



Military Police
Complaints Commission
of Canada

Commission d'examen des plaintes
concernant la police militaire
du Canada

Access to Information Act

Annual Report

April 1, 2018 – March 31, 2019

For an electronic version of the publication, please consult the Military Police Complaints Commission of Canada's website at mpcc-cppm.gc.ca.

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1. Introduction

Purpose of the *Access to Information Act*

The *Access to Information Act* (ATIA) provides a right of access to information in records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific, and that decisions on the disclosure of government information should be reviewed independently of government.

The ATIA is intended to complement and not replace existing procedures for access to government information and is not intended to limit in any way access to the type of government information that is normally available to the general public.

The Annual Report to Parliament on the ATIA is prepared and tabled in Parliament in accordance with section 72 of the ATIA.

Military Police Complaints Commission of Canada

The Mandate

The Military Police Complaints Commission of Canada (MPCC) provides independent civilian oversight of the Canadian Armed Forces (CAF) Military Police (MP) and carries out its quasi-judicial functions pursuant to the powers conferred under Part IV of the *National Defence Act*.

The MPCC reviews and investigates complaints concerning MP conduct and investigates allegations of interference in MP investigations. The MPCC reports its findings and makes recommendations directly to the MP and national defence leadership.

The Mission

The mission of the MPCC is to promote and ensure the highest standards of conduct of MP in the performance of policing duties, and to discourage interference in any MP investigation.

2. Application of the *Access to Information Act*

Institutional Organization of Activities

The Organization

The Military Police Complaints Commission of Canada (MPCC) is a micro-agency consisting of 29 planned full-time equivalents with an ongoing annual budget of \$4.7M.

As Deputy Head, the Chairperson is supported by the Senior General Counsel and Director General, the Senior Director of Corporate Services, the General Counsel and Senior Director of Operations, up to four part-time Governor-in-Council (GIC) appointed Commission Members, MPCC personnel and consultants.

MPCC Access to Information and Privacy (ATIP) Program

The MPCC ATIP program provides services/products under the ATIA and *Privacy Act* (PA), but also provides services/products during the phases of large Public Interest Hearings (PIH) and investigations. Furthermore, the MPCC continues to utilize an *Access to Information Framework – Plans and Strategies* encompassing documented processes and management accountability to strengthen the integrity of the ATIP program.

MPCC Access to Information and Privacy Coordinator and Personnel

The ATIP Coordinator for the MPCC is the Senior Director of Corporate Services (SDCS) who is supported by the Senior Planning & Administration Coordinator (SPAC). The MPCC also engages an ATIP consultant, as required. As such, ATIP requests are a shared responsibility between two delegated salaried employees, an assistant who provides administrative support and the Offices of Primary Interest (i.e. Operations, Registrar, Finance, the Records and Information Management Officer, etc.) who also perform ATIP duties in addition to their regular workload.

The main activities of the individual handling ATIP requests are the following;

- Handles assigned cases, analyzes purpose/history of request, interprets legislation and determines information that may be disclosed, exempted and excluded;
- Provides advice and consultation to requesters and third party stakeholders and MPCC management and employees, responds to questions and concerns and ensures that they have a clear understanding of legislation and MPCC policies and procedures for handling requests and other ATIP related issues, including document security classification;
- Conducts research and consultations with other departments and third parties to prepare responses to requesters;
- Analyzes and provides recommendations in the preparation of exhibits for disclosure during a PIH in accordance with ATIP legislation, Open Court Principles and other related policies and procedures; and
- Prepares reports for MPCC management on ATIP requests, other ATIP related issues, including statistical reports and the Annual Reports for submission to Parliament and Info Source.

The MPCC does not have any regional offices.

3. Delegation

Pursuant to section 73 of the ATIA, the Chairperson appointed the SDCS, the ATIP Officer and the SPAC with the duty to exercise certain powers and to perform duties and functions under the ATIA and Regulations. (**Appendix A – Access to Information Act Delegation Order**).

