open Government Week 2022, CSE shared that in addition to its previously posted 187 datasets and information; CSE released 5 new datasets and 25 new publications to the Open Government Portal. In January 2022, the Open Government Portal set a record for monthly usage with more than 250,000 visits and over 128,000 downloads.

CSE also follows internal procedure for posting information to the Open Government portal which includes review by ATIP, Legal Services and Security and approval by the CSE Open Government Group and Director General.

CSE has continued to improve processes by using the ATIP Online Management Tool (AOMT) which replaced the ATIP Online Request Service (AORS) in this reporting period. The AOMT is a centralized website developed by TBS that enables users to complete access to information requests and submit them to any of the institutions that are subject to the Government of Canada's *Access to Information Act*. CSE received 44 requests via this service, representing approximately 86% of the total requests received. This is a decrease from 90% in 2021-2022. The remaining 14% of requests were received by regular mail.

It is important to note that the ATIP Operations team also supports the work of the National Security Intelligence Review Agency (NSIRA), the National Security and Intelligence Committee of Parliamentarians (NSICOP), and the Intelligence Commissioner (IC) by reviewing their documents, which contain sensitive CSE information, and providing unclassified versions that can be shared openly with the public.

There has been an increase in non-ATIP related requests which has impacted the time our team can devote to access and privacy requests. This time is not represented in the statistical reporting, but accounts for approximately 1.36 FTE for the reporting period.

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 payable: \$5.00 application fee is the only fee charged for an ATI request
- Total revenue: \$255.00
- Fees waived or refunded: 0
- Cost of operating the program: \$607,755.00

Monitoring Compliance

Using our case management software, the ATIP Office continues to produce reports on the time taken to process requests. These reports are shared with our ATIP Coordinator throughout the fiscal year. The ATIP Operations team tracks all requests and reports bi-weekly to the team manager on any issues and/or delays in processing requests. This provides an opportunity for the manager to triage requests or allocate resources, for example, to meet legislated timelines. CSE's Executive Committee (made up of DM and ADM level executives) is also informed of the status of *Access to Information Act* requests on a weekly basis.

Like many other government departments, CSE is experiencing a backlog in responding to requests for information. The ATIP Operations team has implemented mechanisms and tools to address this backlog such as the team's bi-weekly tracker for requests for information and access consultations. The ATIP supervisor and manager are briefed every two weeks on the number of new requests, closed requests, and are alerted to any backlogs by ATIP analysts. This is an opportunity to discuss how best to triage requests and allocate resources as required to meet legislated timelines.

As mentioned earlier, the ATIP Operations team reviews any proactively published information for anything that would be injurious. The Strategic Policy and Planning team then reviews for

accuracy and completeness of the information before it is shared with CSE's web team for publication. Prior to publication of proactively published information, CSE prepares a briefing note for the Chief, CSE (Deputy Minister) for final approval. The Chief reviews the material that will be published prior to it being posted on the webpage. For each new preparatory binder that is proactively disclosed, the Parliamentary Affairs team monitors and reviews similarly disclosed materials to ensure overall consistency.

The following statement is referenced in all contracts issued by or on behalf of CSE regarding access to information:

CSE ensures the right of public access in its contracts by including a clause indicating that records created by the Contractor, and under the control of Canada, are subject to the [Access to Information Act](#).

The Contractor acknowledges the responsibilities of Canada under the [Access to Information Act](#) and must, to the extent possible, assist Canada in discharging these responsibilities. Furthermore, the Contractor acknowledges that section 67.1 of the [Access to Information Act](#) provides that any person, who destroys, alters, falsifies or conceals a record, or directs anyone to do so, with the intent of obstructing the right of access that is provided by the [Access to Information Act](#) is guilty of an offence and is liable to imprisonment or a fine, or both.

