




Office of the  
Privacy Commissioner  
of Canada

# 2014-15 Annual Report to Parliament on the *Access to Information Act*

July 2015



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## Introduction

The *Access to Information Act* (ATIA) came into effect on July 1, 1983. It provides Canadian citizens, permanent residents and any person and corporation present in Canada a right of access to information contained in government records, subject to certain specific and limited exceptions.

When the *Federal Accountability Act* received Royal Assent on December 12, 2006, the Office of the Privacy Commissioner (OPC) was added to Schedule I of the ATIA along with other Agents of Parliament. Therefore, while not initially subject to the ATIA, the OPC became so on April 1, 2007.

Section 72 of the ATIA requires that the head of every federal government institution submit an annual report to Parliament on the administration of the Act within their institutions during the fiscal year.

The OPC is pleased to submit its eighth Annual Report which describes how we fulfilled our responsibilities under the ATIA in 2014-2015.

## Mandate and *Mission* of the OPC

The mandate of the OPC is to oversee compliance with both the *Privacy Act* (PA), which covers the personal information handling practices of federal government departments and agencies, and the *Personal Information Protection and Electronic Documents Act* (PIPEDA), Canada's federal private-sector privacy law.

The OPC's mission is to protect and promote the privacy rights of individuals.

The Commissioner works independently from any other part of the government to investigate privacy complaints from individuals with respect to the federal public sector and certain aspects of the private sector. In public sector matters, individuals may complain to the Commissioner about any matter specified in section 29 of the PA.

For matters relating to personal information in the private sector, the Commissioner may investigate complaints under section 11 of PIPEDA except in the provinces that have adopted substantially similar privacy legislation, namely Quebec, British Columbia, and Alberta. Ontario, New Brunswick and Newfoundland and Labrador now fall into this category with respect to personal health information held by health information custodians under their respective health sector privacy laws. However, even in those provinces with substantially similar legislation, and elsewhere in Canada, PIPEDA continues to apply to personal information collected, used or disclosed by all federal works, undertakings and businesses, including personal information about their employees. PIPEDA also applies to all personal data that flows across provincial or national borders, in the course of commercial activities.

The Commissioner focuses on resolving complaints through negotiation and persuasion, using mediation and conciliation if appropriate. However, if voluntary cooperation is not forthcoming, the Commissioner has the power to summon witnesses, administer oaths and compel the production of evidence. In cases that remain unresolved, particularly under PIPEDA, the complainant or the Commissioner may take the matter to Federal Court and seek a court order to rectify the situation.

As a public advocate for the privacy rights of Canadians, the Commissioner carries out the following activities:

- Investigating complaints and issuing reports with recommendations to federal government institutions and private-sector organizations to remedy situations, as appropriate;
- Pursuing legal action before federal courts where appropriate to resolve outstanding matters;
- Assessing compliance with obligations contained in the PA and PIPEDA through the conduct of independent audit and review activities;
- Advising on, and reviewing, Privacy Impact Assessments (PIAs) of new and existing government initiatives;
- Providing legal and policy analyses and expertise to help guide Parliament's review of evolving legislation to ensure respect for individuals' right to privacy;
- Responding to inquiries from parliamentarians, individual Canadians and organizations seeking information and guidance, and taking proactive steps to inform them of emerging privacy issues;
- Promoting privacy awareness and compliance, and fostering understanding of privacy rights and obligations through proactive engagement with federal government institutions, private-sector organizations, industry associations, legal community, academia, professional associations, and other stakeholders;
- Preparing and disseminating public education materials, positions on evolving legislation, regulations and policies, guidance documents and fact sheets for use by the general public, federal government institutions and private sector organizations;
- Conducting research and monitoring trends in technological advances and privacy practices, identifying systemic privacy issues that need to be addressed by federal government institutions and private sector organizations and promoting integration of best practices; and
- Working with privacy stakeholders from other jurisdictions in Canada and on the international scene to address global privacy issues that result from ever increasing transborder data flows.

# Organizational Structure

The Privacy Commissioner is an Officer of Parliament who reports directly to the House of Commons and the Senate. The Commissioner may be assisted by an Assistant Commissioner, who has delegated responsibilities under both the *PA* and *PIPEDA*. At the time of writing this report, the position has been vacant since December 2013.

The OPC is structured in the following way:

## Executive Secretariat

The Executive Secretariat ensures effective liaison and coordination with internal and external stakeholders and provides strategic advice so that the Commissioner and Assistant Commissioner are able to carry out their mandate to protect and promote privacy rights of individuals.

## Privacy Act Investigations Branch

The PA Investigations Branch receives and investigates complaints from individuals who claim a breach of the PA, or complaints that are initiated by the Commissioner. The Branch also receives notifications of breaches from federal government organizations, and receives and reviews public interest disclosures made by them.

## PIPEDA Investigations Branch

The PIPEDA Investigations Branch is divided between Ottawa and Toronto. In Ottawa, the Branch receives and investigates complaints of national scope by individuals or initiated by the Commissioner, from anywhere in Canada. In Toronto, the Branch investigates complaints particularly from the Greater Toronto Area (GTA) and coordinates public education and stakeholder outreach activities in the GTA.

## Audit and Review Branch

The Audit and Review Branch audits organizations to assess their compliance with the requirements set out in the two federal privacy laws. The Branch also analyses and provides recommendations on Privacy Impact Assessments (PIAs) submitted to the OPC pursuant to the Treasury Board Secretariat Policy on Privacy Impact Assessments.

## Communications Branch

The Communications Branch focuses on providing strategic advice and support for communications and public education activities for the OPC. In addition, the Branch plans and implements a variety of public education and communications activities through media monitoring and analysis, public opinion polling, media relations, publications, special events, outreach activities and the OPC website. The Branch is also responsible for the OPC's Information Centre, which responds to requests for information from the public and organizations regarding privacy rights and responsibilities.

## Legal Services, Policy, Research and Technology Analysis Branch

The Legal Services, Policy, Research and Technology Analysis Branch (LSPRTA) provides strategic legal and policy advice and conducts research on emerging privacy issues in Canada and internationally. More specifically, the Branch provides strategic legal advice to the Commissioners and various Branch Heads on the interpretation and application of the PA and PIPEDA in investigations and audits, as well as general legal counsel on a broad range of corporate and communication matters. LSPRTA represents the OPC in litigation matters before the courts and in negotiations with other parties both nationally and internationally. It reviews and analyzes legislative bills, government programs, public and private sector initiatives and provides strategic advice to the Commissioners on appropriate policy positions to protect and advance privacy rights in Canada. The Branch prepares for, represents and supports the Office in appearances before Parliament and in its relations with parliamentarians. Its analysts conduct applied research on the privacy implications of emerging societal and technological issues to support and inform the development of OPC policy guidance and best practices for relevant stakeholders. The Branch administers the OPC Research Contributions Program, which was launched in 2004, to advance knowledge and understanding of privacy issues and to promote enhanced protection of personal information. LSPRTA also identifies and analyzes technological trends and developments in electronic platforms and digital media; conducts research to assess the impact of technology on the protection of personal information in the digital world and provides strategic analysis and guidance on complex, varied and sensitive technological issues involving breaches in the security of government and commercial systems that store personal information.

## Human Resources Management Branch

The Human Resources Management Branch is responsible for the provision of strategic advice, management and delivery of comprehensive human resources management programs in areas such as staffing, classification, staff relations, human resources planning, learning and development, employment equity, official languages and compensation.

