



Information  
Commissioner  
of Canada

Commissaire  
à l'information  
du Canada

# ANNUAL REPORT

on the Administration  
of the *Privacy Act*

2015–2016

Respect

Excellence

Integrity Intégrité

Leadership

# CONTENTS

Introduction	1
About the OIC	1-2
Privacy activities at the OIC	2-3
2015-2016 statistics and trends	3-4
APPENDIX A: Delegation order, <i>Privacy Act</i>	5-6
APPENDIX B: 2015–2016 statistical report	7-13

## Introduction

The *Privacy Act* (Act) safeguards 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 Office of the Information Commissioner (OIC) has been subject to the *Privacy Act* since 2007. The OIC pursues all measures to protect personal information and provide prompt access to the personal information it holds in response to requests.

This report, prepared and tabled in accordance with section 72 of the *Privacy Act*, reviews the OIC's privacy-related activities for 2015–2016.

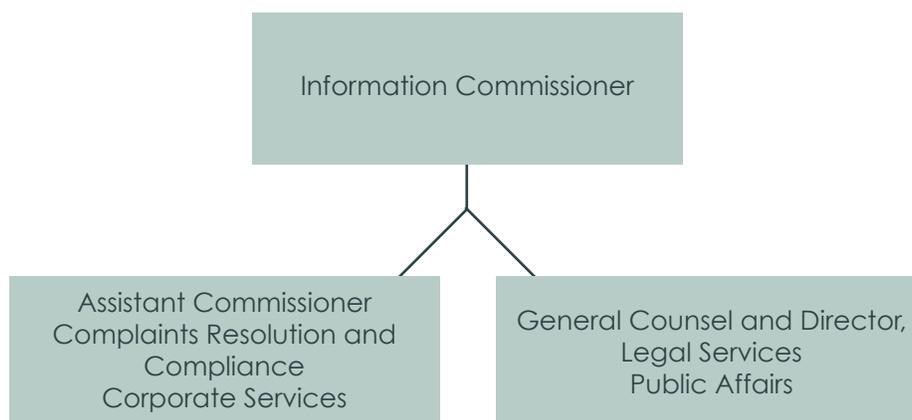
The OIC received eight new privacy requests in 2015–2016 and carried two over from the previous year. Nine of the ten requests were completed within the year. The organization also achieved the notable average completion time for these files of **17.3 days**.

## About the OIC

The OIC is an independent public body created in 1983 under the *Access to Information Act*. The OIC's primary responsibility is to conduct efficient, fair and confidential investigations into complaints about federal institutions' handling of access to information requests. The OIC primarily uses mediation and persuasion to resolve complaints. The OIC brings cases to the Federal Court to ensure the *Access to Information Act* is properly applied and interpreted.

The OIC also supports the Information Commissioner in her advisory role to Parliament and parliamentary committees on all matters pertaining to access to information. The OIC actively makes the case for greater freedom of information in Canada through targeted initiatives such as Right to Know Week and ongoing dialogue with Canadians, Parliament and federal institutions.

## ORGANIZATIONAL STRUCTURE



*Complaints Resolution and Compliance* mediates and investigates complaints about the processing of access to information requests and any issues related to requesting or obtaining access to records under the *Access to Information Act*, and makes formal recommendations to institutions and heads of institutions, as required. *Legal Services* represents the Commissioner in court as she seeks to clarify points of access law and uphold information rights. Lawyers provide legal advice on investigations, and on administrative and legislative

matters, as well as customized reference tools and training on recent case law. Legal Services also monitors legislative developments to determine their possible effect on the Commissioner's work and access to information in general.

*Public Affairs* conducts communications and external relations with a wide range of stakeholders, notably Parliament, governments and the media. Public Affairs also provides input to the Treasury Board of Canada Secretariat on improving the administration of the *Access to Information Act*. Public Affairs is responsible for the OIC's access to information and privacy function.

*Corporate Services* provides strategic and corporate leadership for planning and reporting, human resources and financial management, security and administrative services, internal audit and evaluation, and information management and technology.

