

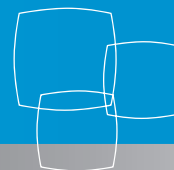


Industry  
Canada

Industrie  
Canada

## PRIVACY ACT

<http://www.ic.gc.ca/eic/site/atip-aiprp.nsf/eng/home>



### 2010–2011 Annual Report on the Privacy Act



**2010–2011**  
**Annual Report**  
**on the**  
***Privacy Act***

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## **PREFACE AND PURPOSE**

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The *Privacy Act* (Revised Statutes of Canada, Chapter A-1, 1985) was proclaimed on July 1, 1983.

The purpose of the *Privacy Act* “is to extend the present laws of Canada that protect the privacy of individuals with respect to personal information about themselves held by a government institution and to provide individuals with a right of access to that information” (Section 2 of the Act). The law also protects an individual’s privacy by preventing others from having access to that personal information and allows an individual specific rights concerning the collection and use of his/her information.

Section 72 of the *Privacy Act* requires that the head of every government institution prepare for submission to Parliament an annual report on the administration of this Act within the institution during each financial year.

This annual report describes how Industry Canada administered its responsibilities in the twenty-eighth year of operation of the *Privacy Act*.

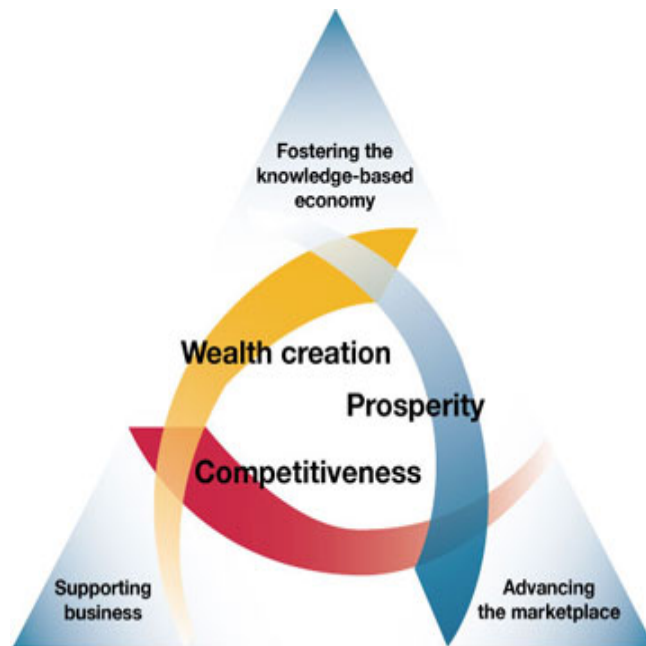
## ABOUT THE ORGANIZATION

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### Industry Canada's Mission and Mandate

Industry Canada's mission is to foster a growing, competitive, knowledge-based Canadian economy. The Department works with Canadians throughout the economy, and in all parts of the country, to improve conditions for investment, improve Canada's innovation performance, increase Canada's share of global trade, and build an efficient and competitive marketplace.

Industry Canada's mandate is to help make Canadian industry more productive and competitive in the global economy, thus improving the economic and social well-being of Canadians. The many and varied activities Industry Canada carries out to deliver on its mandate are organized around three interdependent and mutually reinforcing strategic outcomes, each linked to a separate key strategy. The key strategies are shown in the illustration below.



- **The Canadian marketplace is efficient and competitive**

#### *Advancing the marketplace*

Industry Canada fosters competitiveness by developing and administering economic framework policies that promote competition and innovation; support investment and entrepreneurial activity; and instill consumer, investor and business confidence.

- **Science and technology, knowledge, and innovation are effective drivers of a strong Canadian economy**

*Fostering the knowledge-based economy*

Industry Canada invests in science and technology to generate knowledge and equip Canadians with the skills and training they need to compete and prosper in the global, knowledge-based economy. These investments help ensure that discoveries and breakthroughs take place here in Canada and that Canadians realize the social and economic benefits.

