

Annual Report on the *Access to Information Act* and the *Privacy Act*

2009–10



Office of the Auditor General of Canada
Bureau du vérificateur général du Canada



Auditor General of Canada
Vérificatrice générale du Canada

22 June 2010

The Honourable Peter Milliken, M.P.
Speaker of the House of Commons
House of Commons
Centre Block, Room 328-N
Ottawa, Ontario K1A 0A6

**Office of the Auditor General of Canada
2009–10 Annual Report on the *Access to Information Act*
and the *Privacy Act***

Dear Mr. Speaker,

In accordance with section 72 of both the *Access to Information Act* and the *Privacy Act* and for reference to the Standing Committee on Justice and Human Rights, please find attached the Office of the Auditor General of Canada's 2009–10 Annual Report on the *Access to Information Act* and the *Privacy Act*.

Yours sincerely,

Sheila Fraser, FCA

Enclosure

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Introduction

When the *Federal Accountability Act* was enacted in 2006, amendments were made to the *Access to Information Act* and the *Privacy Act*, both of which came into force in 1983. The scope of application of these laws was expanded and the Office of the Auditor General of Canada (OAG) became subject to the *Access to Information Act*.

The *Access to Information Act* gives Canadian citizens and permanent residents, and any person and corporation present in Canada, the right to access information contained in government records, subject to certain specific and limited exceptions.

The *Privacy Act* gives individuals the right to access information about themselves that is held by the government, subject to certain specific and limited exceptions. The *Privacy Act* also protects the privacy of individuals by giving them substantial control over the collection, use, and disclosure of their personal information and by preventing others from having access to that information.

Section 72 of both acts requires that the head of every government institution prepare an annual report on the administration of the acts within the institution and that they submit the reports to Parliament.

This annual report on the administration of the *Access to Information Act* and the *Privacy Act* at the OAG describes how we administered our responsibilities under both acts during the 2009–10 fiscal year.

If you require more information or wish to make a request under the *Access to Information Act* or the *Privacy Act*, please direct your inquiries to the following:

Coordinator
Access to Information and Privacy
Office of the Auditor General of Canada
240 Sparks Street
Ottawa, Ontario K1A 0G6

Tel.: 613-952-0213 (ext. 6455)
Fax: 613-941-8284
Email: Atip-aiprp@oag-bvg.gc.ca

Who we are

The Office of the Auditor General of Canada (OAG) audits federal government operations and provides Parliament with independent information, advice, and assurance regarding the federal government's stewardship of public funds. While the OAG may comment on policy implementation in an audit, it does not comment on policy itself.

We are in the business of legislative auditing. We conduct

- performance audits of federal departments and agencies;
- annual financial audits of the government's financial statements;
- special examinations and annual financial audits of Crown corporations; and
- audits of the governments of Nunavut, the Yukon, and the Northwest Territories.

Since 1995, the OAG has also had a specific environmental and sustainable development mandate, which was established through amendments to the *Auditor General Act*.

The Auditor General of Canada is the designated head of the institution for the *Access to Information Act* as well as the *Privacy Act*. Pursuant to section 73 of both acts, the Auditor General has delegated full authority to the Senior Legal Counsel and the Access to Information and Privacy Coordinator.

Access to Information and Privacy Office

The Access to Information and Privacy (ATIP) Coordinator is accountable for the development and implementation of effective policies, guidelines, systems, and procedures to ensure that the Office of the Auditor General (OAG) meets its responsibilities under the *Access to Information Act* and the *Privacy Act*.

The main activities of the ATIP Coordinator include

- monitoring compliance with the acts, regulations, and relevant procedures and policies;
- processing requests under both acts;
- developing and maintaining policies, procedures, and guidelines to ensure that the acts are respected by the OAG;
- promoting awareness of the acts to ensure that departments and agencies meet the obligations imposed on the government;
- preparing annual reports to Parliament and other statutory reports as well as other material that may be required by central agencies;
- representing the OAG in dealings with the Treasury Board of Canada Secretariat, the information and privacy commissioners, and other government departments and agencies regarding how the acts apply to the OAG; and
- helping the OAG meet its commitments to ensure openness and transparency, through proactive and informal disclosure of information.

