



Veterans Review and Appeal Board

Report on the Administration of the

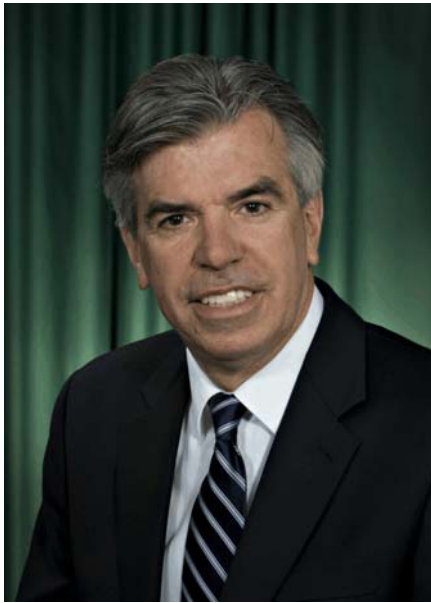
Privacy Act

April 1, 2009 to March 31, 2010

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MESSAGE FROM THE CHAIRPERSON



I am very pleased to present the 2009-2010 annual report to Parliament for the Veterans Review and Appeal Board on the administration of the *Privacy Act*.

This important legislation gives Canadian citizens the right to see and correct personal information held by the Government of Canada. It exists to protect the individual's right to privacy by strictly controlling how the government will use that information.

In the past, the Board successfully met its requirements under the Act through a portfolio-wide approach within Veterans Affairs to administering and reporting. Since the creation of its own separate Access to Information and Privacy (ATIP) Office in March 2009, the Board has focussed on establishing channels to keep abreast of policy changes and in developing its expertise through training. This new office is especially important as it will assist the Board in fulfilling its ATIP obligations as a separate entity under the *Financial Administration Act* (FAA).

In 2009-2010, the Board continued to

provide applicants with an independent avenue of redress for their disability pension, disability award and War Veterans Allowance claims. In fulfilling this mandate, it is committed to protecting individual rights by upholding the legislation and developing its capacity in matters of access to information and privacy.

A handwritten signature in dark ink, reading "John D. Larlee".

John D. Larlee
Chairperson

This important legislation
exists to protect the
individual's right to privacy
by strictly controlling how
the government will use that
information.

The Veterans Review and Appeal Board

The Veterans Review and Appeal Board is an independent, quasi-judicial tribunal that was created in 1995 through an Act of Parliament. It provides two levels of redress for disability pension and disability award applications and the final level of appeal for War Veterans Allowance decisions. The Board may affirm, vary or reverse decisions made by the Minister of Veterans Affairs or refer decisions back to the Minister for reconsideration.

The Board's objective is to ensure that Canada's traditional Veterans, eligible Canadian Forces members and Veterans, Royal Canadian Mounted Police applicants, qualified civilians and their families receive the disability pensions, disability awards and other benefits to which they are entitled.

Organization

The Veterans Affairs Portfolio consists of three distinct and separate organizations: the Department of Veterans Affairs, the Office of the Veterans Ombudsman and the Veterans Review and Appeal Board. The Board operates at arm's-length from the Department and reports directly to Parliament through the Minister of Veterans Affairs.

In 2009-2010, the activities of the Board were delivered by 111 full-time equivalents and, as legislated under sections 4 and 6 of the *Veterans Review and Appeal Board Act*, not more than 29 permanent members to be appointed by the Governor in Council and such number of temporary members, whenever, in the opinion of the Governor in Council, the workload of the Board so requires. Approximately one-half of the members are located in Charlottetown and one-half are located in major cities across Canada. The Board holds review hearings in approximately

30 locations across Canada as well as by teleconference and video conference to ensure a timely process for applicants. Appeal hearings are usually held at the Board's Head Office in Charlottetown, Prince Edward Island, as well as by teleconference and video conference.

1. Introduction

The *Privacy Act* gives Canadian citizens and people present in Canada the right to have access to information about themselves held by the federal government, with certain specific and limited exceptions. This Act also protects against unauthorized disclosure of that personal information. In addition, it strictly controls how the government will collect, use, disclose, and dispose of any personal information.

In accordance with section 72 of the *Privacy Act*, the head of an institution is required to submit an annual report to Parliament on the institution's administration of the Act during the fiscal year. On September 23, 2009, an Order in Council (P.C. 2009-1609) came into force to include the Veterans Review and Appeal Board (VRAB, the Board) in the appropriate schedule (I.1) of the *Financial Administration Act* (FAA). This corrected an oversight dating back to the establishment of the Board in 1995 and has formalized its requirement to report as a separate entity. It is important to note that the Board has always met its ATIP obligations through a portfolio-wide approach within Veterans Affairs to administering and reporting and made arrangements to designate its own ATIP Coordinator and Deputy Coordinator on April 1, 2009. This report describes how the Veterans Review and Appeal Board (VRAB, the Board) fulfilled its privacy responsibilities during the fiscal year commencing April 1, 2009, and ending March 31, 2010.

