



Human Resources and
Skills Development Canada

Ressources humaines et
Développement des compétences Canada

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**Annual Report
on the Administration
of the *Privacy Act*
within
Human Resources and
Skills Development Canada
2009-2010**

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Introduction

This is the fifth annual report on the administration of the *Privacy Act* within Human Resources and Skills Development Canada (HRSDC or the Department), in accordance with section 72 of the Act. It covers the period April 1, 2009, to March 31, 2010.

The purpose of the *Privacy Act*, as stated in section 2 of the 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 that provide individuals with a right of access to that information.” This report highlights HRSDC’s key activities and accomplishments with respect to the *Privacy Act*, includes a narrative on the processing of formal requests submitted to the Department, and provides statistics on the year’s activities.

The report deals with the administration of the *Privacy Act* at HRSDC (including Service Canada and the Labour Program).

The Department’s Raison d’être and Responsibilities

HRSDC’s mission is to build a stronger, more competitive Canada, to support Canadians in making choices that help them live productive and rewarding lives, and to improve Canadians’ quality of life. The Department delivers its mandate through three business lines: programs that support human resources and skills development, the Labour Program, and Service Canada.

Together, HRSDC’s three business lines employ approximately 27,000 people to deliver a range of programs and services that affect the lives of Canadians during all stages of life, including the following:

- Old Age Security;
- Canada Pension Plan;
- Employment Insurance;
- Canada Student Loans and Grants;
- National Child Benefit; and
- Universal Child Care Benefit.

These direct benefits to Canadians are part of Canada’s social safety net and represent almost 95 percent of the Department’s expenditures. They are designed to provide seniors with basic income security, support unemployed workers, help students finance their post-secondary education, and assist parents who are raising young children, particularly those in low- and modest-income families. HRSDC also provides funding to organizations and other levels of government through targeted labour market and social development programs that aim to improve Canada’s competitiveness, increase opportunities for vulnerable or excluded populations, and help Canadians become resilient, skilled, and adaptable.

Through the Labour Program, HRSDC is responsible for labour laws and policies in federally regulated workplaces. Its mandate includes promoting and protecting workplace health and safety and labour standards, facilitating constructive labour relations, developing labour-related policy and program options in response to changes in economic and social conditions, providing customized information about industrial relations and workplace trends, representing Canada in international organizations dealing with labour issues, and negotiating labour cooperation agreements and cooperative frameworks with free-trade partners and emerging economic partners.

Service Canada helps citizens avail themselves of HRSDC's programs, as well as other Government of Canada programs and services, at more than 600 points of service across the country. In addition to in-person services, Service Canada serves the needs of Canadians online (www.servicecanada.gc.ca) and by phone through 1 800 O-Canada and its integrated network of call centres.

Through its activities in 2010–2011, HRSDC will continue to play a significant role in delivering key elements of *Canada's Economic Action Plan*, helping citizens and employers throughout the recession and into the economic recovery.

Description of the Access to Information and Privacy Division

The Department's Access to Information and Privacy Division is charged with administering access to information and privacy legislation for HRSDC in alignment with the Department's Privacy Management Framework. The Privacy Management Framework is the way in which the Department organizes itself through structures, policies, systems and procedures to manage privacy risks, distribute privacy responsibilities, coordinate privacy work, and ensure compliance with the *Privacy Act* and Departmental legislation. The Division includes 36 employees and is led by a Director reporting directly to HRSDC's Corporate Secretary. The Director is supported by three managers, each responsible for one of the following sections:

- **The Operations Section** is responsible for processing requests under the *Access to Information Act* and the *Privacy Act*. This includes performing a line-by-line review of records requested under this legislation and, for requests under the *Access to Information Act*, preparing and distributing weekly reports and briefings to interested parties within the Department. The Operations Section is also the main point of contact with the Office of the Information Commissioner of Canada and with the Office of the Privacy Commissioner of Canada, with respect to the resolution of complaints. The Operations Section is charged with preparing and delivering training and awareness sessions throughout the Department. Finally, the Operations Section coordinates the Department's annual reporting requirements and HRSDC's input into the Treasury Board of Canada Secretariat's annual update of its *Info Source* publication. The majority of *Privacy Act* requests are processed by employees within HRSDC's regions, and all requests submitted under the *Access to Information Act* are processed at National Headquarters by the Operations Section. HRSDC processed 10,927 formal requests under the *Privacy Act* in 2009–2010. In the three preceding years, the Department completed an average of 8,328 requests per year.