## Privacy activities at the OIC

### SECRETARIAT

The OIC has a small team of specialists who carry out the organization's access to information and privacy (ATIP) activities. In 2015–2016, the ATIP Secretariat comprised the Acting Director (full time) and the Junior ATIP Officer (part time), both supported by a consultant (part time).

Secretariat staff process requests, provide training on privacy matters to new staff, and develop and implement policies and procedures.

In October 2015, the OIC approved a protocol to govern when it collects, uses or discloses personal information for non-administrative purposes. The protocol ensures that all personal information is protected and handled in a manner consistent with the *Privacy Act* and relevant policies.

In 2015–2016, the Secretariat held two training sessions for employees on their responsibilities under the *Access to Information Act* and *Privacy Act*, with a total of 23 staff in attendance.

In March 2016, the Secretariat introduced A-Tips, a regular series of tips and reminders posted on the OIC intranet to remind employees about their access to information and privacy responsibilities.

ATIP staff monitor the progress of requests to ensure they are processed efficiently, and generate reports on all open requests through the electronic case management system, for review by senior management.

The Acting Director and other OIC officials hold full delegated authority under the *Privacy Act*. Appendix A contains a copy of the delegation order. The OIC expects to fill the Director's position on a permanent basis in 2016–2017.

### PRIVACY BREACHES

No material privacy breaches occurred in 2015-2016.

## PRIVACY IMPACT ASSESSMENTS

In September 2015, the various federal tenants at 30 Victoria Street in Gatineau (where the OIC is located), led by the Office of the Privacy Commissioner, completed a multi-institutional Privacy Impact Assessment of their joint surveillance and access control and identity management security system. The computer-based system integrates several technologies, such as panic alarms, intrusion detectors, cameras, access controls, and smart identity and access cards.

The assessment notes that security officials may use or disclose the personal information collected to help security officials monitor activities and issue temporary access passes. In the event of security-related incidents in the building, security officials may share personal information with law enforcement agencies and emergency workers. Warning signs inform all personnel and visitors that surveillance cameras are recording activities.

## 2015–2016 statistics and trends

Appendix B contains the OIC’s statistical report on the *Privacy Act* for 2015–2016. The following sets out some highlights from that report, along with some trends related to workload, timeliness and disclosure over the years the OIC has been subject to the *Privacy Act*.

### WORKLOAD

The OIC received eight new requests in 2015–2016 and carried two over from the previous year. It is typical for the OIC to receive fewer than 10 requests in a year. Only once did the OIC receive more than that (22 in 2014–2015).

In responding to these requests, the OIC processed 5,912 pages, which is the second largest amount since the OIC began to track page volume in 2011–2012. The majority of the pages processed in 2015–2016 were for one request (4,369 pages).

The OIC also responded to one consultation request from another institution.

### TIMELINESS

The OIC completed 9 of the 10 incoming requests within the reporting period. All were completed within 30 days (so no extensions were required), and the average completion time was **17.3 days**. With the exception of 2012–2013, the OIC has achieved an average completion time of less than 20 days each year.

None of the requests the OIC completed in 2015–2016 were late. In fact, over the nine years the OIC has been subject to the *Privacy Act*, it has never completed a request late (known as a “deemed refusal”).

## **DISCLOSURE**

The OIC disclosed all the processed records for two requests in 2015–2016. The records were disclosed in part for the remaining seven. Overall, the OIC disclosed 5,751 pages, 97 percent of the number of pages processed.

In 2015–2016, the OIC claimed exemptions nine times to withhold information. The most often used was section 26 (personal information of someone other than the requester; five instances), followed by paragraph 22(1)(b) (law enforcement and investigations; three instances) and section 27 (solicitor-client privilege; one instance). These have traditionally been the most common exemptions the OIC has used to withhold information.

The OIC applied no exclusions to records in 2015–2016.

The OIC made no disclosures of personal information in the public interest under paragraph 8(2)(m).

