



Indian and Northern  
Affairs Canada

Affaires indiennes  
et du Nord Canada

# Annual Report to Parliament

## Privacy Act

2009 - 2010



Canada 

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# **Annual Report to Parliament**

## **Privacy Act**

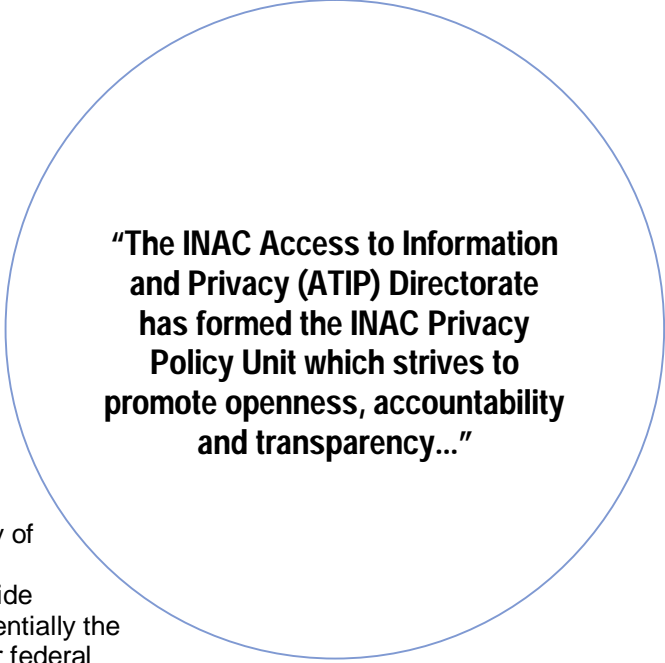
**2009 – 2010**

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## Introduction

In an age where information is so abundant, readily available and requested, it has become increasingly important to define and protect personal information. The management of personal information has become a key issue among Canadian citizens. The *Privacy Act* was established in 1983 to address these specific concerns. The purpose of the *Privacy Act*, along with its companion legislation the *Access to Information 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 that provide individuals with a right of access to that information”. Essentially the *Privacy Act* can be considered a code of ethics created for federal government institutions with regard to the management of the personal information received, collected and disclosed. It governs not only the collection, use and disclosure of personal information but also the right of Canadians to access their information.



**“The INAC Access to Information and Privacy (ATIP) Directorate has formed the INAC Privacy Policy Unit which strives to promote openness, accountability and transparency...”**

Indian and Northern Affairs Canada (INAC) has a role to play in the protection of individuals' personal information. INAC works with the Aboriginal people (First Nations, Inuit and Métis) and Northerners to build strong relationships and a strong Canada. Part of building relationships is instilling trust and confidence. By diligently updating policies and procedures to stay current with the roles and responsibilities set out in the *Privacy Act*, INAC is working to gain the trust and confidence of Aboriginal Canadians and the Canadian public in general. The INAC Access to Information and Privacy (ATIP) Directorate has formed the INAC Privacy Policy Unit which strives to promote openness, accountability and transparency in regard to efforts to comply with the roles and responsibilities inherent in the *Privacy Act*.

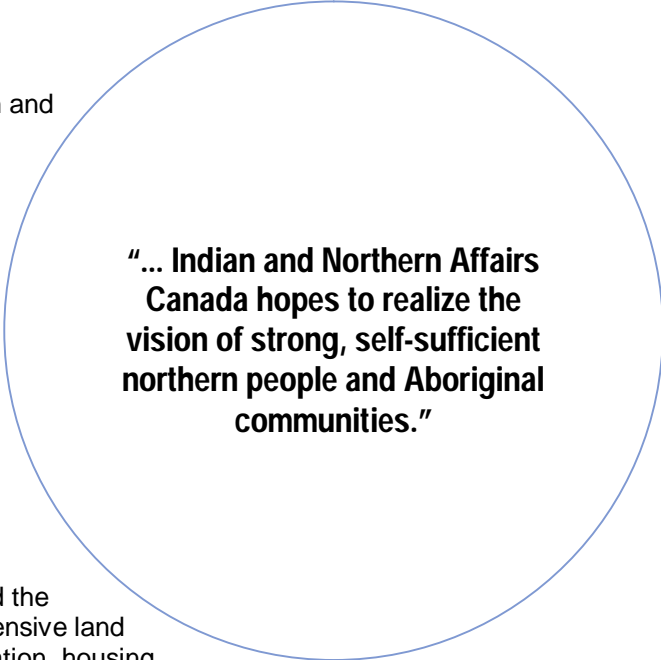
## About Indian and Northern Affairs Canada

Shaped by centuries of history, the responsibilities of Indian and Northern Affairs Canada (INAC) are complex and wide ranging. There are challenges to meet regarding not only the relationships between the Government of Canada and Canada's Aboriginal people, but the geography of the landscape and the remoteness of many Aboriginal communities presents a whole new level of difficulty in providing access and equality of services.

INAC is committed to supporting Aboriginal people and Northerners in their efforts to improve social well-being and economic prosperity; develop healthier, more sustainable communities; and participate more fully in Canada's political, social and economic development – to the benefit of all Canadians.

Under the *Indian Affairs and Northern Development Act* and the *Indian Act*, INAC negotiates, implements and manages extensive land claims and disputes. INAC delivers services such as education, housing, community infrastructure and social support to Status Indians on reserves along with other regulatory duties. It is through these mandates and responsibilities that INAC hopes to realize the vision of strong, self-sufficient Northern people and Aboriginal communities.

While helping to shape and manage the relationships between Canada and its Aboriginal people it is important to recognize that INAC is the lead federal department for two-fifths of Canada's land mass. Northern Canada is situated atop an abundance of natural resources. There is both great interest and concern in the political and environmental management of these resources. This means that INAC will have a significant role to play in Canada's economic future.



**"... Indian and Northern Affairs  
Canada hopes to realize the  
vision of strong, self-sufficient  
northern people and Aboriginal  
communities."**

## Departmental Mandate

Indian and Northern Affairs Canada (INAC) is responsible for two separate yet equally important mandates: **Indian and Inuit Affairs** and **Northern Development**. This broad mandate is derived largely from the *Department of Indian Affairs and Northern Development Act*, the *Indian Act* and, territorial acts and legal obligations arising from section 91(24) of the *Constitution Act*. The Department is responsible for administering more than 50 statutes in total. Consequently, INAC's mandate is complex and its responsibilities encompass a broad spectrum of programs.

The Department is responsible for meeting the Government of Canada's obligations and commitments to First Nations, Inuit and Métis and for fulfilling the federal government's constitutional responsibilities in the North.