- **The Privacy Policy Management Section** provides policy advice and guidance on handling personal information (including the interpretation of the Department's privacy codes) to officials of HRSDC across its portfolios. It is also responsible for assisting program officials when they draft information-sharing agreements to ensure that the applicable privacy laws are respected. The Privacy Policy Management Section provides advice to departmental officials on preparing Privacy Impact Assessments, responds to legal instruments in which the Department is asked to share personal information, (i.e., subpoenas, court orders, search warrants), and liaises with the Office of the Privacy Commissioner on issues such as privacy breaches.
- **The Access to Information and Privacy (ATIP) Planning and Liaison Section** develops products and tools related to ATIP. It provides standards and guidance to the Department on key Access to Information and Privacy issues. The group also provided secretariat support for the Privacy Management Framework Steering Committee (PMFSC), which, during 2009-2010, was the key management committee responsible for overseeing the implementation of the Privacy Management Framework across the entire portfolio. This committee was succeeded by the Privacy and Information Technology Security Committee on April 1, 2010.

HRSDC also relies on a network of regional and branch coordinators to undertake many of the Department's key access to information and privacy responsibilities.

1 Key Activities and Accomplishments

In 2009–2010, HRSDC undertook several steps to strengthen its Privacy Management Framework, including meeting commitments made to the Office of the Privacy Commissioner in response to its 2009 audit report on selected Privacy Management Frameworks.

The Department's annual report on the administration of the *Privacy Act* is available on the Internet, starting with the 2008–2009 Report. The departmental Privacy Policy and Guidelines are also on the Internet.

Training

A key focus in the Access to Information and Privacy Division at HRSDC is the delivery of training courses. During the period in question, the Access to Information and Privacy Division provided 90 training sessions to 924 employees across the Department.

These sessions were provided to employees and senior management at National Headquarters and in the regions, and also include the access to information and privacy component of the Department's "Orientation for New Employees" sessions.

In addition to the sessions that were offered by the Access to Information and Privacy Division, the regional officials responsible for access to information and privacy in some regions also provided information sessions to their colleagues. Regional officials provided 31 awareness sessions to 559 employees.

In 2009–2010, the Division hosted a two-day national Access to Information and Privacy conference, with opening remarks from HRSDC's Corporate Secretary who is also its Chief Privacy Officer. The meeting saw the coordinators from all regions and those housed at National Headquarters participate in various workshops and presentations from internal and external guest speakers, including experts from the Department's Legal Services unit, from the Office of the Privacy Commissioner, and the Departmental Security Officer. Twenty-five participants attended the conference.

Disclosure of Personal Information

The communication of personal information without the consent of the person concerned is permitted in circumstances specified in subsection 8(2) of the *Privacy Act*. Nevertheless, if another Act contains provisions that cover the release of personal information except in accordance with that legislation, the other Act has priority over subsection 8(2) of the *Privacy Act*.

At HRSDC, departmental and program legislation have disclosure provisions that supersede subsection 8(2) of the *Privacy Act*. These provisions are contained in Part 4 of the *Department of Human Resources and Skills Development Act*, Part 2 of the *Department of Social Development Act*, section 104 of the *Canada Pension Plan* and section 33 of the *Old Age Security Act*.

Disclosures Made in the Public Interest

As previously noted, the majority of disclosures of personal information within the Department fall under the *Department of Human Resources and Skills Development Act*, the *Department of Social Development Act*, the *Canada Pension Plan* and the *Old Age Security Act*. This includes any disclosures in the public interest.

During the 2009–2010 fiscal year, the Department had 26 public interest disclosures; the majority pertained to personal information collected to administer the *Employment Insurance Act*, which falls under Part 4 of the *Department of Human Resources and Skills Development Act*. The reasons for such disclosures were varied; the majority dealt with the safety and security of individuals, and the most frequent were disclosures to the police regarding individuals who threatened to hurt themselves or others. The remaining varied from disclosures regarding human trafficking to locating the relative of an individual who had died.

Where possible, the Office of the Privacy Commissioner was notified in advance of the situation. However, depending on the nature of the threats, notifications also took place after the fact.

Disclosures to Members of Parliament

Paragraph 8(2)(g) of the *Privacy Act* and the Department's privacy codes (specifically subsection 33(2) of the *Department of Human Resources and Skills Development Act*, subsection 27(2) of the *Department of Social Development Act*, subsection 104.01(3) of the *Canada Pension Plan*, and subsection 33.01(3) of the *Old Age Security Act*) allow for the disclosure of personal information to a federal Member of Parliament or Senator, without the consent of the individual, as long as the official is acting on behalf of that individual, representing his or her interests. HRSDC routinely discloses information to Members of Parliament and Senators who are representing individuals in their constituencies in applying for (or seeking assistance in relation to) Employment Insurance, Canada Pension Plan or Old Age Security benefits, Canada Student Loans, or any other program or service offered by the Department.

The Department has a Telephone Inquiries Resolution Service for Parliamentarians that began as a pilot in 2007 and has served all parliamentarians since May 2009. The Service follows procedures that facilitate good stewardship of personal information and respect the responsibilities of parliamentarians.

