

**MINISTRY OF CHILDREN & FAMILY DEVELOPMENT
INFORMATION BRIEFING NOTE**

CLIFF #219212

PREPARED FOR: Honourable Stephanie Cadieux, Minister - FOR INFORMATION

TITLE: OIPC Special Report – A Step Backwards: Report Card on Government’s Access to Information Responses, April 1, 2013 – March 31, 2014 – OIPC File F14-57703

PURPOSE: This note provides information on MCFD access to information requests in light of the OIPC assessment.

BACKGROUND:

- The *OIPC Special Report – A Step Backwards: Report Card on Government’s Access to Information Responses, April 1, 2013- March 31, 2014 – OIPC File F14-57703* (the Report) examines government’s performance in relation to access to information requests in three domains: timeliness, number of requests with no responsive records, and the use of fee estimates.
- Section 7 of The Freedom of Information and Protection of Privacy Act (FIPPA) provides that public bodies must respond to information requests not later than 30 business days after receiving a request.
- In 2010/11 Government met this 30 day requirement 93% of the time. In 2013/14 this had declined to 74% of the time.
- The Report singles out MCFD, identifying it as a ministry having serious timeliness issues with only 52% of requests for access to MCFD information completed within statutory timeframes.
- It is true that requestors for information at MCFD are relatively more likely to have to wait beyond 30 days from their request but this is largely because of how MCFD requests are processed centrally at Ministry of Technology, Innovation and Citizens’ Services (MTICs).
- In 2011, the timeliness of response to MCFD information access requests surpassed that of other ministries in the province with 99% of requests completed within the statutory timeframe.
- Information Access Operations (IAO) at MTICs is responsible for the government’s processing of access to information requests.
- Each ministry is responsible for producing the records for IAO.
- Approximately 20% of all information access requests concern MCFD.
- The majority of MCFD requests – approximately 90% percent – are personals often from clients, or former clients, looking for their case files.
- Due to the volume of requests for MCFD records containing personal information, MCFD resources a distinct work unit (of 14 when fully staffed) to manage these requests.
 - Producing records for IAO in response to personal information access requests comprises about 50% of the work of MCFD’s disclosure unit.
 - This unit is unique in government and reflects the fact that MCFD records are large and complex.
 - MCFD files are lengthy – on average 1,000-1,500 pages, containing sensitive personal details and often third party information which can be investigative in

nature. It is not uncommon for the volume in a file to be in the range of 2,500-5,000 pages, and there are some that exceed 10,000 pages.

- MCFD staff gather records from paper files in MCFD offices and off-site storage, microfiche, and produce copies of records from MCFD's various case management systems and then forward to IAO.
- General access requests for MCFD information are managed and coordinated by two staff in Executive Operations.
- Under legislation, IAO has 30 days to respond to an information access request. IAO can request an extension if volume of material is high. This is a common practice with regard to MCFD records. A request completed within the time period of an authorized extension is still completed on time.
- MCFD has 10 days to produce records for IAO – whether an extension has been authorized or not.
- IAO is responsible for any redaction required prior to release. IAO analysts ensure the FOIPPA and CFCSA legislation is applied accurately and fairly.
- The Report contains seven recommendations, one of which is specific to MCFD:
 - *The Ministry of Children and Family Development should give attention on a priority basis to its statutory obligation under FOIPPA to respond to access to information requests within legal timeliness. Planned actions should include addressing elements such as printing and retrieving difficulties regarding the ICM system, staff levels related to access to information and providing effective ongoing training to ICM users.*
- MCFD's Deputy Minister has written to the OIPC:
 - Reaffirming MCFD's commitment to timeliness,
 - Identifying factual errors in the Report, including a clarification MCFD's role in Government's system of access to records; and identifying; and,
 - Outlining steps that have been taken or will be taken to improve the timeliness of response to requests (Appendix A).
- The OIPC is currently planning to release the report on Tuesday, September 23.

DISCUSSION:

- Timeliness of response to requests for MCFD information is clearly a serious issue that is unacceptable and must be addressed.
- The report misrepresents the issue as singular to MCFD. IAO is accountable for access to information requests and MCFD is required to produce the records for IAO within 10 days. MCFD strives to meet this timeline by processing requests in order of request date. Depending on a number of factors, many requests do need longer; as of today the oldest request awaiting MCFD production is July 31, 2014. Often the delay is with IAO, both in sending the request to MCFD but more often in redacting the documents for disclosure.
- Several factors have contributed to the timeliness issue for MCFD requests: an increase in the number of requests, an increase in the complexity of requests, staffing challenges at both IAO and MCFD's disclosure and document management unit, and, as the Report identifies, but perhaps exaggerates, the growing pains associated with the adoption of a new case management system in MCFD.
- As the Report clearly identifies, MCFD has the highest number of FOI requests in government. The majority of MCFD requests – approximately 90% percent - are personals often from clients, or former clients, looking for their case files. MCFD has seen a 25% increase in requests since 2010/11.

- These files are lengthy – on average 1,000-1,500 pages, containing sensitive personal details and often third party information which can be investigative in nature. It is not uncommon for the volume in a file to be in the range of 2500-5000 pages, and there are some that exceed 10,000 pages. Given their complexities, they require the review of experienced IAO analysts to ensure the FOIPPA and CFCSA legislation is applied accurately and fairly.
- MCFD will work with IAO in order to identify corporate bottlenecks and specifically to develop a more a focused approach to MCFD requests.
- At the ministry level, implementation of ICM- Phase 4 will dramatically improve document retrieval which to date has been hampered by outdated software.
- As well, our ministry Disclosure and Document Management unit – a unique division among ministries given MCFD’s high volumes, will be fully staffed to a total of 14 this Fall. This will help to improve internal turnaround times before files are turned over to IAO for application of FOIPPA and CFCSA.
- For context, it’s important to note that the ministry’s performance to date is in part reflective government’s managed staffing strategy which has meant since 2011 priority has been given to hiring front line positions dedicated to providing direct services to children and families.

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Appendix A:

Step that MCFD has either taken or will take to improve the timeliness rates of requests for MCFD information include:

1. Reports were developed and implemented within ICM in the summer of 2012 that addressed many of the ICM related search and printing challenges of our document disclosure team.
2. MCFD will work with IAO to refine the current system of processing information access requests with a view to increasing the productivity of this system. MCFD is part of an IAO ‘sector’ that includes the ministries of Social Development and Social Innovation and Justice, and IAO processes requests similarly for these ministries so this work may involve this sector.
3. One simple example which is already being developed is the removal of automatic user identification from all ICM reports. This change will save redaction time for IAO staff; they will no longer need to redact this information from every page.
4. From phase 4, the ICM Production reports will include a print all function which should greatly reduce the amount of time it takes for MCFD-disclosure staff to produce attachments from ICM. (Reduces steps from eight to three.)
5. User materials for Phase 4 include information on how to correctly handle attachments in ICM. This should reduce the time and challenges for MCFD-disclosure staff in producing records from ICM.
6. After some turnover over the past two years access to personal information staffing within MCFD will reach or be close to its full complement in 2014.
7. As part of training noted in the report, MCFD is the largest IAO client in government due to both numbers of requests and the substantial volume and complexity of these

requests. Additionally, IAO staff need to factor the Child, Family and Community Services Act (CFCSA) into their processing work which adds further complexity and processing time. MCFD will provide IAO staff with a CFCSA checklist as a tool which will reduce verification time as well as reduce the risk of error.

8. In December 2013 a position within Executive Operations was reclassified to support the timely coordination of general FOI request.