



# Offices of the Information and Privacy Commissioners

## Performance Report

For the period ending  
March 31, 2000

Canada

## **Improved Reporting to Parliament Pilot Document**

The Estimates of the Government of Canada are structured in several parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve.

The *Report on Plans and Priorities* provides additional detail on each department and its programs primarily in terms of more strategically oriented planning and results information with a focus on outcomes.

The *Departmental Performance Report* provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the spring *Report on Plans and Priorities*.

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## Foreword

On April 24, 1997, the House of Commons passed a motion dividing on a pilot basis the *Part III of the Estimates* document for each department or agency into two separate documents: a *Report on Plans and Priorities* tabled in the spring and a *Departmental Performance Report* tabled in the fall.

This initiative is intended to fulfil the government's commitments to improve the expenditure management information provided to Parliament. This involves sharpening the focus on results, increasing the transparency of information and modernizing its preparation.

The Fall Performance Package is comprised of 83 Departmental Performance Reports and the President's annual report, *Managing for Results 2000*.

This ***Departmental Performance Report***, covering the period ending March 31, 2000 provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the department's *Report on Plans and Priorities* for 1999-00 tabled in Parliament in the spring of 1999.

Results-based management emphasizes specifying expected program results, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and reporting on achievements in a balanced manner. Accounting and managing for results involve sustained work across government.

The government continues to refine its management systems and performance framework. The refinement comes from acquired experience as users make their information needs more precisely known. The performance reports and their use will continue to be monitored to make sure that they respond to Parliament's ongoing and evolving needs.

This report is accessible electronically from the Treasury Board Secretariat Internet site: <http://www.tbs-sct.gc.ca/rma/dpr/dpre.asp>

Comments or questions can be directed to the TBS Internet site or to:

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**OFFICES OF THE INFORMATION AND PRIVACY COMMISSIONERS**

**PERFORMANCE REPORT**

**for the Period Ending March 31, 2000**

Approved: \_\_\_\_\_  
The Honourable A. Anne McLellan, PC, MP  
Minister of Justice and  
Attorney General of Canada

Date: \_\_\_\_\_

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**OFFICE OF THE INFORMATION COMMISSIONER'S  
PERFORMANCE REPORT**

I am pleased to submit my Performance Report for the fiscal period April 1, 1999 to March 31, 2000.

Approved: \_\_\_\_\_  
The Honourable John M. Reid  
Information Commissioner of Canada

Date: \_\_\_\_\_

## **SECTION I - OFFICE OF THE INFORMATION COMMISSIONER**

The Office of the Information Commissioner of Canada was created under the Access to Information Act which came into force on July 1, 1983. The Commissioner is an independent officer of Parliament appointed by the Governor-in-Council following approval of his nomination by resolution of the Senate and the House of Commons. The Office of the Commissioner is designated by Order-in-Council as a department for purposes of the Financial Administration Act.

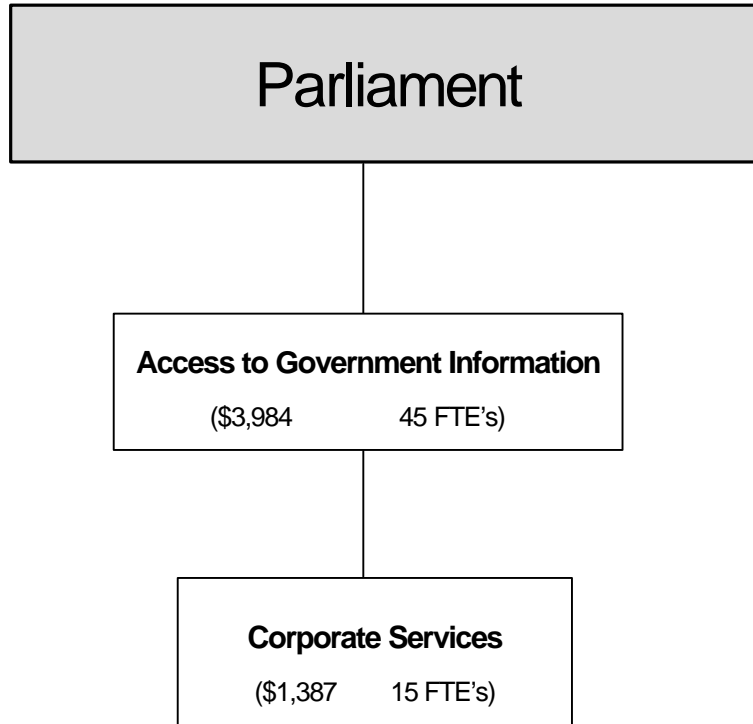
The Commissioner is accountable for, and reports directly to Parliament, through the Speakers of the House and Senate, on the results achieved with the resources and authorities provided. The Commissioner shares Corporate Services with the Privacy Commissioner while operating independently under his separate statutory authority.

The Office of the Information Commissioner of Canada has one business line, see Figure 1 on page 5, which contributes to program objectives (*access to government information*) and one internal business line (Corporate Services). The Chart of Key Results Commitments, see Figure 2 on page 6, provides a guide to the performance information associated with the Commissioner's operations.

During 1999-00, the Office fulfilled its statutory mandate of ensuring fairness, thoroughness and timeliness to all parties in the investigation of complaints under the access to information law; encouraging a culture of openness in government so that, over time, the number of complaints will diminish; and assisting Parliament in modernizing and strengthening the access law. Additionally, the Office made every reasonable effort to deal with an increasing workload of complaints, inquiries and issues in the context of an inadequate resource base.

