



Information
Commissioner
of Canada

Commissaire
à l'information
du Canada

ANNUAL REPORT

on the Administration
of the Privacy Act

Respect

Excellence

Integrity Intégrité

Leadership



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Contents

1	Introduction	2
2	Organization	2
3	Delegation order	3
4	Interpretation of the statistical report	3
	4.1 Requests received under the <i>Privacy Act</i>	4
	4.2 Disposition of completed requests	4
	4.3 Exemptions	4
	4.4 Completion times	4
	4.5 Method of access	4
	4.6 Costs	4
5	Education and training	5
6	Changes to the organization, programs, operations or policies	5
7	Complaints	5
8	Monitoring timelines	6
9	Privacy breaches	6
10	Privacy Impact Assessments	6
11	Public interest disclosures	6
	Appendix A: Delegation orders, July 16, 2011	7
	Appendix B: Statistical report on the <i>Privacy Act</i>	9

1

Introduction

This report to Parliament, prepared and tabled in accordance with section 72 of the *Privacy Act*, describes the activities of the Office of the Information Commissioner of Canada (OIC) in administering the Act during 2013–2014.¹

The purpose of the *Privacy Act* is to safeguard the privacy of individuals by protecting personal information held by government institutions. The Act also gives individuals the right to access their own personal information.

The OIC was established under the *Access to Information Act* in 1983 as an independent oversight body reporting to Parliament. The OIC conducts efficient, fair and confidential investigations into complaints about government institutions' handling of access to information requests. The goal of the OIC's work is to maximize compliance with the Act while fostering disclosure of public sector information.

The OIC became subject to the *Privacy Act* in 2007. Since then, the organization has made every effort to provide exemplary service to requesters. Here are some highlights from 2013–2014:

- completing formal requests in an average of 17.4 days; and
- reviewing a total of 3,790 pages for nine requests.

2

Organization

The Information Commissioner, Suzanne Legault, is supported by employees working under the direction of the Assistant Commissioner, Complaints Resolution and Compliance, the Director General, Corporate Services, and the General Counsel, Legal Services.

The OIC has three branches, as follows:

- The **Complaints Resolution and Compliance Branch** carries out investigations and dispute resolution efforts to resolve complaints. It assesses the performance of government institutions and conducts systemic investigations.
- **Legal Services** represents the Commissioner in court cases and provides legal advice on investigations, as well as on legislative and administrative matters.

¹ *Privacy Act*, R.S., 1985, c. P-21

- **Corporate Services** provides strategic and corporate leadership for various functions, such as communications, human resources, and information management and technology. It also manages the access to information and privacy function.

The **Access to Information and Privacy (ATIP) Secretariat** processes all requests made under the *Privacy Act* for records under the control of the OIC. The ATIP Secretariat had three staff members in 2013–2014:

- The Director, ATIP Secretariat, oversees the handling of requests, policy development and training. The Director holds full delegated authority under the Act as ATIP Coordinator. The Director reports to the Director General, Corporate Services.
- The Senior ATIP Officer processes requests and holds some delegated authority for tasks such as taking time extensions, and arranging for translation or interpretation of personal information. The Senior ATIP Officer reports to the Director, ATIP Secretariat.
- The Junior ATIP Officer processes requests and performs administrative tasks in the ATIP Secretariat. The Junior ATIP Officer reports to the Director, ATIP Secretariat.

3

Delegation order

Under the *Privacy Act*, the Information Commissioner is the designated head of the institution for the purpose of administering the legislation.

During the reporting period, the delegation order pursuant to section 73 of the Act, signed on July 16, 2011, was in effect (Appendix A).

4

Interpretation of the statistical report

The statistical report details all aspects of the ATIP Secretariat's processing of privacy requests the OIC received from April 1, 2013, to March 31, 2014 (Appendix B). Below are some items of note from that report.

4.1 REQUESTS RECEIVED UNDER THE *PRIVACY ACT*

The OIC received nine requests under the *Privacy Act* in 2013–2014, two more than in the previous reporting period. All these were completed before March 31, 2014.

4.2 DISPOSITION OF COMPLETED REQUESTS

Of the nine completed requests, the OIC disclosed all the requested information in two cases. In five cases, the information was disclosed in part. In two cases, no records existed.

