



DRAFT
REGULATORY
POLICY

**Public Access
to Information held
at the CNSC**

C-287

Issued for public comments by the
Canadian Nuclear Safety Commission
January 2003

Draft
Regulatory
Policy

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Regulatory Documents

The legal framework within which the Canadian Nuclear Safety Commission (Commission) operates includes the Nuclear Safety and Control Act, its Regulations and other legal instruments such as licences and orders. The legal framework is supported by regulatory documents issued by the Commission, the main classes of which are:

Regulatory Policy (RP): a document that describes the philosophy, principles or fundamental factors which underlie the Commission's approach to its regulatory mission. It is issued for the guidance of Commission staff and the information of stakeholders.

Regulatory Standard (RS): a document that describes requirements that must be met. It imposes obligations on the regulated party, once it is referenced in a licence or other legally enforceable instrument.

Regulatory Guide (RG): a document that indicates acceptable ways of meeting the Commission's requirements, as expressed in the Act, Regulations or other legally enforceable instrument. It is issued for the guidance of licensees and other stakeholders.

Regulatory Notice (RN): a document that provides licensees and other stakeholders with information about significant matters that warrant timely action.

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About this Document

This draft policy is intended to establish the approach the Canadian Nuclear Safety Commission (CNSC) will take when administering requests for information, and making accessible to the public the information it holds in a manner that is consistent with relevant legislation and government policy. This policy applies to all information held at the CNSC, and supersedes Information Bulletin 83-2, entitled *Atomic Energy Control Board Policy on Public Access to Licensing Information*.

Comments

The CNSC invites interested persons to assist in the further development of this draft regulatory document by commenting in writing on the document's content and potential usefulness. Please respond by May 2, 2003. Direct your comments to the postal or e-mail address below, referencing file 1-8-8-287.

The CNSC will take the comments received on this draft into account when developing it further. These comments will be subject to the provisions of the federal *Access to Information Act*.

Document availability

This document can be viewed on the CNSC Internet site at www.nuclearsafety.gc.ca. To order a printed copy of the document in English or French, please contact:

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1.0 Purpose

This regulatory policy establishes the approach the Canadian Nuclear Safety Commission (CNSC) will take when dealing with requests for information, and how it will make the information it holds accessible to the public in a manner that is consistent with relevant legislation and government policy.

2.0 Scope

This policy applies to all information held at the CNSC, including:

- scientific, technical and regulatory information, and
- information submitted to the CNSC.

This document supersedes Information Bulletin 83-2, entitled *Atomic Energy Control Board Policy on Public Access to Licensing Information*.

3.0 Policy Statement

As an organization that values openness and transparency, it is the policy of the CNSC to make the information it holds easily accessible to the public within the limits provided by relevant federal legislation and policies.

4.0 Legislative Framework

The *Access to Information Act* and the *Privacy Act* provide, respectively, a right of access to records under the control of government institutions; and protection for the privacy of personal information held by government institutions. Information held by the CNSC is accessible to the public as set out in the *Nuclear Safety and Control (NSC) Act* and its regulations, the *Access to Information Act*, the *Privacy Act* and the *Communications Policy of the Government of Canada*.

Exceptions to public access to information are defined in the *Access to Information Act* and in the *Privacy Act*. In addition, under the *NSC Act*, the *General Nuclear Safety and Control Regulations* define prescribed information that is protected from disclosure; and the *CNSC Rules of Procedure* and *Bylaws* provide other measures for the protection of information from public access.

Where access to information or privacy legislation applies, there is a recourse procedure available for complaints through the Information or Privacy Commissioner.

5.0 Definitions

There are two types of requests for information:

1) Formal Request: a written request for information held at the CNSC made under the *Access to Information Act* or the *Privacy Act*. These requests are subject to the provisions found in these Acts and their supporting regulations, such as provisions for fees, time constraints and the opportunity for independent review of the decisions on access.

2) Informal Request: an oral or written request for information held at the CNSC which is not made under the *Access to Information Act* or *Privacy Act*. These requests, however, are given the same degree of respect/seriousness as formal requests. There are no formal time constraints, fees or opportunities for independent review of decisions for informal requests. It should be noted that informal requests are also subject to the exceptions to public access to information found in the *Access to Information Act*, the *Privacy Act* and the *NSC Act* and supporting regulations.

6.0 Authorities and Responsibilities

6.1 CNSC Staff

The CNSC staff is responsible for responding to requests for information from the public.

6.2 CNSC Access to Information & Privacy (ATIP) Coordinator

The CNSC ATIP Coordinator has the responsibility:

- for providing guidance and advice to CNSC staff regarding the Access to Information and Privacy Acts, and
- for making decisions on requests for information pursuant to the relevant legislation and government policy, as delegated by the head of the CNSC.

6.3 President

This regulatory policy is issued under the authority of the *NSC Act* and the CNSC President, as head of the CNSC, is the primary and accountable authority for it.

7.0 Implementation

- 1) Whenever possible, information is to be released informally.
- 2) The advice of the CNSC ATIP Coordinator and/or the Legal Services Unit is to be sought when there is doubt:
 - about the release of information,
 - with respect to any exceptions to public access found in the relevant legislation, or
 - about any other matter related to the implementation of this regulatory policy.
- 3) The ATIP coordinator is responsible for processing all formal requests.

8.0 Evaluation

The CNSC internal audit group will evaluate the CNSC's adherence to this policy, and the policy's effectiveness, during periodic program reviews in accordance with management priorities.

9.0 References

This policy must be read and applied in accordance with relevant legislation and government policies. The following references are of particular importance:

CNSC. *Canadian Nuclear Safety Commission By-Laws*. Ottawa: 2000

CNSC. *Canadian Nuclear Safety Commission Rules of Procedure*. Ottawa: 2000

CNSC. *General Nuclear Safety and Control Regulations*. Ottawa: 2000

CNSC. *Nuclear Safety and Control Act*. Ottawa: 2000

Department of Justice. *Access to Information Act*. Ottawa: R.S. 1985, c.A-1

Department of Justice. *Privacy Act*. Ottawa: R.S. 1985, c. P-21

Treasury Board Secretariat. *Communications Policy of the Government of Canada*. Ottawa: 2002