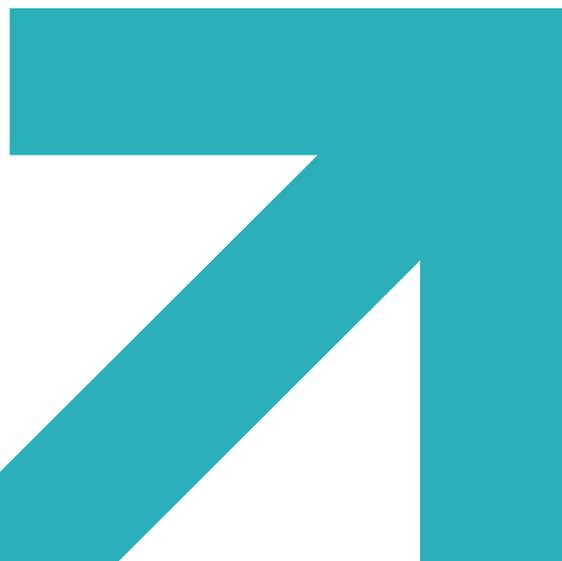


# ANNUAL REPORT ON THE ADMINISTRATION OF THE *ACCESS TO INFORMATION ACT*

Export Development Canada

1 April 2023– 31 March 2024



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## INTRODUCTION

The purpose of the *Access to Information Act* (“Act”) is to enhance the accountability and transparency of federal institutions to promote an open and democratic society and enable public debate on the conduct of those institutions.

Export Development Canada (“EDC”) is a crown corporation and an agent of His Majesty in Right of Canada with a mandate to support and develop trade between Canada and other countries and Canada’s competitiveness in the international marketplace and to provide development financing and other forms of development support. EDC’s mandate also includes supporting and developing domestic business, where requested by the Minister of International Trade, Export Promotion, Small Business and Economic Development and the Minister of Finance.

This report is prepared and tabled in Parliament in accordance with section 94 of the Act. For clarity, it relates to EDC and also fulfills the reporting requirements of EDC’s wholly owned non-operational subsidiary, Exinvest. A separate report is prepared and tabled for EDC’s wholly owned operating subsidiary, Development Finance Institute Canada Inc.

## ORGANIZATIONAL STRUCTURE

EDC’s Privacy and Information Risk (“P&IR”) Team is part of the Compliance and Ethics Group. The P&IR Team has, among other responsibilities, primary responsibility for administering the *Privacy Act* and the *Access to Information Act* and is responsible for responding to requests submitted to EDC under these Acts. Throughout the reporting period, the team was comprised of 6 full-time employees, with 2 employees dedicated to Access to Information. The team was overseen by the Director, Ethics, Privacy and Information Risk, who reported to the Chief Compliance and Ethics Officer, who in turn reported to EDC’s Senior Vice-President and Chief Risk and Sustainability Officer.

EDC has agreements in place, entered into pursuant to section 96 of the Act, for the provision of access to information services to the Development Finance Institute Canada Inc. and Exinvest Inc.

With respect to “proactive publication” requirements under Part 2 of the Act, EDC’s Costing Team within the broader Finance Group is responsible for ensuring that EDC meets its obligations under sections 82 (publishing travel expenses) and 83 (publishing hospitality expenses), while the P&IR Team is responsible for meeting its obligation under section 84 (publishing reports tabled in Parliament).

## DELEGATION ORDER

A copy of the delegation order that was made pursuant to section 95(1) of the Act and was in effect at the end of the reporting period is attached at Appendix A.