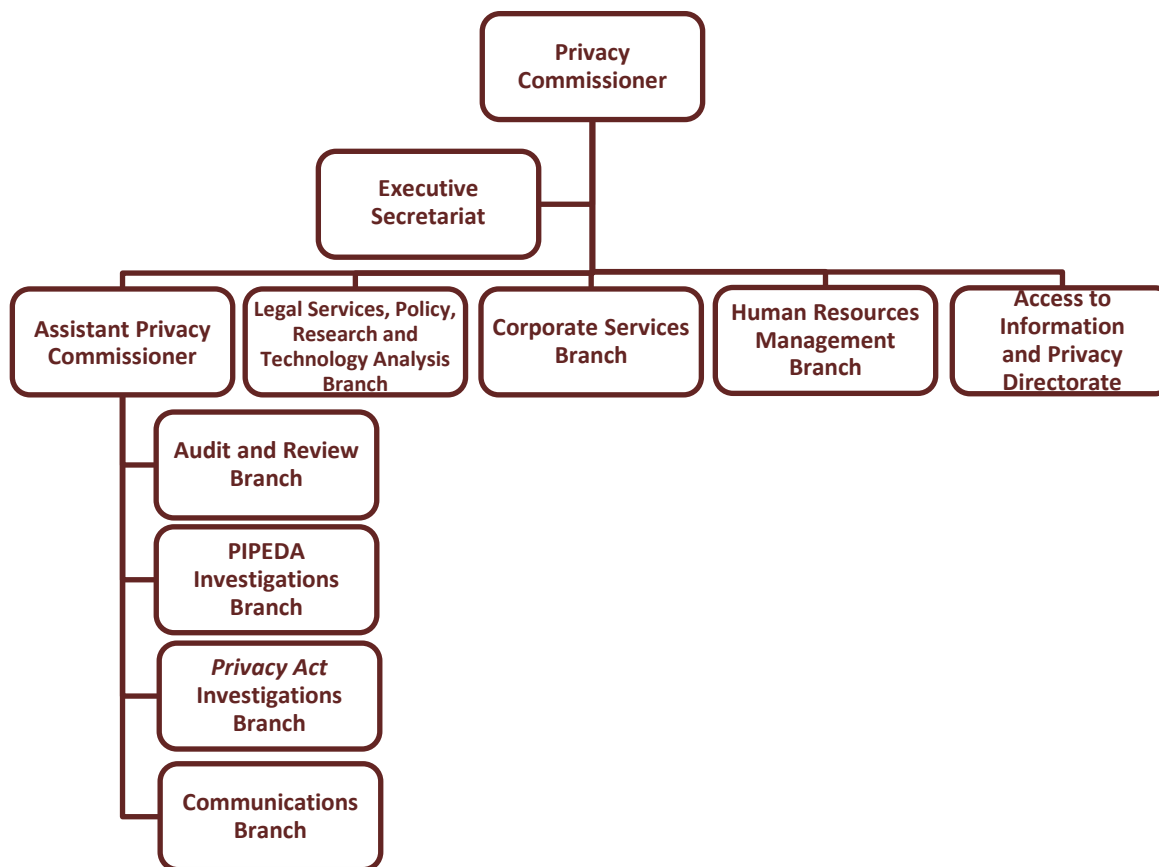
## Corporate Services Branch

The Corporate Services Branch provides advice and integrated administrative services such as corporate planning, resource management, financial management, information management and information technology, and general administration to managers and staff.

## Access to Information and Privacy Directorate

The Access to Information and Privacy (ATIP) Directorate is responsible for responding to formal requests for information from the public pursuant to the *Access to Information Act* and the *Privacy Act*. The ATIP Directorate is also responsible for developing internal policies and ensuring compliance relative to these acts.

# Office of the Privacy Commissioner of Canada



The ATIP Directorate is headed by a Director who is supported by two senior analysts.

Under section 73 of the ATIA, as the head of the OPC, the Privacy Commissioner's authority has been delegated to the ATIP Director with respect to the application of the ATIA and its *Regulations*. A copy of that Delegation Order is attached as Appendix A.

The ATIP Director also serves as the OPC's Chief Privacy Officer.



# ATIP Directorate Activities – 2014-15

## ***Training employees***

In the reporting fiscal year, ATIP Training Sessions were offered to all new OPC employees and those returning from extended leave or temporary assignments elsewhere. The OPC has committed to training all new staff within three months of their arrival. At the conclusion of the year, eight training sessions had been held where 100% of new and returning employees participated. The ATIP office also provides sessions as needed.

## ***Streamlining and finding efficiencies***

One of the main projects for the ATIP Directorate this fiscal year was to review the process for responding to ATIP requests. The majority of the records under the OPC's control are housed in an electronic format. During the material gathering process, this required that the Offices of Primary Interest (OPI) conduct their search, print out relevant records and then submit these to the ATIP Directorate. The records would then be scanned into the ATIP software for review. For larger requests this process could take up to 10 days to complete.

During the reporting year, efficiencies were found within the material gathering step of the process. The ATIP Directorate, in collaboration with the IT team, implemented a mechanism that now allows OPIs to submit their documents for large requests electronically. By using a shared folder, the OPIs are now able to place all relevant records in this location and allow the ATIP group to import them directly into the processing software. This has resulted in faster response times to requesters and has significantly reduced the administrative portion of processing requests.

## ***Contributing actively to decision making***

The ATIP Director has played a collaborative role in the planning, development and updating of OPC policies, procedures and directives. The ATIP Director also sits on the OPC's key strategic decision-making committees. The OPC's recognition of the importance of integrating the ATIP Director in its core decision-making committees has ensured that the *Access to Information Act* is respected.

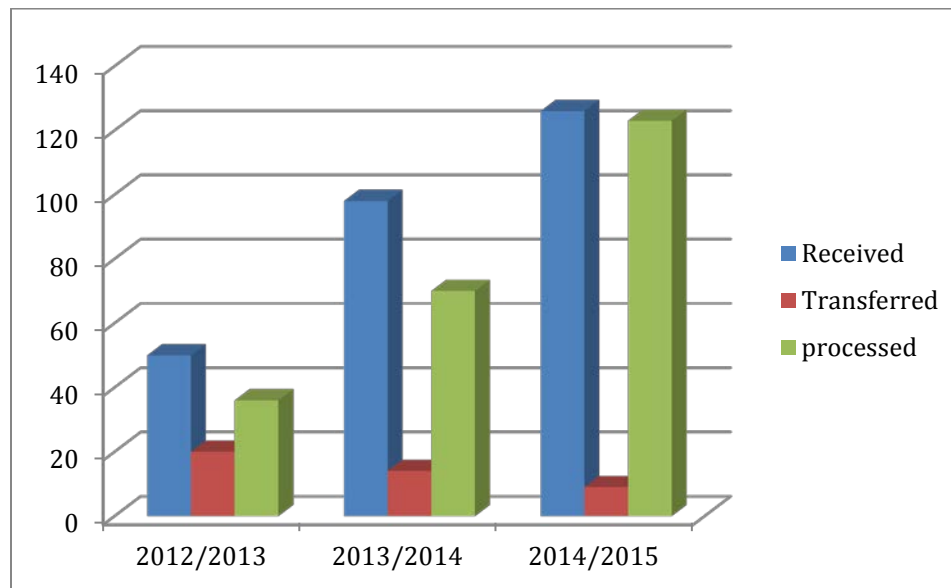
# Access to Information Act Statistical Interpretation

The OPC's Statistical Report on the ATIA is attached in Appendix B.

The OPC received 126 formal requests under the ATIA during the 2014-15 fiscal year, which is nearly a 30% increase from the previous year. Of the requests received, 9 sought access to records which were not under the OPC's control; these requests were therefore transferred to the appropriate federal institutions for processing.

Eight of the requests received during the reporting period were carried forward to the 2015-16 reporting year. Details of those requests will be included in next year's report.

## Requests under the ATIA



In 2014-15, the ATIP Directorate responded to 132 requests for information under the OPC's control, which represented 21,968 pages of information. Of these 132 responses, 14 were for requests that had been received in the 2013-14 reporting year, but carried forward to 2014-15.

Extensions were claimed with respect to 56 requests. In all, the OPC responded to 76 requests within the first 30 days and 56 requests within the extended time period. Given the complexities of the information and the requirement to consult with other entities, 35 of the 56 extensions claimed were for more than 30 days.