4.3 EXEMPTIONS

The OIC invoked subsection 22(1)(b) (investigations) in four requests in order to protect information obtained from complainants or from other government institutions during the course of investigations. In one request, the OIC also invoked section 26 (information about another individual). In two others, section 27 (solicitor-client privilege) was invoked.

4.4 COMPLETION TIMES

The OIC completed all requests within the statutory timelines, in an average of 17.4 days, and did not claim any extensions. (One request was completed in 30 days; however, the due date fell on a weekend or statutory holiday and was, therefore, moved to the next business day.)

4.5 METHOD OF ACCESS

Six release packages were provided on CD and one on paper.

4.6 COSTS

Category	Amount
Salary	\$18,475
Administration (operations and management)	401
Total	\$18,876
Person-years	0.24

Costs incurred during the reporting period are calculated based on the salaries of ATIP Secretariat members and expenses associated with the administration of the Act.

5

Education and training

The ATIP Secretariat provided one-on-one training on ATIP procedures to OIC employees, as needed. Secretariat staff also provided ongoing guidance to offices of primary interest (subject-matter experts) regarding the search and retrieval of relevant records.

6

Changes to the organization, programs, operations or policies

The ATIP Secretariat no longer informally releases information other than personal information to requesters seeking files associated with their complaint investigations. This decision was taken in the context of observations by the Information Commissioner *ad hoc*, who investigates complaints about the OIC's handling of access to information requests.

7

Complaints

Two complaints were lodged with the Privacy Commissioner of Canada against the OIC in 2013–2014. The complaints deal with the application of subparagraph 22(1)(b)(iii) and the completeness of the search for records. The investigations into these complaints are ongoing.

One complaint carried over from the previous reporting period was discontinued during 2013–2014.

8

Monitoring timelines

The ATIP Secretariat monitors the time to process requests and generates, through the electronic case management system, a report on all open requests, including their status and due dates. This report is circulated to OIC senior management once a week.

9

Privacy breaches

No privacy breaches occurred during the reporting period.

10

Privacy Impact Assessments

The OIC neither initiated nor completed any Privacy Impact Assessments in 2013–2014. These assessments are required when an organization gathers new personal information or when it changes the purposes for which it gathers personal information.

11

Public interest disclosures

The OIC made no disclosures of information under paragraph 8(2)(m) of the *Privacy Act* during the reporting period. These disclosures are made when the Commissioner decides that releasing the information in the public interest clearly outweighs any invasion of the privacy of the person to whom the records relate or when releasing the information would benefit the person in question.

Appendix A: Delegation orders, July 16, 2011



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Delegation orders for the purpose of the *Access to Information Act* and the *Privacy Act* Arrêté de délégation en vertu de la *Loi sur l'accès à l'information* et de la *Loi sur la protection des renseignements personnels*

The Information Commissioner of Canada, pursuant to Section 73 of the *Access to Information Act* and of the *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers and functions of the Information Commissioner of Canada as the head of a government institution that is, the Office of the Information Commissioner of Canada. This Delegation Order supersedes all previous Delegation Orders pursuant to section 73.

En vertu de l'article 73 de la *Loi sur l'accès à l'information* et de la *Loi sur la protection des renseignements personnels*, la Commissaire à l'information du Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire lesdits postes, les attributions dont elle est investie en qualité de responsable d'une institution fédérale, c'est-à-dire le Commissariat à l'information du Canada. Le présent arrêté de délégation annule et remplace tout arrêté antérieur fait en vertu de l'article 73.

This delegation order is effective on July 18, 2011

Cet arrêté de délégation prend effet le 18 juillet 2011.

