

Office of the Commissioner
of Lobbying of Canada



Commissariat au lobbying
du Canada

PRIVACY ACT
ANNUAL REPORT 2011-2012

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For a print copy of this publication, please contact:

Office of the Commissioner of Lobbying
255 Albert Street, 10th Floor
Ottawa ON K1A 0R5

Tel.: 613-957-2760
Fax: 613-957-3078
Email: QuestionsLobbying@ocl-cal.gc.ca

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Table of Contents

Preface.....	1
About the Organization	
History of the Office of the Commissioner of Lobbying.....	3
Mandate of the Office of the Commissioner of Lobbying.....	3
Responsibility for Information Rights / Delegation of Authority.....	4
<i>Privacy Act</i>	
Introduction / Highlights.....	5
Fees	5
Information Holdings.....	5
OCL Website	5
Reading Room	5
Statistical Report.....	6
Education and Training Activities	6
Privacy Impact Assessments.....	7
Disclosure of Personal Information	7
New/Revised Policies, Guidelines and Procedures Implemented	7
Complaints and Appeals	7
Appeals to the Federal Court	7
Data Matching and Sharing Activities.....	7
Annex A — Delegation Order	9
Annex B — 2011-2012 Statistical Report	13

Preface

The *Privacy Act* (Revised Statute of Canada 1985, Chapter P-21) was proclaimed on July 1, 1983.

The *Privacy Act* extends to individual Canadian citizens and permanent residents, the right of access to information about themselves held by the government, subject to specific and limited exceptions. The *Privacy Act* also protects the individual's right to privacy by preventing others from having access to personal information and gives individuals substantial control over its collection and use.

In December 2006, the *Federal Accountability Act* (FedAA) received Royal Assent and amended the *Lobbyists Registration Act*. The most significant amendments included renaming the *Lobbyists Registration Act* the *Lobbying Act* (the Act), creating the position of the Commissioner of Lobbying, who reports directly to Parliament, and providing enhanced powers of investigation and an education mandate to the Commissioner. These amendments came into force simultaneously with the *Lobbyists Registration Regulations* and the *Designated Public Office Holder Regulations*, on July 2, 2008. On September 20, 2010, additional designated public office holders were added to the latter regulations to include all members of Parliament and the Senate, as well as staff in the Offices of the Leaders of the Opposition in both Houses of Parliament that are hired under subsection 128(1) of the *Public Service Employment Act* (PSEA).

Consequently, this report is submitted by the Office of the Commissioner of Lobbying (OCL) in accordance with the *Privacy Act*.

About the Organization

History of the Office of the Commissioner of Lobbying

On December 12, 2006, the FedAA amended the *Lobbyists Registration Act*. The modified *Lobbyists Registration Act*, renamed the *Lobbying Act* (the Act), came into force simultaneously with the *Lobbyists Registration Regulations* and the *Designated Public Office Holder Regulations*, on July 2, 2008. The Act created the position of Commissioner of Lobbying, who reports directly to Parliament. On September 20, 2010, additional designated public office holders were added to the *Designated Public Office Holder Regulations* to include all members of Parliament and the Senate, as well as staff in the Offices of the Leaders of the Opposition in both Houses of Parliament that are hired under subsection 128(1) of the PSEA.

The Act provides the Commissioner with enhanced powers of investigation and an education mandate. The Act also includes a five-year prohibition on lobbying for former designated public office holders, as well as the obligation for lobbyists to report prescribed communications with designated public office holders on a monthly basis.

Mandate of the Office of the Commissioner of Lobbying

The purpose of the Act is to ensure transparency and accountability with respect to the lobbying of federal public office holders, in order to contribute to the Canadian public's confidence in the integrity of decision-making by the federal government. The Commissioner of Lobbying, appointed for a term of seven years, administers the Act. This includes maintaining the Registry of Lobbyists, which contains registration information disclosed by lobbyists. The Registry of Lobbyists allows the public to perform searches of the information in the Registry. The OCL's website also includes Interpretation Bulletins and Advisory Opinions issued by the Commissioner under the Act, as well as other pertinent information.

In accordance with its mandate, the OCL develops and implements outreach programs to foster public awareness of the requirements under the Act. As well, the OCL conducts administrative reviews and investigations to ensure compliance with the Act and the *Lobbyists' Code of Conduct* (the Code). The Commissioner reports annually to Parliament on the administration of the Act and the Code. The Commissioner is required to table reports on any investigations conducted in relation to the Code, once they are completed.