Of the 132 requests completed during the fiscal year, 21 were for records relating to the data breach that the OPC suffered during its move from Ottawa to Gatineau, 15 were for correspondence sent and/or received by the Commissioner, 13 sought access to information regarding privacy breaches that were reported to the OPC

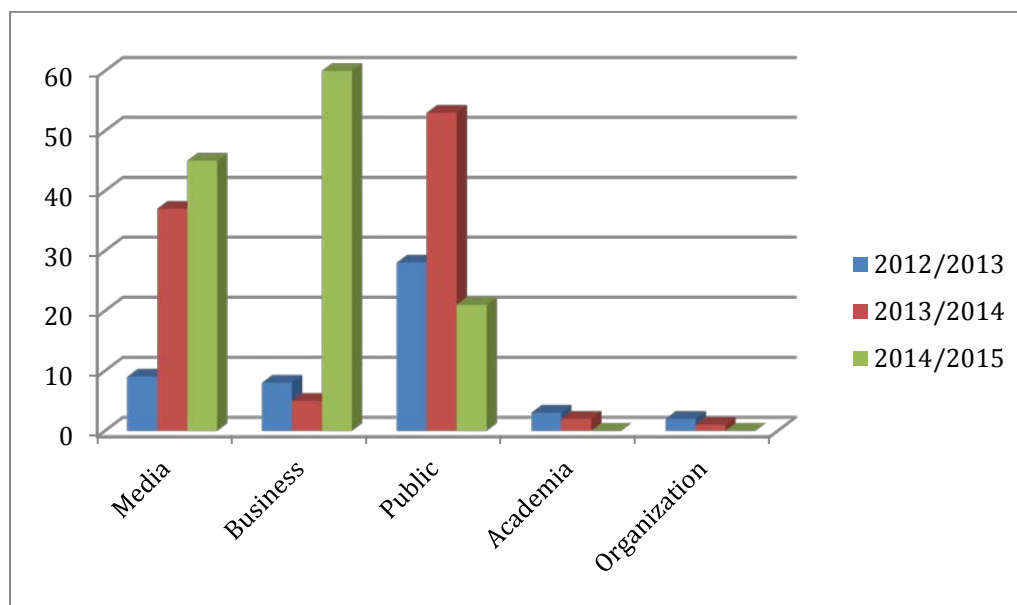
from federal government departments, 10 were for information regarding lawful access, 5 were for the contents of PA or PIPEDA investigation files and the remainder were for miscellaneous information.

The OPC endeavors to release as much information as possible. In 24 of the 132 requests processed, the documents were released in their entirety, in 80 cases the OPC made partial releases, and in only three instances was the information withheld entirely. Of the remaining requests, four were abandoned by the applicants and in 12 cases no relevant records were found.

Section 16.1(1)(d) of the ATIA prohibits the OPC from releasing information it obtained during the course of its investigations or audits, even after the matter and all related proceedings have been concluded. The OPC, however, cannot refuse to disclose information it created during the course of an investigation or audit, once they and any related proceedings are completed – and subject to any applicable exemptions. With respect to requests for access to PA and PIPEDA investigation files, none were disclosed in their entirety—all had some information withheld under section 16.1(1)(d) and, in some cases, information was withheld under one or more of sections 19(1), 20(1)(b), 20(1)(c), 21(1)(a), 21(1)(b) and 23 as well.

As was the case in the previous reporting years, the exemption provision invoked most often was section 19(1) concerning the personal information of others, followed closely by section 16.1(1)(d) with respect to information the OPC received or created during the course of an investigation and section 20 which protects information about a third party. In other cases this year the OPC also withheld information under one or more of sections 13(1), 15(1), 16(1)(b), (c), (d), 16(2)(c), 17, 21(1)(a), (b), (c) and (d) and 23 of the ATIA.

## Requests under the ATIA by source



Of the 126 requests received this fiscal year, 60 were submitted by businesses (48%), 45 by the media (35%) and 21 by the public (17%).

In addition to processing its own ATIA requests, the OPC was consulted on 29 occasions on a total of 1,061 pages. The Treasury Board Secretariat consulted our Office the most often, requesting our representations on seven occasions; the Canada Border Services Agency, the Royal Canadian Mounted Police, Justice Canada, the Office of the Information Commissioner, the Office of the Commissioner of Official Languages and Public Works and Government Services Canada consulted our Office on two occasions. We were consulted once by 10 other institutions. In 23 of the 29 cases, the OPC recommended full disclosure of the requested records.

Application fees amounted to \$605.00 during the reporting period. In five instances the OPC waived the application fees. None of the requests required the assessment of reproduction fees, search fees, preparation fees or computer processing time.

In most cases where records were provided, electronic copies were given to the individuals. No one asked to be given access by viewing the records.

## ***Access to Information Act* complaints against the OPC**

This fiscal year the OPC received no notifications of complaints by the OIC for complaints under the ATIA. The three ATIA complaints that were referenced in our 2013-14 report remained outstanding at the end of the 2014-15 reporting period. We anticipate receiving findings with respect to these complaints in 2015-16.

For additional information on the OPC's activities, please visit [www.priv.gc.ca](http://www.priv.gc.ca).

Additional copies of this report may be obtained from:

Director, Access to Information and Privacy  
Office of the Privacy Commissioner of Canada  
30 Victoria Street, 1<sup>st</sup> Floor  
Gatineau, Quebec K1A 1H3

## Appendix A – Access to Information Act Delegation Order

The Interim Privacy Commissioner of Canada, as the head of the government institution, hereby designates pursuant to section 73 of the *Access to Information Act*, the person holding the position set out below, or the person occupying on an acting basis that position, to exercise the powers, duties or functions of the Privacy Commissioner as specified below and as more fully described in Annex A:

Position	Sections of <i>Access to Information Act</i>
Director, ATIP	<u>Act</u> : 4(2.1), 7, 8(1), 9, 11(2) to (6), 12(2) and (3), 13 to 24, 25, 26, 27(1) and (4), 28(1), (2) and (4), 29(1), 32, 33, 35(2), 37(1) and (4), 43(1), 44(2), 52(2) and (3), 69, 71, 72(1); and <u>Regulations</u> : 5, 6(1), 7(2) and (3), 8, and 8.1.

This delegation of authority supersedes any previous delegation of the powers, duties and functions set out herein.

Dated at the City of Ottawa, this 9 day of January, 2014

*Original signed by*

\_\_\_\_\_  
**Chantal Bernier**  
**Interim Privacy Commissioner of Canada**

## ***Access to Information Act***

- 4(2.1) Shall assist the person in connection with the request, respond to the request accurately and completely and provide timely access in the format requested
- 7 Respond to request for access within 30 days; give access or give notice
- 8(1) Transfer of Request to government institution with greater interest
- 9 Extend time limit for responding to request for access
- 11(2), (3), (4), (5), (6) Additional fees
- 12(2)(b) Decide whether to translate requested record
- 12(3) Decide whether to give access in an alternative format
- 13(1) Shall refuse to disclose information obtained in confidence from another government
- 13(2) May disclose any information referred to in 13(1) if the other government consents to the disclosure or makes the information public
- 14 May refuse to disclose information injurious to the conduct of federal-provincial affairs
- 15 May refuse to disclose information injurious to international affairs or defence
- 16 Series of discretionary exemptions related to law enforcement and investigations; security; and policing services for provinces or municipalities.
- 16.1(1) In force April 1, 2007 - Specific to four named Officers of Parliament - Auditor General, Commissioner of Official Languages, Information Commissioner and Privacy Commissioner - shall refuse to disclose information obtained or created by them in the course of an investigation or audit
- 16.1(2) In force April 1, 2007 - Specific to two named Officers of Parliament – Information and Privacy Commissioner - shall not refuse under 16.1(1) to disclose any information created by the Commissioner in the course of an investigation or audit once the investigation or audit and related proceedings are concluded
- 17 May refuse to disclose information which could threaten the safety of individuals
- 18 May refuse to disclose information related to economic interests of Canada
- 18.1(1) May refuse to disclose confidential commercial information of Canada Post Corporation, Export Development Canada, Public Sector Pension Investment Board, or VIA Rail Inc.
- 18.1(2) Shall not refuse under 18.1(1) to disclose information relating to general administration of the institution

