



FEV 13 2014
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Mr. Brady Yauch
Economist
Probe International
225 Brunswick Avenue
Toronto ON M5S 2M6

Subject: **Our file:** 3213-01409
 Institution's file: A-2013-00054/JE

Dear Mr. Yauch:

I am writing to report to you the results of our investigation of your complaint, made under the *Access to Information Act* (the Act), against Export Development Canada (EDC).

Background

On October 3, 2013, EDC received your request for:

Can you provide all documents, emails, memos and reports between January 1, 2011 until present related to the political risk insurance issued by EDC for companies operating in Libya, as disclosed on page 57 in your 2008 annual report, page 104 of your 2009 annual report, page 114 of your 2010 annual report, page 115 of your 2011 annual report and page 112 of your 2012 annual report.

Based on the date of receipt, the statutory 30-day deadline for a timely response was November 2, 2013. However, since this date fell on a Saturday, EDC was required to respond by Monday, November 4, 2013 (next business day).

On October 30, 2013, EDC contacted you to seek consent to exclude shorter emails from the relevant records in instances where those shorter emails were contained in a longer email chain. On November 1, 2013, EDC contacted you again seeking clarification on the types of reports you were interesting in obtaining. On both occasions, you provided the requested consent/clarification on the same day. Consequently, the processing of the request was not placed on hold and EDC was required to respond by November 4, 2013.

Respect

Excellence

Intégrité Integrity

Leadership

On November 4, 2013, therefore within the appropriate timeframe to do so, EDC notified you that, pursuant to paragraph 9(1)(a) of the Act, it was claiming an extension of 330 days beyond the 30-day statutory time limit to process the request. This extended the due date for a response to September 30, 2014.

On November 11, 2013, you complained to our office that EDC claimed an unreasonable time extension to process the request. You also complained that EDC had lost your two previous access requests, one of them being similar to the current request, and questioned the reasons for such.

Investigation

Paragraph 9(1)(a)

Paragraph 9(1)(a) of the Act allows the head of a government institution to claim an extension of time if the request is for a large number of records or necessitates a search through a large number of records and meeting the original time limit would unreasonably interfere with the operations of the institution.

Our investigation revealed that your request generated approximately 40,026 pages of records. We are satisfied that this constitutes a large volume of records and that processing the request within the initial 30-day deadline would have unreasonably interfered with the operations of the institution. Therefore, we are of the view that the time extension claimed pursuant to paragraph 9(1)(a) of the Act was valid. Likewise, we are satisfied that the length of time claimed to process the request, namely 330 days, is reasonable in this instance.

Finally, EDC ensured us it is processing your request as quickly as possible.

Missing Requests

On October 2, 2013, you enquired with EDC about two requests that you had previously submitted on August 30, 2013, for which the cheques for the application fees were also cashed. We understand that one of these requests is similar to the request subject to the current complaint. In response to your queries, EDC informed you that no requests have been received by the institution's Access to Information and Privacy (ATIP) office. We understand that you ultimately agreed to resubmit your original requests which the institution started processing on October 3, 2013.

In your complaint to our office, you asked for an explanation of the reasons behind EDC's misplacing of the initial requests.

Our investigation revealed that following your queries about the status of the requests submitted on August 30, 2013, EDC initiated an internal investigation into the matter. EDC submitted that their internal investigation determined that your

initial requests were not received by the institution's ATIP office due to a procedural error originating from the mailroom. EDC has advised us that it has undertaken training and process improvements in order to ensure that similar issues do not occur in the future. We also understand that EDC reimbursed you the \$5.00 application fees you had initially paid.

Findings

While we are satisfied that EDC met the criteria for invoking a time extension pursuant to paragraph 9(1)(a) of the Act, we find that the institution acted inappropriately when it failed to commence the processing of the original requests for which it had, however, cashed your cheque for the application fees. We are satisfied that EDC acknowledged its procedural error in this regard and has undertaken to conduct awareness training and improve its process in order to mitigate the risk of future occurrences.

As we find the time extension valid, the extended due date for a response remains September 30, 2014.

Based on the foregoing, we will record your complaint as well-founded and resolved.

Yours sincerely,



Natasa Puskar
A/Chief of Operations, Early Resolution
Intake and Early Resolution Unit
Complaints Resolution and Compliance

c.c.: Access to Information and Privacy Coordinator
Export Development Canada