Appendix I: Delegation of Authority

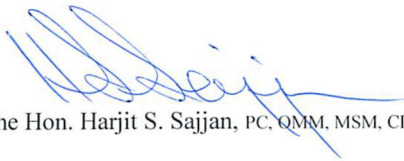
COMMUNICATIONS SECURITY ESTABLISHMENT
Access to Information Act Delegation Order

The Minister of National Defence, pursuant to section 73 of the *Access to Information Act*, hereby designates the persons holding the positions set out below, or the persons occupying on an acting basis those positions, to exercise the powers, duties and functions of the Minister of National Defence as the head of the Communications Security Establishment, under the provisions of the *Access to Information Act* and related regulations set out below for each position.

- Chief, Communications Security Establishment: joint authority under subsection 20(6) (public interest disclosure) with the Deputy Chief, Policy and Communications.
- Deputy Chief, Policy and Communications: full authority, except joint authority under subsection 20(6) (public interest disclosure) with the Chief, Communications Security Establishment.
- Director General, Policy, Disclosure and Review: full authority, except for paragraph 20(6) (public interest disclosure).
- Director, Disclosures and Information Sharing: full authority, except for subsection 20(6) (public interest disclosure).
- Manager, Disclosures: full authority, except for subsection 20(6) (public interest disclosure).
- Supervisor, Access to Information and Privacy Operations: subsection 7(a) only when no record exists (notice), section 9 (extension of time limits), section 11 (fees), sections 27 and 28 (consultations to third party documents).

This delegation order replaces all previous delegation orders.

Dated at Ottawa this 26 day of April 2018.



The Hon. Harjit S. Sajjan, PC, QMM, MSM, CD, MP

Appendix II: Statistical Report



Government
of Canada

Gouvernement
du Canada

Statistical Report on the Access to Information Act

Name of institution: Communications Security Establishment

Reporting period: 01/04/2022 to 31/03/2023

Section 1: Requests Under the Access to Information Act

1.1 Number of requests

		Number of Requests
Received during reporting period		51
Outstanding from previous reporting periods		149
• Outstanding from previous reporting period	50	
• Outstanding from more than one reporting period	99	
Total		200
Closed during reporting period		54
Carried over to next reporting period		146
• Carried over within legislated timeline	9	
• Carried over beyond legislated timeline	137	

1.2 Sources of requests

Source	Number of Requests
Media	18
Academia	14
Business (private sector)	0
Organization	0
Public	18
Decline to Identify	1
Total	51

1.3 Channels of requests

Source	Number of Requests
Online	44
E-mail	0
Mail	7
In person	0
Phone	0
Fax	0
Total	51

Section 2: Informal Requests

2.1 Number of informal requests

		Number of Requests
Received during reporting period		18
Outstanding from previous reporting periods		4
• Outstanding from previous reporting period	2	
• Outstanding from more than one reporting period	2	
Total		22
Closed during reporting period		19
Carried over to next reporting period		3

2.2 Channels of informal requests

Source	Number of Requests
Online	17
E-mail	1
Mail	0
In person	0
Phone	0
Fax	0
Total	18

2.3 Completion time of informal requests

Completion Time							
1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
13	2	0	0	0	0	4	19

2.4 Pages released informally

Less Than 100 Pages Released		100-500 Pages Released		501-1000 Pages Released		1001-5000 Pages Released		More Than 5000 Pages Released	
Number of Requests	Pages Released	Number of Requests	Pages Released	Number of Requests	Pages Released	Number of Requests	Pages Released	Number of Requests	Pages Released
0	0	0	0	0	0	0	0	0	0

2.5 Pages re-released informally

Less Than 100 Pages Re-released		100-500 Pages Re-released		501-1000 Pages Re-released		1001-5000 Pages Re-released		More Than 5000 Pages Re-released	
Number of Requests	Pages Re-released	Number of Requests	Pages Re-released	Number of Requests	Pages Re-released	Number of Requests	Pages Re-released	Number of Requests	Pages Re-released
8	318	4	1329	5	3781	2	3179	0	0