- **Competitive businesses are drivers of sustainable wealth creation**

*Supporting business*

Industry Canada encourages business innovation and productivity because businesses generate jobs and wealth creation. Promoting economic development in communities encourages the development of skills, ideas and opportunities across the country.

## **Context and Environment**

Industry Canada works on a broad range of matters related to industry and technology, trade and commerce, science, consumer affairs, corporations and corporate securities, competition and restraint of trade, weights and measures, bankruptcy and insolvency, intellectual property, investment, small business, and tourism.

Given the role the Department plays in promoting economic development and regulating the marketplace, there is significant public interest in the information collected and produced. Key areas of interest in 2010-2011 included the auto industry, tourism, small business, gas pricing, changes to the mandatory long-form census, as well as various statutes, namely the *Competition Act*, the *Canada Investment Act* and the *Copyright Act* and decisions related to these Acts.

A government initiative that sparked a lot of interest was the change to the mandatory nature of the long-form census survey. As Statistics Canada is an agency which reports to our Minister, the Department worked closely with Statistics Canada to respond to the requests on this topic.

Industry Canada also saw an increase in requests of a general nature, related to the overall business activities of the Department, such as overviews of briefings for the Minister.



In 2010-2011 Industry Canada continued to play an important role in implementing the Government of Canada's [Economic Action Plan](#) (EAP), introduced in January 2009 as part of Budget 2009. This plan, which consisted of a set of initiatives to be implemented over a two-year timeframe, for completion by March 31, 2011, aimed at providing a quick recovery from the economic downturn and ensuring long-term economic growth and prosperity for Canadian businesses and individuals.

The high profile EAP initiatives implemented by Industry Canada included distribution of stimulus funding to traditional industries, including the manufacturing sector, and providing assistance to the Canadian automotive sector to support the orderly restructuring of this critical industry, with the goal of maintaining Canada's share of North American production.

In addition, through the Knowledge Infrastructure Program, the Department is providing \$2 billion over two years to create jobs in communities across Canada by revitalizing research and training facilities at Canadian universities and colleges. On December 2, 2010, the Government of Canada announced the extension of the deadline for completion of Economic Action Plan infrastructure projects from March 31, 2011 to October 31, 2011. The Knowledge Infrastructure Program is the only Industry Canada program impacted by this announcement.

In response to the gas pump measurement accuracy issue, which over the last two years has resulted in many repeat requests for Measurement Canada's gas pump inspection reports, the *Fairness at the Pumps Act* was introduced and passed by the Senate on March 3, 2011. The Act is designed to protect Canadian consumers from inaccurate measurements when purchasing gasoline or other measured goods.

These initiatives have generated significant public interest in the activities of the Department.

## **Departmental Structure**

The Department employs over 5900 people across the country, including economists, engineers, scientists, commerce officers, inspectors, metrologists, and accountants supported by specialists in areas such as human resources, financial management, communications, information management and information technology.

The Department is organized into 15 sectors and branches (see [www.ic.gc.ca](http://www.ic.gc.ca)). Industry Canada has its headquarters in Ottawa and several offices in the National Capital Region. The Department also has five regional offices (Pacific, Prairie and Northern, Ontario, Quebec, and Atlantic), located in Vancouver, Edmonton, Toronto, Montréal and Halifax, respectively.

In addition, a number of programs have a regional presence, including those delivered by the Competition Bureau, Measurement Canada, the Office of the Superintendent of Bankruptcy, the Spectrum, Information Technologies and Telecommunications Sector and the Federal Economic Development Initiative for Northern Ontario (FedNor).

Each of these sectors and branches is responsible for searching and retrieving documents responsive to official access requests received under the *Access to Information Act* and *Privacy Act* (ATIP). However, Information and Privacy Rights Administration (IPRA) is legally responsible for implementing and managing the ATIP program and services for Industry Canada, including decisions on the release or non-release of information pursuant to the legislation.