Highlights and accomplishments for the 2009–10 fiscal year

Raising awareness

During this reporting period, nine awareness-building sessions were held with an audience of approximately 115 employees. Access to information and privacy awareness is also part of the mandatory employee orientation course for all new OAG staff.

Privacy Impact Assessment

The OAG is considering updating the functionalities of the current employee directory known as “People Finder.” One of the proposed changes would allow users to upload their own photographs. Once the project was initiated, the need for a Privacy Impact Assessment was identified. This assessment is currently under way.

Modifying retrieval procedures

In this reporting period, retrieval procedures have been slightly modified in order to ensure that a thorough search is performed when requested records appear to be audit-related and therefore exempt under section 16.1 of the *Access to Information Act* (ATIA). In addition to the regular process whereby the ATIP Coordinator tasks the Assistant Auditor General responsible for the particular audit(s) to review the request and provide the relevant records, the Access to Information and Privacy (ATIP) Coordinator will also task the service leaders who may have received documentation other than for audit purposes to do the same.

Protocol for complaints regarding the application of section 16.1

The OAG and the Office of the Information Commissioner discussed and agreed to a formal approach in response to complaints in which the OAG invokes section 16.1(1)(a) of the ATIA.

Administration of the *Access to Information Act*

Requests under the *Access to Information Act*

Received during the reporting period:	19
Outstanding from the previous period:	<u>3</u>
Total:	22

Sources of requests received

The majority of requests were from the general public (10), followed by the media (4) and the business sector (3). The remaining requests came from academia (1) and one organization (1).

Disposition of completed requests

The Office of the Auditor General (OAG) finalized 20 requests in the 2009–10 fiscal year:

- Eight requests resulted in all related documentation being exempted.
- Four requests could not to be processed because no relevant records existed.
- Three requests resulted in a partial disclosure.
- Two requests resulted in complete disclosure.
- Two requests were transferred to another government department.
- One request was treated informally.

Exemptions invoked

Appendix A indicates the number of requests where specific types of exemptions were invoked. For example, if, in processing a request, the OAG applied five different exemptions, one exemption under each relevant section is reported—for a total of five. If the same exemption was claimed several times for the same request, it is reported only once.

As noted, the OAG invoked exemptions under sections 15(1) and 19(1) of the *Access to Information Act*.

The OAG also invoked exemptions under section 16.1(1) of the Act (Appendix C).

Exclusions cited

No exclusions were cited.

Extension of time limits

Section 9 of the Act provides for the extension of the statutory time limits if consultations are necessary or if a large number of records have been requested and processing the request within the original time limit would unreasonably interfere with the operations of the Office. During the reporting period, the OAG did not request any extension of the time limits imposed by the Act.

Completion time

Of the 20 requests completed during the reporting period, 19 were completed within the original 30-day deadline. One request was completed in the 60- to 120-day period.

Method of access

Copies of documents were provided for all five requests for which the relevant documents were given in whole or in part. Where the requestor asked for the response to be provided on a CD, the OAG complied.

Fees

The fees collected during the reporting period totalled \$95.00. Where no records existed or in cases where all records were exempted, no fee was charged.

In accordance with government policy, it is OAG practice to waive photocopy or search fees where the total per request is less than \$25.00. In all, for the 2009–10 fiscal year, \$49.80 in fees was waived.

Costs

For the 2009–10 fiscal year, the costs directly associated with administration of the *Access to Information Act* are estimated to be \$105,253.60 for salaries and \$3,437.50 for operations and maintenance and other administrative expenses—for a total of \$108,691.10.

The employee resources associated with administering the *Access to Information Act* for the 2009–10 fiscal year are estimated at 0.95 full-time equivalents (FTEs).

Complaints and investigations

During this reporting period, the OAG received seven complaints alleging a refusal of access to records that were exempted under section 16.1.

Two complaints that were carried forward from the 2008–09 fiscal year have been closed. One was abandoned by the applicant and the other was found to be not substantiated by the Office of the Information Commissioner.