Section 3: Applications to the Information Commissioner on Declining to Act on 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
Withdrawn during reporting period	0
Carried over to next reporting period	0

Section 4: Requests Closed During the Reporting Period

4.1 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	3	0	0	0	3
Disclosed in part	0	1	0	7	2	7	5	22
All exempted	0	0	0	0	1	0	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	0	6	5	0	2	2	1	16
Request transferred	1	0	0	0	0	0	0	1
Request abandoned	0	0	0	1	0	1	8	10
Neither confirmed nor denied	0	0	0	1	0	0	0	1
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0
Total	1	7	5	12	5	10	14	54

4.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	2	16(2)	0	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	0	20.2	0
13(1)(c)	2	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	11	18(d)	0	21(1)(a)	6
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	5
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	1
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	2
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	2
15(1)	0	16.1(1)(d)	0	19(1)	7	22.1(1)	0
15(1) - I.A.*	3	16.2(1)	0	20(1)(a)	0	23	6
15(1) - Def.*	24	16.3	0	20(1)(b)	1	23.1	0
15(1) - S.A.*	0	16.4(1)(a)	0	20(1)(b.1)	0	24(1)	1
16(1)(a)(i)	0	16.4(1)(b)	0	20(1)(c)	1	26	0
16(1)(a)(ii)	0	16.5	0	20(1)(d)	0		
16(1)(a)(iii)	0	16.6	0				
16(1)(b)	0	17	1				
16(1)(c)	0						
16(1)(d)	0						

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

4.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
68(a)	0	69(1)	0	69(1)(g) re (a)	6
68(b)	0	69(1)(a)	2	69(1)(g) re (b)	0
68(c)	0	69(1)(b)	0	69(1)(g) re (c)	1
68.1	0	69(1)(c)	0	69(1)(g) re (d)	1
68.2(a)	0	69(1)(d)	0	69(1)(g) re (e)	2
68.2(b)	0	69(1)(e)	3	69(1)(g) re (f)	1
		69(1)(f)	0	69.1(1)	0

4.4 Format of information released

Paper	Electronic				Other
	E-record	Data set	Video	Audio	
1	24	0	0	0	0

4.5 Complexity

4.5.1 Relevant pages processed and disclosed for paper and e-record formats

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
5309	3391	37

4.5.2 Relevant pages processed per request disposition for paper and e-record formats by size of requests

Disposition	Less Than 100 Pages Processed		100-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Processed	Number of Requests	Pages Processed	Number of Requests	Pages Processed	Number of Requests	Pages Processed	Number of Requests	Pages Processed
All disclosed	3	67	0	0	0	0	0	0	0	0
Disclosed in part	13	376	6	1410	2	1719	1	1729	0	0
All exempted	1	8	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	10	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	1	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	28	451	6	1410	2	1719	1	1729	0	0

4.5.3 Relevant minutes processed and disclosed for audio formats

Number of Minutes Processed	Number of Minutes Disclosed	Number of Requests
0	0	0

4.5.4 Relevant minutes processed per request disposition for audio formats by size of requests

Disposition	Less Than 60 Minutes Processed		60 - 120 Minutes Processed		More than 120 Minutes Processed	
	Number of Requests	Minutes Processed	Number of Requests	Minutes Processed	Number of Requests	Minutes Processed
All disclosed	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0
All exempted	0	0	0	0	0	0
All excluded	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0
Total	0	0	0	0	0	0

4.5.5 Relevant minutes processed and disclosed for video formats

Number of Minutes Processed	Number of Minutes Disclosed	Number of Requests
0	0	0

4.5.6 Relevant minutes processed per request disposition for video formats by size of requests

Disposition	Less Than 60 Minutes Processed		60 - 120 Minutes Processed		More than 120 Minutes Processed	
	Number of Requests	Minutes Processed	Number of Requests	Minutes Processed	Number of Requests	Minutes Processed
All disclosed	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0
All exempted	0	0	0	0	0	0
All excluded	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0
Total	0	0	0	0	0	0

