

Office of the Privacy Commissioner of Canada

2022–23 Departmental Results Report

(Original signed by)

The Honourable Arif Virani, P.C., M.P.
Minister of Justice and Attorney General of Canada

Office of the
Privacy Commissioner
of Canada



Commissariat
à la protection de
la vie privée du Canada

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From the Privacy Commissioner of Canada

I am pleased to present the Departmental Results Report of the Office of the Privacy Commissioner of Canada (OPC) for the fiscal year ending March 31, 2023.



It has been a busy and important year for my office with exciting opportunities and challenges as we continued to protect and promote privacy in Canada. We investigated complaints and breaches that have meaningful impacts for Canadians in order to improve the protection of personal information in this digital age, and to promote a better understanding of the rights and obligations of individuals and organizations under federal privacy legislation. We provided advice and recommendations to individuals, government departments, private sector organizations, and Parliament on privacy matters of public interest and importance. We also continued to be actively engaged with our domestic and international counterparts, and were involved in litigation before the courts to advance our understanding of the fundamental right to privacy in Canada.

My vision for privacy, and the strategic priorities of my Office in support of that vision, have crystalized over the first year of my mandate as Privacy Commissioner. The three pillars of my vision are that privacy is a fundamental right; that privacy supports the public interest and Canada’s innovation and competitiveness; and that privacy accelerates the trust that Canadians have in their institutions and in their participation as digital citizens.

These pillars frame how I look at privacy issues, and how I approach the challenges that we are facing in this digital age. The unprecedented speed of technological development offers exciting opportunities to address the collective challenges that we face and improve the lives of Canadians, but also raises potential risks with respect to privacy that our institutions must address. An obvious example of this is the world of artificial intelligence (AI) and generative AI, which has become a key focus for data privacy authorities and government around the world. This past year, my office announced investigations into [TikTok](#),ⁱⁱ focusing on its privacy practices as they relate to younger users, as well as the company behind the artificial intelligence powered [ChatGPT](#).ⁱⁱⁱ It is important that Canadians know and understand their privacy rights, that they feel empowered to control their personal information, and that they know where to turn for support when they need it.

This vision also guided our [submission](#)^{iv} on [Bill C-27](#),^v the proposed *Digital Charter Implementation Act*, which was referred to the House of Commons Standing Committee on Industry and Technology for study earlier this year. My office provided its written submissions and [15 key recommendations](#)^{vi} to that committee, and I look forward to appearing before Parliament to share my view that Bill C-27 is a step in the right direction, but that it can and must go further to protect Canadians’ fundamental privacy rights while supporting the public interest and innovation.

My office is looking ahead and preparing for law reform so that should Parliament adopt the Bill, we will be ready to take on the important new responsibilities that it lays out and provide support to Canadians and businesses as they navigate the new legislative framework. Over the last year, this has involved costing, growth modeling and planning for these new proposed responsibilities.

Over the next year, my office will be working on a multi-year strategic plan to identify priorities aligned with my vision for privacy and to advance privacy in Canada, which will be published once we have completed consultations.

In addition, I was pleased that in Budget 2023, the government proposed temporary funding for the OPC to allow us to undertake more in-depth investigations of privacy breaches, to improve response rates to privacy complaints, and to operationalize new processes required to implement the proposed *Consumer Privacy Protection Act*. We continue to look for creative and innovative ways to improve our processes and services to deliver concrete and meaningful results for Canadians. As we look ahead and prepare for law reform, these temporary funds provide necessary and immediate support to my office, but should Parliament adopt Bill C-27, it will be essential that we are properly resourced on a permanent basis to fully and effectively take on the important new responsibilities under that proposed legislation.

Finally, this past year, my office also successfully implemented the Treasury Board Secretariat's common hybrid work model, which allows employees to take advantage of the hybrid work environment and the flexibility that it affords, while enjoying the dynamic aspects of in-person presence as we continue to deliver exceptional services to Canadians.

Privacy matters to Canadians more today than ever before, and it touches all aspects of our lives. This is why the work that my office is doing is so important, and I am grateful to be working with such an extraordinary team in delivering on this important mandate at such a pivotal time.

(Original signed by)

Philippe Dufresne
Privacy Commissioner of Canada

Results at a glance

Results Highlights for 2022–23	
Actual spending	<p>Contributed to the adoption of laws that improve privacy protection:</p> <ul style="list-style-type: none"> • Provided advice and recommendations on Bill C-27 to better protect fundamental privacy rights, while also supporting the public interest and innovation. • Appeared before the Standing Committee on Access to Information, Privacy and Ethics (ETHI) on the Study of the Collection and Use of Mobility Data by the Government of Canada,^{vii} the Study of the Use and Impact of Facial Recognition Technology^{viii} and the Study of Device Investigation Tools used by the Royal Canadian Mounted Police.^{ix} <p>Prepared the office for the implementation of new responsibilities:</p> <ul style="list-style-type: none"> • Continued transition planning to prepare the OPC for an expanded mandate once the privacy law has been reformed and secured additional resources to assist in the transition. <p>Continued to focus on our Departmental Results Framework (DRF) goals:</p> <ul style="list-style-type: none"> • Led high-impact investigations of cases such as Tim Hortons'^x collection and use of geolocation data via its mobile app, and Home Depot's^{xi} disclosure of in-store customers' purchase-related information to Meta, which owns Facebook. <p>Invested in and supported our employees in these times of change:</p> <ul style="list-style-type: none"> • Supported the transition of employees to the hybrid work environment as adopted by the Treasury Board Secretariat.
Total actual spending in 2022–23	
Actual full-time equivalents (FTEs)	
207 Actual FTEs in 2022–23	

For more information on the OPC's plans, priorities and results achieved, see the "Results: what we achieved" section in this report.

Results: what we achieved

Core Responsibility

Protection of privacy rights

Description

Ensure the protection of privacy rights of Canadians; enforce privacy obligations by federal government institutions and private-sector organizations; provide advice to Parliament on potential privacy implications of proposed legislation and government programs; promote awareness and understanding of rights and obligations under federal privacy legislation.

