



Administration of the *Privacy Act*

Annual Report to Parliament 2012-2013

Administration of the Privacy Act - Annual Report to Parliament 2012-2013

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Introduction

The *Privacy Act* (the Act) gives Canadian citizens and people present in Canada the right to have access to information about them that is held by the federal government. It also protects against unauthorized disclosure of that personal information. In addition, it strictly controls how government will collect, use, store, disclose, and dispose of any personal information.

Section 72 of the Act requires that the head of every government institution submit an annual report to Parliament on the administration of the Act during the fiscal year. The Canadian Environmental Assessment Agency (the Agency) is pleased to table in Parliament its 2012-2013 annual report on the administration of the Act.

About the Canadian Environmental Assessment Agency

Led by the President, who reports directly to the Minister of the Environment, the Agency delivers its mandate within the framework of the following instruments:

- the *Canadian Environmental Assessment Act, 2012* and its accompanying regulations;
- the *Canada-Wide Accord on Environmental Harmonization*, including the *Sub-Agreement on Environmental Assessment*, and bilateral agreements with provincial governments that establish arrangements for cooperative environmental assessments; and
- international agreements containing environmental assessment provisions to which Canada is a party, principally the United Nations Economic Commission for Europe's *Convention on Environmental Impact Assessment in a Transboundary Context*.

Consistent with the *Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals*, the Agency also supports the Minister of the Environment in promoting the application of environmental assessment processes in strategic-level decision making by providing training and guidance to federal authorities.

The Agency is responsible conducting the federal environmental assessment process for most major resource projects and for integrating the Government of Canada's Aboriginal engagement and consultation activities into the environmental assessment process for these projects as mandated under the *Canadian Environmental Assessment Act, 2012* and the *Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects* and its Memorandum of Understanding.

The President of the Agency has been designated by Order in Council as the federal administrator of the environmental and social protection regimes set out in Chapters 22 and 23 of the 1975 *James Bay and Northern Quebec Agreement*.

Delegation of Authority

For the purposes of the Act, the Agency's "head of the institution" as defined in section 3 of the Act is the President of the Agency.

The responsibilities associated with the administration of the Act have been delegated to the Senior Executive Officers reporting directly to the president and the ATIP Coordinator as deemed appropriate by the President for the effective administration of the program. The decision-making responsibility for the application of the various provisions of the Act has been formally established and is outlined in the departmental Delegation of Authority Instrument which can be found under Appendix A.

About Access to Information and Privacy (ATIP)

The provision of ATIP services is the responsibility of the Information Services Division reporting to the Director General of Corporate Services.

The Information Services Division is further sub-divided into an Information Technology Unit and an Information Management (IM) Unit. The ATIP functions fall within the mandate of the IM Unit. More specifically, the ATIP functions are the responsibility of the ATIP and IM Coordinator and the ATIP and IM Officer. The Agency has also hired a part-time consultant to help out when a high volume of information is requested.

The IM Unit administers the Act by:

- creating access request files and tracking requests using AccessPro Case Management software;
- sending statutory notices to applicants, to third parties, and to the Information and Privacy Commissioners;
- compiling statistics;
- initiating consultations;
- providing advice on interpretation/application of the legislation;
- providing training to Agency officials;
- negotiating the resolution of formal complaints;
- advising applicants, third parties and complainants of their rights and obligations under the legislation; and
- preparing the Agency's annual report on the administration of the Act.

Statistical Report – Interpretation and Analysis

Appendix B provides a summarized statistical report on *Privacy Act* requests processed by the Agency from April 1, 2012, to March 31, 2013.

Privacy Act Requests Received

As indicated in the statistical report, the Agency received two (2) requests under the Act during the 2012-2013 fiscal year. Both requests were abandoned by the requester when asked to demonstrate Canadian citizenship or residency.

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

There were no disclosures pursuant to paragraphs 8(2)(e), (f), (g), and (m) of the Act during the 2012-2013 reporting period.

Complaints / Investigations / Appeals to the Court

There were no complaints filed with the Office of the Privacy Commissioner of Canada during the reporting period. As well, there were no investigations and no appeals to the Federal Court of Appeal.

Privacy Impact Assessments

No new Privacy Impact Assessments (PIA) were initiated during the last reporting period and no PIAs have been completed or submitted to the Office of the Privacy Commissioner.

Data Matching and Sharing Activities

There was no data matching or sharing activities undertaken during the last reporting period.

Policies, Guidelines and Procedures

The Agency did not implement any new or revised privacy related policies, guidelines or procedures during the reporting period.

Training and Awareness

Agency employees are provided with training and guidance to assist them in fulfilling their duties under the Act. The ATIP Coordinator also provides advice and support on an as-needed basis. Mandatory training was delivered during 2012-2013 to about half of all Agency staff.

Training and reference material remains available to all staff on the Agency's Intranet site.

