

PRIVACY ACT
ANNUAL REPORT



PUBLIC SERVICE STAFF
RELATIONS BOARD

1999-2000

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May 31, 2000

The Honourable Stéphane Dion, P.C., M.P.
President of the Queen's Privy Council
for Canada and Minister of
Intergovernmental Affairs
House of Commons
OTTAWA

Dear Mr. Minister:

It is my pleasure to transmit to you, pursuant to section 72 of the Privacy Act, the Seventeenth Annual Report of the Public Service Staff Relations Board covering the period from April 1, 1999 to March 31, 2000 for submission to Parliament.

Yvon Tarte
Chairperson

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INTRODUCTION

The Public Service Staff Relations Board (the Board) is a quasi-judicial statutory tribunal responsible for the administration of the systems of collective bargaining and grievance adjudication established under the Public Service Staff Relations Act (the Act) and the Parliamentary Employment and Staff Relations Act. In addition, the Board is responsible for the administration of certain provisions of Part II of the Canada Labour Code concerning the occupational safety and health of employees in the Public Service. The combined functions of the Chairperson and the Board in specific areas under the Act are analogous to those performed by Ministers of Labour in private sector jurisdictions. Pursuant to the Act, the Board consists of a Chairperson, Vice-Chairperson, not less than three Deputy Chairpersons and such other full-time members and part-time members as the Governor in Council considers necessary.

Proceedings before the Board include applications for certification, revocation of certification, complaints of unfair labour practices, the designation of positions whose duties are of a managerial or confidential nature, the designation of positions whose duties are required to be performed in the interest of the safety or security of the public, and complaints and references of safety officers' decisions under the safety and health provisions of Part II of the Canada Labour Code. By far the heaviest volume of cases consists of grievances referred to adjudication concerning the interpretation or application of provisions of collective agreements or major disciplinary action and termination of employment. The Board also provides mediation and conciliation services when requested to do so by parties unable to resolve their disputes. Many such cases are settled without resort to formal proceedings before the Board.

STATISTICAL REPORTS / EXPLANATION

Eight requests were received during the period under review and two were carried forward from 1998-1999. Two of the requests were consultations from other federal institutions and eight were from individuals. Five requests were completed within the 30-day limit and three requests were completed within 60 days. The method of access for all disclosed information was copies of the documents.

In the case of the two consultations, authority was given to proceed with full disclosure of the documents in question. There was full disclosure in three of the eight requests sent directly to the Board. With respect to two of the five remaining requests, the Board did not have the requested information. Of the three remaining requests, one was abandoned by the applicant, there was partial

disclosure in the case of one with an exemption under paragraph 22(1)(b) of the Act; and no disclosure in the other which was fully exempted under paragraph 22(1)(b) of the Act.

No requests for translation, corrections or notations were received during the period under review.

SUPPORTING DOCUMENTATION

Organization of Activities

The Chairperson has appointed a Co-ordinator for activity under the Privacy Act. Any request received is referred by the Co-ordinator to the pertinent Branch for review and report before a decision is rendered on the request by the Co-ordinator. Where necessary, consultation takes place with the Chairperson. The Co-ordinator dedicates approximately 4% of a person-year to the administration of the Privacy Act.

Implementation

A reading area is located in the Board's Records Office. A copy of the Government of Canada Publication Info Source is available for reference as are Access to Information Request Forms, a copy of the Board's Subject Classification Manual and other relevant publications.

All Personal Information Banks have been registered with Treasury Board and are reviewed and updated annually.

Records contained in Personal Information Banks are disposed of in accordance with schedules approved by the National Archives. Destruction of personal information is performed by the National Archives' shredding facilities.

Formal/Informal Interface

All requests for personal information were submitted formally during the reporting period.

Institutional Policies

All requests for personal information are processed free of charge to applicants.

Delegation Instrument

The Chairperson has appointed the Head of Information Management and Production Services for the Board as Co-ordinator for the Privacy Act.

Education and Training

The Board has formally implemented a Privacy Act awareness campaign through its employee orientation program.

Complaints, Investigations and Audits

As of March 31, 2000, there were five outstanding complaints against the Board. One complaint dated back to 1996, two were filed in 1998 and three were filed in the 1999-2000 reporting period. In the case of the complaint which has been pending since 1996, the Board has submitted formal written representation to the Privacy Commissioner in accordance with section 33(2) of the Act. One of the complaints filed in 1998 has been resolved in favour of the Board. The other 1998 complaint as well as the complaint filed in 1999-2000 have been put on hold pending a decision on an appeal of Federal Court decision A-685-96.

During 1999, there was an internal audit which concluded that requests to Access to Information and Privacy were effectively managed in accordance with the requirements of the Act.

Appeals to the Federal Court

There have been no Appeals to the Federal Court during the period under review with respect to Privacy requests.

Disclosures under paragraph 8(2)(e) of the Privacy Act

The Privacy Co-ordinator, following consultation with the Chairperson, is authorised to approve disclosures to specified investigative bodies.

Exempt Banks

There have been no denials of access which have been based on subsection 18(2) of the Privacy Act.

Use and Disclosure

During the formal review and registration process of Personal Information Banks, bank managers were informed of the requirement to ensure that information contained in banks directly related to an existing government program or activity and that the use of personal information be consistent with the purpose for which it was compiled/obtained.

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