4. Access to Information Act Statistics

During this review period, the MPCC received sixteen (16) requests and closed thirteen (13) requests. Of these requests, one was received from the public and fifteen (15) were from businesses.

The MPCC responded to fifteen (15) of the requests within the legislated 30-day timeline; one request was responded to within 120 days.

For additional information, please refer to **Appendix B**.

Extensions

One extension was used under Section 9 of the ATIA due to external consultations.

Consultations from Other Institutions

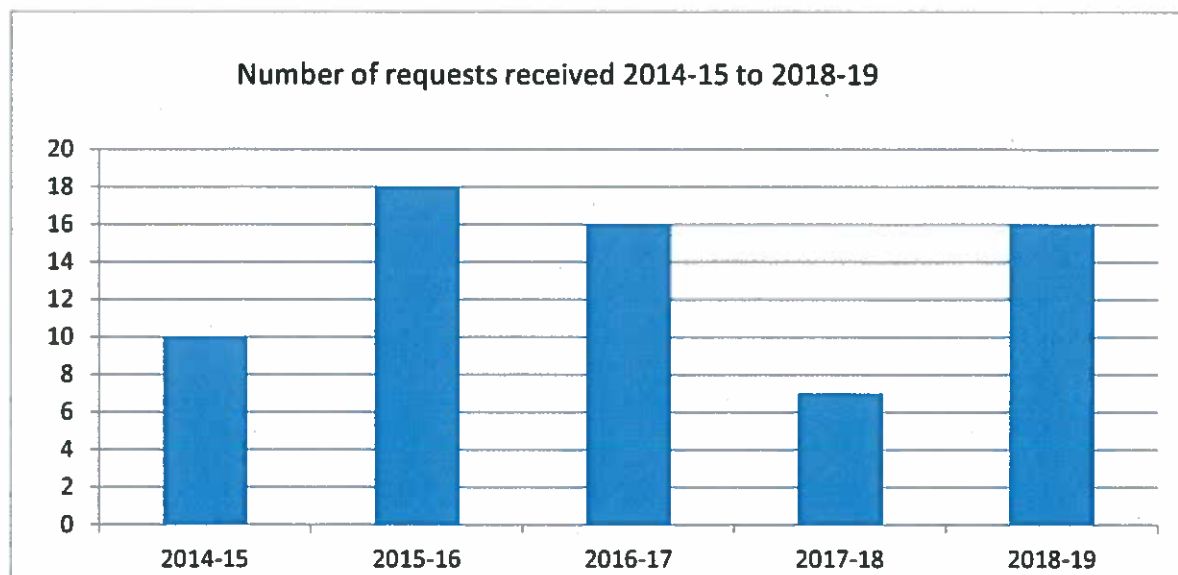
The MPCC received and closed five (5) consultations received from other government departments within a 30-day timeframe.

Exemptions Invoked

The MPCC invoked exemptions pursuant to section 19(1) (personal information), section 16(1) (law enforcement and investigations), and section 20(1) (third party information). The MPCC did not invoke any of the new exemptions pursuant to sections 16.31 (Investigation under the Elections Act), section 16.6 (National Security and Intelligence Committee) and section 23.1 (Patent or Trademark privilege).

Multi-Year Trends

Due to the generally small numbers of requests, it is difficult to extrapolate trends. Although there was an 80% increase from 2014-15 to 2015-16, the number of requests received for 2016-17 decreased slightly from 2015-16 and reached their lowest level of the last five years in 2017-18. The number of requests in 2018-19 was back to 2016-17 levels.



5. Training

In addition to completing two mandatory online courses through the Canada School of Public Service, Access to Information and Privacy Fundamentals (I015) and Fundamentals of Information Management (I301)), 100% of MPCC employees received an ATIP awareness session. The session provided general information related to the ATIA and roles and responsibilities of institutions and employees.