Results

The 2022–23 results achieved by our office under each of the office’s Departmental Results are described below.

Departmental Result 1: Privacy rights are respected and obligations are met.

Our office undertook a number of compliance activities to significantly advance the protection of Canadians’ personal information. This included leading and participating in global compliance efforts, collaborating with provincial counterparts, and leading high-profile investigations of cases such as [Tim Hortons](#)^{xii} collection and use of geolocation data via its mobile app, and [Home Depot’s](#)^{xiii} disclosure of in-store customers’ purchase-related information to Meta Inc., which owns Facebook. We also continued to initiate or intervene in litigation cases that have the potential to advance privacy law in Canada and that could have a significant impact on the privacy interests of Canadians. This includes litigation before the Federal Court and the Federal Court of Appeal involving private-sector entities like Facebook and Google as well as litigation involving [public-sector entities](#).^{xiv}

One of our key objectives is to protect the privacy rights of Canadians. One measure of our success is the proportion of Canadians who feel that their privacy rights are respected. We validated this estimate through a survey that included questions designed to determine whether Canadians felt that businesses and governmental institutions respect their privacy rights. The survey results showed that 39% of Canadians feel that businesses generally respect their privacy rights. According to our poll, social media companies, big tech, retailers and the telecommunications industry are among the sectors that Canadians are most concerned about. They were also the subject of more than one quarter of the complaints that we received. In addition, 58% of Canadians feel that the federal government respects their privacy rights. These results represent a 6% decrease for businesses and a 5% decrease for the federal government since 2020–21¹ and are still far from our goal of 90%.

Throughout the year, we worked toward our goal of providing timely responses to complaints filed by Canadians. In 2022–23, 55% of complaints were responded to within service standards, which is below our target of 75%. Nevertheless, this result is an improvement over our 2021–22

¹ Please note that the survey on Canadians is conducted biennially.

performance (47%). In recent years, an increasing concern among Canadians about their privacy rights, the heightened complexity of technology, and continuing resource limitations have had an impact on our ability to address complaints quickly, resulting in a complaint backlog. Although a temporary budget increase allowed us to reduce our investigative backlog by 91% between 2019 and 2021, our capacity to deal with the volume of complaints received remained insufficient once that funding ended, resulting in a new backlog of complaints. This new backlog relates in large part to the challenges in processing the volume of incoming complaints for assignment, which in turn impacts the overall investigation treatment time.

In addition, we continued to deal with the consequences of an underfunding of our data breach function. The funding we received in 2019 to implement mandatory breach reporting was helpful. However, it proved insufficient in the face of the exponential growth of breaches reported to our office in recent years. Specifically, under the *Personal Information Protection and Electronic Documents Act* (PIPEDA), we have seen a 600% increase since the Act came into force, compared to the 226% that was anticipated. Consequently, we are only resourced to substantively review less than 5% of the breaches that pose the highest risk to Canadians.

We have made several efforts over the past few years to address our backlog and to review breaches. Recently, we conducted a diagnostic examination to identify new ways to allocate resources, and help us adjust our processes and risk protocols to make them even more efficient to address our backlog. With the announcement of temporary funding in the last federal budget, and as we continue to innovate to further drive efficiencies and refine our processes, we expect to see temporary improvements in our ability to undertake more in-depth investigations of privacy breaches and to improve our response rates to privacy complaints. The temporary funding will increase our short-term capacity, but unfortunately it is not a permanent solution to adequately address the full volume and complexity of compliance issues that arise on a daily basis. It is our hope that the legislative reform will provide us with more discretion and will help address the chronic underfunding of our office.

We also measured the percentage of compliance recommendations accepted and implemented by federal institutions and private-sector organizations in a compliance context. Over the past year, we exceeded our goal of 85% by resolving 86% of complaints to our satisfaction. This result has been consistent over the past two years. It should be noted that this result applies only to privacy concerns that our office is aware of. The [*Privacy Act Extension Order no.3*](#)^{xv} came into effect in July 2022, giving foreign nationals outside Canada the right to request access to their personal information held by organizations subject to the Act, to request that the information be corrected when necessary, and to complain to our office if those organizations did not act on their requests. So far, the OPC has received a modest number of complaints as a result of the Extension Order. We continue to monitor the situation. As institutions process more requests under the Order, we anticipate increasing volumes of complaints.

Departmental Result 2: Canadians are empowered to exercise their privacy rights.

An important step in empowering Canadians to exercise their privacy rights is awareness. The results of our most recent public survey indicated that awareness of privacy rights is still not at the level we would like to see. Almost half of Canadians rated their knowledge of their privacy rights as good or very good (51%). This self-rated knowledge has decreased by 13% since it was last measured in 2020–21.

Given the possibility of a changed legal framework and the fact that our guidelines are based on legislation and could quickly become outdated following such a reform, we have not set targets for 2022–23 for the following two indicators: the percentage of key privacy issues that are the subject of information to Canadians on how to exercise their privacy rights, and the percentage of key privacy issues that are the subject of guidance to organizations on how to comply with their privacy responsibilities. We nonetheless issued guidance on some important privacy issues. We published [tips for securing web-connected cameras](#)^{xvi} and [advice on faxing personal information](#).^{xvii} We created guidance to inform young people about privacy risks, such as a [blog](#)^{xviii} to help gamers better protect their personal information when playing games online, and a [fact sheet](#)^{xix} for young teens on privacy risks associated with sexting. With our international counterparts, we also developed, published and promoted guidance to [help businesses and individuals to protect against cyber-attacks that exploit password re-use](#).^{xx}

In addition, we implemented a public education and outreach strategy aimed at individuals, including children and youth. This strategy included a broad range of tactics, including a radio campaign on privacy and video gaming with a reach of 3.4 million listeners, a library campaign where we distributed more than 2.4 million privacy cartoons on till tape and 55,000 bookmarks, and an email campaign to promote the OPC’s youth resources that reached 50,000 educators. Our exhibits program, which allows us to engage directly with Canadians, included six events where we connected with more than 1,500 people.