This report provides the reader with a look at the Office's performance during 1999-00, the factors that have influenced change and how the Commissioner has administered his program.

**Figure 1: Accountability for Business Line Results Achieved with the 1999-00 Resources (\$000's) and Authorities Provided**



**Access to Government Information:** The objective of this business line is the investigation of complaints, reviewing proposals for legislative change affecting access to information, responding to written and telephone inquiries, conducting reviews of the extent of non-compliance with the Act, the resolution of complaints and pursuit of court resolution of unsolved complaints and encouragement of open government policies throughout the federal system.

**Corporate Services:** The objective of this internal business line is to ensure that administrative policies, practices and systems are in place to support access to information and privacy program management decisions and accountability.



**Figure 2: Chart of Key Results Commitments for the Access to Government Information Business Line**

To provide Canadians with:	To be demonstrated by:	Achievement reported in:
Effective and efficient access to information held by federal institutions.	<ul style="list-style-type: none"> <li>• Improved knowledge of rights of access to information in federal institutions.</li> <li>• Access to information without legal formalities.</li> <li>• Greater transparency of information held by federal institutions.</li> <li>• Innovative and cost-effective complaint resolutions.</li> </ul>	<ul style="list-style-type: none"> <li>• DPR pages 8-11</li> <li>• DPR pages 8-11</li> <li>• Measurement system currently being developed.</li> <li>• DPR pages 8-11</li> </ul>

**Commissioner's Message**

Within the context of an ever increasing workload and static resources, the Office made every reasonable effort to resolve each complaint in a thorough, fair and timely manner, without resorting to the court system. However, over the past few years, the Office has exhausted its ability to make productivity improvements from within.

At the same time, Treasury Board has refused to give the Commissioner the resources which, even the Board officials agree, he needs. The result is no less vigour on the part of the Commissioner, but service to Canadians is becoming slower and the right to "timely" access is further eroded.

## Mandate and Objectives

The high degree of independence from government given to the Commissioner is in recognition of his mandate to investigate complaints against government institutions made by individuals who believe that their access to information rights have not been respected. The Access to Information Act gives Canadians (and any person present in Canada) the broad legal right to information recorded in any form and controlled by most federal institutions. The Act also sets deadlines for responding to access requests and sets out certain specific and limited circumstances in which secrecy is justifiable. The Commissioner has extensive powers of investigation but he is only given the power to recommend disclosure of records which he feels have been unlawfully withheld from a requester.

Since the Commissioner may not order a complaint resolved in a particular way, he relies on techniques of persuasion to solve disputes, asking for a Federal Court review only if a negotiated solution has proved impossible.

The **Access to Information Act** is the legislative authority for the activities of the Information Commissioner and his office. The objectives of the program are:

- to deliver timely, thorough and fair investigations of complaints made against government by individuals;
- to encourage a culture of openness within the federal public service;
- to persuade federal government institutions to adopt information practices in keeping with the Access to Information Act;
- to bring appropriate issues of interpretation of the Access to Information Act before the Federal Court; and
- to ensure that Parliament is informed of the activities of the Commissioner's office, the general state of health of the right of access and any matter dealt with in the access law requiring reform.

The clients of the program are the users of the Act (including all Canadian citizens, permanent residents and persons or corporations present in Canada), the some 155 government institutions subject to the Act and Members of Parliament and Senators.

## **Social and Economic Factors**

The Commissioner remains committed to ensuring that Canadians' rights and obligations under the Access to Information Act are respected. Inadequate resource levels and increasing workload have had a substantial impact on the Office's service levels to clients. The Commissioner has no discretion to refuse to investigate complaints which fall within his jurisdiction. Thus, the Commissioner has very little control over the magnitude of his office's workload.

Since the Access Law's passage in 1983, there have been significant changes in information technology and government organization environments. As early as 1986, the Justice Committee reviewed the operations of the Access law and unanimously recommended changes to strengthen and keep it current with technological changes. Few significant reforms to the Act have been made since this review. One of this Commissioner's priorities was to seek a comprehensive public review and reform of the Access to Information Act. On August 21, 2000, the Minister of Justice and the President of Treasury Board jointly announced the creation of a Task Force to make recommendations, by the Fall of 2001, for improvements to all components of the access to information régime.

One of the most troubling features of the environment which affects the office's work, is the poor state of records management across government. This phenomenon has increased the number of complaints about missing records and has also made investigations more costly and time-consuming.

One significant change recently made to the Access to Information Act now makes it an indictable offence to destroy, alter, falsify or conceal a record, including a transitory record, in order to prevent access to the information requested under the Act or to direct anyone to do so. Although the passage of these amendments sent a powerful message to public officials on the importance of Canadians' right to access, the state of records management in government means that departments are no longer able to determine with realiability, whether or not they hold records on particular topics, and, if they do, where to locate them and how to retrieve them.

## **Program Performance**

### i) Results Expectations

The Commissioner's priorities are to convince government to release information without resorting to the formalities of the access law or the rigors of the Federal Court; to resolve complaints in a fair, equitable and expeditious manner; to ensure that response deadlines are consistently respected across government; to ensure that exemptions to the right of access are not abused; to modernize the access law and to improve information management across government.