6. Institutional Policies and Procedures

During the reporting period, the Treasury Board Secretariat launched the Government of Canada's ATIP Online Request Portal that provides a centralized point of access for the public for a faster, easier and more convenient way to submit access to information or privacy requests. The MPCC started accepting requests through this system in January 2019.

The MPCC continued to use a manual Tickler system (time limit reminder) to more efficiently respond to files within legislative deadlines and a weekly review of current files. Procedures for processing Access to Information were updated and provided to staff during ATIP training sessions.

Handling of Formal Requests

The MPCC has adopted the following process to handle formal requests:

1. Receive and acknowledge receipt of the ATIA request;
2. Create a file and register the request including capturing and updating the information in the Report on the ATIA;
3. Review the request and determine next steps;
4. Gather and review all documents including redacting the information if required;
5. Validate and approve the release of the information; and
6. Audits.

7. Complaints, Audits and Investigations

No complaints were received by the Office of the Information Commissioner of Canada, no audits were conducted and no appeals concerning ATIA requests with the MPCC were filed in Federal Court during the reporting period.

8. Monitoring

All ATIP requests are monitored by the SDCS/ATIP Coordinator throughout the year and information such as the statistics and time to process ATI requests are captured in an ATIP report. This monitoring occurs from the receipt to the closure of all ATIP requests.

On a quarterly basis, the SDCS/ATIP Coordinator submits the ATIP reports (i.e. ATI and PA Annual Reports and Statistical Reports, Info Source, Personal Information Bank etc.), to the Executive Committee as a standing agenda item. The Executive Committee consists of the Chairperson (Deputy Head), the Senior General Counsel and Director General, the SDCS/ATIP Coordinator and the General Counsel and Senior Director of Operations. The report is tabled, discussed and approved at these quarterly meetings.



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***Access to Information Act and Privacy
Act Delegation Order***

***Arrêté de délégation en vertu de la
Loi sur l'accès à l'information et de la
Loi sur la protection des
renseignements personnels***

The Chairperson of the Military Police Complaints Commission of Canada, pursuant to section 73 of the *Access to Information Act* and section 73 of the *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers, duties and functions of the Chairperson as the head of Military Police Complaints Commission of Canada, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders.

En vertu de l'article 73 de la *Loi sur l'accès à l'information* et de l'article 73 de la *Loi sur la protection des renseignements personnels*, la présidente de la Commission d'examen des plaintes concernant la police militaire du Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire lesdits postes, les attributions dont le/la président(e) est, en qualité de responsable de Commission d'examen des plaintes concernant la police militaire du Canada, investi[e] par les dispositions de la Loi ou de son règlement mentionnées en regard de chaque poste. Le présent document remplace et annule tout arrêté antérieur.

La présidente de
La Commission d'examen des plaintes concernant la police militaire du Canada

Hilary C. McCormack
Chairperson

Military Police Complaints Commission of Canada

Signed in Ottawa, Ontario, Canada this 15th day of May, 2019
Signé à Ottawa, Ontario, Canada le 15^{ème} jour de mai 2019

Access to Information Act Delegation Order

The Chairperson of the Military Police Complaints Commission of Canada, pursuant to section 73 of the *Access to Information Act*, hereby designates the persons holding the positions set out in the schedule hereto or the persons occupying on an acting basis those positions, to exercise the powers, duties and functions of the Chairperson as the head of the Military Police Complaints Commission of Canada, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation replaces all previous designation orders.