Administration of the *Privacy Act*

Requests under the *Privacy Act*

Received during the reporting period:	1
Outstanding from the previous period:	0
Total:	1

Disposition of requests completed

The one request received under the *Privacy Act* by the Office of the Auditor General (OAG), cited in Appendix B, resulted in full disclosure.

Exemptions invoked

No exemptions were invoked.

Exclusions cited

No exclusions were cited.

Completion time

The privacy request was completed within the 30 days provided by the *Privacy Act*.

Method of access

Copies of the records were provided.

Costs

For the 2009–10 fiscal year, the costs directly associated with administration of the *Privacy Act* are estimated to be \$13,664.50 for salaries and \$2,852.50 for operations and maintenance and other administrative expenses—for a total of \$16,517.

The employee resources associated with administering the *Privacy Act* for the 2009–10 fiscal year are estimated to be 0.13 full time equivalents (FTEs).

Complaints and investigations

The OAG did not receive any complaints pursuant to the *Privacy Act* during this reporting period, and no investigations were undertaken regarding the OAG.

Disclosure of personal information under section 8(2)

During the reporting period, the OAG

- disclosed personal information pursuant to section 8(2)(m)(i) of the *Privacy Act*; and
- did not disclose personal information pursuant to sections 8(2)(e), 8(2)(f), and 8(2)(g).

Appendix A: Report on the Access to Information Act



Government of Canada
Gouvernement du Canada

REPORT ON THE ACCESS TO INFORMATION ACT RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION

Institution Office of the Auditor General of Canada / Bureau du vérificateur général du Canada				Reporting period / Période visée par le rapport 2009-04-01 to/à 2010-03-31	
Source	Media / Médias 4	Academia / Secteur universitaire 1	Business / Secteur commercial 3	Organization / Organisme 1	Public 10

I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information

Received during reporting period / Reçues pendant la période visée par le rapport	19
Outstanding from previous period / En suspens depuis la période antérieure	3
TOTAL	22
Completed during reporting period / Traitées pendant la période visée par le rapport	20
Carried forward / Reportées	2

II Disposition of requests completed / Disposition à l'égard des demandes traitées

1. All disclosed / Communication totale	2	6. Unable to process / Traitement impossible	4
2. Disclosed in part / Communication partielle	3	7. Abandoned by applicant / Abandon de la demande	
3. Nothing disclosed (excluded) / Aucune communication (exclusion)		8. Treated informally / Traitement non officiel	1
4. Nothing disclosed (exempt) / Aucune communication (exemption)	8	TOTAL	20
5. Transferred / Transmission	2		

III Exemptions invoked / Exceptions invoquées

S. Art. 13(1)(a)		S. Art. 16(1)(a)		S. Art. 18(b)		S. Art. 21(1)(a)	
(b)		(b)		(c)		(b)	
(c)		(c)		(d)		(c)	
(d)		(d)		S. Art. 19(1)	3	(d)	
S. Art. 14		S. Art. 16(2)		S. Art. 20(1)(a)		S. Art. 22	
S. 15(1) International rel. / Relations intern.	1	S. Art. 16(3)		(b)		S. Art. 23	
Defence / Défense		S. Art. 17		(c)		S. Art. 24	
Subversive activities / Activités subversives		S. Art. 18(a)		(d)		S. Art. 26	

IV Exclusions cited / Exclusions citées

S. Art. 68(a)		S. Art. 69(1)(c)	
(b)		(d)	
(c)		(e)	
S. Art. 69(1)(a)		(f)	
(b)		(g)	

V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	19
31 to 60 days / De 31 à 60 jours	
61 to 120 days / De 61 à 120 jours	1
121 days or over / 121 jours ou plus	

VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche		
Consultation		
Third party / Tiers		
TOTAL		

VII Translations / Traduction

Translations requested / Traductions demandées	
Translations prepared / Traductions préparées	English to French / De l'anglais au français
	French to English / Du français à l'anglais

VIII Method of access / Méthode de consultation

Copies given / Copies de l'original	5
Examination / Examen de l'original	
Copies and examination / Copies et examen	