Work on Committees

Officials within the Department chair and participate in various committees, internal and external, with a focus on privacy issues. The following is a description of the Privacy Management Framework Steering Committee (PMFSC), the Databank Review Committee (DRC), and the Privacy Committee of the Public Sector Chief Information Officers Council-Public Sector Service Delivery Council (PSCIOC-PSSDC). Effective April 1, 2010, The PMFSC and the DRC form part of HRSDC's newly formed Privacy and Information Technology Security Committee (PISC).

The Privacy Management Framework Steering Committee

Consistent with commitments made to the Office of the Privacy Commissioner, the Committee examined privacy governance and updated its priorities to give greater attention to key privacy risk mitigation strategies. These include development of a new Management Framework for Personal Information-Sharing Agreements, new tools for privacy impact assessments, delegation of authority for the Department's various privacy codes, as well as the *Privacy Act*, and revising departmental protocols and processes to ensure best practices in anticipation of new directives emerging from the Treasury Board Secretariat policy on privacy protection.

During 2009–2010, the Privacy Management Framework Steering Committee was convened on 11 separate occasions and reviewed a total of nine Privacy Impact Assessment or Preliminary Privacy Impact Assessment reports. Committee members review the Privacy Impact Assessment submissions with a focus on privacy and policy issues associated with each proposal and their recommendations to mitigate or resolve any identified privacy issues.

The Databank Review Committee

The Databank Review Committee is a major component of the Privacy Management Framework governing the management and protection of personal information within HRSDC, including Service Canada and the Labour Program.

The Committee's primary function is to ensure that privacy considerations are taken into consideration in the design and conduct of departmental policy analysis, research and evaluation activities. The Committee is required to review all policy analysis, research and evaluation activities that involve the linkage of separate databanks and/or the use of unmasked personal identifiers, and to ensure that appropriate privacy protection measures are implemented in accordance with Government of Canada and departmental privacy legislation and the departmental protocol.

All departmental projects that are reviewed and recommended by the Databank Review Committee are subsequently referred to the Deputy Minister for approval.

During 2009–2010, the Databank Review Committee was convened on six separate occasions and reviewed a total of 21 project proposals that requested the use of unmasked personal information and/or the linkage of separate databanks for policy analysis, research, or evaluation purposes. In addition, six research projects, not involving the exchange of any unmasked personal identifiers between HRSDC and the external contractors, were reviewed and tabled for the Committee's information during 2009–2010. The Committee also reviewed and updated its processes for dealing with major, minor, and clerical amendments to approved projects.

Privacy Committee of the Public Sector Chief Information Officers Council-Public Sector Service Delivery Council (PSCIOC-PSSDC)

The ATIP Division represents the Department on the Privacy Committee of the PSCIOC. The Privacy Committee serves as a national forum for exchange of information, best practices, and research in access to information and privacy. The Privacy Committee facilitates inter-jurisdictional cooperation and provides advice to the councils on privacy-related initiatives. The Committee reports to the pan-Canadian joint councils. These councils support processes to improve citizen satisfaction with public sector service delivery.

Management Framework for Personal Information-Sharing Agreements

During the fiscal year, the Department updated its inventory of Personal Information-Sharing Agreements and instituted a new Management Framework in which they are nested. With the support of the departmental Working Group on Personal Information-Sharing Agreements reporting to PMFSC, the Framework outlined below is now in place:

- central coordination/branch management;
- business planning: review, renew, archive agreements;
- consultation: Legal Services, Information Technology and ATIP, other areas as required;
- written agreements: document and monitor;
- delegated authorities respected when signing agreements;
- compliance with appropriate legislation, as well as Treasury Board and departmental policies; and
- stewardship concerning protecting personal information: security, audit, risk assessment.

The Department enters into Personal Information-Sharing Agreements with other government institutions in order to administer and deliver programs and services to the public.

For instance, the Department has agreements with provincial ministries to administer and enforce federal and provincial programs such as Employment Insurance and social assistance program regimes, and to administer Labour Market Development Agreements.

The Department also exchanges information with certain federal institutions to assist with the administration and enforcement of their programs or activities such as the Canada Revenue Agency for the *Income Tax Act*, Statistics Canada for the *Statistics Act*, and the Department of Citizenship and Immigration for the *Immigration and Refugee Protection Act*.

Finally, HRSDC also has Personal Information-Sharing Agreements with other countries. For example, the Department holds international social security agreements with the governments of several countries in order to deliver the International Benefits program of the Canada Pension Plan and the Old Age Security program.

In addition to the information that the Department holds for the purposes of administering its own programs, HRSDC delivers programs and services for other government departments and in that context, manages personal information. These activities are also documented in agreements.

Personal Information-Sharing Agreements are drafted in line with the applicable departmental legislation (the Privacy Codes) and/or paragraph 8(2)(f) of the *Privacy Act*, where applicable.

