

Office of the Commissioner
of Lobbying of Canada



Commissariat au lobbying
du Canada

PRIVACY ACT

ANNUAL REPORT 2009-2010

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Preface

The *Privacy Act* (Revised Statute of Canada 1985, Chapter P-21) was proclaimed on July 1, 1983. Therefore, this is the 26th year of operation of this statute. The *Privacy Act* extends to individual Canadian Citizens and permanent residents, the right of access to information about themselves held by the government, subject to specific and limited exceptions. The law also protects the individual's right to privacy by preventing others from having access to personal information and gives individuals substantial control over its collection and use.

On February 6, 2006, the Office of the Registrar of Lobbyists (ORL) was transferred from the Department of Industry Canada to the Treasury Board Secretariat's portfolio as an independent department for purposes of the *Financial Administration Act*. In December of 2006, the *Federal Accountability Act* received Royal Assent and it amended the *Lobbyists Registration Act* (LRA). As well, the LRA was renamed the *Lobbying Act*. It also created the Office of the Commissioner of Lobbying (OCL), which reports directly to Parliament. These amendments came into force, simultaneously with the Lobbyist Registration Regulations and the Designated Public Office Holder Regulations, on July 2, 2008. Therefore, this report covers the OCL's second fiscal year of operation as an Agent of Parliament, under the *Privacy Act*.

Mandate of the Office of the Commissioner of Lobbying

The purpose of the *Lobbying Act* (LA) is to ensure transparency and accountability with respect to the lobbying of federal public office holders, in order to contribute to the Canadian public's confidence in the integrity of decision-making by the federal government. The Commissioner of Lobbying, appointed to a term of seven years, administers the LA by maintaining the Registry of Lobbyists, which contains registration information disclosed by lobbyists, as well as their monthly communications with designated public office holders. The Website also includes Interpretation Bulletins and Advisory Opinions issued by the Commissioner under the LA, as well as other pertinent information and useful Web links. The Registry of Lobbyists allows the public to perform searches of the information contained in the Registry, to disclose lobbying statistics and other information on lobbying, using certain parameters, such as type of lobbyists, dates, subject matters of lobbying, etc.

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

Section 72 of the *Privacy Act* requires that the head of every government institution prepare an annual report on the administration of the *Privacy Act* within the institution during each financial year for submission to Parliament. This annual report is intended to describe how the OCL fulfilled its responsibilities under the *Privacy Act*, from April 1, 2009 to March 31, 2010.

ABOUT THE ORGANIZATION

History of the Office of the Commissioner of Lobbying

On February 6, 2006, the Office of the Registrar of Lobbyists (ORL) was transferred from the Department of Industry Canada to the Treasury Board portfolio as an independent department for purposes of the *Financial Administration Act*. On December 12, 2006, the *Federal Accountability Act*, also known as Bill C-2, which amended the *Lobbyists Registration Act* (LRA) and other statutes, received Royal Assent, as S.C. 2006, c. 9. The modified LRA, renamed the *Lobbying Act* (LA), came into force simultaneously with the Lobbyist Registration Regulations and the Designated Public Office Holder Regulations, on July 2, 2008. The *Lobbying Act* created the position of Commissioner of Lobbying, who reports directly to Parliament.

The changes brought to the LA provided the Commissioner with enhanced powers of investigation and an education mandate. Other significant changes included a five-year prohibition on lobbying by former designated public office holders, as well as the obligation for lobbyists to report prescribed communications with designated public office holders on a monthly basis. Additionally, there is a prohibition on the payment of contingency fees to lobbyists and the receipt of these fees by lobbyists.

Responsibility for Privacy Rights / Delegation of Authority

The *Privacy Act* provides the authority to exercise full powers to the Commissioner of Lobbying and to the OCL's Access to Information and Privacy (ATIP) Coordinator via Delegation Order, which is attached in Annex A. The OCL has two persons who comprise its ATIP Office, the ATIP Coordinator and the ATIP Advisor.

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

The OCL also has one ATIP Advisor, who is responsible for processing the requests received under the *Privacy Act* and making recommendations to the ATIP Coordinator on the disposition of any requests received. The OCL will undertake appropriate notification and consultation procedures with third parties before disclosing any records. The OCL will, on occasion, convey personal information to federal investigative agencies in keeping with the provisions of the *Privacy Act*. The Coordinator is the point of contact on issues involving the collection of personal information and privacy.

Under the LA, the OCL collects information from registrants and lobbyists and the disclosures filed by registrants are accessible on the OCL's Website at the following address:

<http://www.ocl-cal.gc.ca>

In the event of requests for information related to possible administrative reviews and investigations conducted under the *Lobbyists' Code of Conduct*, in accordance with the LA, the OCL is required to conduct investigations in private and will, therefore, not confirm or deny that an investigation is taking place.