The Minister of Indian Affairs and Northern Development is also the Federal Interlocutor for Métis and Non-Status Indians. The Federal Interlocutor's role is to provide a point of contact between the Government of Canada and Métis, Non-Status Indians and urban Aboriginal peoples. The goal of this relationship is to advocate for and work with off-reserve Aboriginal Canadians in order to achieve equal services to those living on reserves.

## **Indian and Northern Affairs Canada and the Access to Information and Privacy Directorate**

The Access to Information and Privacy (ATIP) Directorate reports to the Corporate Secretary who is directly accountable to the Deputy Head and is a member of the Department's Senior Management Committee. The Directorate is essentially comprised of two groups, Access and Privacy.

The ATIP Directorate is responsible for the coordination and implementation of policies, guidelines and procedures to ensure departmental compliance with the *Access to Information Act* and the *Privacy Act*. Indian and Northern Affairs Canada (INAC) has taken a proactive approach to the administration of these responsibilities. The ATIP Directorate provides support to the Department in the processing of Access to Information and Privacy requests and provides workshop presentations, training courses and awareness sessions designed to increase knowledge and understanding of Access to Information and Privacy issues and concerns across the Department. A priority for INAC is strengthening its accountability with respect to privacy and the management of its personal information holdings.

To this end, INAC has also instituted a Privacy Policy Unit under the Access to Information and Privacy (ATIP) Directorate. The main purpose of the Privacy Policy Unit is to ensure that INAC is in a position to meet its obligations under the *Privacy Act* and related policies, as well as to assist in building privacy into its program management activities.




## Indian and Northern Affairs Canada, Privacy Policy Unit

The INAC Privacy Policy Unit has provided critical privacy advice to new initiatives, resulting in changes that will improve privacy protection in departmental programs. Policies and procedures are being established to ensure that privacy is considered throughout the life cycle of INAC's processes and programs and that the fair information principles inform policy decisions concerning data collection and use.

The INAC Privacy Policy Unit provides advice and guidance to the Department on a number of topics;

- Conducting Preliminary Privacy Impact Assessments (PPIAs)
- Conducting Departmental Privacy Impact Assessments (PIAs)
- Inclusion and use of appropriate *Privacy Act* Statements on Data Collection Instruments (DCIs) i.e.: Forms, Surveys, etc.
- InfoSource
- Instruction on the preparation and registration of Personal Information Banks (PIBs) and their related Classes of Records
- Education and promotion of awareness of Privacy and Privacy-related issues throughout the Department
- Meeting the requirements of the *Privacy Act* and its related policies regarding the sharing of personal information when preparing Memoranda of Understanding (MOUs)

The Privacy Policy Unit has been instrumental in making the Privacy Impact Assessment (PIA) process a focal point for privacy activities at INAC including developing a training session specifically designed to educate staff about the PIA process.



**"... the Privacy Policy Unit has enabled all INAC program offices to incorporate privacy into their fundamental program planning and management activities."**

The Privacy Policy Division, through establishment and functionality of its operations, been working to “operationalize” privacy awareness and best practices throughout INAC. It has made privacy an integral part of INAC’s operations by working side-by-side on initiatives with the various directorates and components of INAC. As a result, the Privacy Policy Division has been able to embed privacy values into the culture and structure of INAC in order to ensure that, as INAC programs move forward to implementation, they have been carefully and thoroughly analyzed for their impact on personal privacy and, once implemented, are effective in protecting personal information.

One of the primary laws supporting the activities of the Privacy Policy Division is the Privacy Act. The Privacy Act, provides a code of fair information practices that governs the collection, maintenance, use, and dissemination of personal information by federal departments. Emanating from concerns about the ability to aggregate personal information -- due, in part, to advances in technology -- this law provides substantial notice, access, and redress rights for stakeholders. The law provides robust advance notice, through detailed “system of records” notices, about the creation of new technological or other systems containing personal information and carefully prescribed limits on the release of that information.

Part of the Federal Government’s “Government on Line” (GOL) and “E-Government” are particularly relevant to the Privacy Policy Division’s function. The Federal Government mandates Privacy Impact Assessments through its PIA Policy when there are new collections of, or new technologies applied to, personally identifiable information.

Privacy Impact Assessments, or PIAs, are a third pillar of the privacy framework at the federal level, and reflect the growing reliance on technology to move data -- both in government spaces and on the Internet. With the addition of the privacy provisions of the “E-Government” to existing privacy protections, stakeholders now benefit from a comprehensive framework within which government considers privacy in the ordinary course of business.

To this effect, the Privacy Policy Division is working closer with program areas to ensure implementation of a rigorous PIA process, whereby every new technology use or acquisition is subject to a PIA. In the first several years of the Privacy Policy Division, much time was given to what may be described as “practical privacy.” With limited resources and limited knowledge of privacy adherence within INAC, time was mainly spent assessing current privacy and government transparency and formulating a practical way forward for operationalizing privacy throughout INAC. The path chosen was to identify significant functional privacy areas. Such was done, in part, through a departmental “Privacy Review.” As well, privacy professionals were hired to address functional objectives and to provide leadership at the Departmental level. Further staff requirements were met to assist the Department with privacy technology, privacy compliance, privacy policy, and disclosure policy.

The Privacy Policy Division has made significant progress in creating a strong foundation of privacy protections throughout INAC’s programs, technologies, and policies in the past several years. In this regard, it will continue to educate INAC’s employees on these matters.

One of the ongoing challenges is the everyday compliance with good privacy practices, including the need for privacy policies on INAC’s websites, and the need to comply with all privacy laws. This compliance includes not just the Privacy Act, but all other pertinent laws and relevant policies, if they are applicable to INAC’s programs or information sharing, including concerning employee information. The need for education and training is made all that much more clear by these examples and other areas, such as the legal mandate for Privacy Impact Assessments, to educate and remind our employees on compliance requirements and due care.

Consideration must be given to the role of INAC, vis-a-vis its main stakeholder, the Aboriginal Community, relevant to sharing their personal information and educating them on privacy. One of the most important policy challenges facing INAC is the sharing of personal information between the public and private sector (mainly the Aboriginal Community). This issue resonates with the Aboriginal Community and within INAC where the responsible handling of personal information is critical to the successful performance of its mandate. The Privacy Policy Division is all too familiar with the need to ensure the protection of its stakeholders' personal information.

This is why it is so important to have in place all necessary protections for personally-identifiable information. Even when actual Privacy Act violations are not found, it is nevertheless important that clear rules be in place to ensure that information sharing is done in a legitimate, respectful, and limited way.