### **Information Management Branch**

Given that the effective management of information is critical to the administration of the *Access to Information Act* and *Privacy Act*, IPRA resides with the Information Management Branch (IMB), a branch in the Small Business, Tourism and Marketplace Services Sector (SBTMS). IMB directs and supports an Information Management (IM) program to ensure the effective and efficient management of information within Industry Canada. The IM program provides strategic direction and services related to recordkeeping, public access to departmental information, departmental access to commercially published information and information management policy, accountability, governance, planning and reporting. As a result, departmental program managers can more readily deliver their programs and services, as well as meet their obligations under the Government's Policy on Information Management, the *Library and Archives Canada Act*, the *Access to Information Act*, the *Privacy Act* and the *Federal Accountability Act*. Further, it ensures that the Department respects the intellectual property rights of commercial publishers.

IMB provides services to the Department from four Directorates: Corporate Integrated Records Services (CIRS), the Library and Knowledge Centre (LKC), IM Policy, Planning and Innovation (IMPPI), and Information and Privacy Rights Administration (IPRA).

### **Information and Privacy Rights Administration**

IPRA is responsible for the implementation and management of the *Access to Information Act* and *Privacy Act* programs and services for Industry Canada. Specifically, IPRA makes decisions on the disposition of access requests; promotes awareness of the legislation to ensure departmental responsiveness to the obligations imposed by law; monitors and advises on departmental compliance with the Acts, regulations, procedures and policies; and acts as the spokesperson for the Department when dealing with the Treasury Board Secretariat, the Information Commissioner, the

Privacy Commissioner, and other government departments and agencies. IPRA is also responsible for conducting consultations with other federal departments with respect to access to information and privacy issues.

IPRA has a complement of 14 employees including one Director, three managers, eight advisors and two support staff, all of whom are dedicated to processing access and privacy requests, along with related functions.

### **Delegation of Authority**

The current Access to Information and Privacy (ATIP) Delegation Order was approved by the Minister in July 2009, and provides full-delegated authority to the Assistant Deputy Minister of SBTMS, the Director General of IMB, the Director and the managers of IPRA. The designation of the Director General position is for purposes of providing strategic support and advice to the executive management of the Department concerning ATIP issues, if and when required. For all daily ATIP activities and operations, the Director and the managers of IPRA exercise full responsibility (see Appendix III).

The Director of IPRA is responsible for the development, coordination and implementation of effective policies, guidelines and procedures to manage the Department's compliance with the Acts. The administration of the legislation in Industry Canada is managed by IPRA, but is also facilitated at the sector, branch and regional office levels. Each sector and corporate branch has an ATIP Liaison Officer (reporting to an Assistant Deputy Minister, Regional Executive Director, etc.) who coordinates activities and provides guidance on the administrative processes and procedures of the Acts. IPRA, which is located in Ottawa, responds to all formal requests submitted under the applicable Acts.

### **2010–2011 Highlights**

In 2010-2011, the Department saw a decrease in the volume of privacy requests received under the *Privacy Act* as compared to the previous year. In total 16 formal requests were received as compared to 32 in 2009-2010. However, processing requests is just one component of the administration of privacy rights.

Activities also include awareness, training, and the provision of advice and guidance regarding the collection and management of personal information within Industry Canada. IPRA also reviews and approves Preliminary Privacy Impact Assessments (PPIAs) and Privacy Impact Assessments (PIAs) which are core documents of the Department's governance framework for IT projects. In addition, departmental officials regularly consult with IPRA to seek guidance on the rules related to

consistent use and/or disclosure of information in accordance with the purpose for which the information was obtained or compiled.