Open access to government information held by federal institutions is the key expectation of the access to information business line. This expectation is of benefit to both individual clients and Canadians by making government more accountable. To attain this expectation, consultations and discussions continued with the Office's client community to:

- improve the public's awareness of their access rights;
- improve public officials' awareness of their access obligations;
- seek to settle disputes through negotiation rather than recourse to the Federal Court; and
- continue to refine service standards that will enhance program effectiveness and accountability.

Figure 3 illustrates the linkage between the organization's business line, key results reporting and performance measurement strategies.

**Figure 3: OIC's Key Results Reporting and Related Activities**

Key Results/Outcomes	Measurement Strategy	Related Activities	Accountability
Effective and efficient access to information held by federal institutions.	<ul style="list-style-type: none"> <li>• Improved knowledge of rights of access to information in federal institutions.</li> <li>• Access to information without legal formalities.</li> <li>• Greater transparency of information held by federal institutions.</li> <li>• Innovative and cost-effective complaint resolutions.</li> </ul>	<ul style="list-style-type: none"> <li>• Investigating complaints.</li> <li>• Reviewing proposals for legislative change.</li> <li>• Responding to inquiries.</li> <li>• Conducting reviews.</li> <li>• Resolving complaints.</li> </ul>	Information Commissioner

ii) Performance Accomplishments

A professional working relationship with government institutions is key to the business line's effectiveness and, thus, the public's success. Equally, the Office's effectiveness is measured by a high proportion of resolved complaints and by persuading government to release information informally, without formal application under the Act.

The Commissioner's findings and recommendations, made to heads of government institutions, serve to ensure that the rights of complainants are respected and to encourage the growth of more open government. Figure 4 displays the findings and dispositions of all complaints from 1996-97 to 1999-00. In 1999-00, resolutions of complaints were achieved in the vast majority of cases (71 per cent or 1088 cases, to be precise). In three cases, it proved impossible to find a resolution. They will be brought before the Federal Court for resolution.

**Figure 4: Complaints Findings**

	1996-97 <u>Actual</u>	1997-98 <u>Actual</u>	1998-99 <u>Actual</u>	1999-00 <u>Actual</u>
Resolved	963	969	909	1088
Not Resolved	9	3	18	3
Not Substantiated	390	347	354	350
Discontinued	<u>135</u>	<u>60</u>	<u>70</u>	<u>89</u>
Total	<u>1497</u>	<u>1379</u>	<u>1351</u>	<u>1530</u>

In the reporting year, 1359 complaints were made to the Commissioner against government institutions 49.0 per cent of all completed complaints being of delay. Last year, by comparison, 49.5 per cent of complaints concerned delay. It is clear that there remains a system-wide, chronic problem of non-compliance with the Act's response deadlines. Solving this problem remains the Office's first priority.

As seen from Figure 5 on page 11, the overall turnaround time for complaint investigations increased to 4.33 months from the previous year's 3.99 months. This turnaround time is not acceptable; it does not meet the three-month period recommended by the Standing Committee on Justice and the Solicitor General in 1987.

**Figure 5: Complaints Completed - Turnaround Time (Months)**

<u>Complaint Category</u>	<u>1996-97</u> <u>Actual</u>	<u>1997-98</u> <u>Actual</u>	<u>1998-99</u> <u>Actual</u>	<u>1999-00</u> <u>Actual</u>
Refusal to Disclose	7.39	6.23	5.86	5.99
Delay (Deemed Refusal)	2.79	2.19	2.50	3.44
Time Extension	3.31	3.05	2.80	2.33
Fees	7.28	5.81	5.69	5.41
Language	9.07	8.04	-	-
Miscellaneous	4.46	3.36	4.54	4.34
Overall	<u>5.00</u>	<u>4.16</u>	<u>3.99</u>	<u>4.34</u>

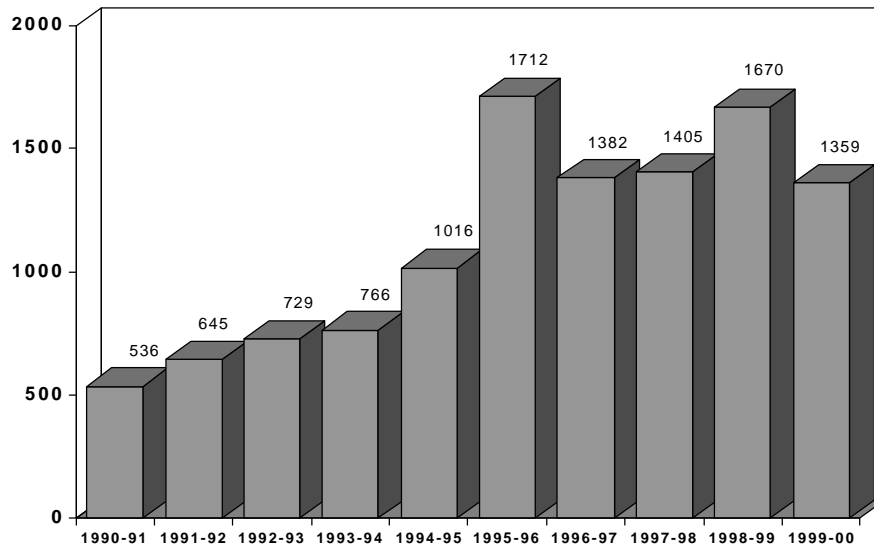
In addition to Figure 3 on page 9, illustrating the linkages between the Office's key results to be reported on and the associated performance measurement strategies, the Office undertook selected evaluation studies of identified problems in ministerial practices and attitudes towards open access to information.