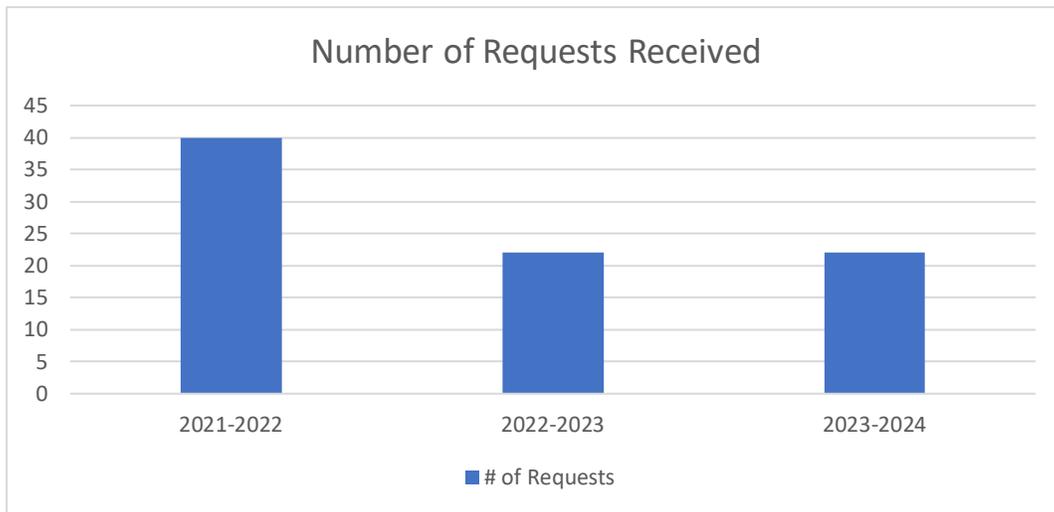
## PERFORMANCE 2023-2024

Below is an overview of key data on EDC's performance during the reporting period.

- EDC received 22 new requests for information under the Act. Eight requests were carried over from the last reporting period.
- 28 requests were completed during the year.
- 82% of the 28 requests completed during the year were responded to within legislated timelines.
- Of the 28 requests that were completed during the reporting period:
  - Four were completed within 1-15 days
  - Fifteen were completed within 16-30 days
  - Four were completed within 31-60 days
  - One was completed within 61-120 day
  - Three were completed within 181-365 days, and
  - One was completed after 365+ days.
- Of the 28 requests that were completed, eight requests required an extension. Of those eight, four were extended pursuant to section 9(1)(a) (due to the large number of records required to be processed), and four were extended pursuant to section 9(1)(b) (due to consultations being required to comply with the request that could not be completed within the original time limit).
- Of all requests completed, those for which records were "all disclosed" accounted for 42%, while those for which records were "disclosed in part" accounted for 32%.
- As of the last day of the reporting period, there were two active requests. Both were received in the 2023-2024 reporting period, and are still within the legislated timelines.
- As of the last day of the reporting period, there were 12 active complaints. Of these:
  - One was received in 2022-2023
  - Two were received in 2021-2022
  - Three were received in 2020-2021
  - Two were received in 2021-2022
  - Two were received in 2018-2019, and
  - Two were received in 2016-2017.
- During the reporting period, EDC completed a total of 18 consultations for other government institutions regarding the release of records. Of those:

- 13 were completed within 1-15 days
- Two were completed within 16-30 days
- Two were completed within 31-60 days, and
- One was completed within 61-120 days.

The number of requests received by EDC compared to the previous period remained constant. The chart below shows the trend for the past three reporting periods.



## TRAINING AND AWARENESS PROGRAM

The P&IR Team promoted awareness of EDC’s obligations under the Act through mandatory privacy and access to information training for all new employees, who totalled 175 for the reporting period. Additionally, individual training sessions were delivered and tailored to specific groups based on need.

## INSTITUTION SPECIFIC POLICIES, GUIDELINES AND PROCEDURES

EDC did not implement any new or revised institution-specific policies, guidelines, procedures or initiatives related to access to information during the reporting period.

## PROACTIVE PUBLICATION

EDC is a “government institution” for the purposes of Part 2 of the Act and is subject to sections 82 (publishing travel expenses), 83 (publishing hospitality expenses), and 84 (publishing reports tabled in Parliament).

EDC publishes travel and hospitality expenses incurred by EDC’s CEO, senior executives and Board members on its [Travel and Hospitality Expenses](#) webpage.

In 2023, EDC finalized the design and began executing a process to enhance compliance with its proactive publication requirements. The process included formalizing responsibility and processes within EDC for managing these requirements. It also clarified the specific information required to be published and associated timelines. To facilitate compliance, travel and hospitality expenses are approved in a centralized expense system that populates a general ledger from which relevant expenses are extracted for publication. Publications to Open Government started in June 2023 and from October 2023, EDC has been in compliance with monthly travel and hospitality proactive publication requirements and associated timelines. Documented procedures supporting such publication were enhanced and approved in December 2023.

