

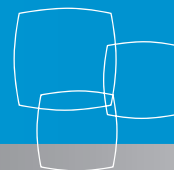


Industry
Canada

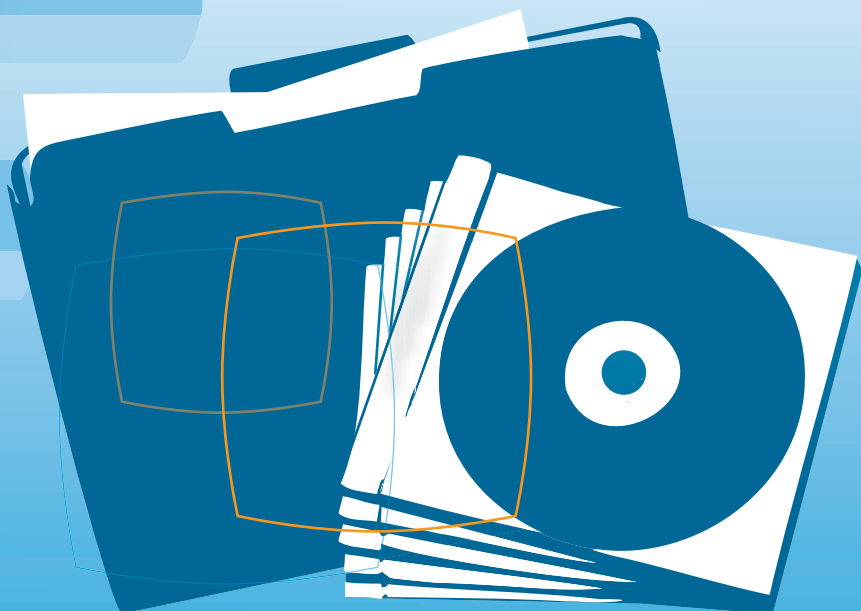
Industrie
Canada

PRIVACY ACT

www.ic.gc.ca/eic/site/atip-aiarp.nsf/eng/home



2013–14 Annual Report on the Privacy Act



2013-2014 Annual Report on the *Privacy Act*

This publication is available upon request in accessible formats (Braille and large print). Contact:

Multimedia Services
Communications and Marketing Branch
Email: ✉ CMB-Multimedia-DGCM@ic.gc.ca

This publication is also available online at [Information and Privacy Rights Administration — References](#)

To obtain a copy of this publication or an alternate format (Braille, large print, etc.), please contact:
Multimedia Services Section, Communications and Marketing Branch
Email: ✉ multimedia.production@ic.gc.ca

Permission to Reproduce

Except as otherwise specifically noted, the information in this publication may be reproduced, in part or in whole and by any means, without charge or further permission from Industry Canada, provided that due diligence is exercised in ensuring the accuracy of the information reproduced; that Industry Canada is identified as the source institution; and that the reproduction is not represented as an official version of the information reproduced, nor as having been made in affiliation with, or with the endorsement of, Industry Canada.

For permission to reproduce the information in this publication for commercial purposes, please contact the:

Web Services Centre Industry Canada
C.D. Howe Building
235 Queen Street
Ottawa, ON Canada K1A 0H5

Telephone (toll-free in Canada): 1-800-328-6189 — (Ottawa): 613-954-5031
Fax: 613-954-2340
TTY (for hearing-impaired): 1-866-694-8389
Business hours: 8:30 a.m. to 5:00 p.m. (Eastern Time)

Email: ✉ info@ic.gc.ca

Aussi offert en français sous le titre *Rapport annuel de 2013–2014 concernant la loi sur la protection des renseignements personnels*.