- ***Resources – Human and Financial***

In 2010-2011, IPRA continued to face challenges in managing and retaining staff to perform its daily operations and meet its legal compliance requirements. The office had four departures during the year which represents a churn rate of 29 percent. Three of the departures were in the last quarter and staffing processes were initiated to fill the resulting vacancies. A new organizational structure was implemented in 2009-2010 to better meet the increasing business demands and to allow IPRA to expand on policy advice and outreach services. However, there was no increase in the FTE allotment. IPRA consists of three teams (see Appendix II), with two teams responsible for the daily operations and one for policy and outreach. IPRA continues to operate within an allocation of 14 full-time employees, unchanged since 2003.

Providing interesting work and opportunities for growth are critical to retaining employees and lowering the departure rate. To attract and retain employees in a highly competitive market, IPRA provides career progression opportunities with the use of the ATIP Professional Development Program (ATIP-PDP). The Program, which has been in effect since 2005, is used to develop employees from the PM-01 to the PM-04 level within the ATIP function.

The Program's objective is to provide management with a tool to recruit, train and retain resources interested in building a career in the ATIP field. The program has proven effective in the recruitment and development of resources. It has also reduced the number of lengthy staffing processes and actions, and has had a positive influence on retention and succession planning. In 2010-2011, one IPRA employee graduated to the PM-04 level and one new candidate joined the program. IPRA has also been innovative in using inter-departmental staffing processes and other recruitment/staffing tools, which have positively improved recruitment outcomes.

IPRA also supports employees' career objectives by providing training opportunities to support both short and long-term career goals.

- ***Resources and Workload***

Of the 14 IPRA positions, 13 were staffed for the majority of the reporting period. The 13 positions consisted of the Director, three managers (PM-06), three senior advisors (PM-05), three advisors at the PM-04 level and one at the PM-02 level, plus two support positions (PM-02 and AS-01). During the period under review IPRA had to contend with a number of resourcing issues, not least of which was the departure of

three staff members in the fourth quarter. During part of the reporting period, a consultant was hired to assist with the workload.

In 2010-2011, the policy and outreach unit, consisting of two people (PM-06 and PM-05), was responsible for maintaining the various partnerships with other functional areas, overseeing various projects/initiatives (e.g., ATIP case management tool, IM initiatives, Info Source Renewal, etc.), and delivering ATIP advice/guidance including providing training and awareness sessions across the Department. Mid-year, due to operational changes, the unit was reduced to one person. Even with the reduction, the following activities were completed:

<b>ACTIVITY</b>	<b>TOTAL</b> (Questions/Reviews /Emails/ Reports, etc.)
Provide ATIP guidance and advice to Industry Canada officials, OGDs and the public	126
Review of audit and evaluation reports prior to being publicly posted on the departmental website	20
Review of parliamentary questions and responses	92
Review of proactive disclosures prior to being publicly posted on the departmental website	1510 (Emails)
Prepare and deliver ATIP training/awareness sessions to departmental officials (including regions)	36
Review and approval of Preliminary Privacy Impact Assessments/Privacy Impact Assessments	27
<b>OTHER</b>	
Update to IPRA internal intranet site	X
Preparing and tabling annual reports and statistical reports	X
Input to MAF and DPR (ATIP user fees)	X
Managing Info Source updates and providing submission to TBS	X
Review and update business practices and procedures for IPRA	X
Participate in various initiatives across IC (Email Back-Up, various IM policy initiatives, Business-Based Classification Structure, etc.)	X

## **Other Activities**

### ***Disclosures Made Pursuant to Paragraph 8(2) — Permissible Disclosures***

- ▶ Section 8(2)(d) — disclosure to the Attorney General of Canada: One disclosure was made during this reporting period.
- ▶ Section 8(2)(e) — disclosure made to an investigative body (as described in the Regulations): Two requests were received during this reporting period – one was abandoned and one was completed.
- ▶ Section 8(2)(m) — disclosure in the public interest: No disclosure was made during this reporting period.

### ***Data-Matching and Data-Sharing Activities***

This Department is not active in any data-matching or data-sharing activities and as a result, there are no activities of this nature to report for 2010-2011.