Access to Information Act

Provision	Description	Chairperson*	Senior Director of Corporate Services	Senior Planning and Administration Coordinator	Administrative Services Officer
4(2.1)	Responsibility of head of institution	•	•	•	•
7(a)	Notify where access requested	•	•	•	•
7(b)	Giving access to the record	•	•	•	•
8(1)	Transfer request	•	•	•	•
9	Extend time limits	•	•	•	•
10(1)(a) & (b)	Where access is refused	•	•		
11(1), (3), (4), (5), (6)	Additional Fees	•	•	•	•
12(2)(b)	Language of Access	•	•	•	•
12(3)(b)	Access in an alternative format	•	•	•	•
<i>Exemption Provisions of the Access to Information Act</i>					
Provision	Description	Chairperson*	Senior Director of Corporate Services	Senior Planning and Administration Coordinator	Administrative Services Officer
13	Exemption - Information obtained in confidence	•	•		
14	Exemption - Federal-provincial affairs	•	•		
15	Exemption - International affairs and defence	•	•		
16	Exemption - Law enforcement and investigations	•	•		
16.5	Exemption - <i>Public Servants Disclosure Protection Act</i>	•	•		
17	Exemption - Safety of Individuals	•	•		

18	Exemption - Economic interests of Canada	•	•		
19	Exemption - Personal Information	•	•		
20	Exemption - Third party information	•	•		
21	Exemption - Operations of Government	•	•		
22	Exemption - Testing procedures, tests and audits	•	•		
22.1	Exemption - Internal Audits	•	•		
23	Exemption - Solicitor-client privilege	•	•		
24	Exemption - Statutory prohibitions	•	•		
Other Provisions of the Access to Information Act					
Provision	Description	Chairperson*	Senior Director of Corporate Services	Senior Planning and Administration Coordinator	Administrative Services Officer
25	Severability	•	•	•	•
26	Refusal of access where information to be published	•	•	•	•
27(1), (4)	Third party notification	•	•	•	•
28(1)(b), (2), (4)	Third party notification	•	•	•	•
29(1)	Notice of decision to disclose	•	•	•	•
33	Notice to Information Commissioner of notices to third parties	•	•	•	•
35(2)(b)	Right to make representations	•	•		
37(1)(b)	Findings and recommendations of Information Commissioner	•	•	•	•
37(4)	Access to be given to complainant	•	•	•	•
43(1)	Notice to third party of application to Federal Court for review	•	•	•	•
44(2)	Notice to requester of application for review by third party	•	•	•	•

52(2)	Special rules for hearings	•	•		
53(3)	<i>Ex parte</i> representations	•	•		
71(1)	Facilities for inspection of manuals	•	•		
71(2)	Exempt information may be excluded	•	•		
72	Annual report to Parliament	•	•		
Access to Information Regulations					
Provision	Description	Chairperson*	Senior Director of Corporate Services	Senior Planning and Administration Coordinator	Administrative Services Officer
6(1)	Transfer of request	•	•		
7(2)	Search and preparation fees	•	•		
7(3)	Production and programming fees	•	•		
8	Method of access	•	•	•	•
8.1	Limitations in respect of format	•	•		

Dated at the City of Ottawa this 15th day of May 2019.


 Hilary C. McCormack
 Chairperson
 Military Police Complaints Commission of Canada

Statistical Report on the *Access to Information Act*

Name of institution: MPCC

Reporting period: 2018-04-01 to 2019-03-31

Part 1: Requests Under the Access to Information Act

1.1 Number of requests

	Number of Requests
Received during reporting period	16
Outstanding from previous reporting period	0
Total	16
Closed during reporting period	13
Carried over to next reporting period	3

1.2 Sources of requests

Source	Number of Requests
Media	0
Academia	0
Business (private sector)	15
Organization	0
Public	1
Decline to Identify	0
Total	16

1.3 Informal requests

Completion Time							Total
1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
1	0	0	0	0	0	0	1

Note: All requests previously recorded as "treated informally" will now be accounted for in this section only.