Cat. No. Iu1-4/2-2014E-PDF
ISSN 1925-7856

Contents

• Preface and Purpose	3
• About the Organization	4
◦ Industry Canada's Mandate	4
◦ Information and Privacy Rights Administration	4
◦ Delegation of Authority	5
◦ ATIP Policies, Procedures and Business Practices	5
◦ Training and Outreach	5
• Privacy — Trends and Statistics	5
◦ Statistical Report — Interpretation and Analysis	6
◦ Complaints, Audits, Investigations and Appeals	7
• Appendices	
◦ Appendix A — Statistical Report on the <i>Privacy Act</i>	8
◦ Appendix B — Processing Times for Cabinet Confidences	17
▪ Completed Privacy Impact Assessments	17
◦ Appendix C — Delegation of Authority	18

Preface and Purpose

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

The purpose of the *Privacy 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 to provide individuals with a right of access to that information" (Section 2 of the Act). The law also protects an individual's privacy by preventing others from having access to that personal information and allows an individual specific rights concerning the collection and use of his/her information.

Section 72 of the *Privacy Act* requires that the head of every government institution prepare for submission to Parliament an annual report on the administration of this Act within the institution during each financial year.

This annual report is tabled in Parliament in accordance with section 72 of the *Privacy Act* and describes how Industry Canada administered its responsibilities for 2013–2014.

About the Organization

Industry Canada's Mandate

Industry Canada's mandate is to help make Canadian industry more productive and competitive in the global economy, thus improving the economic and social well-being of Canadians.

The many and varied activities Industry Canada carries out to deliver on its mandate are organized around three interdependent and mutually reinforcing strategic outcomes, each linked to a separate key strategy. The key strategies are shown in the illustration below.



Additional information is available on [Industry Canada's website](#).

Information and Privacy Rights Administration

Information and Privacy Rights Administration (IPRA) is part of the Information Management Branch (IMB) which is part of the Chief Information Office (CIO) of Industry Canada. IPRA has a complement of 15 employees consisting of one Director, three managers, eight advisors and three support staff, all of whom are dedicated to processing access and privacy requests, as well as related functions.

IPRA is responsible for the implementation and management of programs and services relating to the administration of the *Access to Information Act* and *Privacy Act* for Industry Canada. Specifically, IPRA makes decisions on the disposition of access and privacy requests; promotes awareness of the legislation to ensure departmental responsiveness to statutory obligations; monitors and advises on departmental compliance with the Acts, regulations, procedures and policies; and acts as the spokesperson for the Department when dealing with the Treasury Board Secretariat, the Information Commissioner, the Privacy Commissioner, and other government departments and agencies. IPRA is also responsible for consulting with other federal departments and third parties with respect to ATIP requests received by Industry Canada.

Delegation of Authority

The current Access to Information and Privacy (ATIP) Delegation Order was approved by the Minister in February 2014, and provides full delegated authority to the Chief Information Officer (CIO), the Director General of IMB, the Director and the managers of IPRA. The designation of the CIO and Director General positions are for the purposes of providing strategic support and advice to the executive management of the Department concerning ATIP issues, if and when required. For all daily ATIP activities and operations, the Director and the managers of IPRA exercise full responsibility (see Appendix C).

The Director of IPRA is responsible for the development, coordination and implementation of effective policies, guidelines and procedures to manage the Department's compliance with the Acts. The administration of the legislation within Industry Canada is managed by IPRA, but is also facilitated at the sector, branch and regional office levels. Each sector and corporate branch has an ATIP Liaison Officer (reporting to an Assistant Deputy Minister, Executive Director, etc.) who coordinates activities and provides guidance on the administrative processes and procedures of the Acts. IPRA, which is located in Ottawa, responds to all formal requests submitted to Industry Canada under both Acts.

ATIP Policies, Procedures and Business Practices

To improve the administration of the ATIP program, and to ensure that Treasury Board ATIP policies are respected and implemented, IPRA develops and updates various internal guidelines, procedures, and business practices.

IPRA conducted a lean engineering exercise to review its business practices with a view of streamlining processes in order to improve compliance, communications and increase performance. The exercise allowed IPRA to identify and eliminate a number of redundant administrative activities, and it is expected that these efficiencies will continue to produce positive outcomes in the coming years.