In virtually all previous annual reports of the Information Commissioner, the problem of delay has been dealt with because delay complaints have been growing as a percentage of overall complaints. Now, delay complainants account for almost 49 per cent of all complaints.

During the year, the Office conducted studies into the performance of eight departments: Canada Customs and Revenue Agency; Citizenship and Immigration Canada; Foreign Affairs and International Trade; Health Canada; Human Resources Development Canada; National Defence; Privy Council Office; and Transport Canada.

Figure 6 on page 12 displays the actual number of complaints opened over the past 10 years (1990-91 to 1999-00). It should be noted that for the first five years (1990-91 to 1995-96) the average intake was 738 complaints compared with a 1505 intake over the last five years (1996-97 to 1999-00).

**Figure 6: Actual Complaints Opened Between 1990-91 and 1999-00**



iii) Presentation of Financial Information

Figure 7 shows the Office's resource plan at the beginning of the year, what additional resources were approved to accommodate changing priorities and unforeseen events, and what was actually spent.

**Figure 7: OIC's Financial Performance**

Planned Spending	\$ 2,624,000
<i>Total Authorities</i>	<i>\$ 3,984,000</i>
<b>1999-00 Actuals</b>	<b>\$ 3,817,000</b>

**OFFICE OF THE PRIVACY COMMISSIONER'S  
PERFORMANCE REPORT**

I am pleased to submit my Performance Report for the fiscal period April 1, 1999 to March 31, 2000.

Approved: \_\_\_\_\_  
Bruce Phillips  
Privacy Commissioner of Canada

Date: \_\_\_\_\_



## **SECTION II - OFFICE OF THE PRIVACY COMMISSIONER**

The Office of the Privacy Commissioner of Canada was created under the Privacy Act which came into force on July 1, 1983. The Commissioner is an independent officer of Parliament appointed by the Governor-in-Council following approval of his nomination by resolution of the Senate and the House of Commons. The Office of the Commissioner is designated by Order-in-Council as a department for purposes of the Financial Administration Act.

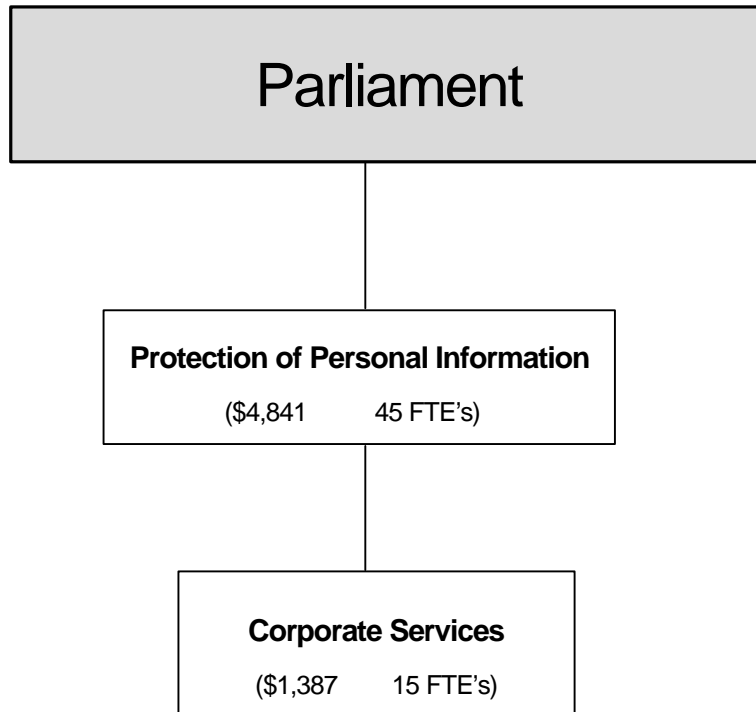
The Commissioner is accountable for, and reports directly to Parliament on, the results achieved with the resources and authorities provided. The Commissioner shares Corporate Services with the Information Commissioner while operating independently under his separate statutory authority.

The Office of the Privacy Commissioner of Canada has one business line, see Figure 8 on page 15, which contributes to program objectives (*protection of personal information*) and one internal business line (Corporate Services). The Chart of Key Results Commitments, see Figure 9 on page 16, provides a guide to the performance information associated with the Commissioner's operations.

During 1999-00, the Office fulfilled its statutory mandate of dealing with an increasing workload generated by new complaints, inquiries and privacy issues; responding to changes to legislation; and implementing important enhancements to complaint investigation processes.

This report is an overview of the Office's performance during 1999-00, the factors that have influenced change and how the Commissioner has administered his program.

**Figure 8: Accountability for Business Line Results Achieved with the 1999-00 Resources (\$000's) and Authorities Provided**



**Protection of Personal Information:** The objective of this business line is investigating complaints, reviewing and auditing departmental privacy performance, responding to written and telephone inquiries, assessing the impact on privacy of new technologies implemented or being considered for implementation by government agencies, monitoring legislation, advising Parliament as well as federal departments and agencies, and investigating issues which will have an impact on the privacy of Canadians.

**Corporate Services:** The objective of this internal business line is to ensure that administrative policies, practices and systems are in place to support access to information and privacy program management decisions and accountability.