- 19 Shall refuse to disclose personal information as defined in section 3 of the *Privacy Act*, but may disclose if individual consents, if information is publicly available, or disclosure is in accordance with section 8 of *Privacy Act*
- 20 Shall refuse to disclose third party information, subject to exceptions
- 21 May refuse to disclose records containing advice or recommendations
- 22 May refuse to disclose information relating to testing or auditing procedures
- 22.1 May refuse to disclose draft report of an internal audit
- 23 May refuse to disclose information subject to solicitor/client privilege
- 24 Shall refuse to disclose information where statutory prohibition (Schedule II)
- 25 Shall disclose any part of record that can reasonably be severed
- 26 May refuse to disclose where information to be published
- 27(1),(4) Third party notification
- 28(1),(2),(4) Receive representations of third party
- 29(1) Disclosure on recommendation of Information Commissioner
- 32 Receive notice of investigation by Information Commissioner
- 33 Advise Information Commissioner of third party involvement
- 35(2) Right to make representations to the Information Commissioner during an investigation
- 37(1) Receive Information Commissioner's report of findings of the investigation and give notice of action taken
- 37(4) Give complainant access to information after 37(1)(b) notice
- 43(1) Notice to third party (application to Federal court for review)
- 44(2) Notice to applicant (application to federal Court by third party)
- 52(2)(b) Request that section 52 hearing be held in the National Capital Region
- 52(3) Request and be given right to make representations in section 51 hearings

- 69 Refuse to provide information that is excluded from the Act as a cabinet confidence
- 71 Provide facilities for public to inspect manuals; exempt information may be severed from manuals
- 72(1) Prepare annual report to Parliament

## **Access to Information Regulations**

- 5 Inform requester of certain procedures regarding access
- 6(1) Procedures relating to transfer of access request to another government institution under 8(1) of the Act
- 7(2) and (3) Require payment of additional fees for access in certain situations
- 8 Form of Access
- 8.1 Determinations with respect to the conversion of records into different formats



## Appendix B – Statistical Report



Government  
of Canada

Gouvernement  
du Canada

### Statistical Report on the *Access to Information Act*

Name of institution: Office of the Privacy Commissioner of Canada

Reporting period: 01/04/2014 to 31/03/2015

#### **PART 1 – Requests under the *Access to Information Act***

##### 1.1 Number of Requests

	Number of Requests
Received during reporting period	126
Outstanding from previous reporting period	14
<b>Total</b>	140
Closed during reporting period	132
Carried over to next reporting period	8

##### 1.2 Sources of requests

Source	Number of Requests
Media	45
Academia	0
Business (Private Sector)	60
Organization	0
Public	21
Decline to Identify	0
<b>Total</b>	126

### 1.3 Informal requests

Completion Time							
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	Total
50	0	0	1	1	0	0	52

## PART 2 – Requests closed during the reporting period

### 2.1 Disposition and completion time

Disposition of requests	Completion Time							
	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	Total
All disclosed	3	18	2	1	0	0	0	24
Disclosed in part	0	27	19	30	4	0	0	80
All exempted	1	2	0	0	0	0	0	3
All excluded	0	0	0	0	0	0	0	0
No records exist	7	5	0	0	0	0	0	12
Request transferred	9	0	0	0	0	0	0	9
Request abandoned	4	0	0	0	0	0	0	4
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	24	52	21	31	4	0	0	132

## 2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests	Section	Number of requests
13(1)(a)	3	16(2)	2	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	0	20.2	
13(1)(c)	0	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	1	16(2)(c)	14	18(d)	0	21(1)(a)	6
13(1)(e)	0	16(3)	0	18.1(1)(a)	1	21(1)(b)	11
14	0	16.1(1)(a)	0	18.1(1)(b)	1	21(1)(c)	1
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	1
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	0
15(1)	7	16.1(1)(d)	22	19(1)	70	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	32	23	15
15(1) - Def.*	0	16.3	0	20(1)(b)	7	24(1)	1
15(1) - S.A.*	0	16.4(1)(a)	0	20(1)(b.1)	0	26	1
16(1)(a)(i)	0	16.4(1)(b)	0	20(1)(c)	18		
16(1)(a)(ii)	0	16.5	0	20(1)(d)	0		
16(1)(a)(iii)	0	17	3				
16(1)(b)	1						
16(1)(c)	5						

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

## 2.3 Exclusions

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

## 2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	16	8	0
Disclosed in part	30	50	0
<b>Total</b>	46	58	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	661	502	24
Disclosed in part	21147	15461	80
All exempted	160	0	3
All excluded	0	0	0
Request abandoned	0	0	4
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	22	278	2	224	0	0	0	0	0	0
Disclosed in part	29	803	42	9132	5	1617	4	3909	0	0
All exempted	2	0	1	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	4	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	57	1081	45	9356	5	1617	4	3909	0	0

### 2.5.3 Other complexities

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	2	0	0	0	2
Disclosed in part	39	0	1	0	40
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
<b>Total</b>	41	0	1	0	42

## 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
0	0	0	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	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
<b>Total</b>	0	0	0

## 2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
<b>Total</b>	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	1	0	2	0
Disclosed in part	21	0	31	4
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
<b>Total</b>	22	0	33	4

### 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	19	0	5	0
31 to 60 days	3	0	25	0
61 to 120 days	0	0	2	4
121 to 180 days	0	0	1	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
<b>Total</b>	22	0	33	4

## PART 4 – Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of requests	Amount	Number of requests	Amount
Application	121	\$605	6	\$30
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
<b>Total</b>	121	\$605	6	\$30

## PART 5 – Consultations received from other institutions and organizations

### 5.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during reporting period	28	1056	1	0
Outstanding from the previous reporting period	1	5	0	0
<b>Total</b>	29	1061	1	0
Closed during the reporting period	29	1061	1	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 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	21	1	1	0	0	0	0	23
Disclose in part	3	1	0	0	0	0	0	4
Exempt entirely	2	0	0	0	0	0	0	2
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
<b>Total</b>	<b>26</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>29</b>

## 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	1	0	0	0	0	1
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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>



## 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
<b>Total</b>	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
<b>Total</b>	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		\$15,7617
Overtime		\$0
Goods and Services		\$1,772
• Professional services contracts	\$0	
• Other	\$1,772	
<b>Total</b>		<b>\$159,389</b>

### 9.2 Human Resources

Resources	Person Years Dedicated full-time to ATI activities
Full-time employees	1.96
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
<b>Total</b>	<b>1.96</b>



Office of the  
Privacy Commissioner  
of Canada

2014-15 Annual  
Report to Parliament  
on the *Privacy Act*

July 2015



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## Introduction

The *Privacy Act* (PA) came into effect on July 1, 1983. The Act imposes obligations on federal government departments and agencies to respect the privacy rights of individuals by limiting the collection, use and disclosure of personal information. The Act also gives individuals the right of access to their personal information and the right to request the correction of that information.

When the *Federal Accountability Act* received Royal Assent on December 12, 2006, the Office of the Privacy Commissioner (OPC) was added to the Schedule of the *Privacy Act* along with other Agents of Parliament. Therefore, while not initially subject to the Act, the OPC became so on April 1, 2007.

Section 72 of the Act requires that the head of every federal government institution submit an annual report to Parliament on the administration of the Act within their institutions during the fiscal year.

The OPC is pleased to submit its eighth Annual Report which describes how we fulfilled our responsibilities under the *Privacy Act* in 2014-15.

## Mandate and Mission of the OPC

The mandate of the OPC is to oversee compliance with both the *Privacy Act* (PA), which covers the personal information handling practices of federal government departments and agencies, and the *Personal Information Protection and Electronic Documents Act* (PIPEDA), Canada's federal private-sector privacy law.

The OPC's mission is to protect and promote the privacy rights of individuals.

The Commissioner works independently from any other part of the government to investigate privacy complaints from individuals with respect to the federal public sector and certain aspects of the private sector. In public sector matters, individuals may complain to the Commissioner about any matter specified in section 29 of the PA.

For matters relating to personal information in the private sector, the Commissioner may investigate complaints under section 11 of PIPEDA except in the provinces that have adopted substantially similar privacy legislation, namely Quebec, British Columbia, and Alberta. Ontario, New Brunswick and Newfoundland and Labrador now fall into this category with respect to personal health information held by health information custodians under their respective health sector privacy laws. However, even in those provinces with substantially similar legislation, and elsewhere in Canada, PIPEDA continues to apply to personal information collected, used or disclosed by all federal works, undertakings and businesses, including personal information about their employees. PIPEDA also applies to all personal data that flows across provincial or national borders, in the course of commercial activities.

The Commissioner focuses on resolving complaints through negotiation and persuasion, using mediation and conciliation if appropriate. However, if voluntary cooperation is not forthcoming, the Commissioner has the power to summon witnesses, administer oaths and compel the production of evidence. In cases that remain

unresolved, particularly under PIPEDA, the complainant or the Commissioner may take the matter to Federal Court and seek a court order to rectify the situation.