Our office’s website is our primary communication channel with Canadians. Overall, 66% of those who responded to the web-based feedback tool found the information to be useful. Although this is a decrease from 2021–22 (73% to 66%), we continue to pay close attention to qualitative feedback, which allows us to better understand Canadians’ needs and to update our web pages accordingly.

Departmental Result 3: Parliamentarians and public- and private-sector organizations are informed and guided to protect Canadians’ privacy rights.

We are encouraged that our appearances and statements help to deepen the understanding of privacy and advance the conversation about how best to protect the privacy rights of Canadians, particularly in the context of the adoption of laws that may have an impact on privacy.

We continued to monitor bills and studies going through the legislative process for which we had previously provided recommendations. Of our recommendations that completed their parliamentary journey in 2022–23, 55% of them were adopted by Parliament. They included topics such as the collection and use of [mobility data](#)^{xxi} by the Government of Canada, the use

and impact of [facial recognition](#)^{xxiii} technology and the use of [device investigation tools by the Royal Canadian Mounted Police](#).^{xxiii}

In June 2022, the federal government introduced [Bill C-27](#),^{xxiv} the *Digital Charter Implementation Act*. Following its referral to the Standing Committee on Industry and Technology (INDU) in spring 2023, we shared our submission with the committee and published our [submission](#)^{xxv} together with [15 key recommendations](#)^{xxvi} on our website. The introduction of Bill C-27 is a step in the right direction, but it can and must go further to protect the fundamental privacy rights of Canadians while supporting the public interest and innovation. We look forward to providing advice and supporting the committee’s work in achieving private-sector privacy law reform for the benefit of Canadians during its study of the bill.

Meanwhile, we have been looking ahead in preparation for this legislative reform. Should Parliament adopt Bill C-27, we will be ready to take on the new responsibilities it lays out and provide support to Canadians and businesses as they navigate the new legislative framework. We were pleased to learn that in the most recent federal budget, the government proposed temporary funding over five years to help us operationalize the new processes required to implement the proposed *Consumer Privacy Protection Act* and to help us carry out our existing mandate.

We anticipate that there will be significant demand for new guidance for organizations on how to comply with a new law, as well as a need to review and update all of our existing guidance. Additionally, we will need to consult affected stakeholders on all new guidance being developed. Our focus has been on preparing for this eventuality and ensuring that our processes are streamlined and ready to implement once a new law has received royal assent. Our office strives to provide useful advice and guidance documents to help organizations comply with their privacy obligations, and we seek feedback on organizations’ level of satisfaction with our guidance. The results indicated that 73% of the federal and private organizations that responded were satisfied with the usefulness of guidance documents on our website – surpassing our target of 70%.

On the private-sector side, we provided specific advice to businesses about their practices and initiatives that have a significant impact on the privacy of Canadians, to help them comply with PIPEDA as they innovate and grow. We have increased our private-sector outreach activities almost threefold over the past year, and we continued hosting privacy clinics for small and medium-sized enterprises. We note that reaching small businesses, which are significantly more in need of guidance and advice on their privacy obligations than larger organizations, is more challenging and resource-intensive than reaching large organizations.

As part of our outreach to business, we also produced and published an [interpretation bulletin on sensitive information](#)^{xxvii} which summarizes the general principles for identifying and handling personal information that have emerged from court decisions and the Commissioner’s findings to date. We implemented a communications and outreach strategy to raise awareness among private organizations of their privacy obligations. This included social media campaigns – for example, during Small Business Week and Privacy Awareness Week. We posted 180 posts on LinkedIn and 226 tweets for businesses on Twitter.

Material published on our website, such as guidance documents, interpretation bulletins and case summaries, generated 727,835 visits in 2022–23. Which is comparable to the previous year. However, we continued to promote our resources available on some social media. Our office’s followers on LinkedIn, where we focus on sharing information with government and business audiences, increased significantly over the year, from approximately 18,000 to more than 27,000. Twitter growth was more modest, rising by several hundred followers to a total of 20,330 for our French and English accounts combined.

Lastly, on the public-sector side, we continued to receive a large number (110) of privacy impact assessments (PIAs) and advisory consultation requests (73) from federal government institutions. In the past year, we issued 91 recommendations following PIA reviews and consultations with institutions. We have also conducted several outreach and capacity-building sessions for public servants, which drew more than 1,200 participants from multiple government departments. We also issued six [Privacy Act Bulletins](#)^{xxviii} providing information to the federal access to information and privacy community.

Results achieved

The following table shows, for the Protection of Privacy Rights, the results achieved, the performance indicators, the targets and the target dates for 2022–23, and the actual results for the three most recent fiscal years for which actual results are available.

Departmental results	Performance indicators	Target	Date to achieve target	2020–21 actual results	2021–22 actual results	2022–23 actual results
Privacy rights are respected and obligations are met.	Percentage of Canadians who feel that businesses respect their privacy rights.	90%	March 31, 2023	45%	Not a survey year	39%
	Percentage of Canadians who feel that the federal government respects their privacy rights.	90%	March 31, 2023	63%	Not a survey year	58%
	Percentage of complaints responded to within service standards.	75%	March 31, 2022	44%	47%	55%
	Percentage of formal OPC recommendations implemented by departments and organizations.	85%	March 31, 2022	75%	86%	86%
Canadians are empowered to exercise their privacy rights	Percentage of Canadians who feel they know about their privacy rights.	70%	March 31, 2023	64%	Not a survey year	51%
	Percentage of key privacy issues that are the subject of information to Canadians on how to exercise their privacy rights.	No target set for 2021–22	No target set for 2021–22	30% (9/30 specified pieces of guidance done)	n/a ²	n/a ³
	Percentage of Canadians who read OPC information and find it useful.	70%	March 31, 2022	74%	73%	66%

² Considering the possibility of a transformed legal framework and the fact that our guidelines are grounded in legislation and could quickly become outdated following such reform, we did not set any target for this indicator in 2021–22. Work related to the list of 30 key privacy issues was largely set aside. There is no result to report on this indicator for 2021–22.

³ Considering the possibility of a transformed legal framework and the fact that our guidelines are grounded in legislation and could quickly become outdated following such reform, we did not set any target for this indicator in 2022–23. Work related to the list of 30 key privacy issues was largely set aside. There is no result to report on this indicator for 2022–23.