Policy Development and Privacy Impact Assessments

The Access to Information and Privacy Division provides advice and guidance to ensure that the principles of the *Privacy Act* and privacy codes are respected during the design or redesign of programs and services at HRSDC.

Apart from providing general advice and guidance, HRSDC has also produced a departmental Privacy Policy and Guidelines document, which is available to all employees on the Department's intranet site.

During the reporting period, HRSDC initiated 18 Privacy Impact Assessments (PIA) and no Preliminary Privacy Impact Assessments (PPIA). Additionally, the nine assessments (five PIAs and four PPIAs) described below were completed and forwarded to the Office of the Privacy Commissioner. PIAs and PPIAs are required when the Department undertakes a new collection, use or disclosure of personal information or introduces a new system.

PIAs Completed in 2009–2010

1. Apprenticeship Incentive Grant

The Apprenticeship Incentive Grant (AIG) is a program aimed at encouraging more Canadians to pursue apprenticeships in order to meet Canada's need for skilled tradespeople. The program involves the provision of a \$1,000 per year grant to apprentices in the first two years/levels of blocks of a designated Red Seal trade apprenticeship program, for a lifetime total of \$2,000. In order to obtain the grant monies, apprentices must apply to Service Canada and are required to substantiate registration and progression in an apprenticeship program.

2. Canada Student Loan Program (CSLP) Service Delivery Vision for Student Financial Assistance

In Budget 2008, the Government of Canada committed to modernizing and simplifying Canada's Student Financial Assistance program, with an objective to better serve students in their pursuit of continuous learning. The new vision, agreed to by the Intergovernmental Consultative Committee on Student Financial Assistance, stated that it would

Provide students with simple, easy to manage access to student financial assistance by modernizing and simplifying the process and tools that facilitate information exchange across service delivery partners and by removing the complexities caused by multiple jurisdictional SFA regimes.

This PIA was undertaken at an early stage of the design of the Service Delivery Vision to identify, assess and address any privacy risks with the aim of ensuring that prior to implementation, all program and system improvements respect and strengthen all aspects of privacy.

3. Information Technology Renewal Delivery Systems (ITRDS) – Release 7

Release 7 of the ITRDS—a new program and benefit delivery system—supports the administration of the Canada Pension Plan (CPP). The release brings a modern platform, modern tools and modern controls to CPP program delivery.

4. Phase II Pilot Project: Predictive Risk Model

The Integrity Services Branch is responsible for risk-management policies, procedures and guidelines throughout the Department's programs and services. In 2006–2007, the Department conducted a proof-of-concept project to demonstrate the usefulness of predictive risk analysis to enhance the detection of fraud and abuse in the Employment Insurance program. This proof-of-concept, which revealed patterns and correlations among the EI databases, identified new predictive risk flags for the design of risk controls. These statistical techniques were found to

significantly improve the identification of cases most likely to be in order and those most likely to result in an overpayment.

Phase II is the pilot phase, using real data and cases, with a goal of achieving greater effectiveness in investigations and risk managing those processes through improved techniques. Phase II will assess the predictive model built in Phase I. Only those files previously flagged by the Integrity Services Branch as a potential risk were to be used in the pilot.

5. Record of Employment (ROE) Web Addendum

The purpose of the ROE Web is to permit employers to electronically submit Records of Employment to the Department using a secure method of transmission over the web. The addendum describes two new components to the ROE Web: the Unique Identifier, which enables businesses to limit access to the payroll data ROE Web users work with (only the payroll data of the employees for whom they are responsible); and the View Option, which allows employers to further define the roles of ROE Web users, improves the privacy of ROE recipients and enhances the security of the Employment Insurance Account.

PPIAs Completed in 2009–2010

1. Agreement Relating to the Communication of Information on Benefits Payable under the *Old Age Security Act* to the Province of New Brunswick

This PPIA pertains to the renegotiation of the 1994 agreement with the Ministry of Health and Community Service of New Brunswick (NB). The agreement authorizes the disclosure of information on the Guaranteed Income Supplement (GIS) recipients residing in NB to the Province for the administration of their Prescription Drug Program created under the Province's *Prescription Drug Payment Act*. The program provides an insurance plan that pays for some prescription drugs to eligible residents of NB who are 65 years of age or older and are in receipt of GIS. The agreement also allows for the subsequent disclosure of information by NB to Medavie, a private company under contract to the Province, for the sole purpose of administering their program.

2. Canada Student Loans Program – Transition Grant Project

Budget 2008 announced that the Canada Millennium Scholarship Fund (CMSF) would sunset in 2010 and that a new federal Canada Student Grant Program to be delivered through the CSLP would be launched. In order to administer the Transition Grant and determine eligibility, the CSLP required access to personal information held by the CMSF on bursary recipients.

3. Targeted Initiative for Older Workers (TIOW) Active Employment Measures

This five-year federal/provincial/territorial cost-shared initiative was developed to support unemployed older workers in vulnerable communities through activities aimed at re-integrating them into employment. The PPIA focuses on the collection of personal information by the Department for evaluation purposes.