Mandate

The Veterans Review and Appeal Board has full and exclusive jurisdiction to hear, determine and deal with all applications for review and appeal that may be made to the Board under the *Pension Act*, the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* - Part 3, the *War Veterans Allowance Act* and other Acts of Parliament. All matters related to appeals under this legislation are authorized under the *Veterans Review and Appeal Board Act*.

This Board also adjudicates disability pension applications under the authority of the *Royal Canadian Mounted Police Pension Continuation Act* and the *Royal Canadian Mounted Police Superannuation Act*.

2. Access to Information and Privacy Coordinator's Office

In 2009-2010, the Board completed its first year with a new ATIP Coordinator and Deputy Coordinator. The ATIP Coordinator's Office came into effect on April 1, 2009, and acts on behalf of the Chairperson of the Board to ensure compliance with the *Access to Information Act* and the *Privacy Act*. The office has a dual function of serving both the public and the Board in matters relating to the *Access to Information Act* and the *Privacy Act*.

While responsibility for the administration of the *Privacy Act* rests with the Chairperson of the Board and the Board's ATIP Coordinator, a Memorandum of Understanding (MOU) is in place with the Department that outlines an agreement between the two institutions to administer the ATIP legislation. The Board utilizes the expertise of the Department's ATIP Coordinator's Office to assist in the administration of its ATIP Operations.

The duties of the ATIP Coordinator's Office are:

- Process requests for information submitted under the *Access to Information Act* and the *Privacy Act* in accordance with the legislation, regulations and Treasury Board of Canada Secretariat (TBS) policies and guidelines;
- Provide VRAB managers and staff with advice and guidance regarding the interpretation and application of the *Access to Information Act*, the *Privacy Act*, and other related TBS policies and guidelines;
- Develop policies, procedures and guidelines for the administration of the Acts and other related TBS policies and guidelines;
- Conduct the completion of Privacy Impact Assessments (PIAs);
- Coordinate the resolution of any complaints against VRAB made to the Information Commissioner under the *Access to Information Act* and to the Privacy Commissioner under the *Privacy Act*;
- Promote awareness of the Acts to ensure the Board's responsiveness to the obligations imposed on federal institutions;
- Prepare the VRAB chapters in the Info Source publication; and
- Prepare annual reports to the Treasury Board of Canada Secretariat and Parliament on the *Access to Information Act* and the *Privacy Act*.

3. Designation and Delegation Orders


(a) Minister's Designation Order, 2009

The responsibilities associated with the administration of the *Privacy Act*, such as notifying applicants of extensions and releasing records to applicants, are designated to the VRAB ATIP Coordinator through a delegation instrument signed by the Minister of Veterans Affairs.

PRIVACY ACT DESIGNATION ORDER

The Minister of Veterans Affairs, pursuant to section 73 of the *Privacy Act**, hereby designates the persons holding the positions in the Veterans Review and Appeal Board set out in the schedule attached hereto, to exercise the powers and perform the duties and functions of the Minister as the head of a government institution under the sections of the Act set out in the schedule opposite the positions.