Departmental results	Performance indicators	Target	Date to achieve target	2020–21 actual results	2021–22 actual results	2022–23 actual results
Parliamentarians, and public and private sector organizations are informed and guided to protect Canadians' privacy rights	Percentage of OPC recommendations on privacy-relevant bills and studies that have been adopted.	60%	March 31, 2022	n/a ⁴	n/a ⁵	55%
	Percentage of private sector organizations that have good or excellent knowledge of their privacy obligations.	85%	March 31, 2022	Not a survey year	86%	Not a survey year
	Percentage of key privacy issues that are the subject of guidance to organizations on how to comply with their privacy responsibilities.	No target set for 2021–22	No target set for 2021–22	30% (9/30 specified pieces of guidance done)	n/a ⁶	n/a ⁷
	Percentage of federal and private sector organizations that find OPC's advice and guidance to be useful in reaching compliance.	70%	March 31, 2022	70%	76%	73%

Financial, human resources and performance information for the OPC's program inventory is available in [GC InfoBase](#).^{xxix}

⁴ No bills or studies on which the OPC provided recommendations were adopted during 2020–21.

⁵ No bills or studies on which the OPC provided recommendations were adopted during 2021–22.

⁶ Considering the possibility of a transformed legal framework and the fact that our guidelines are grounded in legislation and could quickly become outdated following such reform, we did not set any target for this indicator in 2021–22. Work related to the list of 30 key privacy issues was largely set aside. There is no result to report on this indicator for 2021–22.

⁷ Considering the possibility of a transformed legal framework and the fact that our guidelines are grounded in legislation and could quickly become outdated following such reform, we did not set any target for this indicator in 2022–23. Work related to the list of 30 key privacy issues was largely set aside. There is no result to report on this indicator for 2022–23.

Budgetary financial resources (dollars)

The following table shows, for the Protection of Privacy Rights, budgetary spending for 2022–23, as well as actual spending for that year.

2022–23 Main Estimates	2022–23 planned spending	2022–23 authorities available for use	2022–23 actual spending (authorities used)	2022–23 difference (actual spending minus planned spending)
21,524,426	21,524,426	22,894,961	22,224,125	699,699

Financial, human resources and performance information for the OPC’s program inventory is available in [GC InfoBase](#).^{xxx}

Human resources (full-time equivalents)

The following table shows, in full-time equivalents, the human resources the department needed to fulfill this core responsibility for 2022–23.

2022–23 planned full-time equivalents	2022–23 actual full-time equivalents	2022–23 difference (actual full-time equivalents minus planned full-time equivalents)
153	150	(3)

Financial, human resources and performance information for the OPC’s program inventory is available in [GC InfoBase](#).^{xxxi}

Internal Services

Description

Internal Services are those groups of related activities and resources that the federal government considers to be services in support of programs and/or required to meet corporate obligations of an organization. Internal Services refers to the activities and resources of the 10 distinct service categories that support Program delivery in the organization, regardless of the Internal Services delivery model in a department. The 10 service categories are:

- ▶ acquisition management services
- ▶ communication services
- ▶ financial management services
- ▶ human resources management services
- ▶ information management services
- ▶ information technology services
- ▶ legal services
- ▶ material management services
- ▶ management and oversight services
- ▶ real property management services

Communications services are an integral part of the OPC's education and outreach mandate. As such, these services are included in the Promotion Program. Similarly, as legal services are an integral part of the OPC's delivery of compliance activities, they are included in the Compliance Program.

During this year of transition, our internal services focused on providing support and effective change management strategies on several fronts, including the transition to new leadership, the development of a strike contingency plan, a new digital (cloud) and physical (hybrid model) work environment, and the preparation for the implementation of potential new responsibilities we expect as a result of legislative reform. The following actions highlight this year's internal services accomplishments:

- Maintaining and enhancing internal communications efforts and opportunities to support our employees during key transitions.
- Continuing to support employees in a remote work environment by providing the necessary support and equipment, updating the onboarding process for new employees, and ensuring the health and safety of all employees through sound COVID-19 management and return-to-work guidelines.
- Implementing the hybrid (combination of on-site and remote work) workplace model as adopted by the Treasury Board Secretariat for greater collaboration and providing employees with the necessary support and equipment to optimize productivity in a new post-pandemic work environment.

- Supporting our organization as it prepares for the implementation of new mandate obligations by leading a detailed costing exercise to understand the funding requirements and potential risks associated with having insufficient funds to implement the proposed new private-sector privacy law; and by securing temporary funding in Budget 2023 to assist in transitioning to our new mandate.
- Continuing to review recruitment and attraction practices in order to meet the demands of the changing environment.
- Advancing the implementation of our strategic plans to achieve substantive linguistic equality of both official languages and to foster employment equity, diversity and inclusion.
- Developing and publishing the office’s [Accessibility Plan](#),^{xxxii} which aims to reduce and prevent barriers and supports a culture that embraces diversity and inclusion.
- Supporting the establishment and advancements of the office’s Service Inventory.
- Pursuing digital transformation efforts by upgrading processes, infrastructure and tools to optimize service delivery and accessibility and to promote employee mobility, including activities to migrate our IT systems to the cloud.
- Continuing efforts to apply HR-to-Pay and Pay Stabilization strategies and mechanisms that ensure accurate and timely pay for employees and align with future state HR-to-Pay solutions.
- Continuing to maintain collaborations and business partnerships with other small and medium-sized organizations and agents of Parliament to gain effectiveness, share tools and resources, and implement best practices in areas such as information technology, administrative and procurement services, finance, people management, and human resources programs.

Contracts awarded to Indigenous businesses

The OPC is a Phase 3 organization and already meets the minimum 5% target to be achieved by the end of 2024-25.

We are transitioning our business processes to incorporate Indigenous procurement methods in the planning stages. We will continue to award contracts to Indigenous businesses mainly through pre-qualified vendors when using various standing offers and other government procurement tools. Our plan is to increase voluntary set-asides when Indigenous capacity exists and operational requirements, best value, prudence, probity and sound contracting management can be assured.