Going forward, the challenge facing the Privacy Policy Division is to carefully navigate between the privacy and security concerns inherent in information sharing and to build a consensus on the responsible use of data so that we can further our efforts to enhance security while maintaining robust protections for personal information.

As mentioned earlier, the Privacy Policy Division has been instrumental in making the PIA process a focal point for privacy activities at INAC. By providing written and oral training in addition to specific guidance materials, the Privacy Division has enabled all programs to incorporate privacy into their fundamental program planning. From the initial drafting of a PIA to the final product, the Privacy division has provided PIA leadership to program areas and their components. The Privacy Policy Division has developed a publication to make the processing of a PIA simple. Additionally, the Privacy Policy Division reviews the PIAs, and provides advice on the need for their development, in connection with INAC rulemakings.

The Privacy Policy Division has provided critical privacy advice to new program initiatives, resulting in changes in many cases that will improve privacy protections within the various programs and for its stakeholders, including the Aboriginal Community.

Procedures are being well established to ensure that privacy is considered throughout the lifecycle of INAC's processes and programs and that fair information practices inform policy decisions concerning data collection and use.

One way to ensure that privacy is embedded into the culture of the Department is through a vigorous education and training program. The Privacy Policy Division recognizes the value and need for systematic privacy training at the Department and has developed a framework for a comprehensive program. The Privacy Policy Division has created and implemented privacy awareness training for all INAC employees and new hires. The primary goal of privacy awareness training is to ensure that employees are fully informed about how to handle personally identifiable information in a responsible and appropriate manner. The Privacy Policy Division has developed training modules that are tailored to individual groups within INAC to ensure a broad understanding of how privacy integrates with specific INAC programs so that it is addressed appropriately.

The Privacy Policy Division is making great strides in promulgating and addressing privacy issues within INAC. It is now an integral part of INAC's operations. Although more needs to be accomplished, it has embedded privacy values into the culture and structure of the Department. The Privacy Policy Division is in the process of developing privacy policy for the Department and will continue to work hand-in-hand with its many stakeholders.

## Highlights

Indian and Northern Affairs Canada (INAC) is proud to make strides in ensuring that privacy and the protection of personal information continues to be a priority and remains strong within the Department. Over the 2009-2010 fiscal year, INAC has proven its commitment to the importance of a robust privacy-sensitive culture throughout the Department. The following represents these highlights:

### **Addition of New Employees**

The Privacy Policy Unit is pleased to announce the hiring of three (3) new team members. The addition of these staff assists in furthering the Privacy Policy Unit's effectiveness in responding to the privacy requirements of the Department while also maintaining a secure, healthy and respectful work environment for all employees of the Unit.

### **Implementation of New ATIP Case Management and Redaction Software**

As the confidential nature of documents is of paramount importance to the protection of personal information, INAC has instituted a new ATIP case management system entitled AccessPro Case Management / AccessPro Redaction. The use of this system will increase the protection and privacy of personal information by severing sensitive information on documents in accordance with current legislation and optimizing document handling to speed up assistance to requestors. INAC is currently in the process of manually migrating existing Privacy files into this new system so that it may be used to its maximum capacity.

### **Support of the Treasury Board of Canada Secretariat – Privacy Impact Assessments**


INAC is taking a proactive approach to privacy throughout the Department and has obtained guidance and support from the Treasury Board Secretariat to implement various Privacy policies and tools. To this end, the Privacy Policy Unit has developed tools to help program officials in conducting Privacy Impact Assessments (PIAs).

### **Support of the Treasury Board of Canada Secretariat – Info Source**

The Privacy Policy Unit has also worked with Treasury Board to meet its requirements for Info Source – the annual publication containing information about the Government of Canada, its organization and information holdings. This includes conducting PIAs, and the development of Personal Information Banks (PIBs). The Privacy Policy Unit is committed to ensuring the accountability of programs within the department to register the personal information that it collects in order to remain compliant with Treasury Board policies and procedures.

## **Collaboration with the Office of the Privacy Commissioner of Canada**

INAC has been participating with the Office of the Privacy Commissioner (OPC) to ensure thorough analysis while conducting Privacy Impact Assessments (PIAs). The cooperation between INAC and the OPC is particularly important as it ensures that privacy risks are completely understood by Departmental programs, and that solutions to privacy risks are identified and eliminated. Working with the OPC provides for a proactive and collaborative approach to mitigating potential risks and creating a privacy-sensitive culture within the Department.



**“As INAC has found this to be a successful and effective tool, Privacy 101 Training sessions will continue to be a staple in the education of the staff in the Department.”**

## **Education and Training**

Indian and Northern Affairs Canada (INAC) recognizes a solemn duty to comply with the *Privacy Act* and works diligently to meet the obligations inherent in that duty. Great effort has been taken to make Privacy a priority across the Department. To this effect, INAC has administered a number of training sessions to increase awareness about the need for Privacy throughout the Department and to make it relevant for all staff.

Information sessions during 2008-2009 focused more on training at headquarters. Alternatively, the focus during the 2009-2010 fiscal year was to inform and educate staff about Privacy at the regional level.

**Privacy 101 Training** is an interactive educational session designed to provide participants with a sound understanding of the principals of Privacy. Some key elements include a discussion on the meaning of Privacy, an explanation of the *Privacy Act* and its purpose, and how Privacy relates to “me and my job”. Special attention is paid to the Aboriginal people (First Nations, Inuit and Métis) and the management of their personal information. Understanding of the *Privacy Act* and the responsibilities inherent within the Act will increase compliance throughout the Department and build good relationships with the ATIP office.

Five (5) Privacy 101 Training sessions were administered in the 2009-2010 fiscal year, with 10-15 persons in attendance for each. As INAC has found this to be a successful and effective tool, Privacy 101 Training sessions will continue to be a staple in the education of the staff in the Department.

**Info Source Training** is a training program under development and will be delivered in the upcoming fiscal year. This training program is designed to educate INAC staff about Info Source, its use and its purpose. Key elements of this program include an introduction to Info Source, what publications are included, what are Classes of Records and Personal Information Banks and what are the roles and responsibilities that need to be taken into account when submitting a publication to Info Source.

**PIA Training** is a program under development to teach staff how to effectively determine if a Privacy Impact Assessment (PIA) needs to be conducted and, if so, how to go about completing the process. The key elements of this training program include defining a PIA and its purpose, how to determine if a PIA is necessary; policy requirements and principals to be followed while conducting a PIA, for example the principals derived from the Canadian Standards Association Code and the *Personal Information Protection and Electronic Documents Act (PIPEDA)*; and the sharing of personal information with

Aboriginal people. Current and future technologies will also be a feature of this training program. INAC currently provides this training to programs on an “as requested” basis, however plans are in place to make certain that this “core” training is implemented to all program officials in the 2011-2012 fiscal year.