Dated at Ottawa, this day of 2009



Minister of Veterans Affairs

* R.S.C., 1985, c. P-21

(b) Privacy Act Designation Schedule, 2009

HEAD OF INSTITUTION		MINISTER OF VETERANS AFFAIRS		
Sections of <i>Privacy Act</i>	Powers, Duties or Functions	Institutions and Titles		
		DVA	VRAB	
73	All powers, duties or functions of head of the institution	Deputy Minister		Chairperson
8(2)(m)	Disclose personal information without the consent of the person concerned, in the public interest or to benefit the individual	Deputy Minister	Veterans Ombudsman	Chairperson
20; 21	Approve exemptions	ADMs	Veterans Ombudsman	Director General
8(2)(a)(b)(c)(d)(e)(f)(g)(h)(i)(j)(k)(l)	Disclose personal information without the consent of the person concerned: for a consistent use; in accordance with other Acts of Parliament; to comply with subpoenas; to the Attorney General for legal proceedings; to Federal Investigative Bodies; under agreement/arrangement with other governments; to members of Parliament helping individuals resolve a problem; to internal auditors or the Comptroller General; to the Public Archives; to researchers; to aboriginal peoples to settle land claims issues; and for purposes of locating an individual	ATIP Coord./Deputy Coord.	OVO - Legal Advisor	ATIP Coord./Deputy Coord.
8(5)	Notice of disclosure under 8(2)(m)	ATIP Coord./Deputy Coord.	OVO - Legal Advisor	ATIP Coord./Deputy Coord.
8(4); 9(1)	Retain copies and records	ATIP Coord./Deputy Coord.		ATIP Coord./Deputy Coord.
9(4); 10	Notify Privacy Commissioner of consistent use and amend index of personal information banks	ATIP Coord./Deputy Coord.		ATIP Coord./Deputy Coord.
14(a)	Give notices re: access to records within 30 days	ATIP Coord./Deputy Coord./Officer	OVO - Legal Advisor	ATIP Coord./Deputy Coord.
15	Approve extension of time limits	ATIP Coord./Deputy Coord.	OVO - Legal Advisor	ATIP Coord./Deputy Coord.
17(2)	Language of access	ATIP Coord./Deputy Coord./Officer	OVO - Legal Advisor	ATIP Coord./Deputy Coord.
19; 22; 23; 24; 25; 26; 27; 28	Approve exemptions	ATIP Coord./Deputy Coord.	OVO - Legal Advisor	ATIP Coord./Deputy Coord.
26; 27; 28	Approve exemption	ATIP Officer		
31; 33(2); 35(1)(4); 36(3); 37(3); 51(2)(b)(3)	Receive and give notices during an investigation	ATIP Coord./Deputy Coord.	OVO - Legal Advisor	ATIP Coord./Deputy Coord.
72(1)	Prepare annual report to Parliament	ATIP Coord./Deputy Coord.		ATIP Coord./Deputy Coord.

LEGEND:

DVA:	Department of Veterans Affairs	ADM:	Senior Assistant Deputy Minister, Policy, Programs and Partnerships
OVO:	Office of the Veterans Ombudsman		Assistant Deputy Minister, Service Delivery and Commemoration
VRAB:	Veterans Review and Appeal Board		Assistant Deputy Minister, Corporate Services

(c) Chairperson's Delegation Order, 14 October 2009

The responsibilities associated with the administration of the *Privacy Act*, such as notifying applicants of extensions and releasing records to applicants, are designated to the appropriate VRAB officials through a delegation instrument signed by the Chairperson, Veterans Review and Appeal Board.

PRIVACY ACT DELEGATION ORDER

The Chairperson of the Veterans Review and Appeal Board, pursuant to section 73 of the *Privacy Act**, hereby designates the persons holding the positions in the Veterans Review and Appeal Board set out in the schedule attached hereto, to exercise the powers and perform the duties and functions of the Chairperson as the head of a government institution under the sections of the Act set out in the schedule opposite the positions.

Dated at Charlottetown, this *14* day of *October*, 2009.


Chairperson, Veterans Review and Appeal Board

*R.S.C., 1985, c. P-21

(d) Privacy Act Delegation Schedule, 14 October 2009

HEAD OF INSTITUTION		CHAIRPERSON, VETERANS REVIEW & APPEAL BOARD
Sections of <i>Privacy Act</i>	Powers, Duties or Functions	Institution and Titles
73	All powers, duties or functions of head of the institution	Chairperson
8(2)(m)	Disclose personal information without the consent of the person concerned, in the public interest or to benefit the individual	Chairperson
20;21	Approve exemptions	Director General
8(2)(a)(b)(c)(d)(e)(f)(g)(h)(i)(j)(k)(l)	Disclose personal information without the consent of the person concerned: for a consistent use; in accordance with other Acts of Parliament; to comply with subpoenas; to the Attorney General for legal proceedings; to Federal Investigative Bodies; under agreement/arrangement with other governments; to members of Parliament helping individuals resolve a problem; to internal auditors or the Comptroller General; to the Public Archives; to researchers; to aboriginal peoples to settle land claims issues; and for purposes of locating an individual.	ATIP Coord./Deputy Coord.
8(5)	Notice of disclosure under 8(2)(m)	ATIP Coord./Deputy Coord.
8(4);9(1)	Retain copies and records	ATIP Coord./Deputy Coord.
9(4);10	Notify Privacy Commissioner of consistent use and amend index of personal information banks	ATIP Coord./Deputy Coord.
14(a)	Give notices re: access to records within 30 days	ATIP Coord./Deputy Coord.
15	Approve extension of time limits	ATIP Coord./Deputy Coord.
17(2)	Language of access	ATIP Coord./Deputy Coord.
19;22;23;24;25;26;27;28	Apply personal information exemptions	ATIP Coord./Deputy Coord.
31;33;(2);35(1)(4);36(3);37(3);51(2)(b)(3)	Receive and give notices during an investigation	ATIP Coord./Deputy Coord.
72(1)	Prepare annual report to Parliament	ATIP Coord./Deputy Coord.

