



Public Health
Agency of Canada

Agence de la santé
publique du Canada

2010-2011 Annual Report

on the *Privacy Act*

Canada 

2010-2011 on the *Privacy Act*
is available on the [PHAC web site](#).

Également disponible en français sur [le site Web de l'ASPC](#) sous le titre :
Rapport annuel 2010-2011 sur la
Loi sur la protection des renseignements personnels

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Table of Contents

Section 1: Introduction	3
1.1 Background of the Agency	4
1.2 Organization	4
1.3 Info Source	4
1.4 Reading Room	5
1.5 Training and Education Activities for 2010-2011	5
1.6 Highlights and Accomplishments for 2010-2011	5
1.7 Delegation of Authority	5
Section 2: Report on the Administration of the <i>Privacy Act</i>	6
2.1 Requests Made under the <i>Privacy Act</i>	6
2.2 Disposition of Requests Completed	6
2.3 Exemptions Invoked	7
2.4 Exclusions Cited	7
2.5 Extension of Time Limits	7
2.6 Completion Time	7
2.7 Costs	7
2.8 Complaints	8
2.9 Court applications and appeals	8
2.10 Disclosures Pursuant to Paragraphs 8(2)(e), (f), (g) and (m) of the <i>Privacy Act</i>	8
2.11 Privacy Impact Assessments (PIAs)	8
2.12 Data Matching and Data Sharing Activities Reported for the Period	9
Section 3: Report on Consultations and Informal Requests	10
3.1 Privacy Consultations	10
3.2 Informal Privacy Requests	10
APPENDIX A: Delegation Order – <i>Privacy Act</i>	11
APPENDIX B: Statistical Report – <i>Privacy Act</i>	15

Section 1: Introduction

The *Privacy Act* protects the privacy of all Canadian citizens and permanent residents of Canada regarding personal information held by a government institution against unauthorized use and disclosure. The *Privacy Act* also gives Canadians, including those in Canada who are not permanent residents or citizens, the right to access personal information held by the government.

Section 72 of the *Privacy Act* requires the head of every government institution to submit an annual report to Parliament on the administration of the Act within the institution for each fiscal year.

This Annual Report provides a summary of the management and administration of the *Privacy Act* within the Public Health Agency of Canada (PHAC) for the fiscal year 2010-2011.

For further information or to make a request under the *Privacy Act*, please direct your inquiries to:

Access to Information and Privacy Office
Public Health Agency of Canada
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Ottawa, Ontario K1A 0K9
Tel: 613-948-8187
Fax: 613-957-9093

1.1 Background on the Agency

Public health involves the organized efforts of society to keep people healthy and to prevent injury, illness and premature death. It includes programs, services and policies that protect and promote the health of all Canadians. In Canada, public health is a responsibility that is shared by the three levels of government in collaboration with the private sector, non-government organizations, health professionals and the public.

In September 2004, the [Public Health Agency of Canada](#) (the Agency) was created within the federal [Health Portfolio](#) to deliver on the Government of Canada's commitment to increase its focus on public health in order to help protect and improve the health and safety of all Canadians and to contribute to strengthening the health care system.

The Agency has the responsibility to:

- contribute to the prevention of disease and injury, and to the promotion of health;
- enhance the quality and quantity of surveillance data and expand the knowledge of disease and injury in Canada;
- provide federal leadership and accountability in managing public health emergencies;
- serve as a central point for sharing Canada's expertise with the rest of the world and for applying international research and development to Canada's public health programs; and
- strengthen intergovernmental collaboration on public health and facilitate national approaches to public health policy and planning.

1.2 Organization

The Access to Information and Privacy (ATIP) Office is part of the Planning, Reporting and Risk Management Division of the Emergency Management and Corporate Affairs Branch within PHAC. The ATIP Office has seven full-time equivalents to fulfill PHAC's obligations under the Access to Information and Privacy Acts. The staff in the ATIP Office in 2010–11 consisted of seven employees: the Director and six officers at various levels. The ATIP officers' work ranges from processing complex and/or voluminous files to more routine, straightforward requests. The ATIP Director served as the Agency's ATIP Coordinator throughout the reporting year.

1.3 Info Source

Info Source is a series of publications containing information about, and/or collected by, the Government of Canada. The primary purpose of *Info Source* is to assist individuals in exercising their rights under the *Access to Information Act* and the *Privacy Act*. *Info Source* also supports the federal government's commitment to facilitate access to information regarding its activities.