Section 72 of the *Privacy Act* requires that the head of every government institution prepare an annual report on the administration of the *Privacy Act* within the institution during each financial year for submission to Parliament. This annual report is intended to describe how the OCL fulfilled its responsibilities under the *Privacy Act*, from April 1, 2011 to March 31, 2012.

Responsibility for Information Rights / Delegation of Authority

The *Privacy Act* provides the authority to exercise full powers to the Commissioner of Lobbying. The OCL's Access to Information and Privacy (ATIP) Coordinator is delegated the authority via a Delegation Order, which is attached in Annex A. The OCL has two positions responsible for the administration of the *Privacy Act*, an ATIP Coordinator and an ATIP Advisor.

The Deputy Commissioner, as the ATIP Coordinator, is responsible for the development, coordination and implementation of effective policies, guidelines and procedures to manage the OCL's compliance with the *Privacy Act*. The Coordinator makes decisions on the disposition of requests under the *Privacy Act*, promotes awareness of the legislation to ensure organizational responsiveness to its obligations, as well as monitors and advises on compliance with the *Privacy Act*, regulations, procedures and policies. Further, the Coordinator acts as spokesperson for the OCL in dealings with the Treasury Board Secretariat, the Privacy Commissioner, and other government departments and agencies. The Coordinator is also responsible for conducting consultations with other governments within Canada and other federal organizations, as required.

The ATIP Advisor is responsible for processing the requests received under the *Privacy Act* and making recommendations to the ATIP Coordinator on the disposition of any requests received. The OCL will, on occasion, convey personal information to federal investigative agencies in keeping with the provisions of the *Privacy Act*. The Coordinator is the point of contact on issues involving the collection of personal information and privacy.

Under the authority of the Act, the OCL collects personal information from registrants and the disclosures filed by registrants are accessible on the OCL's website at the following address:
<http://www.ocl-cal.gc.ca>.

In the event of requests for information related to possible administrative reviews and investigations conducted under the Act and the Code, the OCL will not confirm or deny that an investigation is taking place, unless the information is already in the public domain. The Act prescribes that investigations be conducted in private.

Reports on Investigations that are completed must be tabled in both Houses of Parliament. They are also posted on the OCL's website.

Privacy Act

Introduction / Highlights

In 2011-2012, the OCL did not receive any requests under the *Privacy Act*.

A request was received on March 10, 2011, and was submitted with an identical request under the *Access to Information Act* (AIA). This request, from the public, was carried over into this fiscal year and is addressed in this report, since it was completed on April 6, 2011.

The above-noted request was treated as a request under the AIA, since the same exemptions under subparagraph 22(1)(b)(i) of the *Privacy Act* that applied with respect to the request under the AIA applied to the request under the *Privacy Act*. As a result, no information was disclosed with respect to this request.

There was no new Privacy Impact Assessment (PIA) undertaken or completed during this financial year.

The OCL incurred total costs of \$4,747 associated with the *Privacy Act*, of which \$1,790 consisted of salaries.

Fees

No fees are applicable under the *Privacy Act*.

Information Holdings

The OCL is responsible for providing a full accounting of information holdings to the Treasury Board Secretariat and ensuring that updates are provided on a timely basis for inclusion in the *Info Source* publications.

The *Info Source* publications contain a description of the classes of institutional records held by the OCL. The OCL does not have any exempt information banks. For 2011-2012, information may be found in the following publication:

2011 Info Source — Sources of Federal Government and Employee Information

Info Source can be obtained through public or academic libraries or it may be viewed online on the Treasury Board Secretariat's website at <http://www.infosource.gc.ca>.

OCL Website

The OCL's website at <http://www.ocl-cal.gc.ca>, allows the user to access and search the Registry of Lobbyists, as well as to obtain copies of reports, including the OCL's annual reports on Access to Information and Privacy.

Reading Room

A reading room is available at the OCL's office, situated on the 10th Floor at 255 Albert Street, Ottawa, Ontario, Canada K1A 0R5.

Statistical Report

The annual statistical report is attached in Annex B.

In 2011-2012, there were no requests submitted under the *Privacy Act*. There was a request received on March 10, 2011, that was carried forward into the new fiscal year and completed on April 6, 2011, within the prescribed 30 day period.