Budgetary financial resources (dollars)

The following table shows, for internal services, budgetary spending for 2022–23, as well as spending for that year.

2022–23 Main Estimates*	2022–23 planned spending*	2022–23 total authorities available for use	2022–23 actual spending (authorities used)	2022–23 difference (actual spending minus planned spending)
7,695,005	7,695,005	8,857,546	8,598,493	903,488

*Includes Vote Netted Revenue authority (VNR) of \$200,000 for internal support services to other government organizations.

Human resources (full-time equivalents)

The following table shows, in full-time equivalents, the human resources the department needed to carry out its internal services for 2022–23.

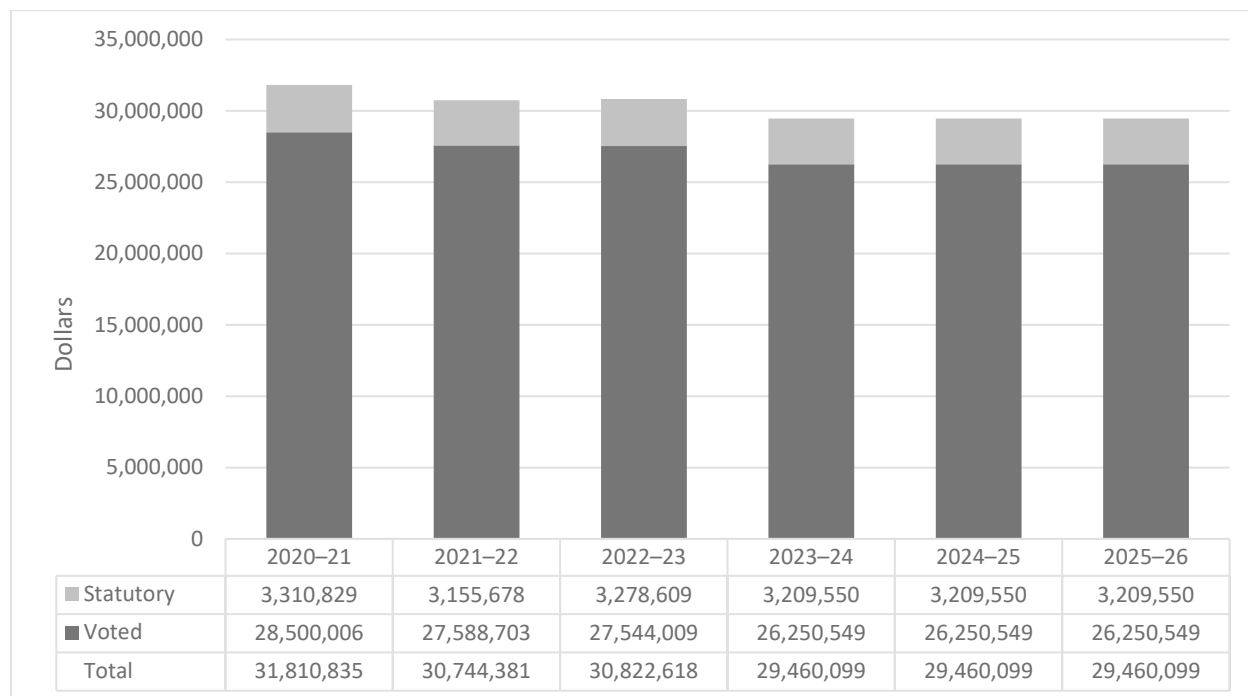
2022–23 planned full-time equivalents	2022–23 actual full-time equivalents	2022–23 difference (actual full-time equivalents minus planned full-time equivalents)
54	57	3

Spending and human resources

Spending

Spending 2020–21 to 2025–26

The following graph presents planned (voted and statutory) spending over time.



The above graph illustrates the OPC’s spending trend over a six-year period from 2020–21 to 2025–26. Fiscal years 2020–21 to 2022–23 reflect the organization’s actual expenditures as reported in the Public Accounts. Fiscal years 2023–24 to 2025–26 represent planned spending.

As indicated in previous reports, there has been an increase in actual expenditures since additional funding was received in Budget 2019 as the OPC implemented the Budget 2019 measure “Protecting the privacy of Canadians.” This increase is mainly attributed to additional spending on staffing resulting from new hires, as well as salary increases and retroactive payments made following the ratification of collective agreements over the past years.

Starting in fiscal year 2023–24, OPC’s planned spending will remain stable at \$29.5 million under current funding. The decrease can be attributed to the sunseting funding received in Budget 2019 to reduce the backlog of privacy complaints older than one year.

Budgetary performance summary for core responsibilities and internal services (dollars)

The “Budgetary performance summary for core responsibilities and internal services” table presents the budgetary financial resources allocated for OPC’s core responsibilities and for internal services.

Core responsibilities and internal services	2022–23 Main Estimates	2022–23 planned spending	2023–24 planned spending	2024–25 planned spending	2022–23 total authorities available for use	2020–21 actual spending (authorities used)	2021–22 actual spending (authorities used)	2022–23 actual spending (authorities used)
Protection of privacy rights	21,524,426	21,524,426	21,699,392	21,699,392	22,894,961	23,003,685	22,571,738	22,224,125
Subtotal	21,524,426	21,524,426	21,699,392	21,699,392	22,894,961	23,003,685	22,571,738	22,224,125
Internal services	7,695,005	7,695,005	7,760,707	7,760,707	8,857,546	8,807,150	8,172,643	8,598,493
Total	29,219,431	29,219,431	29,460,099	29,460,099	31,752,507	31,810,835	30,744,381	30,822,618

For fiscal years 2020–21 to 2022–23, actual spending represents the actual expenditures as reported in the Public Accounts of Canada. Fiscal years 2023–24 and 2024–25 represent planned spending.

The net increase of \$2.5 million between the 2022–23 total authorities available for use (\$31.8 million) and the 2022–23 planned spending (\$29.2 million) is mainly due to funding received for the operating budget carry-forward exercise, compensation related to the new collective bargaining and eligible payroll expenditures and adjustments to the employee benefit plans.