As a public advocate for the privacy rights of Canadians, the Commissioner carries out the following activities:

- Investigating complaints and issuing reports with recommendations to federal government institutions and private-sector organizations to remedy situations, as appropriate;
- Pursuing legal action before federal courts where appropriate to resolve outstanding matters;
- Assessing compliance with obligations contained in the PA and PIPEDA through the conduct of independent audit and review activities;
- Advising on, and reviewing, Privacy Impact Assessments (PIAs) of new and existing government initiatives;
- Providing legal and policy analyses and expertise to help guide Parliament's review of evolving legislation to ensure respect for individuals' right to privacy;
- Responding to inquiries from parliamentarians, individual Canadians and organizations seeking information and guidance, and taking proactive steps to inform them of emerging privacy issues;
- Promoting privacy awareness and compliance, and fostering understanding of privacy rights and obligations through proactive engagement with federal government institutions, private-sector organizations, industry associations, legal community, academia, professional associations, and other stakeholders;
- Preparing and disseminating public education materials, positions on evolving legislation, regulations and policies, guidance documents and fact sheets for use by the general public, federal government institutions and private sector organizations;
- Conducting research and monitoring trends in technological advances and privacy practices, identifying systemic privacy issues that need to be addressed by federal government institutions and private sector organizations and promoting integration of best practices; and
- Working with privacy stakeholders from other jurisdictions in Canada and on the international scene to address global privacy issues that result from ever increasing transborder data flows.

## Organizational Structure

The Privacy Commissioner is an Officer of Parliament who reports directly to the House of Commons and the Senate. The Commissioner may be assisted by an Assistant Commissioner, who has delegated responsibilities under both the PA and PIPEDA. At the time of writing this report, the position has been vacant since December 2013.

The OPC is structured in the following way:

### Executive Secretariat

The Executive Secretariat ensures effective liaison and coordination with internal and external stakeholders and provides strategic advice so that the Commissioner and Assistant Commissioner are able to carry out their mandate to protect and promote privacy rights of individuals.

### Privacy Act Investigations Branch

The PA Investigations Branch receives and investigates complaints from individuals who claim a breach of the PA, or complaints that are initiated by the Commissioner. The Branch also receives notifications of breaches from federal government organizations, and receives and reviews public interest disclosures made by them.

### PIPEDA Investigations Branch

The PIPEDA Investigations Branch is divided between Ottawa and Toronto. In Ottawa, the Branch receives and investigates complaints of national scope by individuals or initiated by the Commissioner, from anywhere in Canada. In Toronto, the Branch investigates complaints particularly from the Greater Toronto Area (GTA) and coordinates public education and stakeholder outreach activities in the GTA.

### Audit and Review Branch

The Audit and Review Branch audits organizations to assess their compliance with the requirements set out in the two federal privacy laws. The Branch also analyses and provides recommendations on Privacy Impact Assessments (PIAs) submitted to the OPC pursuant to the Treasury Board Secretariat Policy on Privacy Impact Assessments.

### Communications Branch

The Communications Branch focuses on providing strategic advice and support for communications and public education activities for the OPC. In addition, the Branch plans and implements a variety of public education and communications activities through media monitoring and analysis, public opinion polling, media relations, publications, special events, outreach activities and the OPC website. The Branch is also responsible for the OPC's Information Centre, which responds to requests for information from the public and organizations regarding privacy rights and responsibilities.



## **Legal Services, Policy, Research and Technology Analysis Branch**

The Legal Services, Policy, Research and Technology Analysis Branch (LSPRTA) provides strategic legal and policy advice and conducts research on emerging privacy issues in Canada and internationally. More specifically, the Branch provides strategic legal advice to the Commissioners and various Branch Heads on the interpretation and application of the PA and PIPEDA in investigations and audits, as well as general legal counsel on a broad range of corporate and communication matters. LSPRTA represents the OPC in litigation matters before the courts and in negotiations with other parties both nationally and internationally. It reviews and analyzes legislative bills, government programs, public and private sector initiatives and provides strategic advice to the Commissioners on appropriate policy positions to protect and advance privacy rights in Canada. The Branch prepares for, represents and supports the Office in appearances before Parliament and in its relations with parliamentarians. Its analysts conduct applied research on the privacy implications of emerging societal and technological issues to support and inform the development of OPC policy guidance and best practices for relevant stakeholders. The Branch administers the OPC Research Contributions Program, which was launched in 2004, to advance knowledge and understanding of privacy issues and to promote enhanced protection of personal information. LSPRTA also identifies and analyzes technological trends and developments in electronic platforms and digital media; conducts research to assess the impact of technology on the protection of personal information in the digital world and provides strategic analysis and guidance on complex, varied and sensitive technological issues involving breaches in the security of government and commercial systems that store personal information.

## **Human Resources Management Branch**

The Human Resources Management Branch is responsible for the provision of strategic advice, management and delivery of comprehensive human resources management programs in areas such as staffing, classification, staff relations, human resources planning, learning and development, employment equity, official languages and compensation.

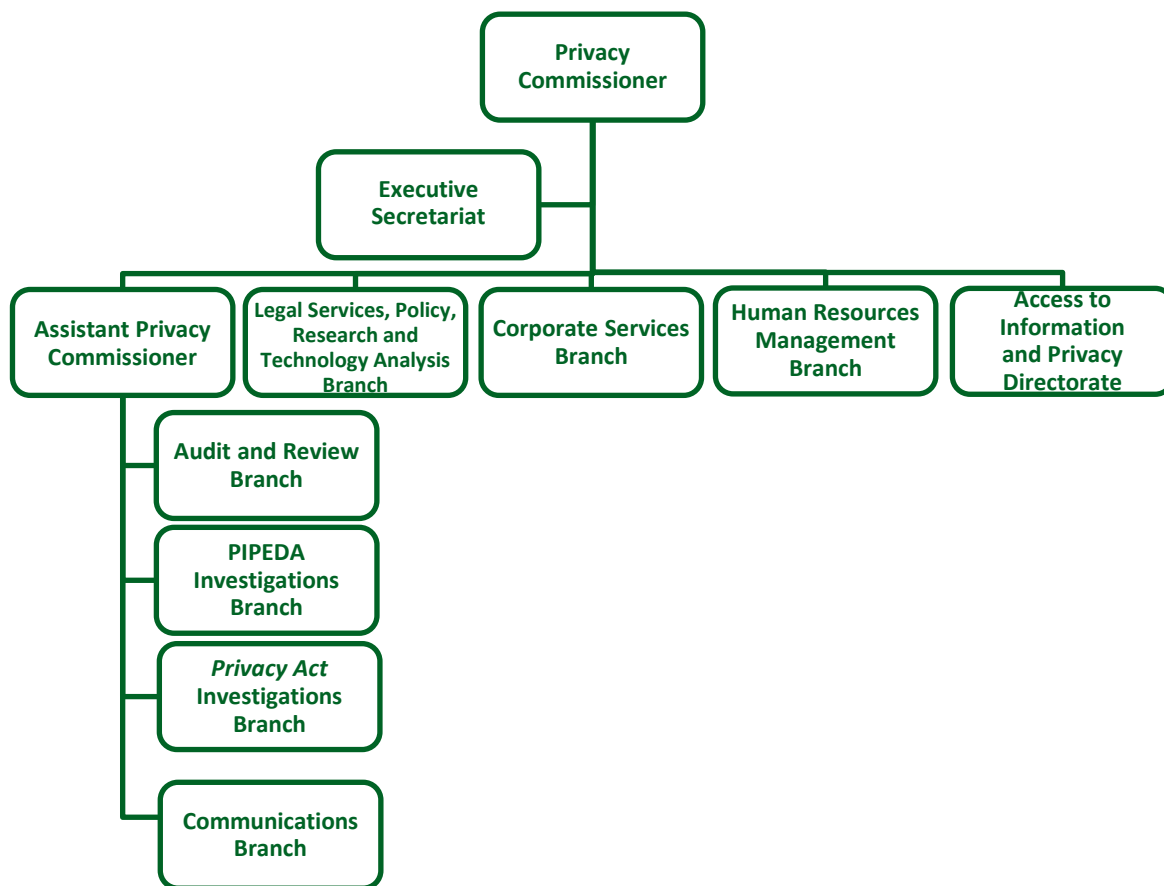
## **Corporate Services Branch**

The Corporate Services Branch provides advice and integrated administrative services such as corporate planning, resource management, financial management, information management and information technology, and general administration to managers and staff.