### ***Privacy Impact of any Legislative, Policy and Service Delivery Initiatives (Including Data-Matching and Data-Sharing Agreements)***

There is no information to report with regard to this item for 2010-2011.

## **IPRA – ATIP Procedures, Business Practices, and Policies**

To improve the administration of the ATIP program, and to ensure that Treasury Board ATIP policies are respected and implemented, IPRA has developed various internal guidelines, procedures, and business practices. The areas covered include the following:

### **OPERATIONAL PROCEDURES**

- ***ATIP Procedures for IPRA Staff***

A comprehensive guide of the ATIP Office's business practices and procedures was developed to reduce the learning curve of new employees, as well as to provide a reference tool for staff. During development existing ATIP business processes were reviewed and challenged in an attempt to reduce administrative burden and improve the day-to-day workflow of the office.

- ***Helping Applicants through Duty to Assist***

Over the years, IPRA has implemented various approaches to better assist and respond to applicants. Established practices include the following:

- The applicant's identity is not considered during the processing of a request, nor is it revealed to departmental officials, unless there is a need to know to retrieve information and/or if consent is provided by the applicant;
- Regular communication is established with applicants to clarify and narrow requests, provide updates and explain the privacy process and rights pursuant to the Act;
- Accurate, timely and complete responses are compiled in good faith. Alternate solutions may be suggested, such as previously released, or publicly accessible information, and, if applicable, referrals to other organizations involved;
- Records are provided in the format requested. Since 2001, IPRA has been providing processed documents on CD-ROM in PDF format at no cost to the applicant. At times, releases of data extracts are provided in Excel, Lotus and/or ASCII format and if the material is less than 125 pages, a paper copy is provided; and
- Other practices involve facilitating discussions and/or meetings with program officials and providing interim responses when possible.

## **BUSINESS PRACTICES IN SUPPORT OF TBS POLICIES**

### ***Privacy Impact Assessments (PIA) and Preliminary Privacy Impact Assessments (PPIA)***

When the PIA Policy came into effect, IPRA established a process for Industry Canada that consisted of the following:

1. PPIA and/or PIA is prepared by the responsible Sector/Project Manager;
2. PPIA/PIA is forwarded to IPRA for review, discussion, approval and reporting purposes;
3. Once a PIA is finalized and approved, IPRA provides a copy to the Office of the Privacy Commissioner (OPC) for review;
4. OPC will return the PIA with recommendations, as required;
5. IPRA will return the PIA with recommendations to the Sector/Project Manager for action;
6. IPRA will liaise between the Department and OPC as required until the PIA is finalized;
7. Once complete, the Sector/Project Manager is to prepare a brief summary of the PIA for publication purposes and/or posting on the websites; and,

8. IPRA will report on all PPIAs and PIAs at the end of each fiscal year in the Department's Annual Report to Parliament on the Administration of the *Privacy Act*.

There were no PIAs initiated or completed during this reporting period and, therefore, none were forwarded to the Office of the Privacy Commissioner.

As noted in Appendix I, a total of 27 PPIAs were initiated, reviewed and completed during this reporting period. The PPIAs consisted, for the most part, of updates to existing electronic tools/applications related to existing programs and initiatives, and based upon legislative requirements. It was also determined that the PPIAs described enhanced tools with little change to content and that there was no change to the purpose, collection, use, disclosure and retention of personal information.

In addition, it was concluded that the content was related to commercial/business information required by the Department to deliver on its mandate. Personal information in these cases consisted of a name and contact information, which was a business address required for communication purposes.

- ***Use of CDs***

This initiative has reduced paper burden and eliminated reproduction fees and on-site visits from applicants, as well as improved timeliness and efficiency in managing the ATIP program and services. The Department does not charge for CDs.