Altogether INAC has run 20 Access to Information and Privacy (ATIP) training sessions in the 2009-2010 fiscal year. Twelve (12) of the ATIP sessions were conducted in English and eight (8) sessions were conducted in French. Each session averaged about three hours in length. INAC has succeeded in training more than 200 staff on ATIP protocols during the 2009-2010 fiscal year.

Ultimately, staff training will improve INAC’s capacity to meet their legislative obligations including the “duty to assist” requestors.

## Privacy Impact Assessments (PIAs)

A PIA is a step-by-step evaluation of the flow of personal information held within a given program or service. This process enables the Department to determine whether new technologies, information systems, initiatives, and proposed programs or policies meet federal government privacy requirements.

A PIA outlines salient points about new or existing personal information, including hard copy format or through technology systems, by answering questions about how the information and data will be maintained, what administrative controls will be in place, and how the decision to use the information was made.

The 10 Fair Privacy Principles (Accountability; Identifying Purposes; Consent; Limiting Collection; Limiting Use, Disclosure and Retention; Accuracy; Safeguards; Openness; Individual Access; and Challenging Compliance) are used as a guide to ensure that privacy is considered throughout the business redesign or project development cycle.

From the initiation of a PIA to the final product, the Privacy Policy Unit has provided direction to program offices and their components on the PIA process. Please refer to “Appendix B” to view a more comprehensive listing of the number of PIAs and Preliminary Privacy Impact Assessments (PPIAs) that INAC has been involved in during the 2009-2010 fiscal year.

In the 2009-2010 fiscal year, INAC has completed five (5) PIAs:

### ***Privasoft Access Pro Case Management (APCM) & Access Pro Redaction (APR)***

The Access Pro Case Management (APCM) system was developed by the Privasoft Corporation. It is an automated case management solution that gives institutions a flexible and easy-to-use system for managing requests for information and project details while demonstrating accountability and maintaining employee productivity in a secure environment. It is configurable to operate within regulatory legislation. The system allows users to track deadlines and prioritize tasks so that time-critical elements are handled first. The system therefore helps to optimize time management and available resources when responding to requests.

APCM’s counterpart, the Access Pro Redaction (APR) is imaging software that is designed specifically for document handling. The software ensures data integrity while operating within legislative compliance by severing sensitive information from documents as the system is set to enforce compliance.

The Access to Information and Privacy (ATIP) Directorate for Indian and Northern Affairs Canada (INAC) administers both the *Access to Information Act* and the *Privacy Act* and to ensure the Institution's compliance with legislation. The ATIP Directorate also provides and manages distribution of promotional messages, workshop presentations, training courses, and awareness sessions to increase the knowledge and understanding of ATIP across the Department. ATIP will use the APCM and APR systems to better organize and facilitate these various duties.

Privasoft Access Pro Case Management & Redaction: <http://www.ainc-inac.gc.ca/ai/arp/ati/pia/apcm-eng.asp>.

### ***First Nations and Inuit Transfer Payment System / Guaranteed Loan Management System (FNITP/GLMS)***

Transfer payments are made to First Nations governments / Inuit communities to enable the delivery of essential services to their respective communities. Currently the collection of personal information and reporting are managed through a paper based system whereby individuals in a number of regional offices enter information into various regional and national databases to satisfy the Treasury Board requirements on *Policy on Transfer Payments* and INAC's internal accountability, performance and evaluation requirements.

The First Nations and Inuit Transfer Payment (FNITP) system will help to centralize and modernize current business processes. Through individual agreements INAC will collect personal information from Administering Organizations and Regional INAC offices. Once the information has been entered an authorized user may then log onto a Virtual Private Network (VPN) and conduct the transfer payments. INAC will now be able to report on these activities through the FNITP system. This technology will significantly reduce the reporting burden associated with the current management process for funding arrangements.

The Guaranteed Loan Management System (GLMS) project will provide an integrated corporate system within the FNITP system that will provide the capability to manage both the program (Housing and Economical Development) and financial components that make up the Ministerial Loan Guarantee (MLG) business process.

First Nations and Inuit Transfer Payment System / Guaranteed Loan Management System (FNITP/GLMS): <http://www.ainc-inac.gc.ca/ai/arp/ati/pia/fntp-eng.asp>

### ***First Nation Child and Family Services (Saskatchewan) (FNCFS)***

The goal of INAC's First Nations Child and Family Services (FNCFS) program is to support First Nations communities in providing culturally sensitive child welfare services comparable to those available to other provincial residents in similar circumstances. The FNCFS program is one of many INAC programs and services dedicated to individual and family well-being.

The FNCFS System is a redesign of the current Indian Child and Family Services (ICFS) legacy application into a web based application to meet established INAC information system standards. The redesign will also improve management of maintenance costs and ensure that the system complies with Canada's Federal Government software standards. The new system will implement fixes to current issues; provide improved reporting capabilities and data entry and include user training.

First Nation Child and Family Services (Saskatchewan) (FNCFS):  
<http://www.ainc-inac.gc.ca/ai/arp/ati/pia/cfs-eng.asp>

### **Trust Fund Management System (TFMS)**

The Trust Fund Management System (TFMS) is a sub-ledger of Oasis, the departmental financial system. The System maintains all the detailed financial information for trust accounts which arise from the Crown's fiduciary obligations towards First Nations. The system supports the Resolution and Individual Affairs Sector in fulfilling their responsibilities to safeguard trust funds for First Nations and individuals.

The TFMS will integrate new legislative requirements and support some user requirements the old system was incapable of supporting. This will streamline existing business and result in cost savings due to a reduced need for maintenance and support.

The functionality of TFMS does not allow for the tracking of activities by users who simply view populated screens, but it will track transactions and use of the system for logged on users for audit purposes.

The TFMS is used to manage Indian Monies in Trust. It contains both financial and non-financial (account) information. The responsibilities and authorities as outlined by the *Indian Act* allow the Minister to manage the Indian Monies as a fiduciary obligation (Statutory obligation of the Minister's fiduciary responsibilities to collect, receive and hold money for the use and benefit of Indians or bands and to manage and expend Indian Monies in accordance with the *Indian Act*.)

Trust Fund Management System (TFMS):

<http://www.ainc-inac.gc.ca/ai/arp/ati/pia/tfms-eng.asp>

### **Nominal Roll System (NRS)**

The Nominal Roll System (NRS) is an internal report related to Indian and Northern Affairs Canada's (INAC's) mandate and responsibilities. The NRS is used to co-ordinate programs relevant to the education of First Nations and Inuit students.