**Figure 9: Chart of Key Result Commitments for the Protection of Personal Information Business Line**

To provide Canadians with:	To be demonstrated by:	Achievement reported in:
Protection of personal information held by federal institutions.	<ul style="list-style-type: none"> <li>• Investigating and resolving complaints to ensure individuals are accorded their Privacy Act rights.</li> <li>• Reviewing and auditing federal department privacy performance to ensure that they comply with established fair information management practices.</li> <li>• Responding to inquiries aimed at improving awareness of personal information rights.</li> <li>• Advising parliamentarians and federal departments on the adequacy of legislative initiatives in furthering privacy protection for Canadians.</li> </ul>	<ul style="list-style-type: none"> <li>• DPR pages 18-21</li> <li>• DPR pages 18-21</li> <li>• DPR pages 18-21</li> <li>• DPR pages 18-21</li> </ul>

**Commissioner's Message**

The Office of the Privacy Commissioner has been able to achieve its operational objectives within the parameters of its quality service standards, as a result of receiving additional funds and implementing several initiatives to overcome budgetary and workload pressures. These initiatives include streamlining the complaint investigation/review process and other measures specifically aimed at reducing the backlog of outstanding investigations.

During 1999-00, the Office continued its efforts to monitor the federal government's compliance with the *Privacy Act's* fair information practices and identify areas of concern, for example HRDC's longitudinal labour force file. We also conducted a comprehensive review of the *Privacy Act* with more than 100 concrete recommendations for its modernization and improvement. It has been submitted to the Department of Justice for its consideration.

As well, during the year, we embarked on a course of action to prepare ourselves for an extended mandate to protect Canadians' privacy rights in the private sector. This required re-deploying staff from other program areas on a temporary basis to develop an organization-wide strategy for carrying out our new responsibilities beginning in January 2001.

## **Mandate and Objectives**

The Office of the Privacy Commissioner of Canada was created under the *Privacy Act* which came into force on July 1, 1983. The Commissioner is an independent officer of Parliament appointed by the Governor-in-Council following approval of his nomination by resolution of the Senate and the House of Commons. The Office of the Commissioner is designated by Order-in-Council as a department for purposes of the *Financial Administration Act*. The Commissioner is accountable for, and reports directly to Parliament on, the results achieved with the resources and authorities provided.

The Office of the Privacy Commissioner of Canada is mandated by the *Privacy Act* to investigate complaints alleging that a federal government institution has denied an individual access to personal information requested under the Act, or is collecting, using, disclosing or disposing of personal information in a manner that breaches the Act.

The Privacy Commissioner is a special ombudsman who reports directly to the Speakers of the Senate and House of Commons. As an ombudsman, the Commissioner cannot order an institution to comply with his recommendations. If he finds that a government agency has improperly denied a complainant access to personal information and cannot negotiate a satisfactory resolution to the complaint, he may ask for a Federal Court review. He may also report directly to Parliament on matters he considers important or urgent.

The *Privacy Act* is the legislative authority for the activities of the Commissioner and his Office. The strategic objectives of the program are:

- to ensure that the rights of complainants under the Act are respected and that the privacy of individuals with respect to personal information about themselves, held by a federal government institution, is protected; and
- to encourage the growth of fair information practices by government institutions.

The program's clients include Canadian citizens and any other persons legally present in Canada who believe that their rights under the *Privacy Act* have been violated, and anyone seeking information about the Act and privacy issues generally.

## **Social and Economic Factor**

With the proliferation of new and more powerful technologies, Canadians have been turning increasingly to the Commissioner's Office for recourse and reassurance that their privacy is not threatened. Canadians are demonstrating growing awareness of privacy threats, increased sophistication in framing complaints and a greater demand for respect for their privacy rights.

The federal government's call for a leaner and more efficient public service has encouraged every federal institution to use computer technology to streamline operations and eliminate inefficiencies. This has prompted federal agencies to link or integrate information systems and deliver services on-line, often in concert with other governments or the private sector. The growing danger is that these initiatives by Government, in conjunction with similar activities in a largely unregulated private sector, have subjected Canadians to increased information surveillance in the name of safety and efficiency.

Cabinet approval for a privacy law for the private sector, Bill C-6 the *Personal Information Protection and Electronic Documents Act*, received Royal assent in April 2000. Extending the Commissioner's mandate to all federally regulated institutions (banks, telecommunication companies, airlines) and the Canadian private sector presents an immediate operational problem for the Office.

## **Program Performance**

### i) Results Expectations

The Commissioner's priorities are to encourage the growth of fair information practices by government institutions, to be pro-active and service oriented, and to pre-empt problems through consultation and assistance to government staff, with less emphasis on formal compliance reviews.

The protection of personal information held by federal institutions is the key performance expectation of the Office's business line. This expectation benefits both individual clients and Canadians by making government more accountable. To attain this expectation, the Commissioner's Office continued its efforts to:

- improve the public's awareness of their privacy rights;
- improve public officials' awareness of their privacy obligations; and
- settle disputes through negotiation rather than recourse to the Federal Court.

Figure 10 illustrates the linkages between the organization's business line, key results reporting and performance measurement strategies. In addition to the results achieved in Figure 10, the Office undertook selected evaluation studies on identifying changes in institutional practices and attitudes towards the protection of personal information.

