



CANADIAN MUSEUM FOR
HUMAN RIGHTS
MUSÉE CANADIEN POUR LES
DROITS DE LA PERSONNE

Annual Report on the Administration of the *Access to Information Act*

**Canadian Museum for Human Rights
2020-2021**

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1. Introduction

The Canadian Museum for Human Rights (CMHR) is pleased to provide its annual report on the administration of the *Access to Information Act* (ATIA) for the fiscal year 2020-2021, as required under section 94 of the Act.

The ATIA is based on the following principles:

- government information should be made available to Canadians and permanent residents of Canada;
- 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.

On February 11, 2008, the Government of Canada introduced legislation in Parliament to create the CMHR. The *Act to Amend the Museums Act* received Royal Assent on March 13, 2008. The legislation came into force on August 10, 2008 and the Government appointed the Museum's first Board of Trustees on August 26, 2008.

2. Mandate

The *Museums Act* establishes the mandate for the CMHR as follows:

“to explore the subject of human rights, with special but not exclusive reference to Canada, in order to enhance the public’s understanding of human rights, to promote respect for others and to encourage reflection and dialogue.”

The Museum's public policy role is expressed in the preamble of the Act, which states each national museum:

- a) *“plays an essential role, individually and together with other museums and like institutions, in preserving and promoting the heritage of Canada and all its peoples throughout Canada and abroad, and in contributing to the collective memory and sense of identity of all Canadians; and,*

b) is a source of inspiration, research, learning and entertainment that belongs to all Canadians and provides, in both official languages, a service that is essential to Canadian culture and available to all.”

3. ATIP Secretariat

During the reporting period, the ATIP Secretariat was comprised of the ATIP Coordinator, who also holds the position of Corporate Secretary, and the ATIP Officer, who is also responsible for corporate records and policy at the CMHR.

The ATIP Coordinator is responsible for administering the ATIA within the CMHR with a mandate to act on behalf of the President and CEO in ensuring compliance with legislation, regulations and government policy and to create directives and standards in all matters relating to the Act.

The ATIP Officer also plays a lead role in the administration of the ATIA by processing access requests and providing professional advice and training to CMHR employees. This position was vacant for a portion of the reporting year.

4. Institution and Delegation Order

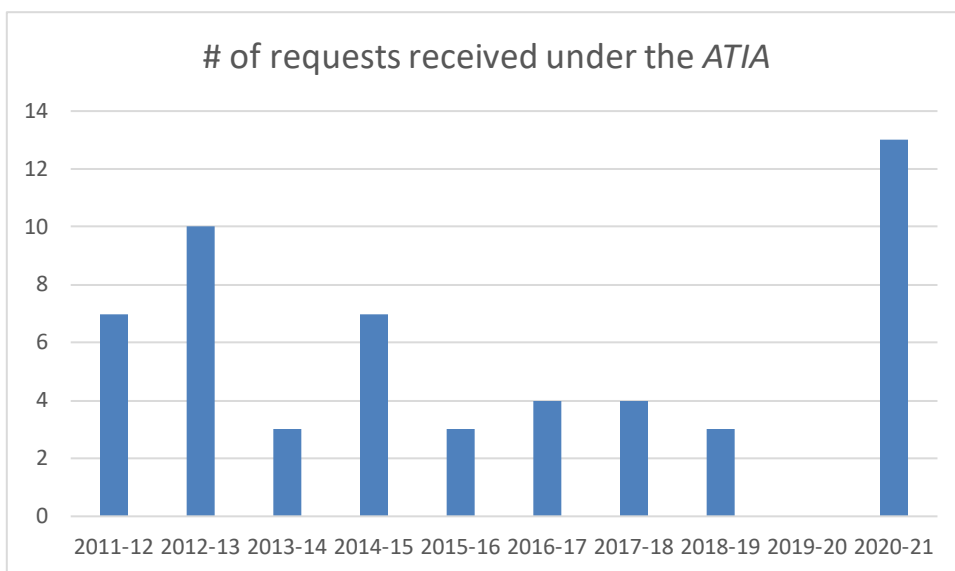
The CMHR is governed by a Board of Trustees consisting of up to eleven members who are appointed by the Minister of Canadian Heritage with the approval of the Governor in Council. The Board is responsible for executing the CMHR’s mission and providing strategic direction to and oversight of the activities of the CMHR. The Director is the President and Chief Executive Officer (CEO) of the CMHR and, under the direction of the Board, has control and management of the work and staff of the Museum. The President and CEO of the Museum is appointed, with the approval of the Governor in Council, by the Board of Trustees.