With respect to reports tabled in Parliament during the 2023-2024 reporting period, EDC's reports tabled after the effective date of the proactive publication requirement have been published to Open Government within the required timelines, leveraging accessibility features in third party tools while development of accessibility capabilities continues. The drafting and approval of supporting procedures were in progress at the end of the reporting period.

The table below identifies which proactive publication requirements apply to EDC.

**Proactive Publication Requirements Table**

<b>Legislative Requirement</b>	<b>Section</b>	<b>Publication Timeline</b>	<b>Institutional Requirement</b>
<b>All Government Institutions as defined in section 3 of the <i>Access to Information Act</i></b>			
Travel Expenses	82	Within 30 days after the end of the month of reimbursement	Applicable to EDC
Hospitality Expenses	83	Within 30 days after the end of the month of reimbursement	Applicable to EDC
Reports tabled in Parliament	84	Within 30 days after tabling	Applicable to EDC
<b>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></b>			
Contracts over \$10,000	86	Q1-3: Within 30 days after the quarter Q4: Within 60 days after the quarter	N/A
Grants & Contributions over \$25,000	87	Within 30 days after the quarter	N/A

Packages of briefing materials prepared for new or incoming deputy heads or equivalent	88(a)	Within 120 days after appointment	N/A
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	N/A
Packages of briefing materials prepared for a deputy head or equivalent's appearance before a committee of Parliament	88(c)	Within 120 days after appearance	N/A
<b>Government institutions that are departments named in Schedule I to the <i>Financial Administration Act</i> or portions of the core public administration named in Schedule IV to that Act (i.e. government institutions for which Treasury Board is the employer)</b>			
Reclassification of positions	85	Within 30 days after the quarter	N/A
<b>Ministers</b>			
Packages of briefing materials prepared by a government institution for new or incoming ministers	74(a)	Within 120 days after appointment	N/A
Titles and reference numbers of memoranda prepared by a government institution for the minister, that is received by their office	74(b)	Within 30 days after the end of the month received	N/A
Package of question period notes prepared by a government institution for the minister and in use on the last sitting day of the House of Commons in June and December	74(c)	Within 30 days after last sitting day of the House of Common in June and December	N/A
Packages of briefing materials prepared by a government institution for a minister's appearance before a committee of Parliament	74(d)	Within 120 days after appearance	N/A
Travel Expenses	75	Within 30 days after the end of the month of reimbursement	N/A
Hospitality Expenses	76	Within 30 days after the end of the month of reimbursement	N/A
Contracts over \$10,000	77	Q1-3: Within 30 days after the quarter Q4: Within 60 days after the quarter	N/A
Ministers' Offices Expenses *Note: This consolidated report is currently published by TBS on behalf of all institutions.	78	Within 120 days after the fiscal year	N/A

## **INITIATIVES AND PROJECTS TO IMPROVE ACCESS TO INFORMATION**

During the 2023-2024 reporting period, EDC completed the process of onboarding to ATIP Online, a centralized, publicly facing website hosted by the Treasury Board Secretariat for individuals to submit requests for access to information.

## **COMPLAINTS**

EDC did not receive any complaints during the reporting period. However, three complaints were closed during the reporting period. Of these three complaints, one was related to the extension of time taken to respond to the request, which was deemed not well founded by the Information Commissioner. Another complaint was related to specific exemptions taken to withhold certain records, which was deemed well founded by the Information Commissioner, who issued recommendations to EDC. Finally, one complaint was withdrawn by the complainant after EDC provided a supplemental release package.

## **MONITORING COMPLIANCE**

EDC used AccessPro Suite by CSDC Systems Inc. to manage all requests received under the Act. The software has a dashboard function that enables monitoring of the status and time taken to process access to information requests. In addition to weekly team meetings, access compliance metrics, including response times, were a standing item in EDC Board reporting.

To manage inter-institutional consultation, EDC incorporated the specific criteria for triggering such consultations into its request handling procedure, such that consultation is warranted in two circumstances: if more information is needed to enable the proper exercise of discretion to withhold information or EDC intends to disclose potentially sensitive information.

## APPENDIX A – DELEGATION OF AUTHORITY

### DELEGATIONS OF AUTHORITY

#### PURSUANT TO SECTION 95(1) OF THE *ACCESS TO INFORMATION ACT* AND REGULATIONS

#### COMPLIANCE AND ETHICS / PRIVACY AND ACCESS TO INFORMATION (PRIVACY & ATI) TEAM/ GLOBAL RISK MANAGEMENT (GRM)

1. **Authorization** - Authorization to exercise or perform powers, duties or functions of the head of the institution under the *Access to Information Act* and Regulations.