Part 2: Requests Closed During the Reporting Period

2.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	1	0	0	0	0	0	0	1
Disclosed in part	1	0	0	1	0	0	0	2
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	10	0	0	0	0	0	0	10
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	12	0	0	1	0	0	0	13

2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	0	16(2)	0	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	0	20.2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	0	18(d)	0	21(1)(a)	0
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	0
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	0
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	0
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	0
15(1)	0	16.1(1)(d)	0	19(1)	2	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	0
15(1) - Def.*	0	16.3	0	20(1)(b)	0	24(1)	0
15(1) - S.A.*	0	16.4(1)(a)	0	20(1)(b.1)	0	26	0
16(1)(a)(i)	0	16.4(1)(b)	0	20(1)(c)	1		
16(1)(a)(ii)	0	16.5	0	20(1)(d)	1		
16(1)(a)(iii)	0	17	0				
16(1)(b)	0						
16(1)(c)	1						
16(1)(d)	0						

* I.A.: International Affairs Def.: Defence of Canada S.A.: Subversive Activities

2.2.1 New Exemptions

Section	Number of requests
16.31 Investigation under the <i>Elections Act</i>	0
16.6 National Security and Intelligence Committee	0
23.1 Patent or Trademark privilege	0

2.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
68(a)	0	69(1)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(a)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(b)	0	69(1)(g) re (c)	0
68.1	0	69(1)(c)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(d)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(e)	0	69(1)(g) re (f)	0
		69(1)(f)	0	69.1(1)	0

2.4 Format of information released

Disposition	Paper	Electronic	Other Formats
All disclosed	0	1	0
Disclosed in part	1	1	0
Total	1	2	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of Requests	Number of Pages Processed	Number of Pages Disclosed	Number of Requests
All disclosed	13	13	1
Disclosed in part	552	217	2
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	0
Neither confirmed nor denied	0	0	0

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	1	13	0	0	0	0	0	0	0	0
Disclosed in part	1	16	1	201	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	2	29	1	201	0	0	0	0	0	0

2.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	1	0	0	0	1
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Total	1	0	0	0	1

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of Requests Closed Past the Statutory Deadline	Principal Reason			
	Workload	External Consultation	Internal Consultation	Other
1	0	1	0	0

2.6.2 Number of days past deadline

Number of Days Past Deadline	Number of Requests Past Deadline Where No Extension Was Taken	Number of Requests Past Deadline Where An Extension Was Taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	1	1
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	1	1

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Part 3: Extensions

3.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
All disclosed	0	0	0	0
Disclosed in part	0	1	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	0	1	0	0

3.2 Length of extensions

Length of Extensions	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
30 days or less	0	0	0	0
31 to 60 days	0	0	0	0
61 to 120 days	0	1	0	0
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	0	1	0	0

Part 4: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	16	\$80	0	\$0
Search	0	\$0	0	\$0
Production	0	\$0	0	\$0
Programming	0	\$0	0	\$0
Preparation	0	\$0	0	\$0
Alternative format	0	\$0	0	\$0
Reproduction	0	\$0	0	\$0
Total	16	\$80	0	\$0

Part 5: Consultations Received From Other Institutions and Organizations

5.1 Consultations received from other Government of Canada institutions and organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during reporting period	5	88	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	5	88	0	0
Closed during the reporting period	5	88	0	0
Pending at the end of the reporting period	0	0	0	0

5.2 Recommendations and completion time for consultations received from other Government of Canada institutions

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	5	0	0	0	0	0	0	5
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	5	0	0	0	0	0	0	5

5.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

Part 6: Completion Time of Consultations on Cabinet Confidences

6.1 Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

6.2 Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Part 7: Complaints and Investigations

Section 32	Section 35	Section 37	Total
0	0	0	0

Part 8: Court Action

Section 41	Section 42	Section 44	Total
0	0	0	0

Part 9: Resources Related to the Access to Information Act

9.1 Costs

Expenditures		Amount
Salaries		\$4,167.00
Overtime		\$0
Goods and Services		\$19,420.00
• Professional services contracts	\$19,420.00	
• Other	\$0	
Total		\$23,587.00

9.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0.04
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.29
Students	0.00
Total	0.33

Note: Enter values to two decimal places.