4. Validation of Citizenship Information with Citizenship and Immigration Canada

The PPIA concerns an agreement between Human Resources and Skills Development Canada and the Department of Citizenship and Immigration to permit the sharing of personal information in order to validate information contained in a citizenship document, submitted to Service Canada, when an individual applies for a Social Insurance Number (SIN) and a SIN Card. The ability to share this information assists in maintaining the integrity of the Social Insurance Register.

Delegation of Authorities for the Administration of the *Privacy Act*

Administration of the *Privacy Act* within HRSDC is not strictly a centralized function; rather, it is the result of the combined effort of the Access to Information and Privacy Division at National Headquarters and a network of branch and regional coordinators.

Policy advice and guidance are provided by the Access to Information and Privacy Division in liaison with the branch and regional offices to ensure that the needs of National Headquarters, regional headquarters and local offices are met. Regional coordinators are responsible for the day-to-day administration of the *Privacy Act* and other applicable privacy laws within their own regions. Along with the local coordinators, who administer the Act at the local level, regional coordinators have been delegated responsibility for disclosing personal information in response to formal privacy requests. With assistance from National Headquarters officials, regional coordinators also provide advice and guidance to management and the public at large.

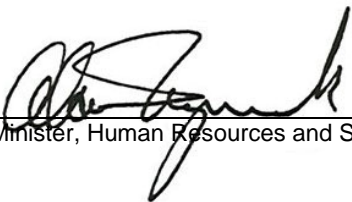
The Delegation Order on the following pages was signed by the Honourable Belinda Stronach, (then Minister of HRSDC), in 2005, and is currently in force at HRSDC.

Annex A

HUMAN RESOURCES AND SKILLS DEVELOPMENT


Pursuant to section 21 of the *Department of Human Resources Development Act*, sections 32, 33 and 34 of the *Financial Administration Act*, subsection 6(4) of the *Public Service Employment Act*, sections 9 and 12 of the Interest and Administrative Charges Regulations, section 4 of the Debt Write Off Regulations and section 4 of the Ex Gratia Payments Order, 1991, and to the Treasury Board Directives on Travel, Relocation and Isolated Posts and Housing, and the Treasury Board Policies on Hospitality, Memberships, Recognition, Conferences and Claims and Ex Gratia Payments, the positions and those groups and other individuals identified within these delegation documents are authorized to exercise the authorities as indicated in the attached annexes.

- Submissions to Treasury Board;
- Financial delegations – Operating Funds (HNQ/Region);
- Special Financial authorities (HNQ/Region);
- Restrictions concerning Financial authorities
- Write-off of debt (HNQ/Region);
- Waiver/reduction of interest
- Grant and Contribution programs (CRF, EBSM, Learn\$ave, Learning, Workplace Skills);
- Homelessness (NHI, SCPI)
- NHI and SCPI (Section 34 FAA)
- International Trade and Labour Program
- Labour Management Partnerships Program
- Occupational Safety and Health and Fire Prevention
- Authority to Make Information Available pursuant to Section 127 of the *Employment Insurance Act*
- Authority to Release Information pursuant to the *Employment Insurance Act*
- Authorization to Make Information Available, pursuant to Section 128 of the *Employment Insurance Act*
- Call Centers
- Certified True copies or certified true extracts of official records;
- *Federal Real Property and Federal Immovables Act*;
- *Access to Information Act*, and
- *Privacy Act*.
- Contracts and Endorsements under the *Government Annuities Act*
- Certification of Educational Institutions
- Transactions against the EI Account



Deputy Minister, Human Resources and Skills Development

Date



Minister of State, Human Resources and Skills Development

Date

Privacy Act - Delegation of Authority							
Description	Section	Director ATIP	Chief ATIP	Officers ATIP	RPC	HRCC Managers	**
Approval to disclose for the purpose the information was obtained or for consistent use	8(2)(a)	x	x				
Approval to disclose in accordance with any Act of Parliament or regulations	8(2)(b)	x	x				
Approval to disclose for complying to subpoena, warrant or order made by a court	8(2)(c)	x	x	x	x	x	
Approval to disclose to the Attorney General for use in legal proceedings	8(2)(d)	x	x	x	x	x	
Approval to disclose to investigative bodies	8(2)(e)	x	x	x		x	
Approval to disclose pursuant to an agreement between HRDC and another federal institution, foreign, provincial or municipal government or a third party (<i>authority to disclose as specified in the Agreement</i>)	8(2)(f)	x	x	x	x	x	x ¹
Approval to disclose to a Member of Parliament or Senator	8(2)(g)	x	x	x	x	x	x ²
Approval to disclose to employees of HRDC for internal audit purposes or to the Comptroller General for audit purposes	8(2)(h)	x	x	x	x	x	
Approval to disclose to National Archives for archival purposes	8(2)(i)	x	x	x	x	x	
Approval to disclose for research and statistical purposes	8(2)(j)	x	x				
Approval to disclose to any association of aboriginal people, Indian Band	8(2)(k)	x	x				
Approval to disclose to locate a debtor owing to Her Majesty or make a payment owing to that individual by Her Majesty	8(2)(l)	x	x	x	x	x	
Approval to disclose in the public interest or if the disclosure would benefit the individual	8(2)(m)	x	x				