<i>Access to Information – Section 95(1)</i>																																				
SECTIONS	4(2.1)	6.1(1)	7(a)	7(b)	8(1)	9	10(1)	11(2)	12 (2)(b)	12 (3)(b)	13	14	15	16	16.5	17	18	18.1	19	20	21	22	22.1	23	24	25	26	27 (1),(4)	28(1)(b),(2), (4)	33	35(2)(b)	37(4)	43(2)	44(2)	52(2) (b),(3)	
PRESIDENT & CEO	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
SVP & CHIEF RISK OFFICER, GRM	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
VP & CCO	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
DIRECTOR, COMPLIANCE & ETHICS	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
PRINCIPAL, PRIVACY AND ATI	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<i>Access to Information Regulations.</i>																																				
SECTIONS	6(1)	7(2)	7(3)	8	8.1																															
PRESIDENT & CEO	X	X	X	X	X																															
SVP & CHIEF RISK OFFICER, GRM	X	X	X	X	X																															
VP & CCO, GRM	X	X	X	X	X																															
DIRECTOR COMPLIANCE & ETHICS	X	X	X	X	X																															
PRINCIPAL, PRIVACY AND ATI	X	X	X	X	X																															

**DELEGATIONS OF AUTHORITY  
PURSUANT TO SECTION 95(1) OF THE *ACCESS TO INFORMATION ACT* AND REGULATIONS  
COMPLIANCE AND ETHICS / PRIVACY AND ACCESS TO INFORMATION (PRIVACY & ATI) TEAM / GLOBAL RISK MANAGEMENT (GRM)**

<i>Access to Information Act – Sections</i>			<i>Access to Information Regulations. -Sections</i>
4(2.1) Responsibility of government institutions	17 Exemption - Safety of individuals	27(1),(4) Third party-notification	
6.1(1) Reasons for declining to act on request	18 Exemption - Economic interests of Canada	28(1)(b),(2),(4) Third party-notification	6(1) Transfer of request
7(a) Notice when access requested			
7(b) Giving access to record	18.1 Exemption - Economic interest of the Canada Post Corporation, Export Development Canada, the Public Sector Pension Investment Board and VIA Rail Canada Inc.	33 Advising Information Commissioner of third-party involvement 35(2)(b) Right to make representations	7(2) Search and preparation fees
8(1) Transfer of request to another government institution	19 Exemption - Personal Information	37(4) Access to be given to complainant	
9 Extension of time limits	20 Exemption - Third-party information	43(2) Notice to third party (application to Federal Court for review)	7(3) Production and programming fees
10(1) Access refusal			
11(2) Additional Fees	21 Exemption - Operations of Government	44(2) Notice to applicant (application to Federal Court by third party)	
12(2)(b) Language of access	22 Exemption - Testing procedures, tests and audits	52(2)(b),(3) Special rules for hearings	8 Providing access to record(s)
13 Exemption - Information obtained in confidence	22.1 Exemption – Audit working papers and draft audit reports		
14 Exemption - Federal-Provincial affairs	23 Exemption - Solicitor-client privilege		
15 Exemption - International affairs and defence	24 Exemption - Statutory prohibitions		8.1 Limitations in respect of format
16 Exemption - Law enforcement and investigations	25 Severability		
16.5 Exemption – <i>Public Servants Disclosure Protection Act</i>	26 Exemption - Information to be published		

**DELEGATIONS OF AUTHORITY  
PURSUANT TO SECTION 95(1) OF THE *ACCESS TO INFORMATION ACT* AND REGULATIONS  
COMPLIANCE AND ETHICS / PRIVACY AND ACCESS TO INFORMATION (PRIVACY & ATI) TEAM / GLOBAL RISK MANAGEMENT (GRM)**

2. **Titles**

All of the above titles include their equivalent under any future designation.

3. **Previous Authorities**

All current authority designations executed by the President and Chief Executive Officer of EDC (e.g. the head of the corporation) (the "Designations"), are replaced by these Table of Authority and Table Notes without in any way affecting the validity of acts done pursuant to such Designations.



\_\_\_\_\_  
President & Chief Executive Officer

August 31, 2020

\_\_\_\_\_  
Date