4.5.7 Other complexities

Disposition	Consultation Required	Legal Advice Sought	Other	Total
All disclosed	0	0	0	0
Disclosed in part	15	0	0	15
All exempted	0	0	0	0
All excluded	0	0	0	0
Request abandoned	0	0	0	0
Neither confirmed nor denied	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0
Total	15	0	0	15

4.6 Closed requests

4.6.1 Requests closed within legislated timelines

Number of requests closed within legislated timelines	10
Percentage of requests closed within legislated timelines (%)	18.51851852

4.7 Deemed refusals

4.7.1 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
44	15	3	1	25

4.7.2 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	3	1	4
16 to 30 days	2	0	2
31 to 60 days	2	0	2
61 to 120 days	10	0	10
121 to 180 days	3	1	4
181 to 365 days	9	0	9
More than 365 days	11	2	13
Total	40	4	44

4.8 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 5: Extensions

5.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	9(1)(a) Interference With Operations/ Workload	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
All disclosed	0	0	0	0
Disclosed in part	1	1	5	1
All exempted	0	0	0	0
All excluded	0	0	0	0
Request abandoned	1	0	1	1
No records exist	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0
Total	2	1	6	2

5.2 Length of extensions

Length of Extensions	9(1)(a) Interference With Operations/ Workload	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
30 days or less	1	0	1	0
31 to 60 days	0	1	3	1
61 to 120 days	0	0	1	0
121 to 180 days	0	0	1	1
181 to 365 days	1	0	0	0
365 days or more	0	0	0	0
Total	2	1	6	2

Section 6: Fees

Fee Type	Fee Collected		Fee Waived		Fee Refunded	
	Number of Requests	Amount	Number of Requests	Amount	Number of Requests	Amount
Application	51	\$255.00	0	\$0.00	0	\$0.00
Other fees	0	\$0.00	0	\$0.00	0	\$0.00
Total	51	\$255.00	0	\$0.00	0	\$0.00

Section 7: Consultations Received From Other Institutions and Organizations

7.1 Consultations received from other Government of Canada institutions and other organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during the reporting period	79	4763	0	0
Outstanding from the previous reporting period	107	30424	0	0
Total	186	35187	0	0
Closed during the reporting period	90	4666	0	0
Carried over within negotiated timelines	14	1578	0	0
Carried over beyond negotiated timelines	82	28943	0	0

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

Recommendation	Number of Days Required to Complete Consultation Requests							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	
Disclose entirely	3	5	7	6	0	11	1	33
Disclose in part	3	8	14	15	5	3	5	53
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	1	1	0	0	0	2	4
Total	6	14	22	21	5	14	8	90

7.3 Recommendations and completion time for consultations received from other organizations outside the Government of Canada

Recommendation	Number of Days Required to Complete Consultation Requests							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	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

Section 8: Completion Time of Consultations on Cabinet Confidences

8.1 Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		100-500 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
1 to 15	2	2	0	0	0	0	0	0	0	0
16 to 30	4	15	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	1	122	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	6	17	0	0	1	122	0	0	0	0

8.2 Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		100-500 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
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 9: Investigations and Reports of finding

9.1 Investigations

Section 32 Notice of intention to investigate	Subsection 30(5) Ceased to investigate	Section 35 Formal Representations
7	1	1

9.2 Investigations and Reports of finding

Section 37(1) Initial Reports			Section 37(2) Final Reports		
Received	Containing recommendations issued by the Information Commissioner	Containing orders issued by the Information Commissioner	Received	Containing recommendations issued by the Information Commissioner	Containing orders issued by the Information Commissioner
0	0	1	0	0	1

Section 10: Court Action

10.1 Court actions on complaints

Section 41				
Complainant (1)	Institution (2)	Third Party (3)	Privacy Commissioner (4)	Total
0	0	0	0	0