During this reporting period, the ATIP Office re-organized some of the content of its *Info Source* chapters, including the descriptions of its information holdings, by institutional functions, programs and activities. The Agency's chapter is now laid out in line with its Program Activity Architecture. Under this approach, classes of records and personal information banks are directly linked to the relevant institutional program and/or activity.

1.4 Reading Room

Section 71 of the *Access to Information Act* requires government institutions to provide facilities where members of the public may obtain information such as *Info Source*. The following Public Health Agency Canada location has been designated as a public reading room.

344B - 130 Colonnade Road
Ottawa, Ontario

1.5 Training and Education Activities for 2010-2011

The ATIP Office continued to provide advice and training on the provisions of the ATI and Privacy Acts and its impact on PHAC programs and initiatives.

- Twenty-three (23) presentations on Info Source and Privacy were delivered to over 100 PHAC employees.
- Three (3) presentations on Privacy Impact Assessment (PIA) were delivered to 50 PHAC employees.

1.6 Highlights and Accomplishments for 2010-2011

PHAC continued to improve the timeliness, efficiency and accuracy of responses to Privacy requests. All available standard classes of records applicable to the Department's information holdings were included in updates to *Info Source*. There was also enhanced engagement of senior management through weekly and quarterly reporting on retrieval deadlines.

1.7 Delegation of Authority

The responsibilities associated with the administration of the *Privacy Act*, are delegated to the PHAC ATIP Coordinator by the Minister of Health.

Please see Appendix A for a copy of the delegation instrument.

Section 2: Report on the Administration of the *Privacy Act*

The number of requests received under the *Privacy Act* increased from 21 in 2009-2010 to 25 in 2010-2011.

Appendix B provides a statistical summary of the privacy requests received and/or treated in 2010-2011.

2.1 Requests Made under the *Privacy Act*

Received during the reporting period	25
Outstanding from previous period	4
TOTAL	29

The majority of requests completed were complex, necessitating the review of extensive files.

The figures do not reflect requests processed informally or other services that the ATIP Office provides to the Agency.

Historical comparisons

	2007-2008	2008-2009	2009-2010	2010-2011
Requests received	12	11	21	25
Requests completed	11	9	20	21
Previous period	1	2	1	4

2.2 Disposition of Requests Completed

The 21 requests cited in Appendix B were resolved in the following manner.

- Two requests resulted in the release of all information sought.
- Twelve requests resulted in partial disclosures. Section 26 was the most invoked section of the *Privacy Act*.
- For two requests, no relevant records existed under the control of the Agency.

- Five requests were abandoned. (Requests are considered abandoned when the applicant formally withdraws the request or when he/she does not respond to correspondence sent by the ATIP Office.)
- No requests were transferred to other departments.

Total Pages Examined: 47,812

Total Pages Released: 5,188

2.3 Exemptions Invoked

As noted in Appendix B, PHAC invoked exemptions under sections 21, 26, and 27 of the Act. Appendix B shows the number of requests where specific types of exemptions were invoked to sever information. For example, if, in processing a request, five different exemptions were applied by PHAC, one exemption under each relevant section would be reported for a total of five. If the same exemption is claimed several times for the same request, it is reported only once in Appendix B.

2.4 Exclusions Cited

The Act does not apply to published material pursuant to section 69 and to confidences of the Queen's Privy Council pursuant to section 70. Appendix B shows that no exclusion was invoked.

2.5 Extension of Time Limits

Section 15 of the Act provides for the extension of the statutory time limits if consultations are necessary, or if the request is for a large volume of records and processing the request within the original time limit would unreasonably interfere with the operations of the Agency.

During 2010-2011, 16 requests were completed within 30 days, two requests were extended for 30 days, and another three requests required extensions for more than 60 days.

2.6 Completion Time

In 2010-2011, 86% (18) of the 21 requests were addressed within the prescribed legislative time frame. Three requests (14%) were completed over 121 days after the due date. This was due to the volume of the documents to be reviewed.

2.7 Costs

- Total salary costs associated with the *Privacy Act* were \$72,753.14 for 2010-2011.
- Other administrative costs amounted to \$92,692.19.
- The total costs were \$165,445.30.
- The associated employee resources for 2010-2011 are estimated at 0.85 FTEs for administering the *Privacy Act*.

These figures are strictly for the Agency's ATIP Office and do not reflect the costs to the Agency associated with the efforts of other organizational units to respond to requests (e.g., time to retrieve documents, etc.)