**Figure 10: OPC's Key Results Reporting and Related Activities**

Key Results/Outcomes	Measurement Strategy	Related Activities	Accountability
Protection of personal information held by federal institutions.	<ul style="list-style-type: none"> <li>• Investigating and resolving complaints to ensure individuals are accorded their Privacy Act rights.</li> <li>• Reviewing and auditing federal departmental privacy performance to ensure that they comply with established fair information management practices.</li> <li>• Responding to inquiries, aimed at improving awareness of personal information rights.</li> <li>• Advising parliamentarians and federal departments on the adequacy of legislative initiatives in furthering privacy protection for Canadians.</li> </ul>	<ul style="list-style-type: none"> <li>• Investigating complaints.</li> <li>• Reviewing departmental privacy performance.</li> <li>• Responding to inquiries.</li> <li>• Assessing the impact of new technology on privacy.</li> </ul>	Privacy Commissioner

ii) Performance Accomplishments

The Commissioner's findings and recommendations, made to heads of government institutions, serve to ensure that the rights of complainants are respected and to encourage the growth of fair information practices by government institutions. Privacy staff completed 1399 complaint investigations, of which 582 were well-founded, 348 were not well-founded, 81 were well-founded/resolved, 33 were resolved, and 283 were settled during the course of the investigation. The remaining 72 were discontinued for various reasons.

After the remarkable surges of the three preceding years, this year's number of incoming complaints dropped to a level not seen since mid-decade. The Office received 1586 complaints in 1999-00, down significantly from the all-time high of 3105 in 1998-99.

One big reason for the drop was the drastic decline in complaints regarding the government's matching of travellers' customs declarations with employment insurance claims. This year, the Office received only 27 such complaints, compared with 1327 in 1998-99 and 963 in 1997-98. Another significant factor in last year's soaring total was the receipt of 225 time-limit complaints from Correctional Services Canada staff during a contract dispute in 1998. Similarly, in 1996-97, three persons lodged more than half of the 1065 time-limit complaints received. This year, the Office received no such unusual number of complaints from within a single organization or from only a few individuals.

Unlike the numbers for the two preceding fiscal years, the total complaints received in 1999-00, as well their breakdown by type, conformed to trends previously projected on the basis of initiatives undertaken by the Office of the Privacy Commissioner and federal departments. Specifically, this Office's efforts to deal with those departments most frequently named in time-limit complaints appear finally to have borne fruit. This year's total of time-limit complaints received is down by almost half.

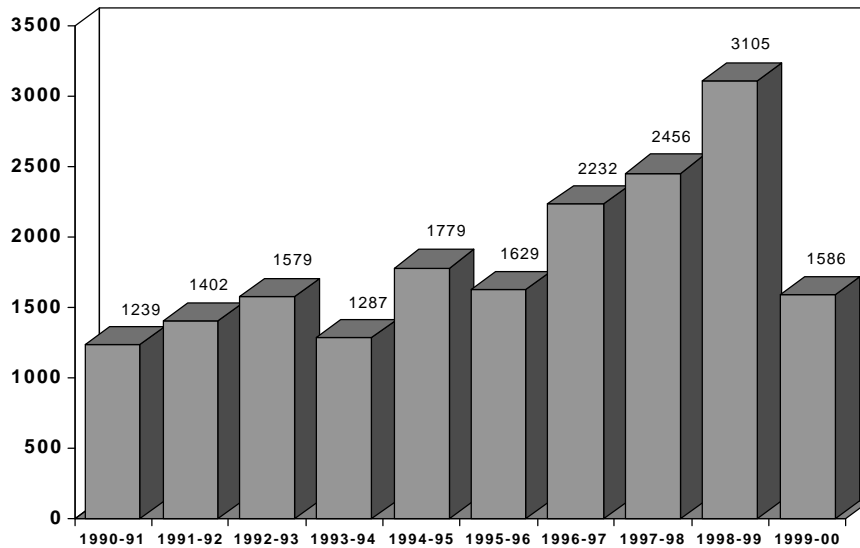
As seen from Figure 11, the overall turnaround time for complaint investigations was reduced to 6.1 months from the previous year's 6.8 months. This improvement should not obscure the fact that the turnaround time is not acceptable; it does not meet the three-month period recommended by the Standing Committee on Justice and the Solicitor General in 1987.

**Figure 11: Complaints Completed - Turnaround Time (Months)**

<u>Complaint Category</u>	<u>1996-97</u> <u>Actual</u>	<u>1997-98</u> <u>Actual</u>	<u>1998-99</u> <u>Actual</u>	<u>1999-00</u> <u>Actual</u>
Access	12.8	9.6	8.4	8.2
Privacy	16.4	15.4	14.7	9.2
Time Limit	3.9	3.3	4.1	2.6
Overall	<u>9.7</u>	<u>8.6</u>	<u>6.8</u>	<u>6.1</u>

During the Commissioner's 10 year term, the annual number of complaints received increased from 1239 in 1990-91 to a high of 3105 in 1998-99 (Figure 12). Excluding this year's unusually low total, received complaints increased by an average of more 10 per cent annually over the Commissioner's term of office, for a grand total of 15,526 complaints.

**Figure 12: Actual Complaints Received Between 1990-91 and 1999-00**



Over the years, the Commissioner has also seen a significant change in the types of complaints received. On average, time-limit complaints have decreased, and privacy-related complaints have increased, as proportions of the total. The significance of this trend derives from a difference in complexity.