Total authorities available for use in 2022–23 (\$31.8 million) compared to 2022–23 actual spending (\$30.8 million) result in a lapse of \$1.0 million which will be carried forward into 2023-24 fiscal year to allow the OPC to better manage financial risks. This amount represents the operating funding lapse reported in the 2022-23 Public Accounts of Canada by the OPC.

Human resources

The “Human resources summary for core responsibilities and internal services” table presents the full-time equivalents (FTEs) allocated to each of OPC’s core responsibilities and to internal services.

Human resources summary for core responsibilities and internal services

Core responsibility and internal services	2020–21 actual full-time equivalents	2021–22 actual full-time equivalents	2022–23 planned full-time equivalents	2022–23 actual full-time equivalents	2023–24 planned full-time equivalents	2024–25 planned full-time equivalents
Protection of Privacy Rights	158	163	153	150	153	153
Subtotal	158	163	153	150	153	153
Internal Services	54	52	54	57	54	54
Total	212	215	207	207	207	207

The decrease in actual FTEs in 2022–23 compared to 2021–22 and in planned FTEs in the coming years can be attributed to the sunsetting funding received in Budget 2019 to reduce the backlog of privacy complaints older than one year. The OPC will continue to achieve results by allocating its human resources to best support its priorities and programs.

Expenditures by vote

For information on the OPC’s organizational voted and statutory expenditures, consult the [Public Accounts of Canada 2022](#).^{xxxiii}

Government of Canada spending and activities

Information on the alignment of the OPC’s spending with the Government of Canada’s spending and activities is available in the [GC InfoBase](#).^{xxxiv}

Financial statements and financial statements highlights

Financial statements

The [OPC's \(audited\) financial statements](#)^{xxxv} for the year ended March 31, 2023, are available on the department's website.

Financial statement highlights

Condensed Statement of Operations (unaudited) for the year ended March 31, 2023 (dollars)

Financial information	2022–23 planned results	2022–23 actual results	2021–22 actual results	Difference (2022–23 actual results minus 2022–23 planned results)	Difference (2022–23 actual results minus 2021–22 actual results)
Total expenses	33,142,535	34,880,000	34,604,968	1,737,465	275,032
Total revenues	200,000	209,000	179,733	9,000	29,267
Net cost of operations before government funding and transfers	32,942,535	34,671,000	34,425,235	1,728,465	245,765

In 2022–23, actual spending increased from that of 2021–22. The increase can be attributed to an increase in personnel expenditures due to new hirings and increases in salary ranges following new collective bargaining implementation, an increase in travel expenses as public health restrictions have continued to ease, offset by a decrease in information technology professional services.

The OPC provides internal support services to other small government departments related to the provision of IT service. Pursuant to section 29.2 of the *Financial Administration Act*, internal support service agreements are recorded as revenues.

The 2022–23 planned results information is provided in the [OPC's Future-Oriented Statement of Operations and Notes 2022–23](#).^{xxxvi}

Condensed Statement of Financial Position (unaudited) as of March 31, 2023 (dollars)

Financial information	2022–23	2021–22	Difference (2022–23 minus 2021–22)
Total net liabilities	4,775,000	4,755,235	19,765
Total net financial assets	3,005,000	2,659,878	345,122
Departmental net debt	1,770,000	2,095,357	(325,357)
Total non-financial assets	1,782,000	1,819,974	(37,974)
Departmental net financial position	12,000	(275,383)	287,383

The increase in net financial assets of \$0.3 million is mainly due to an increase in the amount due from the consolidated revenue fund. The total non-financial assets of \$1.8 million consists primarily of tangible capital assets.

The 2022–23 planned results information is provided in the [OPC’s Future-Oriented Statement of Operations and Notes 2022–23](#).^{xxxvii}

Corporate information

Organizational profile

Appropriate Minister⁸: Arif Virani

Institutional Head: Philippe Dufresne

Ministerial portfolio⁹: Department of Justice Canada

Enabling Instrument(s): [Privacy Act](#),^{xxxviii} R.S.C. 1985, c. P-21; [Personal Information Protection and Electronic Documents Act](#),^{xxxix} S.C. 2000, c.5

Year of Incorporation / Commencement: 1982

Raison d'être, mandate and role: who we are and what we do

“[Raison d'être, mandate and role: who we are and what we do](#)”^{xl} is available on the OPC's website.

Operating context

Information on the [operating context](#)^{xli} is available on the OPC's website.

⁸ The Commissioner works independently of government cabinet ministers and reports directly to Parliament. For the purposes of tabling Main Estimates, Departmental Results Reports, and Departmental Plans, the Commissioner submits reports via the Minister of Justice.

⁹ The Commissioner works independently of government cabinet ministers and reports directly to Parliament. For the purposes of tabling Main Estimates, Departmental Results Reports, and Departmental Plans, the Commissioner submits reports via the Minister of Justice.

Reporting framework

The OPC’s departmental results framework and Program Inventory of record for 2022–23 are shown below.

Core Responsibility: Protection of Privacy Rights			
Departmental Results Framework	Departmental Result: Privacy rights are respected and obligations are met	Indicator: Percentage of Canadians who feel that businesses respect their privacy rights	Internal Services
		Indicator: Percentage of Canadians who feel that the federal government respects their privacy rights	
		Indicator: Percentage of complaints responded to within service standards	
		Indicator: Percentage of formal OPC recommendations implemented by departments and organizations	
	Departmental Result: Canadians are empowered to exercise their privacy rights	Indicator: Percentage of Canadians who feel they know about their privacy rights	
		Indicator: Percentage of key privacy issues that are the subject of information to Canadians on how to exercise their privacy rights	
		Indicator: Percentage of Canadians who read OPC information and find it useful	
	Departmental Result: Parliamentarians, and federal- and private-sector organizations are informed and guided to protect Canadians’ privacy rights	Indicator: Percentage of OPC recommendations on privacy-relevant bills and studies that have been adopted	
		Indicator: Percentage of private sector organizations that have a good or excellent knowledge of their privacy obligations	
		Indicator: Percentage of key privacy issues that are the subject of guidance to organizations on how to comply with their privacy responsibilities	
		Indicator: Percentage of federal and private sector organizations that find OPC’s advice and guidance to be useful in reaching compliance	
	Program Inventory	Compliance Program Promotion Program	

Supporting information on the program inventory

Financial, human resources and performance information for the OPC’s program inventory is available in [GC InfoBase](#).^{xlii}

Supplementary information tables

The following [supplementary information tables](#)^{xliii} are available on the OPC’s website.