Training and Outreach

Enhanced awareness and knowledge of ATIP obligations on the part of departmental officials improves the quality of responses and the Department's rate of compliance with legal obligations.

IPRA updated its training products to reflect legislative and policy requirements, as well as to promote best practices in responding to ATIP requests and managing information. Throughout the reporting period, IPRA delivered 25 training sessions and a total of 463 employees received some form of ATIP training. Most of this training was tailored to specific needs of various sectors. IPRA also provided key ATIP messages at several new employee orientation sessions that were held throughout the year.

Quarterly meetings were also held with Sector ATIP Liaison Officers throughout the reporting period. These meetings provided a forum to provide regular updates, discuss various ATIP issues, and ensure understanding of ATIP roles and responsibilities. Four meetings were held throughout 2013–14.

Finally, IPRA developed a series of messages designed to promote best practices and remind employees of legal and policy requirements. These messages were communicated to all Industry Canada employees via the departmental weekly newsletter.

Privacy — Trends and Statistics

Industry Canada's mandate is focused on Canadian businesses. The Department's programs and initiatives assist in building a more productive, competitive and knowledge-based economy for Canada. As a result, there are few privacy requests or privacy related issues.

A summarized statistical report on *Privacy Act* requests processed from April 1, 2013 to March 31, 2014 is found at Appendix A. The supplementary report on completed Privacy Impact Assessments is found at Appendix B. An explanation and interpretation of the information contained in the statistical report follows.

Statistical Report — Interpretation and Analysis

Increase in the number of requests received and completed

In 2013–2014, the Department received 30 requests under the *Privacy Act* compared to 21 requests received during the 2012–13 reporting period. The Department completed 26 privacy requests during this reporting period. The remaining four (4) requests were carried forward to the following reporting year.

In addition, the Department received two (2) consultation requests from other government departments, and responded to both requests during the reporting period.

Nature of information requested

The few privacy requests received involved issues related to staffing exercises (such as rating guides and screening processes), performance, personal comments and bankruptcy files held by the Office of the Superintendent of Bankruptcy. This is in keeping with previous years.

Increase in the volume of pages processed

The volume of pages processed at the end of March 2014 was 533,727 pages — more than a hundredfold increase from the previous year (4,287 pages). Of this number, more than 524,000 pages were entirely exempted, largely due to statutory obligations pursuant to the *Competition Act*.

Completion Time

The 26 requests were completed within the following timeframes:

- 15 within 1 to 15 days (59 percent)
- 7 within 16 to 30 days (26 percent)
- 1 within 31 to 60 days (3 percent)
- 1 within 121 to 180 days (3 percent)
- 2 within 181 to 365 days (6 percent)
- 1 in 366 or more days (3 percent)

Disposition of requests

The disposition of the 26 completed requests is as follows:

- 10 were disclosed in part (38 percent)
- 7 requests were abandoned (27 percent)
- 4 had no existing records (15 percent)
- 3 were fully disclosed (12 percent)
- 2 were all exempted (8 percent)

Limits to the right of access — Exemptions and Exclusions

Exemptions in accordance with sections 19 through 28 of the *Privacy Act* can be invoked to withhold information from being released to a requester. Several exemption provisions can be applied to withhold information in response to one request, and these are reported separately in the statistical report. However, the same exemption provision invoked to withhold information more than once within the same request is reported only once in the statistical report.

The statistics demonstrate that IPRA only invoked three exemption provisions throughout the reporting period — subsection 22(1)(a), paragraphs 26 and 27. This reflects the nature of the information held by the Department (i.e., personal information about other individuals contained in staffing files, administrative

investigations carried out under the *Bankruptcy and Insolvency Act*).

The *Privacy Act* does not apply to published material, material available for purchase by the public, or confidences of the Queen's Privy Council for Canada, pursuant to sections 69 and 70 of the Act, respectively. No exclusions were invoked to refuse access to information during the reporting period.

Requests for Correction of Personal Information and Notations

No request for corrections or notations, were received for this reporting period.