Dated, at the City of Ottawa, this 16th day of July 2011

Daté, à la ville d'Ottawa, ce 16^e jour de juillet 2011

Suzanne Legault
Information Commissioner of Canada
Commissaire à l'information du Canada

Schedule / Annexe

Position/ Poste	<i>Privacy Act and Regulations/ Loi sur la protection des renseignements personnels et règlement.</i>	<i>Access to Information Act and Regulations/ Loi sur l'accès à l'information et règlement.</i>
Director General (Corporate Services) / Directeur général (Services organisationnels)	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue
Director, ATIP Secretariat/ Directeur, Secrétariat de l'AIPRP	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue
ATIP Officer/ Agent de l'AIPRP	Sections of the Act / articles de la Loi: 15, 17(2)(b) Sections of the Regulations / articles du Règlement: 9, 11(2), 11(4), 13(1), 14	Sections of the Act / articles de la Loi: 4(2.1), 8(1), 9, 11(2), 11(3), 11(4), 11(5), 11(6), 12(2), 12(3), 27(1), 27(4), 29(1). Sections of the Regulations / articles du Règlement: 6(1), 7(2), 7(3), 8, 8.1

Appendix B: Statistical report on the *Privacy Act*



Government of Canada / Gouvernement du Canada

Statistical Report on the *Privacy Act*

Name of institution: Office of the Information Commissioner

Reporting period: 01/04/2013 to 31/03/2014

PART 1 – Requests under the *Privacy Act*

	Number of Requests
Received during reporting period	9
Outstanding from previous reporting period	0
Total	9
Closed during reporting period	9
Carried over to next reporting period	0

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	3	1	0	0	0	0	5
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	2	0	0	0	0	0	0	2
Request abandoned	0	0	0	0	0	0	0	0
Total	4	4	1	0	0	0	0	9

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)	4	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	1
19(1)(f)	0	22.1	0	27	2
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	1	1	0
Disclosed in part	0	5	0
Total	1	6	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	2148	2148	2
Disclosed in part	1642	1104	5
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	0

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less than 100 pages processed		101-500 pages processed		501-1000 pages processed		1001-5000 pages processed		More than 5000 pages processed	
	Number of Requests	Pages disclosed	Number of Requests	Pages disclosed	Number of Requests	Pages disclosed	Number of Requests	Pages disclosed	Number of Requests	Pages disclosed
All disclosed	1	2	0	0	0	0	1	2146	0	0
Disclosed in part	1	66	3	711	1	327	0	0	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	0	0	0	0	0	0	0	0	0	0
Total	2	68	3	711	1	327	1	2146	0	0

2.5.3 Other complexities

Disposition	Consultation required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	0	1	0	0	1
Disclosed in part	0	0	0	0	0
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
Total	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
Total	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
Total	0	0	0

PART 3 – Disclosures under subsection 8(2)

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

PART 4 – Requests for correction of personal information and notations

	Number
Requests for correction received	0
Requests for correction accepted	0
Requests for correction refused	0
Notations attached	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	0	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
Total	0	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	0	0	0	0
Total	0	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	0	0	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	0	0	0	0
Closed during the reporting period	0	0	0	0
Pending at the end of the reporting period	0	0	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	than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

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	than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

PART 7 – Completion time of consultations on Cabinet confidences

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
Total	0	0

PART 8 – Resources related to the *Privacy Act*

8.1 Costs

Expenditures		Amount
Salaries		\$18,475
Overtime		\$0
Goods and Services		\$401
• Contracts for privacy impact assessments	\$0	
• Professional services contracts	\$0	
• Other	\$401	
Total		\$18,876

8.2 Human Resources

Resources	Dedicated full-time	Dedicated part-time	Total
Full-time employees	0.20	0.00	0.20
Part-time and casual employees	0.04	0.00	0.04
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.00	0.00	0.00
Students	0.00	0.00	0.00
Total	0.24	0.00	0.24

Appendix A

Previously released ATI package released informally

Institution	Number of informal releases of previously released ATI packages
Office of the Information Commissioner	24

Completed Privacy Impact Assessments (PIAs)

Institution	Number of Completed PIAs
Office of the Information Commissioner	0

Completion Time of Consultations on Cabinet Confidences under the ATIA - Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1,000 Pages Processed		1,001-5,000 Pages Processed		More Than 5,000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Completion Time of Consultations on Cabinet Confidences under the ATIA - Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1,000 Pages Processed		1,001-5,000 Pages Processed		More Than 5,000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Completion Time of Consultations on Cabinet Confidences under the PA - Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1,000 Pages Processed		1,001-5,000 Pages Processed		More Than 5,000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Completion Time of Consultations on Cabinet Confidences under the PA - Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1,000 Pages Processed		1,001-5,000 Pages Processed		More Than 5,000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0