- ▶ Reporting on Green Procurement
- ▶ Details on transfer payment programs
- ▶ Gender-based analysis plus

Federal tax expenditures

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures each year in the [Report on Federal Tax Expenditures](#).^{xliiv} This report also provides detailed background information on tax expenditures, including descriptions, objectives, historical information and references to related federal spending programs as well as evaluations and GBA Plus of tax expenditures.

Organizational contact information

Mailing address:

30 Victoria Street
Gatineau, Quebec K1A 1H3
Canada

Telephone: 819-994-5444

Toll Free: 1-800-282-1376

Fax: 819-994-5424

TTY: 819-994-6591¹⁰

Website: www.priv.gc.ca^{xliv}

¹⁰ Individuals using the teletype writer service may leave a message and we will respond within three business days. You may also request an appointment for a live call via our online form or by leaving a message detailing your request.

Appendix: definitions

appropriation (*crédit*)

Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

budgetary expenditures (*dépenses budgétaires*)

Operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

core responsibility (*responsabilité essentielle*)

An enduring function or role performed by a department. The intentions of the department with respect to a core responsibility are reflected in one or more related departmental results that the department seeks to contribute to or influence.

Departmental Plan (*plan ministériel*)

A report on the plans and expected performance of an appropriated department over a 3-year period. Departmental Plans are usually tabled in Parliament each spring.

departmental priority (*priorité*)

A plan or project that a department has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired departmental results.

departmental result (*résultat ministériel*)

A consequence or outcome that a department seeks to achieve. A departmental result is often outside departments' immediate control, but it should be influenced by program-level outcomes.

departmental result indicator (*indicateur de résultat ministériel*)

A quantitative measure of progress on a departmental result.

departmental results framework (*cadre ministériel des résultats*)

A framework that connects the department's core responsibilities to its departmental results and departmental result indicators.

Departmental Results Report (*rapport sur les résultats ministériels*)

A report on a department's actual accomplishments against the plans, priorities and expected results set out in the corresponding Departmental Plan.

full-time equivalent (*équivalent temps plein*)

A measure of the extent to which an employee represents a full person-year charge against a departmental budget. For a particular position, the full-time equivalent figure is the ratio of

number of hours the person actually works divided by the standard number of hours set out in the person's collective agreement.

gender-based analysis plus (GBA Plus) (*analyse comparative entre les sexes plus [ACS Plus]*)

An analytical tool used to support the development of responsive and inclusive policies, programs and other initiatives; and understand how factors such as sex, race, national and ethnic origin, Indigenous origin or identity, age, sexual orientation, socio-economic conditions, geography, culture and disability, impact experiences and outcomes, and can affect access to and experience of government programs.

government-wide priorities (*priorités pangouvernementales*)

For the purpose of the 2022–23 Departmental Results Report, government-wide priorities are the high-level themes outlining the government's agenda in the [November 23, 2021, Speech from the Throne](#): building a healthier today and tomorrow; growing a more resilient economy; bolder climate action; fighter harder for safer communities; standing up for diversity and inclusion; moving faster on the path to reconciliation; and fighting for a secure, just and equitable world.

horizontal initiative (*initiative horizontale*)

An initiative where two or more federal organizations are given funding to pursue a shared outcome, often linked to a government priority.

non-budgetary expenditures (*dépenses non budgétaires*)

Net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

performance (*rendement*)

What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve, and how well lessons learned have been identified.

performance indicator (*indicateur de rendement*)

A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

performance reporting (*production de rapports sur le rendement*)

The process of communicating evidence-based performance information. Performance reporting supports decision making, accountability and transparency.

plan (*plan*)

The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally, a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead to the expected result.

planned spending (*dépenses prévues*)

For Departmental Plans and Departmental Results Reports, planned spending refers to those amounts presented in Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their Departmental Plans and Departmental Results Reports.

program (*programme*)

Individual or groups of services, activities or combinations thereof that are managed together within the department and focus on a specific set of outputs, outcomes or service levels.

program inventory (*répertoire des programmes*)

Identifies all the department's programs and describes how resources are organized to contribute to the department's core responsibilities and results.

result (*résultat*)

A consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

Indigenous business (*entreprise autochtone*)

For the purpose of the *Directive on the Management of Procurement Appendix E: Mandatory Procedures for Contracts Awarded to Indigenous Businesses* and the Government of Canada's commitment that a mandatory minimum target of 5% of the total value of contracts is awarded to Indigenous businesses, an organization that meets the definition and requirements as defined by the [Indigenous Business Directory](#).

statutory expenditures (*dépenses législatives*)

Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

target (*cible*)

A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

voted expenditures (*dépenses votées*)

Expenditures that Parliament approves annually through an appropriation act. The vote wording becomes the governing conditions under which these expenditures may be made.