- ***Informal Practices***

Consistent with the principle that the Act is intended to complement, rather than replace, existing procedures for access to government information, informal requests may be addressed directly to branches within the Department. IPRA routinely directs requesters to the relevant sectors with public research centers or public sites.

- ***Publicly Accessible Information, Website and Enquiry Points***

The Department is broad and diverse in nature and manages various distinct laws that legally allow for publicly accessible information. Industry Canada has a comprehensive website and provides a number of enquiry points where the public may submit a query and obtain information on an informal basis, specifically:

- ▶ [ic.gc.ca](http://ic.gc.ca)
- ▶ Canada Business
- ▶ Canadian Consumer Information Gateway



- ▶ Canadian Intellectual Property Office
- ▶ Corporations Canada
- ▶ Office of the Superintendent of Bankruptcy

- ***ATIP Website***

IPRA also has its own internet site ([www.ic.gc.ca/eic/site/atip-aiprp.nsf/eng/home](http://www.ic.gc.ca/eic/site/atip-aiprp.nsf/eng/home)). The site contains general information, points of contacts and links to other key departments and agencies, including the ATIP Offices for the Industry Portfolio.

- ***Info Source***

IPRA is responsible for providing a full accounting of the Department's information holdings to the Treasury Board Secretariat (TBS) and it ensures that updates are provided on a timely basis for inclusion in Info Source.

In 2010-2011 an extensive review and update of the Department's Info Source Chapter was completed with the collaboration of program officials. The revised 2010-2011 Chapter contains complete descriptions of all IC functions, programs, activities and related holdings linked to Industry Canada's Program Activity Architecture.

All 38 of the Department's institution-specific Personal Information Banks (PIBs) were reviewed and seven were de-registered and replaced with standard PIBs. In addition, the Department asked TBS to de-register a further 13 PIBs, however, approval is pending. Of the remaining 18 PIBs 16 were revised (approval is pending) and two remain unchanged. In addition, five Classes of Personal Information were deleted (approval is pending for two) and eight new Standard PIBs were registered with TBS.

Info Source may be obtained through public and academic libraries, or may be viewed online at [www.infosource.gc.ca/index-eng.asp](http://www.infosource.gc.ca/index-eng.asp).

- ***Reading Rooms***

A reading room is available at Industry Canada headquarters and in all regional offices as required. Current departmental manuals are available for review by the public upon request. The manuals may also be provided electronically.

## **Strategies and Initiatives to Ensure Compliance**

### ***Ensuring Compliance through Training and Outreach***

Enhanced awareness and knowledge of ATIP obligations on the part of departmental officials improves compliance with legal obligations, turnaround times, and the quality of responses. During the reporting year, IPRA continued to work closely with various program areas of the Department to improve compliance and address issues related to privacy and overarching IM concerns.

In 2010-2011, there was a 57% increase in ATIP awareness sessions prepared and delivered to Industry Canada employees (36 sessions as compared to 23 in 2009-2010), with approximately 550 participants. Upon request, sessions are tailored to suit the needs of a specific group.

IPRA gave on-site training in all five of the Department's regional offices, in partnership with the Regional Operations Sector, compared to two the previous year. Ongoing training was provided to Sector Liaison Officers, and sessions were provided to new employees, as part of the departmental orientation program. To date, awareness and training sessions have resulted in increased cooperation and collaboration with program officials across the Department. In some cases it has allowed improved negotiations with applicants to reduce the scope and volume of work and with time should improve the overall productivity and performance in managing the ATIP programs. In addition to these formal sessions, an intranet site is used to create awareness and disseminate information to employees.

IPRA also participates and contributes to the Department's IM Community of Practice, launched in July 2010, which provides a forum of discussion related to the development and implementation of Information Management best practices within Industry Canada in support of business and accountability.

IPRA also worked with other IM domains to develop and deliver a more integrated IM outreach program to departmental officials. Messages highlighted the connections and inter-dependence existing between the ATIP functions and information management activities such as security classification, retention/disposal and business value of information, as well as providing practical tips and best practices.