IX Fees / Frais

Net fees collected / Frais net perçus			
Application fees / Frais de la demande	95	Preparation / Préparation	
Reproduction		Computer processing / Traitement informatique	
Searching / Recherche		TOTAL	95
Fees waived / Dispense de frais		No. of times / Nombre de fois	\$
\$25.00 or under / 25 \$ ou moins		4	\$ 22.40
Over \$25.00 / De plus de 25 \$		1	\$ 27.40

TBS/SCT 350-62 (Rev. 1999/03)

X Costs / Coûts

Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 105,253.60
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 3,437.50
TOTAL	\$ 108,691.10
Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.95



Appendix B: Report on the Privacy Act

REPORT ON THE PRIVACY ACT RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution Office of the Auditor General of Canada / Bureau du vérificateur général du Canada	Reporting period / Période visée par le rapport 2009-04-01 to/à 2010-03-31
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I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels	
Received during reporting period / Reçues pendant la période visée par le rapport	1
Outstanding from previous period / En suspens depuis la période antérieure	0
TOTAL	1
Completed during reporting period / Traitées pendant la période visées par le rapport	1
Carried forward / Reportées	0

II Disposition of request completed / Disposition à l'égard des demandes traitées	
1. All disclosed / Communication totale	1
2. Disclosed in part / Communication partielle	
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	
4. Nothing disclosed (exempt) / Aucune communication (exemption)	
5. Unable to process / Traitement impossible	
6. Abandoned by applicant / Abandon de la demande	
7. Transferred / Transmission	
TOTAL	

III Exemptions invoked / Exceptions invoquées	
S. Art. 18(2)	
S. Art. 19(1)(a)	
(b)	
(c)	
(d)	
S. Art. 20	
S. Art. 21	
S. Art. 22(1)(a)	
(b)	
(c)	
S. Art. 22(2)	
S. Art. 23 (a)	
(b)	
S. Art. 24	
S. Art. 25	
S. Art. 26	
S. Art. 27	
S. Art. 28	

TBS/SCT 350-63 (Rev. 1999/03)

IV Exclusions cited / Exclusions citées	
S. Art. 69(1)(a)	
(b)	
S. Art. 70(1)(a)	
(b)	
(c)	
(d)	
(e)	
(f)	

V Completion time / Délai de traitement	
30 days or under / 30 jours ou moins	1
31 to 60 days / De 31 à 60 jours	
61 to 120 days / De 61 à 120 jours	
121 days or over / 121 jours ou plus	

VI Extentions / Prorogations des délais		
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Interference with operations / Interruption des opérations		
Consultation		
Translation / Traduction		
TOTAL		

VII Translations / Traductions		
Translations requested / Traductions demandées		
Translations prepared /	English to French / De l'anglais au français	
Traductions préparées	French to English / Du français à l'anglais	

VIII Method of access / Méthode de consultation	
Copies given / Copies de l'original	1
Examination / Examen de l'original	
Copies and examination / Copies et examen	

IX Corrections and notation / Corrections et mention	
Corrections requested / Corrections demandées	
Corrections made / Corrections effectuées	
Notation attached / Mention annexée	

X Costs / Coûts	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 13,664.50
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 2,852.50
TOTAL	\$ 16,517
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.1



Appendix C: Supplemental reporting requirements for the 2009–10 fiscal year

Access to Information Act

In addition to the reporting requirements addressed in form TBS/SCT 350-62, “Report on the Access to Information Act,” institutions are required to report on the following using this form:

Part III—Exemptions invoked

Section 13

13(e) 0

Section 14

14(a) 0

14(b) 0

Section 16

16.1(1)(a) 9

Part IV—Exclusions cited

Section 69

69.1(1) 0

Privacy Act

The Treasury Board of Canada Secretariat is monitoring compliance with the Privacy Impact Assessment Policy (which came into effect on 2 May 2002) through a variety of means. Institutions are therefore required to report the following information for this reporting period:

Indicate the number of

- preliminary privacy impact assessments initiated: 0
- preliminary privacy impact assessments completed: 0
- privacy impact assessments initiated: 1
- privacy impact assessments completed: 0
- privacy impact assessments forwarded to the Office of the Privacy Commissioner: 0