Time-limit complaints are usually the quickest and easiest to investigate, since for the most part they require intervention only by telephone or by post. Investigations of privacy complaints, on the other hand, tend to be much more difficult and time-consuming, requiring on-site visits (often to distant regional offices), numerous interviews with departmental staff, thorough examinations of files, and detailed reporting of findings. The relative increase in privacy complaints has therefore tended to increase overall case time and workload for investigative staff.

The Commissioner has also noticed a big change in the nature of access complaints over time. Investigations of such complaints used to consist mainly of straightforward reviews of exempted materials. Nowadays, however, many access cases involve efforts to account for documents that are missing altogether. Moreover, shadow files are increasingly involved, and cases are often complicated by the institution's refusal to admit the existence of such files.

As both complainants and departmental Access to Information and Privacy coordinators have generally become more knowledgeable and sophisticated about the application of exemptions, and discussions between the parties over the validity of exemptions have become more involved. This has resulted in increases in case time and workload for investigators.



iii) Presentation of Financial Information

Figure 13 shows the Office's resource plan at the beginning of the year, what additional resources were approved to accommodate changing priorities and unforeseen events, and what is actually spent.

**Figure 13: OPC's Financial Performance**

Planned Spending	\$ 2,814,000
<i>Total Authorities</i>	<i>\$ 4,841,000</i>
<b>1999-00 Actuals</b>	<b>\$ 4,705,000</b>

## SECTION III - CORPORATE SERVICES

### Objectives

The Corporate Management Branch provides administrative support services to both the Information and Privacy Commissioners' offices. The services -- finance, personnel, information technology and general administration -- are centralized in the Branch to avoid duplication of effort and to save money for both government and the programs.

The objective of the Corporate Management Branch and its business line is to ensure that internal overhead functions are in place to support Access to Information and Privacy program management decisions and accountability.

### Branch Performance

During the year, Corporate Management Branch staff provided the requisite administrative support services to both the access to information and privacy business lines. The Branch is a frugal operation with a staff of 15 (who perform many different tasks) and a budget that represents approximately 14 per cent of total 1999-00 expenditures. Figure 14 illustrates the linkages between the organization's business line, key results reporting and performance measurement strategies.

**Figure 14: Linkages between CMB's Business Line, Key Results Reporting and Performance Measurement Strategies**

<b>Legislative Acts</b>	<b>Key Results/Outcomes</b>	<b>Measurement Strategy</b>	<b>Accountability</b>
Corporate Services	<ul style="list-style-type: none"><li>• Cost-effective administrative support services that meet the operational requirements of the program.</li></ul>	<ul style="list-style-type: none"><li>• Service quality within published standards.</li><li>• Assessment of client satisfaction with service levels.</li></ul>	Director General, Corporate Management

Figure 15 shows the Branch's resource plan at the beginning of the year, what additional resources were approved to accommodate changing priorities and unforeseen events and what was actually spent.

**Figure 15: CMB's Financial Performance**

Planned Spending	\$ 964,000
<i>Total Authorities</i>	<i>\$ 1,387,000</i>
<b>1999-00 Actuals</b>	<b>\$ 1,409,000</b>

## SECTION IV - FINANCIAL PERFORMANCE

### Financial Performance Overview

Managers continually pursue innovative approaches to deliver their programs without adversely affecting the quality level of service to the public. Treasury Board Ministers at their June 1999 meeting approved additional funding as a result of an A-base review of the Offices' resource base, information technology needs and accommodation requirements. The Offices employed these additional resources to combat workload increases and carry out their mandate while maintaining essential services.

The Offices' combined budget for the 1999-00 fiscal year was \$10,212,990. Actual expenditures for 1999-00 were \$9,930,660 of which personnel costs of \$6,993,103 and professional and special services expenditures of \$1,137,776 accounted for more than 80 per cent of all expenditures. The remaining \$2,937,557 covered all other expenditures including postage, telephone, office and information technology equipment and office supplies.

**Table 1: Voted Appropriations**

<b>Financial Requirements by Authority (\$ millions)</b>				
<b>Vote</b>		<b>Planned Spending</b>	<b>1999-00 Total Authorities</b>	<b>Actual</b>
	<b>Offices of the Information and Privacy Commissioners of Canada</b>			
40	Program Expenditures	5.4	9.1	<b>8.8</b>
(S)	Contributions to employee benefit plans	1.0	1.1	<b>1.1</b>
	<b>Total Agency</b>	<b>6.4</b>	<b>10.2</b>	<b>9.9</b>