Director, ATIP: Director, Access to Information and Privacy, NHQ

Chief, ATIP: Chief, Access to Information and Privacy, NHQ

Officers, ATIP: All officers within Access to Information and Privacy, NHQ

RPC: Regional Privacy Coordinator

Managers: Managers of Human Resource Centres of Canada

1*: Employees as specified in the agreement

2*: Designated employees

Description	Section	Director ATIP	Chief ATIP	Officers ATIP	RPC	HRCC Managers	**
Record of disclosure for investigation	8(4)	x	x	x			
Notify Privacy Commissioner of 8(2)(m)	8(5)	x	x				
Record of consistent uses	9(1)	x	x	x			
Notify Privacy Commissioner of consistent uses	9(4)	x	x				
Personal information banks	10(1)	x	x	x			
Notice where access is granted	14	x	x	x	x	x	x
Extension of time limits	15	x	x	x	x	x	x
Notice where access is refused	16	x	x	x	x	x	x
Decision regarding translation	17(2)(b)	x	x	x	x		
Conversion to alternate format	17(3)(b)	x	x	x	x	x	x
Refuse access – exempt bank	18(2)	x	x				
Refuse access – confidential information	19(1)	x	x	x	x		
Disclose confidential information	19(2)	x	x	x	x		

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** : Designated employees

Description	Section	Director ATIP	Chief ATIP	Officers ATIP	RPC	HRCC Managers	**
Refuse access – federal-provincial affairs	20	x	x	x			
Refuse access – international affairs, defense	21	x	x	x			
Refuse access – law enforcement and investigation	22	x	x	x	x		x
Refuse access – security clearance	23	x	x	x	x		
Refuse access – person under sentence	24	x	x	x	x		
Refuse access – safety of individuals	25	x	x	x			
Refuse access – another person's information	26	x	x	x	x		x
Refuse access – solicitor-client privilege	27	x	x	x	x		x
Refuse access – medical records	28	x	x	x	x		x
Representation to Privacy Commissioner	33(2)	x	x	x	x		
Response to Privacy Commissioner's request to disclose information previously exempted	35(1)(b)	x	x	x	x		
Access given to complainant	35(4)	x	x	x	x		

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** : Designated employees

Description	Section	Director ATIP	Chief ATIP	Officers ATIP	RPC	HRCC Managers	**
Action with respect to the review of exempt bank	36(3)(b)	x	x				
Response to review of compliance	37	x	x				
Request court hearing in National Capital Region	51(2)	x	x				
Ex parte representations to court	51(3)	x	x				

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2 Statistics in Detail

The following statistics describe the administration of the *Privacy Act* within HRSDC for the period April 1, 2009, to March 31, 2010.

Requests under the *Privacy Act*

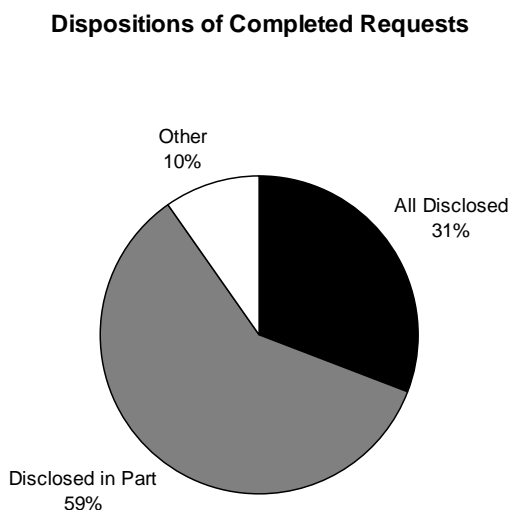
HRSDC received 10,900 formal requests under the *Privacy Act* during the period in question.

HRSDC submitted 54 requests for consultation to other government departments (OGD) and received seven requests for consultation from OGDs during the 2009–2010 fiscal year.

Disposition of Completed Requests

A total of 10,927 requests were finalized during the period in question. Of these, 9,860 or 90 percent resulted in full or partial disclosure of the information requested. The information requested was disclosed in its entirety in 3,362 of those cases, and 6,498 applicants received a partial release of the information they requested. Sixty-four requests resulted in the complete exemption of the requested information. The remaining 1,003 finalized requests fell into the categories of “unable to process,” “abandoned by the applicant” or “transferred.”