Endnotes

- i. Office of the Privacy Commissioner of Canada, <https://www.priv.gc.ca/en/>
- ii. Announcement: Commissioners launch joint investigation into TikTok, https://www.priv.gc.ca/en/opc-news/news-and-announcements/2023/an_230223/
- iii. Announcement: OPC to investigate ChatGPT jointly with provincial privacy authorities, https://www.priv.gc.ca/en/opc-news/news-and-announcements/2023/an_230525-2/
- iv. Submission of the Office of the Privacy Commissioner of Canada on Bill C-27, the Digital Charter Implementation Act, 2022, https://priv.gc.ca/en/opc-actions-and-decisions/submissions-to-consultations/sub_indu_c27_2304/
- v. BILL C-27: An Act to enact the Consumer Privacy Protection Act, the Personal Information and Data Protection Tribunal Act and the Artificial Intelligence and Data Act and to make consequential and related amendments to other Acts, <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-27/first-reading>
- vi. OPC’s 15 key recommendations on Bill C-27, https://priv.gc.ca/en/opc-news/news-and-announcements/2023/recs_c27/
- vii. Appearance before the Committee on Access to Information, Privacy and Ethics (ETHI) on their Study of the Collection and Use of Mobility Data by the Government of Canada, https://www.priv.gc.ca/en/opc-actions-and-decisions/advice-to-parliament/2022/parl_20220207/
- viii. Appearance before the Standing Committee on Access to Information, Privacy and Ethics (ETHI) on their Study of the Use and Impact of Facial Recognition Technology, https://www.priv.gc.ca/en/opc-actions-and-decisions/advice-to-parliament/2022/parl_20220502/
- ix. Appearance before the Standing Committee on Access to Information, Privacy and Ethics (ETHI) on the Study of Device Investigation Tools Used by the RCMP, https://www.priv.gc.ca/en/opc-actions-and-decisions/advice-to-parliament/2022/parl_20220808/
- x. Joint investigation into location tracking by the Tim Hortons App, <https://priv.gc.ca/en/opc-actions-and-decisions/investigations/investigations-into-businesses/2022/pipeda-2022-001/>
- xi. Investigation into Home Depot of Canada Inc.’s compliance with PIPEDA, <https://priv.gc.ca/en/opc-actions-and-decisions/investigations/investigations-into-businesses/2023/pipeda-2023-001/>
- xii. Joint investigation into location tracking by the Tim Hortons App, <https://priv.gc.ca/en/opc-actions-and-decisions/investigations/investigations-into-businesses/2022/pipeda-2022-001/>
- xiii. Investigation into Home Depot of Canada Inc.’s compliance with PIPEDA, <https://priv.gc.ca/en/opc-actions-and-decisions/investigations/investigations-into-businesses/2023/pipeda-2023-001/>
- xiv. Federal Court Decisions, Cain V. Canada (Health), <https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/522872/index.do>
- xv. Privacy Act Extension Order No. 3 allows all individuals to request access to their personal information, https://www.priv.gc.ca/en/for-federal-institutions/privacy-act-bulletins/pab_20220713/
- xvi. Someone could be watching: Tips for securing web-connected cameras, https://www.priv.gc.ca/en/privacy-topics/information-and-advice-for-individuals/online-services/gd_wcc_202211/
- xvii. Consider the risks: Faxing personal information, https://www.priv.gc.ca/en/privacy-topics/technology/02_05_d_04/
- xviii. Playing with privacy, <https://www.priv.gc.ca/en/blog/20221201/>
- xix. The facts of life for teens: Privacy and sexting, https://www.priv.gc.ca/en/about-the-opc/what-we-do/awareness-campaigns-and-events/privacy-education-for-kids/resources-for-teachers/02_05_d_75_sexting/
- xx. Help for businesses and individuals to protect against cyber-attacks that exploit password re-use, https://www.priv.gc.ca/en/opc-news/news-and-announcements/2022/an_220628/
- xxi. Appearance before the Committee on Access to Information, Privacy and Ethics (ETHI) on their Study of the Collection and Use of Mobility Data by the Government of Canada, https://www.priv.gc.ca/en/opc-actions-and-decisions/advice-to-parliament/2022/parl_20220207/

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- xxiv. BILL C-27: An Act to enact the Consumer Privacy Protection Act, the Personal Information and Data Protection Tribunal Act and the Artificial Intelligence and Data Act and to make consequential and related amendments to other Acts, <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-27/first-reading>
- xxv. Submission of the Office of the Privacy Commissioner of Canada on Bill C-27, the Digital Charter Implementation Act, 2022, https://priv.gc.ca/en/opc-actions-and-decisions/submissions-to-consultations/sub_indu_c27_2304/
- xxvi. OPC’s 15 key recommendations on Bill C-27, https://priv.gc.ca/en/opc-news/news-and-announcements/2023/recs_c27/
- xxvii. Interpretation Bulletin: Sensitive Information, https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/the-personal-information-protection-and-electronic-documents-act-pipeda/pipeda-compliance-help/pipeda-interpretation-bulletins/interpretations_10_sensible/
- xxviii. Privacy Act Bulletins, <https://priv.gc.ca/en/for-federal-institutions/privacy-act-bulletins/>
- xxix. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#orgs/dept/256/infograph/intro>
- xxx. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#orgs/dept/256/infograph/intro>
- xxxi. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#orgs/dept/256/infograph/intro>
- xxxii. 2022-2025 Accessibility plan for the Office of the Privacy Commissioner of Canada: Moving toward a more accessible OPC, https://www.priv.gc.ca/en/accessibility/accessibility_2022-2025/
- xxxiii. Public Accounts of Canada, <http://www.tpsgc-pwgsc.gc.ca/recgen/cpc-pac/index-eng.html>
- xxxiv. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#orgs/dept/256/infograph/intro>
- xxxv. Audits of the OPC conducted by federal institutions, <https://www.priv.gc.ca/en/about-the-opc/opc-operational-reports/audits-and-evaluations-of-the-opc/audits-of-the-opc-conducted-by-federal-institutions/>
- xxxvi. Future-Oriented Condensed Statement of Operations for the year ended March 31, 2022, https://www.priv.gc.ca/en/about-the-opc/opc-operational-reports/planned-opc-spending/future-oriented-financial-statements/2022-2023/2022-23_index/
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- xxxviii. Privacy Act, <http://laws-lois.justice.gc.ca/eng/acts/P-21/FullText.html>
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- xl. OPC’s Raison d’être, mandate and role: who we are and what we do, https://www.priv.gc.ca/en/about-the-opc/opc-operational-reports/reporting-of-opc-spending/drr_index/2022-2023/rd_202122/
- xli. Operating context, https://www.priv.gc.ca/en/about-the-opc/opc-operational-reports/reporting-of-opc-spending/drr_index/2022-2023/operating-context_2022-23_drr/
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- xliiii. Supplementary Information Tables, <https://www.priv.gc.ca/en/about-the-opc/opc-operational-reports/reporting-of-opc-spending/departmental-performance-reports/2022-23/st-ts/>
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