The NRS currently gathers data elements used to track students and their eligibility for funding. It also tracks the number of high-cost special First Nation education students that live on reserves, the schools they attend (provincial, band-operated, private, federal) and their communities.

The system tracks user activities and is used by INAC's Headquarters and Regional employees, who need the information either to enter data or perform reports.

Nominal Roll System (NRS):

<http://www.ainc-inac.gc.ca/ai/arp/ati/pia/nrs-eng.asp>

In the past fiscal year, INAC completed one (1) PPIA:

### **Secure Certificate of Indian Status (SCIS)**

A Privacy Impact Assessment (PIA) was conducted in November 2002 on the Indian Registry System / Secure Certificate of Indian Status (IRS/SCIS). This PPIA updated the information evaluated during the initial PIA.



Applying for Indian Status is a multi step process. Once a person who is entitled has been registered as an Indian they may apply for a Secure Certificate of Indian Status (SCIS) commonly referred to as a Status Card or Treaty Card. Operating in combination, the Indian Registry System (IRS) and SCIS record approximately 120,000 life events (births, marriages, etc.) entered annually.

The new SCIS, as proposed, will afford status Indians greater ease of border transit into Canada in the future, in particular because Canadian Border Services Agency (CBSA) regards the new design for the SCIS as meeting current document integrity standards. A direct link from INAC's IRS database to CBSA systems could be developed. This process will provide CBSA with the necessary data to support electronic validation of the SCIS at time of border crossing using the Machine Readable Zone.

Secure Certificate of Indian Status (SCIS) (PPIA):

<http://www.ainc-inac.gc.ca/ai/arp/ati/pia/scis-eng.asp>

## Delegated Authorities

Under section 73 of the *Privacy Act*, the Minister's authority is delegated to enable the Department to meet its legislated requirements as well as to exercise its powers. Responsibility for all sections of the Acts has been delegated to the Corporate Secretary and to the Departmental Access to Information and Privacy Coordinator (Director) within the Corporate Secretariat. Certain staff are also delegated to carry out specific administrative functions. The Department's Delegation Orders for the *Privacy Act* can be found at "Appendix C".

## Information Holdings

A description of the classes of institutional records held by the department can be found in the following Info Source publications for 2009-2010: Sources of Federal Government Information and Sources of Federal Employee Information.

Info Source can be accessed online at <http://www.infosource.gc.ca>.

## Reading Room

A reading room is available for individuals wanting to review departmental records publications, and other materials. The room is situated in the departmental library and individuals can contact library personnel for use of the facility.

The department library is located at:

10 Wellington Street  
Gatineau, Québec  
K1A 0H4

Telephone: 819-997-8205  
Fax: 819-953-5491

## Data Matching

Data Matching is an activity involving the comparison of personal information from different sources, including sources within the same government institution, for administrative or non-administrative purposes. The data matching activity that is established can be systematic or recurring and can also be conducted on a periodic basis when deemed necessary. Data matching includes the disclosure or sharing of personal information with another organization for data matching purposes.

Indian and Northern Affairs Canada (INAC) is pleased to report that there were no data matching activities undertaken in 2009-2010.

## Definitions for the Disposition of Privacy Requests

**All Disclosed** - All of the information requested was disclosed to the applicant without the application of exemptions and/or exclusions.

**Disclosed in Part** - Only a portion of the information requested was disclosed because the remainder was exempt and/or excluded.

**Nothing Disclosed (Excluded)** - There was no disclosure as all of the information requested qualified for exclusion under Section 68 or Section 69 of the Access to Information Act or Section 69 or Section 70 of the *Privacy Act*.

**Nothing Disclosed (Exempt)** - There was no disclosure because all of the information requested qualified for an exemption.

**Unable to Process** - This category includes requests that are not accounted for elsewhere, such as requests made under the wrong legislation, requests where there was not sufficient information to locate any relevant information, requests for records that are not under the control of the institution, or requests for which no identifiable records exist.

**Abandoned by the Applicant** - A request is considered abandoned when the applicant formally withdraws it or when the applicant does not respond to a notice that the request will be closed if not responded to within 30 days.

**Transferred** - This refers to requests filed under the *Access to Information Act* that were transferred to another government institution with "greater interest". The receiving institution will account for the request under "Received during reporting period".

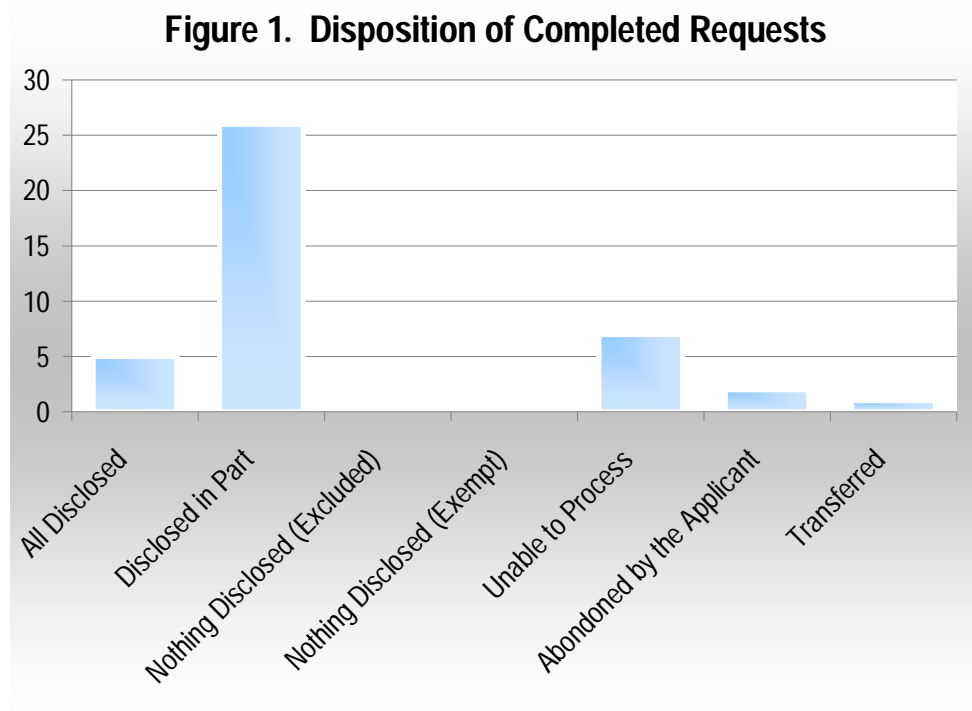
## Requests Under the Privacy Act

Between April 1, 2009 and March 31, 2010, the Department received forty two (42) requests for information under the *Privacy Act*. In addition, seven (7) requests were carried over from the previous fiscal year, for a total of forty nine (49) requests. During the reporting period forty one (41) were processed and eight (8) active files will be carried over to the next reporting period. The annual statistical report on the operation of the *Privacy Act* can be found at "Appendix A".