2.8 Complaints

One complaint regarding privacy requests addressed to PHAC was lodged with the Office of the Privacy Commissioner. This complaint claimed a delay in receiving information; however, this file was linked to two other privacy requests, one of which encompassed 210,000 pages, filed by the same individual.

2.9 Court applications and appeals

In 2010-2011, there were no court applications/appeals submitted to the Federal Court or Federal Court of Appeal.

2.10 Disclosures Pursuant to Paragraphs 8(2)(e), (f), (g) and (m) of the *Privacy Act*

Subsection 8(2) of the *Privacy Act* provides limited and specific circumstances under which institutions may disclose personal information without an individual's consent. TBS identified four categories of disclosures made by virtue of specific paragraphs of this subsection that institutions must be included in this year's annual report. These categories concern disclosures made for law enforcement purposes, to Members of Parliament and those made in the public interest.

During the reporting period, PHAC did not disclose personal information pursuant to paragraphs 8(2)(e), (f), (g) and (m) of the *Privacy Act*.

2.11 Privacy Impact Assessments (PIAs)

The ATIP Office has been developing a PIA framework and an accompanying communications strategy, both of which will be implemented in 2011-2012.

Statistics

- Privacy Impact Assessments initiated: 1
- Privacy Impact Assessments completed: 1
- Privacy Impact Assessments sent to the Office of the Privacy Commissioner: 1
- **Total: 1**

The completed PIA was titled, *Performance Discussion Process and Personal Learning Plans Automated Application Project (January 2011)*. An executive summary of this PIA is found on the [PHAC web site](#).

2.12 Data Matching and Data Sharing Activities Reported for the Period

There were no data matching or data sharing activities to report.

Section 3: Report on Consultations and Informal Requests

3.1 Privacy Consultations

PHAC received three requests for consultations from other government departments and agencies. These requests required a review of 185 pages of information.

Total Pages Examined: 185

3.2 Informal Privacy Requests

There was one informal request processed during this reporting period.

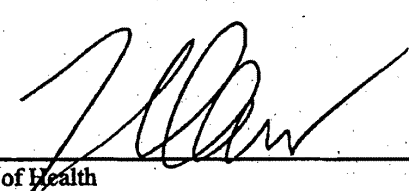
Total Pages Examined: 2

APPENDIX A: Delegation Order – *Privacy Act*

Privacy Act – Delegation Order

Pursuant to the powers of delegation conferred upon me by Section 73 of the *Privacy Act*, the person exercising the functions and position of Access to Information and Privacy Coordinator for the Public Health Agency of Canada and the respective successor, including in the Coordinator's absence, a person or officer designated in writing to act in the place of the holder of such functions and position is hereby authorized to exercise these powers, duties or functions of the Minister as the head of the government institution under the Act, set out in the attached schedule.

The person exercising the functions and position of Access to Information and Privacy Coordinator for the Public Health Agency of Canada and the respective successor, including in the Coordinator's absence, a person or officer designated in writing to act in the place of the holder of such functions and position, is hereby authorized to exercise these powers, duties or functions of the Minister as the head of the government institution under the Act, set out in sections 13 and 15 of the Act.



Minister of Health12/2/07

Date

PUBLIC HEALTH AGENCY OF CANADA
SCHEDULE OF DELEGATION ORDER

DELEGATION OF POWERS, DUTIES AND FUNCTIONS PURSUANT TO SECTION
73 OF THE *PRIVACY ACT*

SECTIONS OF ACT	POWERS, DUTIES OR FUNCTIONS	RESPONSIBLE POSITION
8(2)	Disclose personal information without the consent of the individual to whom it relates	ATIP Co-ordinator
8(4)	Retain a copy of 8(2)(e) requests and disclosed records	ATIP Co-ordinator
8(5)	Notify the Privacy Commissioner of 8(2)(m) disclosures	ATIP Co-ordinator
9(1)	Retain a record of the use of personal information	ATIP Co-ordinator
9(4)	Notify the Privacy Commissioner of a consistent use of personal information and update the index accordingly	ATIP Co-ordinator
10	Include personal information in personal information banks	ATIP Co-ordinator
14	Respond to a request for access within statutory deadlines; give access or give notice	ATIP Co-ordinator
15	Extend the time limit and notify the applicant	ATIP Co-ordinator
17(2)(b)	Determine the necessity for a translation or interpretation for requested personal information	ATIP Co-ordinator
18(2)	Refuse to disclose information contained in an exempt bank	ATIP Co-ordinator
19(1)	Refuse to disclose information obtained in confidence from another government	ATIP Co-ordinator