The above request pertained to a possible administrative review or investigation concerning the requester. This request was submitted with an identical request under the *Access to Information Act*. The OCL was unable to release any information, invoking subparagraph 22(1)(b)(i) of the *Privacy Act*, which is identical to subparagraph 16(1)(c)(i) of the *Access to Information Act*, which state the following: “the head of a government institution may refuse to disclose any record requested under subsection 12(1) concerning Right of access, that contains: information the disclosure of which could reasonably be expected to be injurious to the enforcement of any law of Canada or a province or the conduct of lawful investigations, including, without restriction the generality of the foregoing, any such information relating to the existence or nature of a particular investigation.”

The OCL incurred total costs of \$4,747 associated with the *Privacy Act*, of which \$1,790 consisted of salaries.

Education and Training Activities

In 2007-2008, the OCL adopted the Privasoft software system to track requests and process documents efficiently. The OCL’s ATIP Advisor has been trained in its use. The annual costs associated with leasing the software system have been included in this year’s annual report on the *Privacy Act* Part 8 of the statistical report under: Expenditures: “Goods and Services”.

The ATIP Advisor analyzes and processes requests under the *Privacy Act*, and provides advice to the ATIP Coordinator, who is ultimately responsible for the decisions made on each file. The ATIP Advisor attended a training session given by Privasoft concerning the new statistical reporting requirements issued by Treasury Board Secretariat during 2011-2012, as well as several ATIP Community meetings. The Advisor also attended the annual conference given by the Canadian Access and Privacy Association that takes place in November of each year in Ottawa.

There were no training activities provided to other employees of the OCL during 2011-2012.

Privacy Impact Assessments

A Privacy Impact Assessment (PIA) was completed prior to implementing the new Telax Hosted Call Centre (THCC) in May 2010. Another PIA that was completed in 2010 was with respect to the Human Resources Information System (HRIS) that the OCL has been using since May 2010. Summaries of both PIAs will be posted on the OCL's newly designed website in the Spring of 2012, in both official languages.

The following table illustrates the OCL's Preliminary Privacy Impact Assessment (PPIA) and PIA statistics for the period of 2011-2012:

<u>Number</u>	<u>PPIAs/PIAs</u>
0	PPIAs initiated;
0	PPIAs completed;
0	PIAs initiated;
0	PIA completed;
0	PIAs forwarded to the OPC; and
0	PIA summaries posted on the OCL's website.*

*Note: summaries of the two PIAs that were completed by the Office in 2010, will be posted on the newly designed website in the Spring of 2012.

Disclosure of Personal Information

There were no disclosures of personal information by the OCL during the reporting period pursuant to each of the following provisions of the *Privacy Act*: paragraphs 8(2)(m), 19(1)(e) or (f), or sections 22.2, 22.3, 69.1 or 70.1.

New/Revised Policies, Guidelines and Procedures Implemented

The OCL has published a revised Privacy Statement on its website, explaining its privacy policy with regard to personal and confidential information that it collects in the Registry of Lobbyists, as well as through the Telax telephone system.

In addition, the OCL continues to make the Registry of Lobbyists increasingly accessible to the Canadian public by optimizing the use of technology and making information more readily available. This will lead to greater transparency about lobbying activities and to an increase in confidence in the integrity of federal government decision-making.

Complaints and Appeals

No complaints concerning the *Privacy Act* were received from the Office of the Privacy Commissioner during 2011-2012.

Appeals to the Federal Court

There were no appeals filed during 2011-2012.

Data Matching and Sharing Activities

No data matching or sharing activities were undertaken during 2011-2012.

Annex A — Delegation Order

Commissioner of Lobbying



Commissaire au lobbying

Ottawa, Canada K1A 0R5

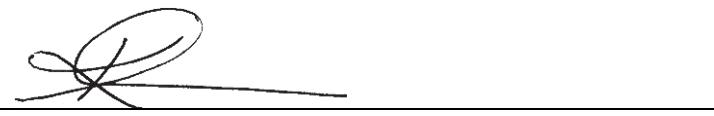
Access to Information Act and Privacy Act Delegation Order

The Commissioner of Lobbying, pursuant to section 73 of the *Access to Information Act* and section 73 of the *Privacy Act*, hereby designates the person holding the position set out in the schedule hereto, or the person occupying on an acting basis that position, to exercise the powers, duties and functions of the Commissioner of Lobbying as the head of the Office of the Commissioner of Lobbying, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders.