## **Access to Information and Privacy Directorate**

The Access to Information and Privacy (ATIP) Directorate is responsible for responding to formal requests for information from the public pursuant to the Access to Information Act and the Privacy Act. The ATIP Directorate is also responsible for developing internal policies and ensuring compliance relative to these acts.

## Office of the Privacy Commissioner of Canada



ATIP Directorate is headed by a Director who is supported by two senior analysts.

Under section 73 of the PA, the Privacy Commissioner, as the head of the OPC, the Privacy Commissioner's authority has been delegated to the ATIP Director with respect to the application of the Act and its Regulations. With respect to public interest disclosures under section 8(2)(m) of the Act, the Commissioner's authority has been maintained. A copy of the Delegation Order is attached as Appendix A.

The ATIP Director also serves as the OPC's Chief Privacy Officer.

## Privacy Commissioner, Ad Hoc / Complaint Mechanism

Given the silence of the *Federal Accountability Act* with respect to an independent mechanism under which PA complaints against the OPC would be investigated, the Office has developed an alternative mechanism to investigate OPC actions with respect to its administration of the Act.

For this purpose, the Commissioner's powers, duties and functions as set out in sections 29 through 35 and section 42 of the Act have been delegated to a Privacy Commissioner, Ad Hoc in order to investigate PA complaints lodged against the OPC.

During the reporting year a new Privacy Commissioner, Ad Hoc, was appointed; replacing Mr. John Sims, Q.C., who had served in this function since 2011.

The current Privacy Commissioner, Ad Hoc is Mr. David Loukidelis, Q.C.. Mr. Loukidelis was British Columbia's Information and Privacy Commissioner from 1999 to 2010 and was British Columbia's Deputy Attorney General and Deputy Minister of Justice from 2010 to 2012. He was also Registrar of Lobbyists for British Columbia from 2003 to 2010. His experience in privacy and freedom of information dates back more than 20 years.

## ATIP Unit Activities

### ***Training employees***

In the reporting fiscal year, ATIP Training Sessions were offered to all new OPC employees and those returning from extended leave or temporary assignments elsewhere. The OPC has committed to training all new staff within three months of their arrival. At the conclusion of the year, eight training sessions had been held where 100% of new and returning employees participated. The ATIP office also provides sessions as needed.

### ***Streamlining and finding efficiencies***

One of the main projects for the ATIP Directorate this fiscal year was to review the process for responding to ATIP requests. The majority of the records under the OPC's control are housed in an electronic format. During the material gathering process, this required that the Offices of Primary Interest (OPI) conduct their search, print out relevant records and then submit these to the ATIP Directorate. The records would then be scanned into the ATIP software for review. For larger requests this process could take up to 10 days to complete.

During the reporting year, efficiencies were found within the material gathering step of the process. The ATIP Directorate, in collaboration with the IT team, implemented a mechanism that now allows OPIs to submit their documents for large requests electronically. By using a shared folder, the OPIs are now able to place all relevant records in this location and allow the ATIP group to import them directly into the processing software. This has resulted in faster response times to requesters and has significantly reduced the administrative portion of processing requests.

### **Contributing to decision making**

The ATIP Director has played a collaborative role in the planning, development and updating of OPC policies, procedures and directives. The ATIP Director also sits on the OPC's key strategic decision-making committees. The OPC's recognition of the importance to integrate the ATIP Director in its core decision-making committees has ensured that the *Privacy Act* is respected.

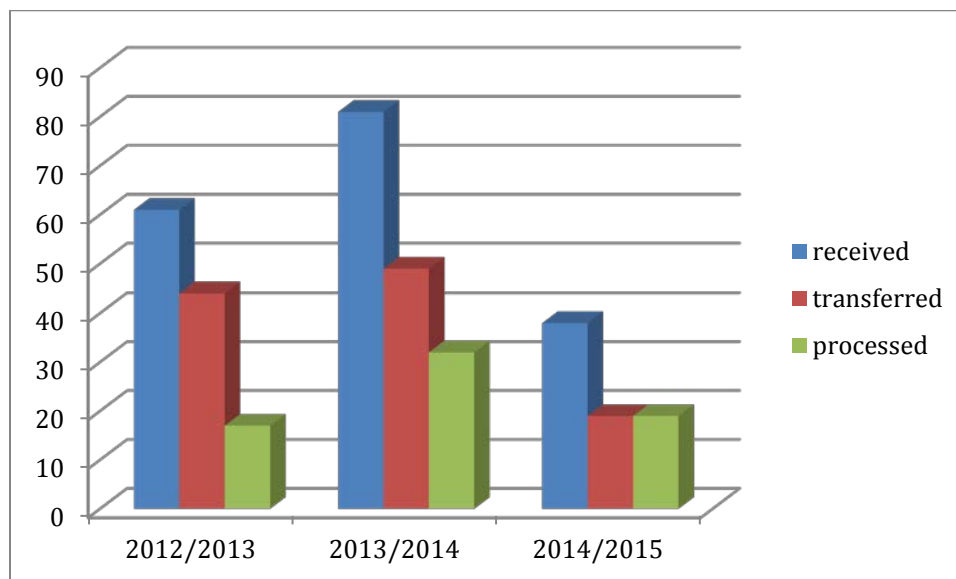
In addition, the ATIP Director serves as chair of the Privacy Accountability Working Group. This group comprises representatives from every OPC branch. Its purpose and key activities are to:

- Promote a culture of privacy protection and awareness across the organization;
- Ensure accountability for the handling of personal information across the OPC and that the Office's internally-led initiatives are held to the same privacy-protective standards it expects of the organizations and institutions that it regulates;
- Review recommendations that the OPC makes externally for internal applicability and compliance; and
- Ensure that all initiatives involving collection, use and disclosure of personal information within the OPC are brought to the attention of the organization's Chief Privacy Officer.

## Privacy Act Statistical Interpretation

The OPC received 38 formal requests under the PA for the fiscal year. However, half of those requests—19 of them—sought access to personal information under the control of other government institutions. They were therefore re-directed for processing to those institutions, including to the Correctional Service of Canada, Employment and Social Development Canada, National Defence, the Canada Border Services Agency, Citizenship and Immigration Canada, and the Royal Canadian Mounted Police.

### Requests under the *Privacy Act*



During the reporting period, the OPC received 19 PA requests for personal information under its control. This accounted for 12,068 pages of information. While this represents a decrease from the previous reporting year, the OPC believes that this is largely due to the fact that most individuals now direct their personal information requests to the appropriate government departments.

Of the requests received, 18 were processed within the reporting year; the remaining request was carried forward and will be reported in the 2015-16 statistics. The OPC also responded to one request that had been carried forward from the 2013-14 year. All told, the OPC responded to 19 requests for personal information in 2014-15. In all cases, the requests were submitted by the individuals to whom the personal information was attributed.

In two cases, the OPC was required to claim extensions of time limits. In both, the volume of records that required processing was quite large and finalizing those requests within the original 30-day timeframe would have unreasonably interfered with the operations of the OPC.

With respect to the 19 requests responded to in 2014-15:

- In two instances, the information was disclosed entirely;

- Information was partially disclosed in eight instances;
- In four instances, no records existed that responded to the requests;
- Information was exempted entirely in three instances;
- In two instances, the requests were abandoned by the requester.

Of the 19 requests processed in the reporting year, nine were for the contents of PA or PIPEDA investigation files. Section 22.1 of the PA prohibits the OPC from releasing information it obtained during the course of its investigations or audits even after the matter and all related proceedings have been concluded. However, the OPC cannot refuse to disclose information it created during the course of an investigation or audit, once they and any related proceedings are completed — and subject to any applicable exemptions. This exemption was applied in nine cases during the reporting period. With respect to other exemptions, section 26 was claimed in five cases and section 27 in one.