Appendix A: Designation Order



Canadian Environmental
Assessment Agency

Agence canadienne
d'évaluation environnementale

160 Elgin St., 22nd floor
Ottawa ON K1A 0H3


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DESIGNATION ORDER (*Privacy Act*)

As head of the Canadian Environmental Assessment Agency for purposes of the *Privacy Act*, I hereby designate, under section 73 of that Act, the officers and employees of the Canadian Environmental Assessment Agency, who hold the positions set out in the attached Annex, to exercise or perform all of the powers, duties or functions that are conferred upon me by the provisions of the *Privacy Act* specified in the aforementioned Annex.

ARRÊTÉ DE DÉLÉGATION (*Loi sur la protection des renseignements personnels*)

En tant que responsable de l'Agence canadienne d'évaluation environnementale aux fins de la *Loi sur la protection des renseignements personnels*, je délègue, en vertu de l'article 73 de cette Loi, à des cadres et employés de l'Agence canadienne d'évaluation environnementale qui détiennent les postes présentés à l'annexe ci-jointe, mes attributions conférées par les dispositions de la *Loi sur la protection des renseignements* spécifiées dans cette annexe.


Elaine Feldman,
President/Présidente
Canadian Environmental Assessment Agency/
Agence canadienne d'évaluation environnementale


Date

Annex to Designation Order (*Privacy Act*) Dated – July 2010

Annexe à l'Arrêté de délégation (*Loi sur la protection des renseignements personnels*) datée le juillet 2010

The Senior Executive Officers reporting directly to the President and the Access to Information and Privacy Coordinator of the Canadian Environmental Assessment Agency are designated to exercise or perform all powers, duties or functions of the head of the Canadian Environmental Assessment Agency under the following provisions of the *Privacy Act*:

Toutes attributions du responsable de l'Agence canadienne d'évaluation environnementale conférées par les dispositions suivantes de la *Loi sur la protection des renseignements personnels* sont déléguées aux Agents principaux exécutifs qui ce rapportent au président et au Coordonnateur de l'accès à l'information et protection des renseignements personnels de l'Agence canadienne d'évaluation environnementale :

8(2)(e)	Disclose personal information for law enforcement or investigation	Communiquer des renseignements personnels en vue de faire respecter les lois fédérales ou la tenue d'enquêtes licites
8(2)(m)	Disclose personal information in the public interest or in the interest of the individual	Communiquer des renseignements personnels pour des raisons d'intérêt public ou pour l'avantage d'un individu
8(4)	Retain copy of 8(2)(e) requests and disclosed records	Conserver une copie des demandes reçues en vertu de l'alinéa 8(2)e) et une mention des renseignements communiqués en vertu de cet alinéa
8(5)	Notify Privacy Commissioner of 8(2)(m) disclosures	Inform le Commissaire à la protection de la vie privée d'une communication en vertu de l'alinéa 8(2)m)
9(1)	Retain record of use	Faire un relevé des cas d'usage
9(4)	Notify Privacy Commissioner of consistent use and amend index	Aviser le Commissaire à la protection de la vie privée d'un usage compatible et modifier le répertoire
10(1)	Include personal information in personal information banks	Verser des renseignements personnels dans des fichiers de renseignements personnels
14(a)	Respond to request for access	Répondre à une demande de communication
14(b)	Provide access to the information or part thereof	Procéder à la communication
15	Extend time limit	Proroger le délai
17(2)(b)	Cause translation or interpretation to be made	Faire traduire or interpreter les renseignements personnels Version de la communication
18(2)	Refuse to disclose personal information contained in an exempt bank	Refuser la communication des renseignements personnels versés dans des fichiers inconsultables
19(1)	Refuse to disclose personal information obtained in confidence from other governments, international organizations or institutions thereof	Refuser la communication des renseignements personnels obtenus à titre confidentiel par d'autres gouvernements, organisations internationales d'États ou leurs organismes
19(2)	Disclose personal information if the other government, organization or institution consents to the disclosure or makes the information public	Communiquer des renseignements personnels si l'autre gouvernement, organisation ou organisme y consent ou les rend publics
20	Refuse to disclose personal information injurious to the conduct of federal-provincial affairs	Refuser la communication des renseignements personnels dont la divulgation risque de porter préjudice à la conduite des affaires fédérales-