Figure 1
Dispositions of Privacy Requests Completed in 2009–2010



Exemptions Invoked

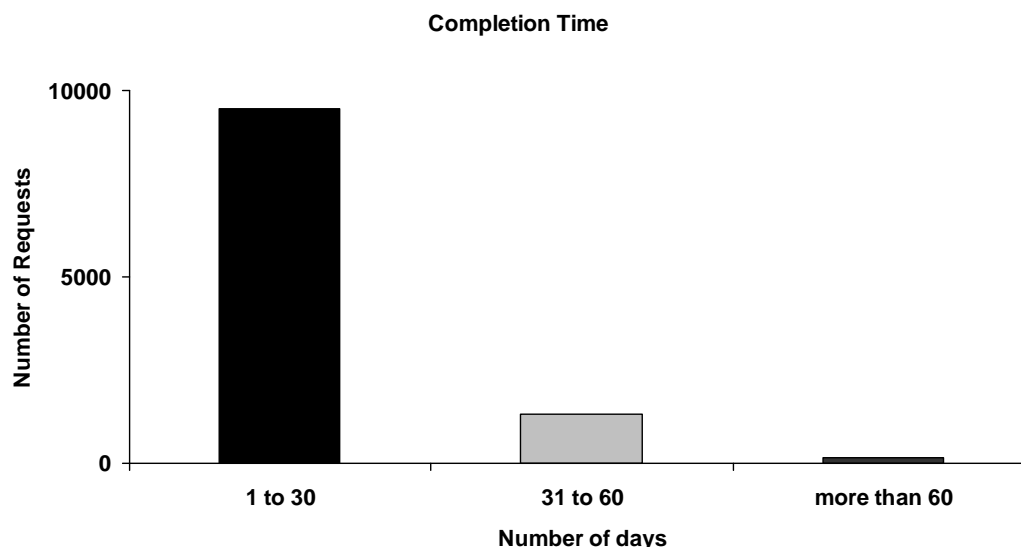
Of those cases where HRSDC was able to fully process the request, exemptions were invoked 6,625 times. The majority of exemptions invoked fell under section 26, which was applied to 6,395 requests. Section 26 aims to protect personal information about individuals other than the requestor. Subsection 22(1), on law enforcement and investigation, was applied 213 times. Section 27, the exemption of personal information subject to solicitor-client privilege, was used 12 times. Other exemptions were applied in fewer than 10 cases.

Completion Time and Extensions

A total of 9,493 requests were processed within 30 calendar days. One thousand two hundred and ninety eight required between 31 and 60 days, and the remaining 136 files took more than 60 days to process.

Extensions of 30 days or less were claimed in 724 cases.

Figure 2
Completion Time for Privacy Requests Closed in 2009–2010



Translations

Three requests for translation were received during the period in question. Two of these cases were a translation from French to English, and the other was from English to French.

Method of Access

In 9,848 instances, copies of original documents were provided, including eight cases in which the applicant also examined the records on HRSDC's premises before obtaining the records. Twelve applicants opted to view the documents without obtaining a copy.

Costs

A total of 38 employees were used across the Department to process formal requests and to administer the *Privacy Act* at HRSDC. Salaries amounted to \$2,288,000 and administration costs were \$237,000.

Complaints to the Privacy Commissioner of Canada

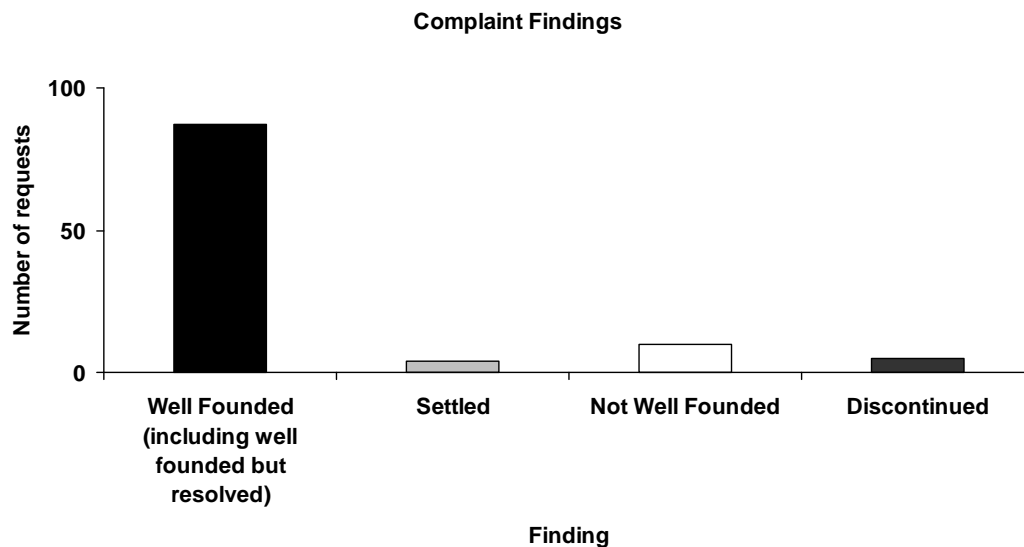
HRSDC was notified of 16 complaints during the reporting period. Twelve of these complaints were related to the processing of requests, which represents less than one percent of all requests received. The remaining four complaints alleged that the Department improperly collected, disposed of, or disclosed personal information.