Schedule

Position	<i>Access to Information Act and Regulations</i>	<i>Privacy Act and Regulations</i>
Deputy Commissioner of Lobbying	Full authority	Full authority

Dated, at the City of Ottawa, this 8th day of June, 2011,



Karen E. Shepherd

Annex B — 2011-2012 Statistical Report



Government
of Canada

Gouvernement
du Canada

Statistical Report on the *Privacy Act*

Name of institution: Office of the Commissioner of Lobbying of Canada

Reporting period: 2011-04-01 to 2012-03-31

PART 1 – Requests under the *Access to Information Act*

Number of Requests	
Received during reporting period	0
Outstanding from previous reporting period	1
Total	1
Closed during reporting period	1
Carried over to next reporting period	0

PART 2 – Requests closed during the reporting period

2.1 Disposition and completion time

Disposition of requests	Completion Time							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	1	0	0	0	0	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	0	0	0	0	0	0	0	0
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Total	0	1	0	0	0	0	0	1

2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests
18(2)	0	22(1)(a)(i)	0	23(a)	0
19(1)(a)	0	22(1)(a)(ii)	0	23(b)	0
19(1)(b)	0	22(1)(a)(iii)	0	24(a)	0
19(1)(c)	0	22(1)(b)	1	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	0
19(1)(f)	0	22.1	0	27	0
20	0	22.2	0	28	0
21	0	22.3	0		

2.3 Exclusions

Section	Number of requests	Section	Number of requests	Section	Number of requests
69(1)(a)	0	70(1)(a)	0	70(1)(d)	0
69(1)(b)	0	70(1)(b)	0	70(1)(e)	0
69.1	0	70(1)(c)	0	70(1)(f)	0
				70.1	0

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	0	0	0
Disclosed in part	0	0	0
Total	0	0	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of requests	Number of pages processed	Number of pages disclosed	Number of requests
All disclosed	0	0	0
Disclosed in part	0	0	0
All exempted	0	0	1
All excluded	0	0	0
Request abandoned	0	0	0

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less than 100 pages processed		101-500 pages processed		501-1000 pages processed		1001-5000 pages processed		More than 5000 pages processed	
	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed
All disclosed	0	0	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0	0	0
All exempted	1	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	0	0	0	0	0	0	0	0	0	0
Total	1	0	0	0	0	0	0	0	0	0

2.5.3 Other complexities

Disposition	Consultation required	Legal advice sought	Interwoven Information	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	0	0	0
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
Total	0	0	0	0	0

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of requests closed past the statutory deadline	Principal Reason			
	Workload	External consultation	Internal consultation	Other
0	0	0	0	0

2.6.2 Number of days past deadline

Number of days past deadline	Number of requests past deadline where no extension was taken	Number of requests past deadline where an extension was taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	0	0

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

PART 3 – Disclosures under subsection 8(2)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Total
0	0	0

PART 4 – Requests for correction of personal information and notations

	Number
Requests for correction received	0
Requests for correction accepted	0
Requests for correction refused	0
Notations attached	0

PART 5 – Extensions

5.1 Reasons for extensions and disposition of requests

Disposition of requests where an extension was taken	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation or coversation
		Section 70	Other	
All disclosed	0	0	0	0
Disclosed in part	0	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	0	0	0	0

5.2 Length of extensions

Length of extensions	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation purposes
		Section 70	Other	
1 to 15 days	0	0	0	0
16 to 30 days	0	0	0	0
Total	0	0	0	0

PART 6 – Consultations received from other institutions and organizations

6.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during reporting period	0	0	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	0	0	0	0
Closed during the reporting period	0	0	0	0
Pending at the end of the reporting period	0	0	0	0

6.2 Recommendations and completion time for consultations received from other government institutions

Recommendation	Number of days required to complete consultation requests							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

PART 7 – Completion time of consultations on Cabinet confidences

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
Total	0	0

PART 8 – Resources related to the *Privacy Act*

8.1 Costs

Expenditures		Amount
Salaries		\$1,790
Overtime		\$0
Goods and Services		\$2,957
• Contracts for privacy impact assessments	\$0	
• Professional services contracts	\$0	
• Other	\$2,957	
Total		\$4,747

8.2 Human Resources

Resources	Dedicated full-time	Dedicated part-time	Total
Full-time employees	0	2	2
Part-time and casual employees	0	0	0
Regional staff	0	0	0
Consultants and agency personnel	0	0	0
Students	0	0	0
Total	0	2	2