### ***Mitigating Risk of Inappropriate Use and Disclosure of Information***

Over the past years, in an effort to mitigate the risk of releasing information which should be protected and to ensure the balance of privacy and right of access, IPRA has provided a number of services to core administrative functional areas. These include:

#### Comptrollership and Administration Sector (CAS)

- As part of the government's policy on the mandatory publication of travel and hospitality expenses for selected government officials (proactive disclosure), IPRA reviews the information regarding travel and hospitality expenses before it is posted publicly on the departmental website. The review ensures that no personal information is included in the information.

#### Chief Informatics Office (CIO)

- The governance framework for IT projects includes Threat and Risk Assessments, Preliminary Privacy Impact Assessments (PPIAs) and Privacy Impact Assessments (PIAs) among the core documents. IPRA is responsible for reviewing and approving the PPIAs and PIAs, and for providing advice to departmental officials regarding their content.

#### Human Resources Branch (HRB)

- Providing general advice and guidance concerning privacy issues related to employees; reviewing reports such as harassment/grievance/disciplinary to ensure the balance of privacy and right of access.

### ***Improvements to Privacy Protection***

A departmental Security Policy was introduced on October 1, 2006. The Security Policy is designed to protect employees, preserve the confidentiality, integrity, availability and value of Industry Canada's departmental assets, and assure the continued delivery of services.

### ***Information Management Initiatives***

As noted earlier, effective and efficient information management is crucial to IPRA maintaining its high-level performance and ensuring compliance with its legal obligations. IPRA contributes to a multi-year IM Agenda which guides the Department in delivering on its long-term Information Management (IM) program objectives, which are to support program and service delivery, foster informed decision-making, facilitate accountability, transparency and collaboration, and preserve access to information and records for the benefit of present and future generations. Initiatives under the IM Agenda are designed to achieve the following outcomes:

- Effective IM Governance – The continuous and effective management of information is assured through appropriate governance structures, policies and guidelines.

- IM Informed Workforce – Employees have the know-how and expertise to manage and access information to support business outcomes.
- Sustainable Corporate Support – Corporate IM tools based on effective standards, methods and practices are in place, supported by a sustainable infrastructure and infrastructure.

### ***ATIP Case Management Tool***

IPRA is implementing a new electronic ATIP Case Management tool. This new tool will improve monitoring and tracking, as well as address the increased reporting requirements, thereby allowing IPRA to manage its day-to-day workflow more effectively.

The majority of the work to implement the new tool has been completed. However, due to the departure of three staff members in the fourth quarter, implementation has been deferred to fiscal 2011-2012.

## **PRIVACY — TRENDS AND STATISTICS**

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### **Significant Trends**

As stated earlier, Industry Canada's mandate is focused on Canadian businesses. The Department's programs and initiatives assist in building a more productive, competitive and knowledge-based economy for Canada. As a result, there are few privacy requests and issues.

Since there were few official requests received during the reporting period, no significant trend was noted. The few privacy requests received involved issues related to staffing exercises (such as rating guides and screening processes), performance, personal comments and bankruptcy files held by the Office of the Superintendent of Bankruptcy.

### **Statistical Report — Interpretation and Explanation**

A summarized statistical report on *Privacy Act* requests processed from April 1, 2010 to March 31, 2011, is found in Appendix I. An explanation and interpretation of information contained in the appendix follows.

#### **I. Requests Received under the *Privacy Act***

Of the 18 requests processed during this reporting period, two were outstanding from previous years and 16 requests were new. Three requests were carried forward into the new fiscal year. A total of 15 requests were completed and more than 7,800 pages reviewed.