## Disposition of Completed Requests

The disposition of completed requests is as follows (see *Figure 1* below):

• All Disclosed	5
• Disclosed in Part	26
• Nothing Disclosed (Excluded)	0
• Nothing Disclosed (Exempt)	0
• Unable to Process	7
• Abandoned by the Applicant	2
• Transferred	1
<b>Total</b>	<b>41</b>



## Disclosure of Personal Information

Personal information under the control of a government institution **shall not**, without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with subsection 8(1) of the *Privacy Act*.

Further to the formal forty-nine (49) requests received under the *Privacy Act*, as indicated above, there are permissible disclosures of personal information under subsection 8(2) of the *Privacy Act* which may be disclosed without the consent of the individual to whom the information pertains (see *Figure 2* below). These disclosures constitute five hundred thirty two (532) requests and their breakdown is identified in the following paragraphs.

### Paragraph 8(2)(a)

Personal information may be disclosed "for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose."

Under this paragraph of the *Privacy Act*, five (5) requests were received and treated.

### Paragraph 8(2)(b)

Personal information may be disclosed "for any purpose in accordance with any Act of Parliament or any regulation made thereunder that authorizes its disclosure."

Under this paragraph of the *Privacy Act*, zero (0) requests were received and treated.

### Paragraph 8(2)(c)

Personal information may be disclosed "for the purpose of complying with a subpoena or warrant issued or order made by a court, [...] for the purpose of complying with rules of court relating to the production of information."

Under this paragraph of the *Privacy Act*, one (1) request was received and treated.

### Paragraph 8(2)(d)

Personal information may be disclosed "to the Attorney General of Canada for use in legal proceedings involving the Crown in right of Canada or the Government of Canada."

Under this paragraph of the *Privacy Act*, forty three (43) requests were received and treated.

### Paragraph 8(2)(e)

Personal information may be disclosed "to an investigative body [...] for the purpose of enforcing any law of Canada or a province or carrying out a lawful investigation..."

Under this paragraph of the *Privacy Act*, one hundred seventy four (174) requests were received and treated.

**Paragraph 8(2)(f)**

Personal information may be disclosed "under an agreement or arrangement between the Government of Canada [...] and the government of a province [or territory] [...] for the purpose of administering or enforcing any law or carrying out a lawful investigation."

Under this paragraph of the Privacy Act , two hundred twenty (220) requests were received and treated.

**Paragraph 8(2)(g)**

Personal information may be disclosed "to a member of Parliament for the purpose of assisting the individual to whom the information relates in resolving a problem."

Under this paragraph of the Privacy Act , zero (0) requests were received and treated.

**Paragraph 8(2)(j)**

Personal information may be disclosed "to any person or body for research or statistical purposes if the head of the government is satisfied that the purpose for which the information is disclosed cannot reasonably be accomplished unless the information is provided in a form that would identify the individual to whom it relates and obtains from the person or body a written undertaking that no subsequent disclosure of the information will be made in a form that could reasonably be expected to identify the individual to whom it relates."

Under this paragraph of the *Privacy Act* , twelve (12) requests were received and treated.

**Paragraph 8(2)(k)**

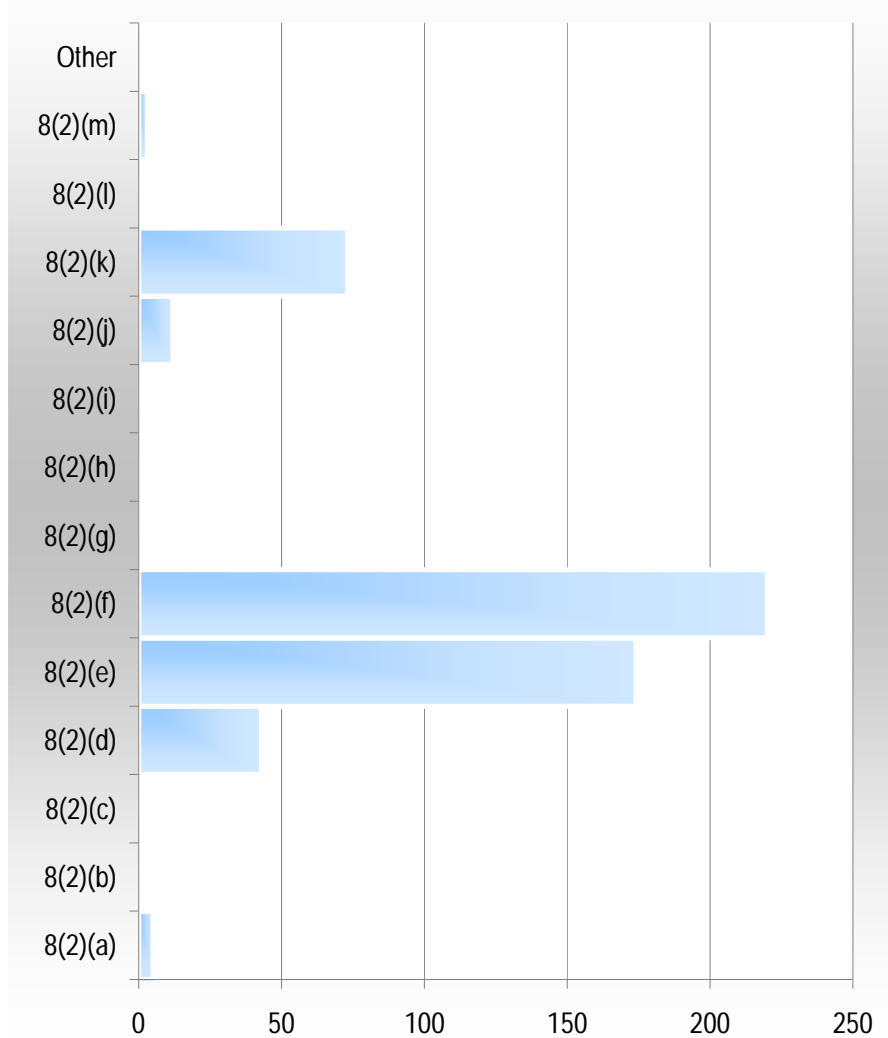
Personal information may be disclosed "to any association of aboriginal peoples, Indian band, government institution or part thereof, or to any person acting on behalf of such association, band, institution or part thereof, for the purpose of researching or validating the claims, disputes or grievances of any of the aboriginal peoples of Canada."