It is quite common for the OPC to receive broad requests seeking access to all the personal information held by the Government of Canada. In most cases, the OPC does not have any of the requested personal information under its control. In such cases, requesters are advised to consult Info Source for a detailed listing of the personal information holdings of each federal organization and to submit requests to those most likely to have the personal information to which they seek access.

At no point during the reporting period were requests received for correction of personal information held within the OPC.

Finally, the OPC received and responded to eight consultations from other federal entities. The Department of Veterans Affairs consulted our office on three occasions. The Office of the Correctional Investigator, the Department of Fisheries and Oceans, Health Canada, the Royal Canadian Mounted Police, and the Transportation Safety Board each consulted our office on one occasion.

## ***Privacy Act* complaints against the OPC**

During the reporting year, the OPC was the respondent in eight complaints under the PA; three were carried over from 2013-14 and five were new complaints. The Privacy Commissioner, Ad Hoc issued six findings during this fiscal year. All six complaints were deemed not well-founded. At the conclusion of the reporting period, the Privacy Commissioner, Ad Hoc had yet to issue findings on the remaining two complaints.

# Report on the Directive on Privacy Impact Assessment (PIA)

The *Directive on Privacy Impact Assessment* which came into effect on April 1, 2010, requires that the Treasury Board Secretariat monitor compliance with the *Directive*. Given this responsibility, institutions are asked to include pertinent statistics in their annual reports on the administration of the PA.

During the 2014-15 reporting year, the OPC completed the following three PIAs:

## 1. Privacy Impact Assessment Summary on the Online Request Form

The Online Information Request Form (ORF) project is the implementation of a new tool allowing Canadians to submit requests for information to the Office of the Privacy Commissioner of Canada in the most efficient and secure manner possible.

The goal of this project is to offer a safe platform that will ensure that Canadians, who are asking privacy-related questions of our office, include all the details that we require in order to determine jurisdiction and provide the best possible response.

This tool will allow Canadians to request information about privacy-related matters overseen by our office via a secure form hosted on our website. This form will include mandatory fields that will be completed by the requestor. Once submitted, the information will be encrypted and will populate a secure database so that it can be treated by our Information Centre. The fields, carefully selected, will help our information officers understand the request, assess jurisdiction and provide a response.

The summary of this PIA can be viewed on the OPC's website:

[https://www.priv.gc.ca/au-ans/pia-efvp/orf\\_e.asp](https://www.priv.gc.ca/au-ans/pia-efvp/orf_e.asp)

## 2. Privacy Impact Assessment Summary on the “Snappy” Tool

The “Snappy” Tool project is the implementation of a new tool allowing Canadians to submit comments and concerns on various matters to the Office of the Privacy Commissioner of Canada (OPC) in the most efficient and secure manner possible.

The goal of this project is to offer a safe platform that will give Canadians an opportunity to share comments and concerns about privacy-related matters quickly and easily, without engaging the formal complaint process.

The “Snappy” Tool will allow the OPC to create forms on a variety of privacy-related topics or issues, accessible via the OPC’s website. It will provide Canadians with a quicker, simpler alternative to the formal privacy complaint form to share concerns on privacy, and provide the OPC with the ability to send follow-up notices related to ongoing significant privacy investigations and initiatives to Canadians. It is likely there will be other, yet to be determined, uses for the forms.

The summary of this PIA can be viewed on the OPC’s website:

[https://www.priv.gc.ca/au-ans/pia-efvp/st\\_e.asp](https://www.priv.gc.ca/au-ans/pia-efvp/st_e.asp)

## 3. Privacy Impact Assessment Summary on Canada's anti-spam legislation

The Canada's anti-spam legislation (CASL) received Royal Assent on December 10, 2010. CASL's purpose is to encourage the growth of electronic commerce by ensuring public confidence and trust in the online marketplace, by promoting the use of electronic messaging as a means to carry out commercial activities.

CASL introduces a regulatory framework to deter spam and other damaging and deceptive electronic threats such as identity theft, phishing and spyware, malware and botnets from occurring in Canada and to help drive spammers out of Canada.

CASL seeks to do this both through the provisions contained within the legislation itself and by introducing legislative amendments to the *Canadian Radio-television and Telecommunications Commission Act*, the *Competition Act*, PIPEDA and the *Telecommunications Act*.

On April 1, 2011, CASL introduced some limited changes to PIPEDA. Specifically, the Privacy Commissioner was given wider powers to:

- Decline to investigate a complaint (ss. 12.(1));
- Discontinue the investigation of an existing complaint (ss. 12.2(1));
- Consult, enter arrangements and agreements and share information with her counterparts in the provinces (s. 23); and
- Enter into written arrangements and share information with her foreign counterparts (s. 23.1).



CASL introduces a different enforcement model, in that there are three federal agencies responsible for enforcement of the law: the OPC, CRTC and the CB (collectively referred to as the "Enforcement Agencies"). In addition to any independent actions each agency may undertake to enforce CASL's provisions, the law requires that all three Enforcement Agencies must consult with each other to the extent considered appropriate to ensure the effective regulation of prohibited activities. These Enforcement Agencies may share information with each other. They may also disclose information to the government of a foreign state and certain international organizations (in specified circumstances, and under written agreements or arrangements between the parties).

The summary of this PIA can be viewed on the OPC's website:

[https://www.priv.gc.ca/au-ans/pia-efvp/casl-lcap\\_e.asp](https://www.priv.gc.ca/au-ans/pia-efvp/casl-lcap_e.asp)

## Data Sharing Activities

The OPC did not undertake any personal data sharing activities this reporting year.

## Disclosures of Personal Information

The OPC disclosed no personal information under sections 8(2)(e), (f), (g) or (m) of the PA during this fiscal year.

## Material Privacy Breach

On April 10, 2014, OPC staff became aware of the disappearance of a back-up hard drive. The drive contained a backup of the Performance Budgeting for Human Capital (PBHC) dating back to 2002; our Office shares the system with the Office of the Information Commissioner of Canada. This is the financial system used to manage and forecast employee salaries and it houses the personal information of employees. A total of 800 current and former employees of the two offices were affected by the incident. The incident was reported to the Privacy Commissioner, Ad Hoc, and Treasury Board Secretariat and the affected parties were notified of the incident and their right to file a complaint.

## Privacy Related Policies

The TBS Directive on Privacy Practices requires that all departments subject to the *Privacy Act* develop a process to create and submit new and/or revised personal information banks (PIB). During the reporting the OPC developed a PIB Approval and Registration Process. This process complements the existing Privacy Impact Assessment Process and ensures that the OPC is compliant with the TBS requirement.

The TBS Directive on Privacy Requests and Correction of Personal Information requires that all departments subject to the *Privacy Act* establish a process for handling requests for correction of personal information. During the reporting year, the OPC developed Guidelines for Responding to Requests for Correction of

Personal Information. During the drafting of the process, the OPC also drafted instructions for individuals wishing to correct their personal information held by the OPC. The OPC will be posting these instructions on its website in the 2015-16 year.

The ATIP Director is a member of the OPC's Policy Development Committee. In that role, policies, directives and guidelines have been and continue to be reviewed to ensure that the PA is respected.

For additional information on the OPC's activities, please visit [www.priv.gc.ca](http://www.priv.gc.ca)

Additional copies of this report may be obtained from:

Director, Access to Information and Privacy  
Office of the Privacy Commissioner of Canada  
30 Victoria Street, 1<sup>st</sup> Floor  
Gatineau, Québec K1A 1H3

## Appendix A – Privacy Act Delegation Order

The Interim Privacy Commissioner of Canada, as the head of the government institution, hereby designates pursuant to section 73 of the *Privacy Act*, the person holding the position set out below, or the person occupying on an acting basis that position, to exercise the powers, duties or functions of the Privacy Commissioner as specified below and as more fully described in Annex A:

Position	Sections of <i>Privacy Act</i>
Director, ATIP	<u>Act</u> : 8(2)(j), 8(4) and (5), 9(1) and (4), 10, 14, 15, 17(2)(b) and (3)(b), 18 to 28, 31, 33(2), 35(1) and (4), 36(3), 37(3), 51(2)(b) and (3), 70, 72(1)  <u>Regulations</u> : 9, 11(2) and (4), 13(1), 14

This delegation of authority supersedes any previous delegation of the powers, duties and functions set out herein.