As a comparison, the Department received 125 complaints in 2008–2009.

In 2009–2010, HRSDC was notified of the outcome of 106 complaints. In total, 87 complaints were well-founded, including two that were categorized as well-founded but resolved. Ten complaints were not well-founded. Four were settled in the course of investigation. The Office of the Privacy Commissioner discontinued the investigation in the remaining five instances.

These complaints represent isolated incidents and did not lead to a change in policies and procedures. It should be noted that 79 of the well-founded complaints were the result of a single incident.

Figure 3
Findings from the OPC on complaints completed in 2009–2010



Applications for Judicial Review

In 2009–2010, HRSDC was not notified that any applicants had requested a judicial review.

3 Statistical Report on the *Privacy Act*

The 2009–2010 statistical report on the administration of the *Privacy Act* and supplementary reporting requirements are found on the following pages.



Government of Canada
Gouvernement du Canada

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

Institution	Human Resources and Skills Development Canada / Ressources humaines et Développement des compétences Canada
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Reporting period / Période visée par le rapport	2009/04/01 to 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		10,900
Outstanding from previous period / En suspens depuis la période antérieure		274
TOTAL		11,174
Completed during reporting period / Traitées pendant la période visée par le rapport		10,927
Carried forward / Reportées		247

II Disposition of request completed / Disposition à l'égard des demandes traitées		
1. All disclosed / Communication totale		3,362
2. Disclosed in part / Communication partielle		6,498
3. Nothing disclosed (excluded) / Aucune communication (exclusion)		0
4. Nothing disclosed (exempt) / Aucune communication (exemption)		64
5. Unable to process / Traitement impossible		549
6. Abandoned by applicant / Abandon de la demande		211
7. Transferred / Transmission		243
TOTAL		10,927

III Exemptions invoked / Exceptions invoquées		
S. Art. 18(2)		0
S. Art. 19(1)(a)		0
(b)		0
(c)		0
(d)		0
S. Art. 20		0
S. Art. 21		0
S. Art. 22(1)(a)		34
(b)		122
(c)		57
S. Art. 22(2)		0
S. Art. 23 (a)		0
(b)		0
S. Art. 24		0
S. Art. 25		4
S. Art. 26		6,395
S. Art. 27		12
S. Art. 28		1

IV Exclusions cited / Exclusions citées		
S. Art. 69(1)(a)		0
(b)		0
S. Art. 70(1)(a)		0
(b)		0
(c)		0
(d)		0
(e)		0
(f)		0

V Completion time / Délai de traitement		
30 days or under / 30 jours ou moins		9,493
31 to 60 days / De 31 à 60 jours		1,298
61 to 120 days / De 61 à 120 jours		120
121 days or over / 121 jours ou plus		16

VI Extensions / 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	667		
Consultation	54		
Translation / Traduction	3	0	
TOTAL	724	0	

VII Translations / Traductions		
Translations requested / Traductions demandées		3
Translations prepared / Traductions préparées	English to French / De l'anglais au français	1
	French to English / Du français à l'anglais	2

VIII Method of access / Méthode de consultation		
Copies given / Copies de l'original		9,840
Examination / Examen de l'original		12
Copies and examination / Copies et examen		8

IX Corrections and notation / Corrections et mention		
Corrections requested / Corrections demandées		31
Corrections made / Corrections effectuées		6
Notation attached / Mention annexée		25

X Costs / Coûts		
Financial (all reasons) / Financiers (raisons)		
Salary / Traitement	\$	2,288,000
Administration (O and M) / Administration (fonctionnement et maintien)	\$	237,000
TOTAL	\$	2,525,000
Person-year utilization (all reasons) / Années-personnes utilisées (raisons)		
Person-year (decimal format) / Années-personnes (nombre décimal)		38

Supplemental Reporting Requirements

Privacy Act

Treasury Board Secretariat is monitoring compliance with the Privacy Impact Assessment (PIA) Policy (which came into effect on May 2, 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: _____ **4** _____

Privacy Impact Assessments initiated: _____ **18** _____

Privacy Impact Assessments completed: _____ **5** _____

Privacy Impact Assessments forwarded to the Office of the Privacy Commissioner (OPC):
_____ **9*** _____

If your institution did not undertake any of the activities noted above during the reporting period, this must be stated explicitly.

*** The nine reports sent to the OPC include both PIAs and PPIAs.**