Under this paragraph of the *Privacy Act* , seventy three (73) requests were received and treated.

**Paragraph 8(2)(m)**

Personal information may be disclosed "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."

Under this paragraph of the Privacy Act, zero (0) requests were received and treated.

**Figure 2. Disclosure of Personal Information**

## Complaints and Investigations

During the 2009-2010 reporting period seven (7) complaints against the Department were filed with the Office of the Information Commissioner of Canada in relation to the processing of requests under the *Privacy Act*. One (1) complaint was carried over from the last fiscal year. As such two (2) investigations were completed and six (6) will be carried over to the next reporting period. Of the two (2) completed investigations, the Information Commissioner of Canada concluded that one (1) complaint was not substantiated and one (1) complaint was resolved. There were no discontinued complaints and none of the complaints were considered to be founded.

## Summary of Key Issues Regarding Complaints and Investigations

Indian and Northern Affairs Canada (INAC) endeavours to respect the rights of Canadians to access their personal information while at the same time protect it with appropriate safeguards from those who would access or use it improperly. A complaint against INAC can be raised under the *Privacy Act* when an individual feels that their privacy rights have been violated by the Department. When a complaint is received it must then be investigated to determine the validity of the complaint and, should the complaint be founded, a resolution must occur. The resolution will either be resolved through current policies and procedures or it may shed light on policies and procedures that need to be updated to better serve the public. INAC proudly reports that only two (2) privacy complaints were received during the 2009-2010 reporting period. As stated in the previous section ("Complaints and Investigations") neither of the complaints was considered founded.

### **Summary of a Select Case**

In November 2009 a complainant reported to INAC that when she had petitioned for access to her personal information she only received part of the information that she had requested and that INAC had failed and refused to provide her with all of the documentation that she had requested.

The complainant made numerous phone calls to the Office of Integrity, Values and Conflict Resolution and felt that there should have been related documents for each of those phone calls. She also alleged that her personal information was shared by the Office of Integrity, Values and Conflict Resolution with a Senior Human Resources Advisor and that she wanted the recorded documentation on this exchange.

As privacy and confidentiality of personal information is required by the *Privacy Act* to protect individuals, INAC removes the names from records related to phone calls so that they can be used for general and statistical purposes, but not to identify an individual. The same standard holds true for conversations regarding cases with other groups within INAC; situations are discussed but names are not disclosed thereby preventing any privacy breeches.

An investigation revealed that the complainant had, in fact, received the requested documents in their entirety as information pertaining to the calls and the discussion were not retrievable. Her right to access her personal information was not denied and the complaint was considered **not well-founded**.



## Appendix A



Government of Canada  
Gouvernement du Canada

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

Institution		INDIAN AND NORTHERN AFFAIRS CANADA		Reporting period / Période visée par le rapport 4/1/2009 to 3/31/2010	
<b>I Requests under the Privacy Act Demandes en vertu de la Loi sur la protection des renseignements personnels</b>					
Received during reporting period Reçues pendant la période visée par le rapport		42			
Outstanding from previous period En suspens depuis la période antérieure		7			
<b>TOTAL</b>		<b>49</b>			
Completed during reporting period Traitées pendant la période visées par le rapport		41			
Carried forward Reportées		8			
<b>II Disposition of request completed Disposition à l'égard des demandes traitées</b>					
1. All disclosed Communication totale		5			
2. Disclosed in part Communication partielle		26			
3. Nothing disclosed (excluded) Aucune communication (exclusion)		0			
4. Nothing disclosed (exempt) Aucune communication (exemption)		0			
5. Unable to process Traitement impossible		7			
6. Abandoned by applicant Abandon de la demande		2			
7. Transferred Transmission		1			
<b>TOTAL</b>		<b>41</b>			
<b>III Exemptions invoked Exceptions invoquées</b>					
S. Art. 18(2)		0			
S. Art. 19(1)(a)		5			
(b)		0			
(c)		0			
(d)		0			
S. Art. 20		0			
S. Art. 21		0			
S. Art. 22(1)(a)		0			
(b)		1			
(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		21			
S. Art. 27		8			
S. Art. 28		0			
<b>IV Exclusions cited Exclusions citées</b>					
S. Art. 69(1)(a)		0			
(b)		0			
S. Art. 70(1)(a)		0			
(b)		0			
(c)		0			
(d)		0			
(e)		0			
(f)		0			
<b>V Completion time Délai de traitement</b>					
30 days or under 30 jours ou moins		13			
31 to 60 days De 31 à 60 jours		12			
61 to 120 days De 61 à 120 jours		14			
121 days or over 121 jours ou plus		2			
<b>VI Extentions Prorogations des délais</b>					
		30 days or under 30 jours ou moins	31 days or over 31 jours ou plus		
Interference with operations Interruption des opérations		15	0		
Consultation		2	0		
Translation Traduction		2	0		
<b>TOTAL</b>		19	0		
<b>VII Translations Traductions</b>					
Translations requested Traductions demandées		0			
Translations prepared	English to French De l'anglais au français	0			
Traductions préparées	French to English Du français à l'anglais	0			
<b>VIII Method of access Méthode de consultation</b>					
Copies given Copies de l'original		31			
Examination Examen de l'original		0			
Copies and examination Copies et examen		0			
<b>IX Corrections and notation Corrections et mention</b>					
Corrections requested Corrections demandées		0			
Corrections made Corrections effectuées		0			
Notation attached Mention annexée		0			
<b>X Costs Coûts</b>					
		Financial (all reasons) Financiers (raisons)			
Salary Traitement		200,000.00			
Administration (O and M) Administration (fonctionnement et maintien)		20,000.00			
<b>TOTAL</b>		<b>220,000.00</b>			
		Person year utilization (all reasons) Années-personnes utilisées (raisons)			
Person year (decimal format) Années-personnes (nombre décimal)		4.00			

TBS/SCT 350-63 (Rev. 1999/03)

## Appendix B

### Supplemental Reporting Requirements for 2009-2010 Privacy Act

Treasury Board Secretariat is monitoring compliance with the Privacy Impact Assessment (PIA) Policy (which came into effect on May 2, 2002) through a variety of means. Institutions are therefore required to report the following information for this reporting period.