Pursuant to Section 73 of the ATIA, the Museum has delegated authority to the person holding the position of Access to Information and Privacy (ATIP) Coordinator to exercise or perform all powers, duties and functions of the President and CEO under the Act insofar as they may be exercised or performed in relation to the CMHR. The delegation order is appended.

5. Highlights of the Statistical Report (2020-2021)

Requests

The CMHR received 13 new Access to Information requests during this reporting period; a dramatic increase from the zero requests received in 2019-2020. The statistical report for the period April 1, 2020 to March 31, 2021 is appended. The chart below illustrates the number of requests received by the CMHR since 2011-2012.



A total of eleven requests were completed in 2020-2021. 10 requests (90.9%) met the legislated timelines. One request did not meet the legislated timeline due to the extent of internal consultations required. Extensions of between 31 to 60 days were applied to three requests: two requests due to both interference with operations and third-party consultations, one request due only to third party consultations. Two requests were carried over into 2021-2022 due to an application for review by the Federal court made by third parties under subsection 41(3) of the ATIA. Two complaints were made to the Office of the Information Commissioner: one due to a failure to respond within the time limits set out in the ATIA and the other due to a transfer request. The CMHR received two notices of intention to investigate; the Museum has provided all requested information and records to the Office of the Information Commissioner. Investigation under one complaint is ongoing. The Museum has been advised that an investigator for the second complaint has not yet been assigned.

Of the eleven requests completed, one request was transferred (9.1%), one request was found that "no records exist" (9.1%), six were "disclosed in part," (54.5%) and three were "all disclosed" (27.3%) Completion times varied throughout the year: there was one request completed in 1 to 15 days, six requests completed in 15 to 30 days, two requests completed in 31 to 60 days, and two requests completed in 61 to 120 days. Exemptions under sections 16.1(1)(c) and 19 of the ATIA were applied to requests disclosed in part. This was the first time an exemption was applied by the Museum under section 16.1(1)(c). Section 16.1(1)(c) is an exemption that enables government institutions to refuse to disclose any record requested that contains information which can be injurious to enforcement of any law or the conduct of lawful investigations. Section 19 is a mandatory class test exemption that prohibits the disclosure of personal information. The prevailing

citation of section 19 resumes the trend from the last two reporting periods (note that in 2019-2020 there was nothing to report).

Consultations

No Access to Information consultations were received during the reporting period.

COVID-19

The CMHR was able to receive ATIP requests by mail and email for all 52 weeks of the reporting period. The CMHR is not able to receive requests through the digital request service as a Crown corporation. For paper records the CMHR was able to process unclassified paper records, protected B paper records and secret and top-secret paper records at partial capacity for 52 weeks of the reporting period due to ATIP staff having limited on-site access for processing physical files. For electronic records the CMHR was able to process unclassified electronic records, protected B electronic records and secret and top-secret electronic records at full capacity for 52 weeks of the reporting period.

6. Education and Training

No ATIP Information Sessions were delivered to CMHR staff during the reporting period. However, all new staff receive a conceptual introduction to ATIP during the onboarding process through an orientation session.

7. Policies, Guidelines and Procedures

The CMHR did not implement any new policies, guidelines or procedures during the reporting period.

8. Complaints/Investigations

Two complaints were made to the Office of the Information Commissioner: one due to a failure to respond within the time limits set out in the ATIA and the other due to a transfer request.

The CMHR received two notices of intention to investigate; the Museum has provided all requested information and records to the Office of the Information Commissioner. Investigation under one complaint is ongoing. The Museum has been advised that an investigator for the second complaint has not yet been assigned.

9. Monitoring Compliance

Due to the typically small number of requests received, the Museum does not actively monitor the length of time it takes to process access to information requests.