#### **II. Disposition of Requests Completed**

15 requests were completed during the 2010-2011 reporting period, categorized as follows:

**All Disclosed** — in two cases, the requester was granted full access.

**Disclosed in Part** — in seven cases, the requesters were granted partial access.

**Unable to Process** — two requests could not be processed.

**Abandoned by Applicant** — three requests were abandoned by the applicant.

**Transferred** — one request was transferred with the consent of the applicant.

### **III. Exemptions Invoked**

As noted in Appendix I, the Department invoked exempting provisions pursuant to sections 22 and 26 of the *Privacy Act*.

### **IV. Exclusions Cited**

The Department did not invoke any exclusions pursuant to the Act.

### **V. and VI. Completion Time and Extensions**

Of the 15 completed cases, the Department was able to respond within the legislated 30 days or less 67 percent of the time. Approximately 7 percent of completed cases required extensions under the Act to allow external consultation with other government departments and agencies, and 13 percent were completed within 31 to 60 days. Of the remaining three requests, 13 percent were completed within 61 to 120 days and 7 percent over 121 days for a total 20 percent completed after the legislated time period as noted in Appendix I.

### **VII. Translations**

One translation was undertaken in dealing with one request.

### **VIII. Method of Access**

In response to nine requests, copies of the records were provided to the applicants on paper or on CDs. There were no requests for on-site examination.

### **IX. Corrections and Notation**

No requests for corrections or notation were received.

### **X. Costs**

Total salary costs associated with administering *Privacy Act* activities were estimated at \$24 901 for this reporting period. Non-salary costs were estimated at \$3 625 for a total cost of \$28 526. The associated human resources (including both IPRA and departmental officials) required to fulfill this function were estimated at less than one (.3) of a full-time employee.

## **Complaints, Investigations and Appeals**

Applicants have the right of complaint pursuant to the Act and may exercise this right at any time during the processing of their request. The Department received two complaints for this reporting period. One was related to use and disclosure and one was related to refusal - general. During this period the Department completed two exemption complaints. The Privacy Commissioner concluded that one was well founded – resolved and one was not well founded - no action required; while two remain under investigation.

No appeals were filed with the Federal Court of Canada during the reporting period.

## **Changes Resulting from Issues Raised by Officers of Parliament**

### **Office of the Privacy Commissioner of Canada**

In addition to the complaints noted above, Industry Canada's Computers for Schools (CFS) program was subject to the Office of the Privacy Commissioner's audit of personal information disposal practices in selected federal institutions. The CFS program collects and refurbishes donated surplus computers for distribution to Canada's schools, libraries, non-profit learning organizations and Aboriginal communities.

Of the 414 computers reviewed, the audit concludes that every single one of them was properly wiped. The CFS Program's operational procedures include sound controls to mitigate the risk of computers being distributed to clients with personal information residing on the hard drives.

The audit results, though favourable, contained the following two recommendations for Industry Canada:

1. Industry Canada should establish a mechanism to ensure that all reported security weaknesses at Computers for Schools workshops are analyzed and addressed in a timely manner.
2. Industry Canada should work with the Treasury Board Secretariat to request that federal departments and agencies provide a signed declaration to the Computers for Schools program certifying that all donated surplus computers and related assets have been cleansed of protected and classified information.

### **Industry Canada's Response:**

The CFS Program has started to work collaboratively with its licensees, the Treasury Board Secretariat and the RCMP to develop an action plan to address the

recommendations highlighted in the Commissioner's Report. The CFS Program began implementation of the action plan in the fall 2010 and will continue with its implementation throughout fiscal year 2011/2012.

The CFS Program has developed and launched active national outreach initiatives with government departments and agencies to inform them of their roles and responsibilities with regards to ensuring compliance of the Treasury Board's Policy on Management of Materiel and the Directive on Disposal of Surplus Materiel.

#### **Office of the Auditor General of Canada**

There is nothing to report for 2010-2011.



**APPENDIX I — STATISTICAL REPORT ON THE**  
**PRIVACY ACT**

## **APPENDIX II — IPRA ORGANIZATIONAL STRUCTURE**

## **APPENDIX III — DELEGATION OF AUTHORITY**