Levelling of costs and human resources

IPRA

Total salary costs associated with IPRA administering the *Privacy Act* activities amounted to \$30,637 for this reporting period. Non-salary costs amounted to \$4,963 for a total cost of \$35,600.

The human resources required to administer the *Privacy Act* amounted to 0.4 full-time equivalents (FTE), the same as the previous reporting period.

Department

Administrative costs as reported by program officials across the Department associated with retrieving, reviewing and providing information to IPRA amounted to \$6,946. The human resources outside of IPRA required to retrieve documents and provide recommendations totaled 0.1 full-time employees.

Total Costs

The overall cost to administer the *Privacy Act* at Industry Canada amounts to \$42,546 for the reporting period. Total human resources required to administer the *Privacy Act* at Industry Canada for 2013–2014 was 0.5 full-time employees.

Disclosures Under Subsection 8(2)(m)

Subsection 8(2) of the *Privacy Act* provides limited and specific circumstances under which institutions may disclose personal information without an individual's consent. Subsection 8(2)(m) allows institutions to release personal information if either the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or if the disclosure would clearly benefit the individual to whom the information relates. During the reporting period, Industry Canada did not disclose personal information pursuant to paragraph 8(2)(m) of the *Privacy Act*.

Privacy Impact Assessments Completed During the Year

No Privacy Impact Assessments were completed during the reporting period.

Material Privacy Breaches

No material privacy breaches occurred during the reporting period.

Complaints, Audits, Investigations and Appeals

Applicants have the right of complaint pursuant to the Act and may exercise this right at any time during or after the processing of their request. The Department received seven new complaints during the reporting period. The Office of the Privacy Commissioner completed two complaint investigations in 2013–2014. Both complaints concerned allegations of improper use and disclosure of personal information at Industry Canada. One complaint was deemed not well-founded and the other was settled in the course of the investigation.

No court challenges were received during the reporting period, nor were any audits relating to the administration of ATIP legislation concluded during the reporting period.

Appendix A — Statistical Report on the *Privacy Act*

Name of institution: Industry Canada

Reporting period: 2013-04-01 to 2014-03-31

Part 1 — Requests under the *Privacy Act*

	Number of Requests
Received during reporting period	30
Outstanding from previous reporting period	0
Total	30
Closed during reporting period	26
Carried over to next reporting period	4

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	2	1	0	0	0	0	0	3
Disclosed in part	2	4	1	0	1	2	0	10
All exempted	0	2	0	0	0	0	0	2
All excluded	0	0	0	0	0	0	0	0
No records exist	4	0	0	0	0	0	0	4
Request abandoned	7	0	0	0	0	0	0	7
Total	15	7	1	0	1	2	0	26

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)	1	23(b)	0
19(1)(b)	0	22(1)(a)(iii)	0	24(a)	0
19(1)(c)	0	22(1)(b)	0	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	8
19(1)(f)	0	22.1	0	27	1
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	3	0	0
Disclosed in part	4	6	0
Total	7	6	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	25	25	3
Disclosed in part	9,296	5,618	10
All exempted	524,406	0	2
All excluded	0	0	0
Request abandoned	0	0	7

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	
	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed
All disclosed	3	25	0	0	0	0	0	0	0	0
Disclosed in part	4	90	2	518	2	1,415	2	3,595	0	0
All exempted	1	0	0	0	0	0	0	0	1	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	7	0	0	0	0	0	0	0	0	0
Total	15	115	2	518	2	1,415	2	3,595	1	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	4	0	0	0	4
All exempted	0	1	0	1	2
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
Total	4	1	0	1	6

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
3	3	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	1	1
121 to 180 days	0	2	2
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	3	3

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
2	0	2

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 conversion
		Section 70	Other	
All disclosed	0	0	0	0
Disclosed in part	4	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	4	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	4	0	0	0
Total	4	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 the reporting period	2	7	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	2	7	0	0
Closed during the reporting period	2	7	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	2	0	0	0	0	0	0	2
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	2	0	0	0	0	0	0	2