Annex to Designation Order (*Privacy Act*) Dated – July 2010

Annexe à l'Arrêté de délégation (*Loi sur la protection des renseignements personnels*) datée le juillet 2010

		provinciales
21	Refuse to disclose personal information injurious to international affairs or defense	Refuser la communication des renseignements personnels dont la divulgation risque de porter préjudice à la conduite des affaires internationales ou à la défense
22(1)	Refuse to disclose personal information injurious to law enforcement or investigation	Refuser la communication des renseignements personnels dont la divulgation risque de porter préjudice aux enquêtes
22(2)	Refuse to disclose personal information obtained or prepared by the RCMP while performing policing services for a province or municipality	Refuser la communication des renseignements personnels obtenus ou préparés par la GRC dans l'exercice de fonctions de police provinciale ou municipale
22 (3)	Refuse to disclose personal information requested under subsection 12(1) that was created for the purpose of making a disclosure under the <i>Public Servants Disclosure Protection Act</i> or in the course of an investigation into a disclosure under that Act.	Refuser la communication des renseignements personnels demandés au titre du paragraphe 12(1) qui ont été créés en vue de faire une divulgation au titre de la <i>Loi sur la protection des fonctionnaires divulgateurs d'actes répréhensibles</i> ou dans le cadre d'une enquête menée sur une divulgation en vertu de cette loi.
23	Refuse to disclose personal information prepared by an investigative body for security clearances	Refuser la communication des renseignements personnels préparés par un organisme d'enquête lors des enquêtes de sécurité
24	Refuse to disclose personal information collected by the Canadian Penitentiary Service, the National Parole Service or the National Parole Board while individual was under sentence	Refuser la communication des renseignements personnels obtenus par le Service canadien des pénitenciers, le Service national des libérations conditionnelles ou la Commission nationale des libérations conditionnelles pendant que l'individu était sous le coup d'une condamnation
25	Refuse to disclose personal information which could threaten the safety of individuals	Refuser la communication des renseignements personnels dont la divulgation risquerait de nuire à la sécurité des individus
26	Refuse to disclose personal information about another individual	Refuser la communication des renseignements personnels qui portent sur un autre individu
27	Refuse to disclose personal information subject to solicitor-client privilege	Refuser la communication des renseignements personnels protégés par le secret professionnel qui lie un avocat à son client
28	Refuse to disclose personal information relating to the individual's physical or mental health	Refuser la communication de renseignements personnels sur l'état physique ou mental d'un individu
31	Receive notice of intention of investigation by the Privacy Commissioner	Le Commissaire à la protection de la vie privée avise de son intention d'enquêter
33(2)	Make representations to the Privacy Commissioner in the course of an investigation	Présenter des observations au Commissaire à la protection de la vie privée au cours d'une enquête
35(1)	Receive Privacy Commissioner's report of findings of the investigation and give notice of action taken	Recevoir du Commissaire à la protection de la vie privée un rapport ou il présente les conclusions de son enquête et lui donner avis des mesures prises
35(4)	Give complainant access to information after 35(1)(b) notice	Donner la communication des renseignements au plaignant après un avis donné en vertu de l'alinéa 35(1)b)
36(3)	Receive Privacy Commissioner's report of	Recevoir du Commissaire à la protection de la

Annex to Designation Order (Privacy Act) Dated – July 2010

Annexe à l'Arrêté de délégation (Loi sur la protection des renseignements personnels) datée le juillet 2010

	findings of investigation of exempt bank	vie privée un rapport ou il présente ses conclusions au sujet d'une enquête sur un fichier inconsultable
37(3)	Receive report of Privacy Commissioner's findings after compliance investigation	Recevoir du Commissaire à la protection de la vie privée un rapport ou il présente ses conclusions à la suite d'une vérification portant sur l'application de la Loi
51(2)(b)	Request that hearing be held in the National Capital Region	Demander qu'une audition ait lieu dans la région de la capitale nationale
51(3)	Request and be given opportunity to make representations in section 51 hearings	Demander et obtenir le droit de présenter des arguments lors des auditions en vertu de l'article 51
72(1)	Prepare annual report to Parliament	Établir le rapport d'application de la Loi pour présentation au Parlement
77	Fulfill any responsibilities that are conferred upon the head of the institution by the regulations made under section 77 and are not included above	Remplir toutes qui sont attribuées par règlement au responsable de l'institution fédérale en vertu de l'article 77 et qui ne sont pas incluses ci-dessus

Appendix B: Annual Report on the *Privacy Act*

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) and the Directive on Privacy Impact Assessment (which takes effect April 1, 2010) through a variety of means. Institutions are therefore required to report the following information for this reporting period. Note that because some institutions are using the Core PIA as outlined in the Directive in advance of the implementation deadline, they will not have Preliminary PIAs to report.

Indicate the number of:

Preliminary Privacy Impact Assessments initiated	0
Preliminary Privacy Impact Assessments completed	0
Privacy Impact Assessments initiated	0
Privacy Impact Assessments completed	0
Privacy Impact Assessments forwarded to the Office of the Privacy Commissioner (OPC)	0

Part III – Exemptions invoked

Paragraph 19(1)(e)	0
Paragraph 19(1)(f)	0
Subsection 22.1	0
Subsection 22.2	0
Subsection 22.3	0

Part IV – Exclusions cited

Subsection 69.1	0
Subsection 70.1	0