**Note:** Total Authorities are Main Estimates plus Supplementary Estimates plus other Authorities.

**Table 2: Comparison of Total Planned Spending to Actual Spending**

<b>Planned Versus Actual Spending by Business Line (millions of dollars)</b>							
<b>Business Lines</b>	<b>FTE's</b>	<b>Operating</b>	<b>Capital</b>	<b>Grants and Contributions</b>	<b>Total Gross Expenditures</b>	<b>Less: Respendable Revenues</b>	<b>Total Net Expenditures</b>
<b>Information Commissioner</b>							
Planned Spending	45	2.6	-	-	2.6	-	2.6
Total Authorities	<i>45</i>	<i>4.0</i>	-	-	<i>4.0</i>	-	<i>4.0</i>
Actual	<b>35</b>	<b>3.8</b>	-	-	<b>3.8</b>	-	<b>3.8</b>
<b>Privacy Commissioner</b>							
Planned Spending	45	2.8	-	-	2.8	-	2.8
Total Authorities	<i>45</i>	<i>4.8</i>	-	-	<i>4.8</i>	-	<i>4.8</i>
Actual	<b>43</b>	<b>4.7</b>	-	-	<b>4.7</b>	-	<b>4.7</b>
<b>Corporate Services</b>							
Planned Spending	15	1.0	-	-	1.0	-	1.0
Total Authorities	<i>15</i>	<i>1.4</i>	-	-	<i>1.4</i>	-	<i>1.4</i>
Actual	<b>16</b>	<b>1.4</b>	-	-	<b>1.4</b>	-	<b>1.4</b>
<b>Totals</b>	<b>105</b>	<b>6.4</b>	-	-	<b>6.4</b>	-	<b>6.4</b>
Total Authorities	<i>105</i>	<i>10.2</i>	-	-	<i>10.2</i>	-	<i>10.2</i>
Actual	<b>93</b>	<b>9.9</b>	-	-	<b>9.9</b>	-	<b>9.9</b>
<b>Other Revenues and Expenditures</b>							
<b>Non-Respendable Revenues</b>							-
Total Authorities							-
Actual							-
<b>Costs of services provided by other departments</b>							0.9
Total Authorities							<i>0.9</i>
Actual							<b>0.9</b>
<b>Net Cost of the Program</b>							7.3
Total Authorities							<i>11.1</i>
Actual							<b>10.8</b>

**Note:** Numbers in italics denote Total Authorities for 1999-00 (Main and Supplementary Estimates and other Authorities). Bolded numbers denote actual expenditures/revenues in 1999-00.

**Table 3: Historical Comparison of Total Planned Spending to Actual Spending**

<b>Planned Versus Actual Spending by Business Line (\$ millions)</b>					
<b>Business Lines</b>	<b>Actual 1997-98</b>	<b>Actual 1998-99</b>	<b>Planned Spending</b>	<b>1999-00</b>	
				<b>Total Authorities</b>	<b>Actual</b>
Information Commissioner	2.5	3.0	2.6	4.0	<b>3.8</b>
Privacy Commissioner	2.7	3.6	2.8	4.8	<b>4.7</b>
Corporate Services	0.9	1.5	1.0	1.4	<b>1.4</b>
<b>Total</b>	6.1	8.1	6.4	10.2	<b>9.9</b>

**Note:** Total Authorities are Main Estimates plus Supplementary Estimates plus other Authorities.

## SECTION V - SUPPLEMENTARY INFORMATION

### 1. Year 2000 Readiness

The Treasury Board has asked Ministers to assess the impact of government-wide issues on their departments. While the Commissioners' Offices are within the Department of Justice portfolio, the Offices are independent and thus not affected by that Department's policies and program delivery. Nonetheless, there is one horizontal issue the Commissioners wish to address.

The Commissioners' Offices rely, to a significant extent, upon information technology in the provision of services to Canadians. The Offices have recognized the Year 2000 computer system problem and conducted an assessment of the Offices' information technology (IT) and information management (IM) infrastructures. That assessment confirmed that most of the Offices' existing IT infrastructure had to be upgraded if it was to be Year 2000 compliant. It was equally recognized that the Offices did not have sufficient funds within the existing resource base to purchase the essential hardware and software applications. An IT Plan and associated Treasury Board submission were drafted and received approval of Treasury Board Ministers on June 4, 1998.

The Commissioners are happy to report that the requisite modifications to and testing of existing systems were completed on time and that the acquisition of new hardware and software met Y2K specifications and were installed with minimal disruption of service to the programs. The Offices did not and have not experienced any cross-over problems to the year 2000.

### 2. Legislation Administered by the Information and Privacy Commissioners

The Information Commissioner has an oversight responsibility to Parliament for the:

<i>Access to Information Act</i>	R.S.C., 1985, ch. A-1, amended 1997, c. 23, s. 21
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The Privacy Commissioner has an oversight responsibility to Parliament for the:

<i>Privacy Act</i>	R.S.C. 1985, ch. P-21, amended 1997, ch. 20, s. 55
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### 3. Statutory Annual Reports and Other Publications

The Commissioners' annual reports and position papers on access to information and privacy issues are available on the Commissioners' internet web sites.

- **Information Commissioner's 1999-00 Annual Report.** Ottawa: Minister of Public Works and Government Services Canada, 2000. Available from the Office of the Information Commissioner, Ottawa, Canada K1A 1H3; (613) 995-2410.
- **Privacy Commissioner's 1999-00 Annual Report.** Ottawa: Minister of Public Works and Government Services Canada, 2000. Available on audio cassette, computer diskette and hardcopy from the Office of the Privacy Commissioner, Ottawa, Canada K1A 1H3; (613) 995-8210 and on the Office's Internet home page.
- **Performance Report to Parliament, for the period ending March 31, 1999.** Ottawa: Minister of Public Works and Government Services Canada, 1999. Available through local booksellers or by mail from Public Works and Government Services - Publishing, Ottawa, Canada K1A 0S9.
- **2000-01 Estimates: A Report on Plans and Priorities.** Ottawa: Minister of Public Works and Government Services Canada, 2000. Available through local booksellers or by mail from Public Works and Government Services - Publishing, Ottawa, Canada K1A 0S9.
- Office of the Information Commissioner of Canada Internet home page:  
<http://infoweb.magi.com/~accessca/>
- Office of the Privacy Commissioner of Canada Internet home page:  
<http://privcom.gc.ca/>

### 4. Contact for Further Information

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