Dated at the City of Ottawa, this 9 day of January, 2014

*Original signed by*

---

**Chantal Bernier**  
Interim Privacy Commissioner of Canada

## Privacy Act

- 8(2)(j) Disclose personal information for research purposes
- 8(2)(m) Disclose personal information in the public interest or in the interest of the individual
- 8(4) Retain copy of 8(2)(e) requests and disclosed records
- 8(5) Notify Privacy Commissioner of 8(2)(m) disclosures
- 9(1) Retain record of use
- 9(4) Notify Privacy Commissioner of consistent use and amend index
- 10 Include personal information in personal information banks
- 14 Respond to request for access within 30 days; give access or give notice
- 15 Extend time limit for responding to request for access
- 17(2)(b) Decide whether to translate requested information
- 17(3)(b) Decide whether to give access in an alternative format
- 18(2) May refuse to disclose information contained in an exempt bank
- 19(1) Shall refuse to disclose information obtained in confidence from another government
- 19(2) May disclose any information referred to in 19(1) if the other government consents to the disclosure or makes the information public
- 20 May refuse to disclose information injurious to the conduct of federal-provincial affairs
- 21 May refuse to disclose information injurious to international affairs or defence
- 22 Series of discretionary exemptions related to law enforcement and investigations; and policing services for provinces or municipalities.
- 22.1(1) In force April 1, 2007 - Privacy Commissioner shall refuse to disclose information obtained or created in the course of an investigation conducted by the Commissioner
- 22.1(2) In force April 1, 2007 - Privacy Commissioner shall not refuse under 22.1(1) to disclose any information created by the Commissioner in the course of an investigation conducted by the Commissioner once the investigation and related proceedings are concluded
- 23 May refuse to disclose information prepared by an investigative body for security clearances

- 24 May refuse to disclose information collected by the Correctional Service of Canada or the National Parole Board while individual was under sentence if conditions in section are met
- 25 May refuse to disclose information which could threaten the safety of individuals
- 26 May refuse to disclose information about another individual, and shall refuse to disclose such information where disclosure is prohibited under section 8
- 27 May refuse to disclose information subject to solicitor-client privilege
- 28 May refuse to disclose information relating to the individual's physical or mental health where disclosure is contrary to best interests of the individual
- 31 Receive notice of investigation by Privacy Commissioner
- 33(2) Right to make representations to the Privacy Commissioner during an investigation
- 35(1) Receive Privacy Commissioner's report of findings of the investigation and give notice of action taken
- 35(4) Give complainant access to information after 35(1)(b) notice
- 36(3) Receive Privacy Commissioner's report of findings of investigation of exempt bank
- 37(3) Receive report of Privacy Commissioner's findings after compliance investigation
- 51(2)(b) Request that section 51 hearing be held in the National Capital Region
- 51(3) Request and be given right to make representations in section 51 hearings
- 70 Refuse to provide information that is excluded from the Act as a cabinet confidence
- 72(1) Prepare annual report to Parliament

## Privacy Regulations

- 9 Provide reasonable facilities to examine information
- 11(2) and (4) Procedures for correction or notation of information
- 13(1) Disclosure of information relating to physical or mental health to qualified practitioner or psychologist
- 14 Require individual to examine information in presence of qualified practitioner or psychologist

## Appendix B – Statistical Report



Government of Canada  
Gouvernement du Canada

### Statistical Report on the *Privacy Act*

Name of institution: Office of the Privacy Commissioner of Canada

Reporting period: 01/04/2014 to 31/03/2015

#### PART 1 – Requests under the *Privacy Act*

	Number of Requests
Received during reporting period	38
Outstanding from previous reporting period	1
<b>Total</b>	<b>39</b>
Closed during reporting period	38
Carried over to next reporting period	1

#### 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	1	0	0	0	0	0	2
Disclosed in part	1	5	2	0	0	0	0	8
All exempted	1	2	0	0	0	0	0	3
All excluded	0	0	0	0	0	0	0	0
No records exist	22	1	0	0	0	0	0	23
Request abandoned	2	0	0	0	0	0	0	2
Neither confirmed nor denied	0	0	0	0	0	0	0	0
<b>Total</b>	<b>27</b>	<b>9</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>38</b>

## 2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests
18(2)	0	22(1)(a)(i)	0	23(a)	0
19(1)(a)	0	22(1)(a)(ii)	0	23(b)	0
19(1)(b)	0	22(1)(a)(iii)	0	24(a)	0
19(1)(c)	0	22(1)(b)	0	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	5
19(1)(f)	0	22.1	9	27	1
20	0	22.2	0	28	0
21	0	22.3	0		

## 2.3 Exclusions

Section	Number of requests	Section	Number of requests	Section	Number of requests
69(1)(a)	0	70(1)(a)	0	70(1)(d)	0
69(1)(b)	0	70(1)(b)	0	70(1)(e)	0
69.1	0	70(1)(c)	0	70(1)(f)	0
				70.1	0

## 2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	2	0	0
Disclosed in part	4	4	0
<b>Total</b>	6	4	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	12	12	2
Disclosed in part	11,505	1,572	8
All exempted	551	0	3
All excluded	0	0	0
Request abandoned	0	0	2
Neither confirmed nor denied	0	0	0
<b>Total</b>	<b>12,068</b>	<b>1,584</b>	<b>15</b>

### 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	2	12	0	0	0	0	0	0	0	0
Disclosed in part	1	9	4	606	2	701	0	0	1	256
All exempted	2	0	1	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	2	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>7</b>	<b>21</b>	<b>5</b>	<b>606</b>	<b>2</b>	<b>701</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>256</b>



### 2.5.3 Other complexities

Disposition	Consultation required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	1	0	0	1
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
<b>Total</b>	0	1	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
0	0	0	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	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
<b>Total</b>	0	0	0

## 2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
<b>Total</b>	0	0	0

### PART 3 – Disclosures under subsection 8(2) and 8(5)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Paragraph 8(2)(m)	Total
0	0	0	0

### PART 4 – Requests for correction of personal information and notations

Disposition for Correction Requests Received	Number
Notations attached	0
Requests for correction accepted	0
<b>Total</b>	0

## PART 5 – Extensions

### 5.1 Reasons for extensions and disposition of requests

Disposition of requests where an extension was taken	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation or conversion
		Section 70	Other	
All disclosed	0	0	0	0
Disclosed in part	2	0	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
<b>Total</b>	2	0	0	0

### 5.2 Length of extensions

Length of extensions	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation purposes
		Section 70	Other	
1 to 15 days	0	0	0	0
16 to 30 days	2	0	0	0
<b>Total</b>	2	0	0	0

## PART 6 – Consultations received from other institutions and organizations

### 6.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during the reporting period	8	188	0	0
Outstanding from the previous reporting period	0	0	0	0
<b>Total</b>	8	188	0	0
Closed during the reporting period	8	0	0	0
Pending at the end of the reporting period	0	188	0	0

### 6.2 Recommendations and completion time for consultations received from other government 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	3	0	0	0	0	0	0	3
Disclose in part	3	1	0	0	0	0	0	4
Exempt entirely	1	0	0	0	0	0	0	1
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
<b>Total</b>	7	1	0	0	0	0	0	8

### 6.3 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
<b>Total</b>	0	0	0	0	0	0	0	0

## PART 7 – Completion Time of Consultations with Cabinet Confidences

### 7.1 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
<b>Total</b>	0	0	0	0	0	0	0	0	0	0

## 7.2 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
<b>Total</b>	0	0	0	0	0	0	0	0	0	0

## PART 8 – Complaints and Investigations Notices Received

Section 31	Section 33	Section 35	Court action	Total
2	0	0	1	3

## PART 9 – Privacy Impact Assessments (PIAs)

Number of PIA(s) completed	3
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## PART 10 – Resources related to the *Privacy Act*

### 10.1 Costs

Expenditures		Amount
Salaries		\$83,883
Overtime		\$0
Goods and Services		\$22,393
• Professional services contracts	\$21,450	
• Other	\$943	
<b>Total</b>		<b>\$106,276</b>

## 10.2 Human Resources

<b>Resources</b>	<b>Person Years Dedicated to Privacy Activities</b>
Full-time employees	1.04
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	1.00
Students	0.00
<b>Total</b>	<b>2.04</b>