Preliminary Privacy Impact Assessments Initiated	3
Preliminary Privacy Impact Assessments Completed	1
Privacy Impact Assessments Initiated	7
Privacy Impact Assessments Completed	5
Privacy Impact Assessments forwarded to the Office of the Privacy Commissioner (OPC):	6

## Appendix C

Ministre des Affaires indiennes et  
du Nord canadien et interlocuteur fédéral  
auprès des Métis et des Indiens non inscrits



Minister of Indian Affairs and  
Northern Development and Federal Interlocutor  
for Métis and Non-Status Indians

Ottawa, Canada K1A 0H4

**Loi sur la protection des  
renseignements personnels -  
Ordonnance de délégation de pouvoirs**

En application des pouvoirs de désignation qui me sont conférés en vertu de l'article 73 de la *Loi sur la protection des renseignements personnels*, j'autorise par la présente les employés exerçant des fonctions ou occupant le poste de secrétaire du Ministère, Secrétariat du Ministère (numéro de poste 12294), le coordonnateur / gestionnaire (numéro de poste 62185) de l'Accès à l'information et de la protection des renseignements personnels et les employés qui leur succéderont, y compris les employés qui les remplacent en leur absence, ou toute personne ou agent désigné par écrit pour les remplacer à exercer ces pouvoirs, responsabilités ou fonctions dévolus au ministre en tant que chef de cette institution administrative en vertu de la Loi, et tels qu'énoncés dans l'annexe A ci-jointe.

J'autorise par la présente les conseillers principaux de l'Accès à l'information et de la protection des renseignements personnels (numéros de postes 62364, 12590, 12061 et 12058), ainsi que ceux qui leur succéderont, y compris, en leur absence, toute personne ou agent désigné par écrit pour agir en son nom, à exercer les pouvoirs, les responsabilités ou les

**Privacy Act –  
Delegation Order**

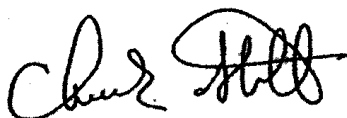
Pursuant to the powers of designation conferred upon me by Section 73 of the *Privacy Act*, the persons exercising the functions or positions of Corporate Secretary, Corporate Secretariat (position number 12294), and the departmental Access to Information and Privacy Coordinator / Manager (position number 62185) and their respective successors, including in their absence, a person or officer designated in writing to act in the place of the holder of any such functions or positions are hereby designated to exercise those powers, duties or functions of the Minister as the Head of the government institution under the Act, and as set out in the attached Schedule A.

The departmental Access to Information and Privacy Senior Advisors (position numbers 62364, 12590, 12061 and 12058) and their respective successors, including in her/his absence, a person or officer designated in writing as being authorized to act in the place of the holder of any such function or position, are hereby designated to exercise those

Canada

fonctions dévolus au ministre en tant que  
chef de cette institution administrative du  
gouvernement en vertu de la Loi, et tel  
qu'énoncés dans l'annexe B ci-jointe.

duties or functions of the Minister as the  
Head of the government institution under  
the Act, and as set out in the attached  
Schedule B.



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Ministre des Affaires indiennes et du Nord canadien  
Minister of Indian Affairs and Northern Development

Signé à Gatineau, le 26 mai, 2008  
Dated at Gatineau, the 26 of May, 2008

**SCHEDULE A**

**DEPARTMENT OF INDIAN AND NORTHERN DEVELOPMENT**  
**SCHEDULE TO DELEGATION ORDER**

**DESIGNATION PURSUANT TO SECTION 73 OF THE PRIVACY ACT**

**Sections and Powers, Duties or Functions**

- 8(2) Disclose personal information without the consent of the individual to whom it relates
- 8(4) Keep copies of requests made under 8(2)(e), keep records of information disclosed pursuant to such requests and to make those records available to Privacy Commissioner
- 8(5) Notify the Privacy Commissioner in writing of disclosure under paragraph 8(2)(m)
- 9(1) Retain a record of use of personal information
- 9(4) Notify the Privacy Commissioner of consistent use of personal information and update index accordingly
- 10 Include personal information in personal information banks
- 11(a) Publish annually and index of all personal information held by the institution which is not part of a bank
- 14 Respond to request for access, within statutory deadline: give access or give notice
- 15 Extend time limit and notify applicant
- 16 Where access is refused
- 17(2)(b) Language of access or alternative format of access
- 17(3)(b) Access to personal information in alternative format
- 18(2) May refuse to disclose information contained in an exempt bank
- 19(1) Shall refuse to disclose information obtained in confidence from another government
- 19(2) May disclose any information referred to in 19(1) if the other government consents to the disclosure or makes the information public
- 20 May refuse to disclose information injurious to federal-provincial affairs
- 21 May refuse to disclose information injurious to international affairs and/or defence
- 22 May refuse to disclose information injurious to law enforcement and investigation
- 23 May refuse to disclose information injurious to security clearances
- 24 May refuse to disclose information collected by the Canadian Penitentiary Service, the National Parole Service or the National Parole Board
- 25 May refuse to disclose information injurious to which could threaten the safety of individuals
- 26 May refuse to disclose information about other individuals, and shall refuse to disclose such information where disclosure is prohibited under section 8
- 27 May refuse to disclose information subject to solicitor-client privilege
- 28 May refuse to disclose information relating to an individual's physical or mental health where disclosure is contrary to the best interests of the individual
- 31 Receive notice of investigation by the Privacy Commissioner
- 33(2) Make representations to the Privacy Commissioner during an investigation

- 35(1) Receive the Privacy Commissioner's report of findings of the investigation and give notice of action taken
- 35(4) Give compliant access to information after 35(1)(b) notice
- 36(3) Receive Privacy Commissioner's report of findings of investigation of exempt
- 37(3) Receive report of Privacy Commissioner's findings after compliance investigation where the institution has not complied with sections 4 to 8
- 51(2)(b) Request that matter be heard and determined in National Capital Region
- 51(3) Request and be given right to make representations in Section 51 hearing
- 72(1) Prepare Annual Report to Parliament
- 77 Carry out responsibilities conferred on the head of the institution by the regulations made under section 77

**SCHEDULE B**

**DEPARTMENT OF INDIAN AND NORTHERN DEVELOPMENT**  
**SCHEDULE TO DELEGATION ORDER**

**DESIGNATION PURSUANT TO SECTION 73 OF THE PRIVACY ACT**

**Sections and Powers, Duties or Functions**

- 10 Include personal information in personal information banks
- 11(a) Publish annually an index of all the personal information banks and their respective contents
- 11(b) Publish annually an index of all personal information held by the institution which is not part of a bank
- 15 Extend time limit and notify applicant
- 31 Receive notice of investigation by the Privacy Commissioner