## **COMPLAINTS**

The Office of the Privacy Commissioner received three complaints about the OIC's handling of privacy matters in 2015–2016. One of these complaints pertains to missing records and the other two to exemptions the OIC applied to withhold information. Investigations into these complaints are ongoing.

One complaint from 2014–2015 about the disclosure of personal information was closed during 2015–2016 as not well founded. Investigations into three complaints from three previous years are ongoing.

# Appendix A: Delegation order, *Privacy Act*



Commissaire à l'information du Canada  
Information Commissioner of Canada

Gatineau, Canada  
K1A 1H3

## 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 September 8, 2015

Cet arrêté de délégation prend effet le 8 septembre 2015.

Dated, at the City of Gatineau, this 8 day of September 2015

Daté, à la ville de Gatineau, ce 8 jour de septembre, 2015

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



Schedule / Annexe

<b>Position/ Poste</b>	<b>Privacy Act and Regulations/ Loi sur la protection des renseignements personnels et règlement.</b>	<b>Access to Information Act and Regulations/ Loi sur l'accès à l'information et règlement.</b>
General Counsel (Director of Legal Services) / Avocate générale (Directrice des services juridiques)	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue
Director Public Affairs / Directrice affaires publiques	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 : 2015–2016 statistical report



## Statistical Report on the *Privacy Act*

Name of institution: Office of the information Commissioner of Canada

Reporting period: 2015-04-01 to 2016-03-31

### Part 1: Requests Under the *Privacy Act*

	Number of Requests
Received during reporting period	8
Outstanding from previous reporting period	2
<b>Total</b>	<b>10</b>
Closed during reporting period	9
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	2	0	0	0	0	0	0	2
Disclosed in part	1	6	0	0	0	0	0	7
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
<b>Total</b>	<b>3</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9</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)	3	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	0	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)	0	70(1)(d)	0
69(1)(b)	0	70(1)(a)	0	70(1)(e)	0
69.1	0	70(1)(b)	0	70(1)(f)	0
		70(1)(c)	0	70.1	0

## 2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	2	0	0
Disclosed in part	0	7	0
<b>Total</b>	<b>2</b>	<b>7</b>	<b>0</b>

## 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	2	2	2
Disclosed in part	5910	5749	7
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	0
Neither confirmed nor denied	0	0	0
<b>Total</b>	<b>5912</b>	<b>5751</b>	<b>9</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	2	0	0	0	0	0	0	0	0
Disclosed in part	2	101	3	553	1	726	1	4369	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>4</b>	<b>103</b>	<b>3</b>	<b>553</b>	<b>1</b>	<b>726</b>	<b>1</b>	<b>4369</b>	<b>0</b>	<b>0</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	0	0	1	1
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>

## 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 Subsections 8(2) and 8(5)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Subsection 8(5)	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	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
<b>Total</b>	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
<b>Total</b>	0	0	0	0

## Part 6: Consultations Received From Other Institutions and Organizations

### 6.1 Consultations received from other Government of Canada institutions and other organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during the reporting period	1	9	0	0
Outstanding from the previous reporting period	0	0	0	0
<b>Total</b>	1	9	0	0
Closed during the reporting period	1	9	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 of Canada institutions

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	1	0	0	0	0	0	0	1
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	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>	1	0	0	0	0	0	0	1

### 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	
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	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>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Part 7: Completion Time of Consultations on 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>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 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>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Part 8: Complaints and Investigations Notices Received**

Section 31	Section 33	Section 35	Court action	Total
3	1	0	0	4

**Part 9: Privacy Impact Assessments (PIAs)**

Number of PIA(s) completed	1
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**Part 10: Resources Related to the Privacy Act**

**10.1 Costs**

Expenditures		Amount
Salaries		\$33,135
Overtime		\$0
Goods and Services		\$23,612
• Professional services contracts	\$23,333	
• Other	\$279	
<b>Total</b>		<b>\$56,747</b>

**10.2 Human Resources**

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.25
Part-time and casual employees	0.22
Regional staff	0.00
Consultants and agency personnel	0.17
Students	0.00
<b>Total</b>	<b>0.64</b>

**Note:** Enter values to two decimal places.