Reports on investigations that are completed are required to be tabled in both Houses of Parliament and are then posted on the OCL's Website for the public to view.

ANNUAL REPORT 2009-2010

Introduction / Highlights

This is the second Annual Report on the *Privacy Act* by the Office of the Commissioner of Lobbying (OCL) as an Agent of Parliament.

During 2009-2010, the OCL did not receive any requests under the *Privacy Act*. The OCL completed a Privacy Impact Assessment concerning its newly adopted Human Resources Information System (HRIS).

Fees

No fees are applicable under the *Privacy Act*.

Information Holdings

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

The *Info Source* publications contain a description of the classes of institutional records held by the OCL. The OCL does not have any exempt banks. For 2009-2010, information may be found in the following publication:

2009–2010 Info Source — Sources of Federal Employee Information

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

OCL Website

The OCL's Website at: <http://www.ocl-cal.gc.ca>, allows the user to access and search the Registry of Lobbyists, as well as to obtain various reports, including the OCL's annual reports on Access to Information and Privacy and other information on lobbying. It also contains links to various organizations of interest.

Reading Room

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

Privacy Act

Statistical Report

The annual statistical report is attached in Annex B. In 2009-2010, the second year in which the OCL prepared an annual report as an Agent of Parliament, there were no requests submitted under the *Privacy Act*.

The OCL incurred total costs of \$1,073 associated with the *Privacy Act* and utilized approximately 0.02 person years towards its implementation.

Education and Training Activities

In 2007-2008, the OCL adopted the Privasoft software system to track requests and process documents efficiently. The OCL's ATIP Advisor, as well as the former ATIP Coordinator have been trained in its use. The annual costs associated with renting the software system have only been included in this year's annual report on the *Access to Information Act* (AIA) Section X of the statistical report under: Administration: "Operations and Maintenance", since there were no requests received under the *Privacy Act*.

The ATIP Advisor analyzes and processes requests under the *Privacy Act*, and provides advice to the ATIP Coordinator, who is ultimately responsible. To ensure up-to-date processes are used, the ATIP Advisor attended several ATIP training courses during the fiscal year which were offered by the Treasury Board Secretariat, including information sessions related to the Info Source publication. In June 2009, the ATIP Advisor attended the yearly 3-day Access & Privacy Conference in Edmonton, Alberta, sponsored by the University of Alberta. Additionally, in May 2009, both the former ATIP Coordinator and the ATIP Advisor attended the ATIP Generation Conference in Ottawa and, in November 2009, the annual Canadian Access and Privacy Association (CAPA) Conference at Lansdowne Park in Ottawa, Ontario.

The costs associated with the conferences and courses were accounted for under the Report on the *Access to Information Act*, rather than the Report on the *Privacy Act*, since the courses primarily related to the *Access to Information Act* and no requests were received under the *Privacy Act*.

Privacy Impact Assessments

There was one Privacy Impact Assessment (PIA) completed in February 2010, concerning the new Human Resources Information System (HRIS) adopted by the OCL in June of 2010. The completed PIA is being forwarded to the Office of the Privacy Commissioner (OPC) for approval and, once approved, it will be posted on the OCL's Website.

The PIA was required because the Human Resources Information System (HRIS) is an electronic system that deals with personal information concerning compensation, leave and pay provisions of OCL personnel, eliminating the need for paper transactions.

The objective of the PIA was to evaluate whether the HRIS, as it is customized for the OCL, is in compliance with privacy requirements. The OCL is required to conduct a subsequent PIA if

there are significant upgrades to the HRIS in the future.

HRIS is an integrated system designed to meet the Human Resources (HR) management needs of Canadian government organizations, and is one of the two Treasury Board Secretariat endorsed shared systems initiatives. It is currently used by 32 small- and medium-size federal departments and agencies, which together comprise the HRIS Cluster Group.

The costs associated with the PIA were estimated to be \$1,073 and the person year utilization was 0.02.

The following table illustrates the OCL's Preliminary Privacy Impact Assessment (PPIA) and PIA statistics for the period of 2009-2010:

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

Disclosure of Personal Information

There were no disclosures of personal information by the OCL during the reporting period pursuant to each of the following subsections of the *Privacy Act*: 8(2) (e), (f), (g) and (m).

New/Revised Policies, Guidelines and Procedures Implemented

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

Complaints and Appeals

No complaints concerning the *Privacy Act* were received by the OCL or from the Office of the Information Commissioner during the above period.

Appeals to the Federal Court

There were no appeals filed during the above period.

Data Matching and Sharing Activities

There were no data matching or sharing activities undertaken during the above period.

ANNEX A
DELEGATION ORDER

ANNEX B

**2009-2010 STATISTICAL REPORT ON THE
*PRIVACY ACT***