10.2 Court actions on third party notifications under paragraph 28(1)(b)

Section 44 - under paragraph 28(1)(b)
0

Section 11: Resources Related to the Access to Information Act

11.1 Allocated Costs

Expenditures	Amount
Salaries	\$579,821
Overtime	\$0
Goods and Services	\$27,934
• Professional services contracts	\$0
• Other	\$27,934
Total	\$607,755

11.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	6.275
Part-time and casual employees	0.000
Regional staff	0.000
Consultants and agency personnel	0.000
Students	0.000
Total	6.275

Note: Enter values to three decimal places.

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

Name of institution: Communications Security Establishment

Reporting period: 2022-04-01 to 2023-03-31

Section 1: Capacity to Receive Requests under the Access to Information Act and the Privacy Act

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 under the Access to Information Act and the Privacy Act

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

Section 3: Open Requests and Complaints Under the Access to Information Act

3.1 Enter the number of open requests that are outstanding from previous reporting periods.

Fiscal Year Open Requests Were Received	Open Requests that are <i>Within</i> Legislated Timelines as of March 31, 2023	Open Requests that are <i>Beyond</i> Legislated Timelines as of March 31, 2023	Total
Received in 2022-2023	7	21	28
Received in 2021-2022	0	26	26
Received in 2020-2021	1	15	16
Received in 2019-2020	0	17	17
Received in 2018-2019	1	8	9
Received in 2017-2018	0	17	17
Received in 2016-2017	0	18	18
Received in 2015-2016	0	4	4
Received in 2014-2015	0	8	8
Received in 2013-2014 or earlier	0	3	3
Total	9	137	146

3.2 Enter the number of open complaints with the Information Commissioner of Canada that are outstanding from previous reporting periods.

Fiscal Year Open Complaints Were Received by Institution	Number of Open Complaints
Received in 2022-2023	6
Received in 2021-2022	1
Received in 2020-2021	0
Received in 2019-2020	0
Received in 2018-2019	0
Received in 2017-2018	1
Received in 2016-2017	0
Received in 2015-2016	0
Received in 2014-2015	0
Received in 2013-2014 or earlier	0
Total	8

Section 4: Open Requests and Complaints Under the Privacy Act

4.1 Enter the number of open requests that are outstanding from previous reporting periods.

Fiscal Year Open Requests Were Received	Open Requests that are <i>Within</i> Legislated Timelines as of March 31, 2023	Open Requests that are <i>Beyond</i> Legislated Timelines as of March 31, 2023	Total
Received in 2022-2023	1	7	8
Received in 2021-2022	0	4	4
Received in 2020-2021	0	4	4
Received in 2019-2020	0	2	2
Received in 2018-2019	0	0	0
Received in 2017-2018	0	0	0
Received in 2016-2017	0	1	1
Received in 2015-2016	0	0	0
Received in 2014-2015	0	2	2
Received in 2013-2014 or earlier	0	1	1
Total	1	21	22

4.2 Enter the number of open complaints with the Privacy Commissioner of Canada that are outstanding from previous reporting periods.

Fiscal Year Open Complaints Were Received by Institution	Number of Open Complaints
Received in 2022-2023	3
Received in 2021-2022	4
Received in 2020-2021	0
Received in 2019-2020	1
Received in 2018-2019	1
Received in 2017-2018	0
Received in 2016-2017	0
Received in 2015-2016	0
Received in 2014-2015	0
Received in 2013-2014 or earlier	0
Total	9

Section 5: Social Insurance Number

Has your institution begun a new collection or a new consistent use of the SIN in 2022-2023?	No
--	----

Section 6: Universal Access under the Privacy Act

How many requests were received from confirmed foreign nationals outside of Canada in 2022-2023?	0
--	---

The logo for the Government of Canada, featuring the word "Canada" in a serif font with a small crown above the letter 'a'.