4. Statistical Report - Interpretation and Explanation

The Statistical Report, included in Annex 1, provides a summary of the formal *Privacy Act* requests processed between the reporting period of April 1, 2009, and March 31, 2010. As indicated in the Statistical Report, VRAB had 4 requests during the fiscal year.

Part I Requests under the *Privacy Act*

During the reporting period, VRAB received 4 requests under the *Privacy Act*.

Part II Disposition of requests completed

During the reporting period, VRAB completed 3 requests under the *Privacy Act*.

Part III Exemptions invoked

During the reporting period, VRAB invoked 2 exemptions under Section 26 of the *Privacy Act*.

Part IV Exclusions cited

There are no exclusions cited to report during the 2009-2010 period.

Part V Completion time

During the reporting period, VRAB received three requests under the *Privacy Act* which were completed within the 30 day time limit.

Part VI Extensions

During the reporting period, VRAB received zero requests for extensions of time limits.

Part VII Translations

During the reporting period, there were no translations to report.

Part VIII Method of access

During the reporting period, VRAB received 2 copies given under the *Privacy Act*.

Part IX Corrections and notations

During the reporting period, there were zero corrections and/or notations requested or made.

Part X Costs

During the reporting period, VRAB spent \$133.00 administering the *Privacy Act*.

5. Privacy-related training

During the reporting period, 72 VRAB staff at all levels were provided with a basic briefing session on the *Access to Information Act* and the *Privacy Act*. All 27 of VRAB's Governor-in-Council appointees were provided with an information session at the Members' 2009 Fall Conference. The VRAB ATIP Coordinator participated in an ATIP conference in Ottawa and a two-day Privacy Law session in Charlottetown. The VRAB Deputy Coordinator participated in a three-day Introduction to Access to Information and Privacy course.

6. Policies, Guidelines and Procedures

- During the reporting period, VRAB completed a draft Information Management (IM) Governance Framework which outlines the principles of managing information at the Veterans Review and Appeal Board. The IM Framework also indicates the roles and responsibilities of Senior Managers and VRAB employees.
- On an annual basis, memos are distributed to remind VRAB staff and Members of the importance of the security and privacy of client information.
- All VRAB forms which require a client's signature now include a privacy notice.
- Privacy Breach guidelines have been drafted.
- VRAB IM Specialists continue to strengthen a solid partnership with the VAC ATIP Coordinator's Office and Information Management Service Division (IMSD) to promote and implement updated ATIP policies, directives and Information Management best practices.

7. Complaints and Investigations

The VRAB ATIP Coordinator's Office is pleased to note there were no complaints received in 2009-2010.

8. Privacy Impact Assessment (PIA)

During the reporting period, VRAB did not complete any Privacy Impact Assessments.

9. Disclosures Pursuant to Paragraph 8(2)(m)

There were no disclosures made of personal information pursuant to Paragraph 8(2)(m) of the *Privacy Act* during the 2009-2010 reporting period. Paragraph 8(2)(m) provides for disclosure for any purpose where, in the opinion of the head of the institution,

- (i) the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or
- (ii) disclosure would clearly benefit the individual to whom the information relates.

Annex 1

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

Institution Veterans Review and Appeal Board/Tribunal des anciens combattants (révision et appel)	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	4
Outstanding from previous period / En suspens depuis la période antérieure	0
TOTAL	4
Completed during reporting period / Traitées pendant la période visée par le rapport	3
Carried forward / Reportées	1

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

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)	0
(b)	0
(c)	0
S. Art. 22(2)	0
S. Art. 23 (a)	0
(b)	0
S. Art. 24	0
S. Art. 25	0
S. Art. 26	2
S. Art. 27	0
S. Art. 28	0

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	3
31 to 60 days / De 31 à 60 jours	0
61 to 120 days / De 61 à 120 jours	0
121 days or over / 121 jours ou plus	0

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	0	0
Consultation	0	0
Translation / Traduction	0	0
TOTAL	0	0

VII Translations / Traductions	
Translations requested / Traductions demandées	0
Translations prepared / Traductions préparées	English to French / De l'anglais au français 0
	French to English / Du français à l'anglais 0

VIII Method of access / Méthode de consultation	
Copies given / Copies de l'original	2
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

IX Corrections and notation / Corrections et mention	
Corrections requested / Corrections demandées	0
Corrections made / Corrections effectuées	0
Notation attached / Mention annexée	0

X Costs / Coûts	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 133.00
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 0.00
TOTAL	\$ 133.00
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années- personnes (nombre décimal)	0.0030

This publication can be made available upon request. For further information or to obtain additional copies please contact:

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