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 days	0	0
16 to 30 days	0	0
31 to 60 days	0	0
61 to 120 days	0	0
121 to 180 days	0	0
181 to 365 days	0	0
More than 365 days	0	0
Total	0	0

Part 8 — Resources related to the *Privacy Act*

8.1 Costs

Expenditures		Amount
Salaries		\$30,637
Overtime		\$0
Goods and Services		\$4,963
• Contracts for privacy impact assessments	\$0	
• Professional services contracts	\$0	
• Other	\$4,963	
Total		\$35,600

8.2 Human Resources

Resources	Dedicated full-time	Dedicated part-time	Total
Full-time employees	0.40	0.00	0.40
Part-time and casual employees	0.00	0.00	0.00
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.00	0.00	0.00
Students	0.00	0.00	0.00
Total	0.40	0.00	0.40

Appendix B — Processing Times for Cabinet Confidences

Completion Time of Consultations on Cabinet Confidences under the PA — Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101–500 Pages Processed		501–1,000 Pages Processed		1,001–5,000 Pages Processed		More Than 5,000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Completion Time of Consultations on Cabinet Confidences under the PA — Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101–500 Pages Processed		501–1,000 Pages Processed		1,001–5,000 Pages Processed		More Than 5,000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Completed Privacy Impact Assessments

Institution	Number of Completed PIAs
Industry Canada	0

Appendix C—Delegation of Authority

Industry Canada / Industrie Canada

Access to Information Act and Privacy Act Delegation Order

Arrêté sur la délégation en vertu de la Loi sur l'accès à l'information et de la Loi sur protection des renseignements personnels

The Minister of Industry Canada, pursuant to section 73 of the *Access to Information Act* and the *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers and functions of the Minister as the head of a government institution, under the section of the Acts set out in the schedule opposite each position. This Delegation Order supersedes all previous Delegation Orders.

En vertu de l'article 73 de la *Loi sur l'accès à l'information* et la *Loi sur la protection des renseignements personnels*, le Ministre d'Industrie Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire les-dits postes, les attributions dont il est, en qualité de responsable d'une institution fédérale, investie par les articles des lois mentionnées en regard de chaque poste. Le présent décret de délégation remplace et annule tout décret antérieur.

Schedule / Annexe

Position / Poste	<i>Access to Information Act</i> and Regulations / <i>Loi sur l'accès à l'information</i> et règlements	<i>Privacy Act</i> and Regulations / <i>Loi sur la protection des renseignements personnels</i> et règlements
Chief Information Officer / Chef de l'information	Full authority / Autorité absolue	Full authority / Autorité absolue
Director General, Information Management Branch (IMB) / Directeur (trice) général(e), Direction générale de la gestion de l'information (DGGI)	Full authority / Autorité absolue	Full authority / Autorité absolue
Director, Information and Privacy Rights Administration (IPRA), Information Management Branch (IMB) / Directeur (trice), Administration des droits à l'information et à la protection des renseignements personnels (ADIPRP), (DGGI)	Full authority / Autorité absolue	Full authority / Autorité absolue
Manager, IPRA-IMB / Gestionnaire, ADIPRP-DGGI	Full authority / Autorité absolue	Full authority / Autorité absolue
And / et		
Senior Advisor IPRA, IMB / Conseiller (ère) principal(e), ADIPRP-DGI	Section / Articles: 7, 8(1), 9, 11(4)(5), 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27(1), 68, 69	Section / Articles : 8(1), 14, 15, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 69, 70

Dated, at the City of Ottawa
this 26 day of February, 2014

Daté, en la ville d'Ottawa
ce 26 jour de février 2014

Original signed by The Honourable Minister James Moore, Minister of Industry Canada. / L'original a été signé par le Ministre d'Industrie Canada, l'Honorable Ministre James Moore.

The Honourable Minister James Moore
Minister of Industry Canada /
Ministre d'Industrie Canada
l'Honorable Ministre James Moore