19(2)	Disclose any information referred in 19(1) if the other government consents to the disclosure or makes the information public	ATIP Co-ordinator
20	Refuse to disclose information injurious to federal-provincial affairs	ATIP Co-ordinator
21	Refuse to disclose information injurious to international affairs and/or defence	ATIP Co-ordinator
22	Refuse to disclose information injurious to law enforcement and investigation	ATIP Co-ordinator
23	Refuse to disclose information injurious to security clearance	ATIP Co-ordinator
24	Refuse to disclose information collected by the Canadian Penitentiary Service, the National Parole Service or the National Parole Board	ATIP Co-ordinator
25	Refuse to disclose information which could threaten the safety of the individual	ATIP Co-ordinator
26	Refuse to disclose information about other individuals, and shall refuse to disclose such information where disclosure is prohibited under Section 8	ATIP Co-ordinator
27	Refuse to disclose information subject to solicitor-client privilege	ATIP Co-ordinator
28	Refuse to disclose information relating to an individual's physical or mental health where disclosure is contrary to the best interests of the individual	ATIP Co-ordinator
31	Receive notice of an investigation by the Privacy Commissioner	ATIP Co-ordinator
33(2)	Make representations to the Privacy Commissioner during an investigation	ATIP Co-ordinator

35(1)	Receive the Privacy Commissioner's report of findings of the investigation and give notice of action taken	ATIP Co-ordinator
35(4)	Give the complainant access to information after a 35(1)(b) notice	ATIP Co-ordinator
36(3)	Receive the Privacy Commissioner's report of findings of investigation of exempt banks	ATIP Co-ordinator
37(3)	Receive the report of the Privacy Commissioner's findings after a compliance investigation	ATIP Co-ordinator
51(2)(b)	Request that a matter be heard and determined in the National Capital Region	ATIP Co-ordinator
51(3)	Request and make representations in Section 51 hearings	ATIP Co-ordinator
72(1)	Prepare an Annual Report to Parliament	ATIP Co-ordinator
77	Carry out responsibilities conferred on the head of the institution by regulations made under section 77 which are not included above	ATIP Co-ordinator

APPENDIX B: Statistical Report – Privacy Act



REPORT ON THE PRIVACY ACT

RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution		PUBLIC HEALTH AGENCY OF CANADA AGENCE DE LA SANTÉ PUBLIQUES		Reporting period Période visée par le rapport 4/1/2010 to/à 3/31/2011	
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		25			
Outstanding from previous period En suspens depuis la période antérieure		4			
TOTAL		29			
Completed during reporting period Traitées pendant la période visée par le rapport		21			
Carried forward Reportées		8			
Disposition of requests completed Disposition à l'égard des demandes traitées					
1. All disclosed Communication totale		2			
2. Disclosed in part Communication partielle		12			
3. Nothing disclosed (excluded) Aucune communication (exclusion)		0			
4. Nothing disclosed (exempt) Aucune communication (exemption)		0			
5. Unable to process Traitement impossible		2			
6. Abandoned by applicant Abandon de la demande		5			
7. Transferred Transmission		0			
TOTAL		21			
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		1			
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		11			
S. Art. 27		3			
S. Art. 28		0			
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			
Completion time Délai de traitement					
30 days or under 30 jours ou moins		16			
31 to 60 days De 31 à 60 jours		2			
61 to 120 days De 61 à 120 jours		0			
121 days or over 121 jours ou plus		3			
Extensions Prorogations des délais					
Interference with operations Interruption des opérations		5		0	
Consultation		1		0	
Translation Traduction		0		0	
TOTAL		6		0	
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	
Method of access Méthode de consultation					
Copies given Copies de l'original		13			
Examination Examen de l'original		0			
Copies and examination Copies et examen		1			
Corrections and notation Corrections et mention					
Corrections requested Corrections demandées		0			
Corrections made Corrections effectuées		0			
Notation attached Mention annexée		0			
Costs Coûts					
		Financial (all reasons) Financiers (raisons)		(\$000)	
Salary Traitements				72,753.1	
Administration (O and M) Administration (fonctionnement et maintien)				92,692.2	
TOTAL				165,445.3	
Person year utilization (all reasons) Années-personnes utilisées (raisons)					
Person year (decimal format) Années-personnes (nombre décimal)				0.85	

NOTES