

National Energy
Board



Office national
de l'énergie

Annual Report pursuant to the *Privacy Act*

1 April 2010 - 31 March 2011

Canada

National Energy Board

Annual Report
Pursuant to the
Privacy Act

1 April 2010 - 31 March 2011

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I. Introduction

Privacy Act

The *Privacy Act* (the Act) gives individuals the right of access to information about themselves held by the federal government with certain specific and limited exceptions. The Act protects an individual's privacy by setting out provisions related to the collection, retention, use and disclosure of personal information.

In accordance with section 72 of the Act, the head of every federal institution is required to submit an Annual Report to Parliament on the administration of the Act following the close of each fiscal year. The Annual Reports are then tabled in Parliament pursuant to section 72 of the Act. This report describes how the National Energy Board (NEB or Board) fulfilled its privacy responsibilities during the fiscal year 2010-2011.

About the National Energy Board

The Board is an independent federal regulator established in 1959 to promote safety and security, environmental protection and economic efficiency in the Canadian public interest within the mandate set by Parliament for the regulation of pipelines, energy development and trade. The Board reports to Parliament through the Minister of Natural Resources. The Board regulates the following specific aspects of the energy industry:

- the construction and operation of interprovincial and international pipelines;
- pipeline traffic, tolls and tariffs;
- the construction and operation of international and designated interprovincial power lines;
- the export and import of natural gas;
- the export of oil and electricity; and
- Frontier oil and gas activities.

Other responsibilities include:

- providing energy advice to the Minister of Natural Resources in areas where the Board has expertise derived from its regulatory functions;
- carrying out studies and preparing reports when requested by the Minister;
- conducting studies into specific energy matters;
- holding public inquiries when appropriate; and
- monitoring current and future supplies of Canada's major energy commodities.

In addition to its responsibilities under the *National Energy Board Act* (NEB Act), the Board also has responsibilities under the *Canada Oil and Gas Operations Act*, the *Canadian Environmental Assessment Act*, the *Northern Pipeline Act*, and certain provisions of the *Canada Petroleum Resources Act*. As a result of the *Canada Transportation Act*, which came into effect on 1 July 1996, the Board's jurisdiction has been broadened to also include pipelines that transport commodities other than oil or natural gas.

For more information about the National Energy Board, please visit our website at:

www.neb-one.gc.ca

II. Description of institution structure

The Access to Information and Privacy (ATIP) Office

Activities relating to the *Privacy Act* during the reporting period were the responsibility of the Secretary of the Board, who had been designated by the Chair and CEO of the Board as the Coordinator. Organizationally, the Secretary and Regulatory Services Team are located under the Strategic Leader of Business Integration.

The Chair and CEO has overall responsibility for ensuring that the Board's policies, procedures and practices are compliant with the application and administration of the *Privacy Act*. The National Energy Board has procedures in place to process all requests made pursuant to the Act. These requests are processed by the Access to Information and Privacy Coordinator who has the authority to access all records held by the Board. The Access to Information and Privacy (ATIP) Office works closely with Information and Document Services and Senior Management across the organization.

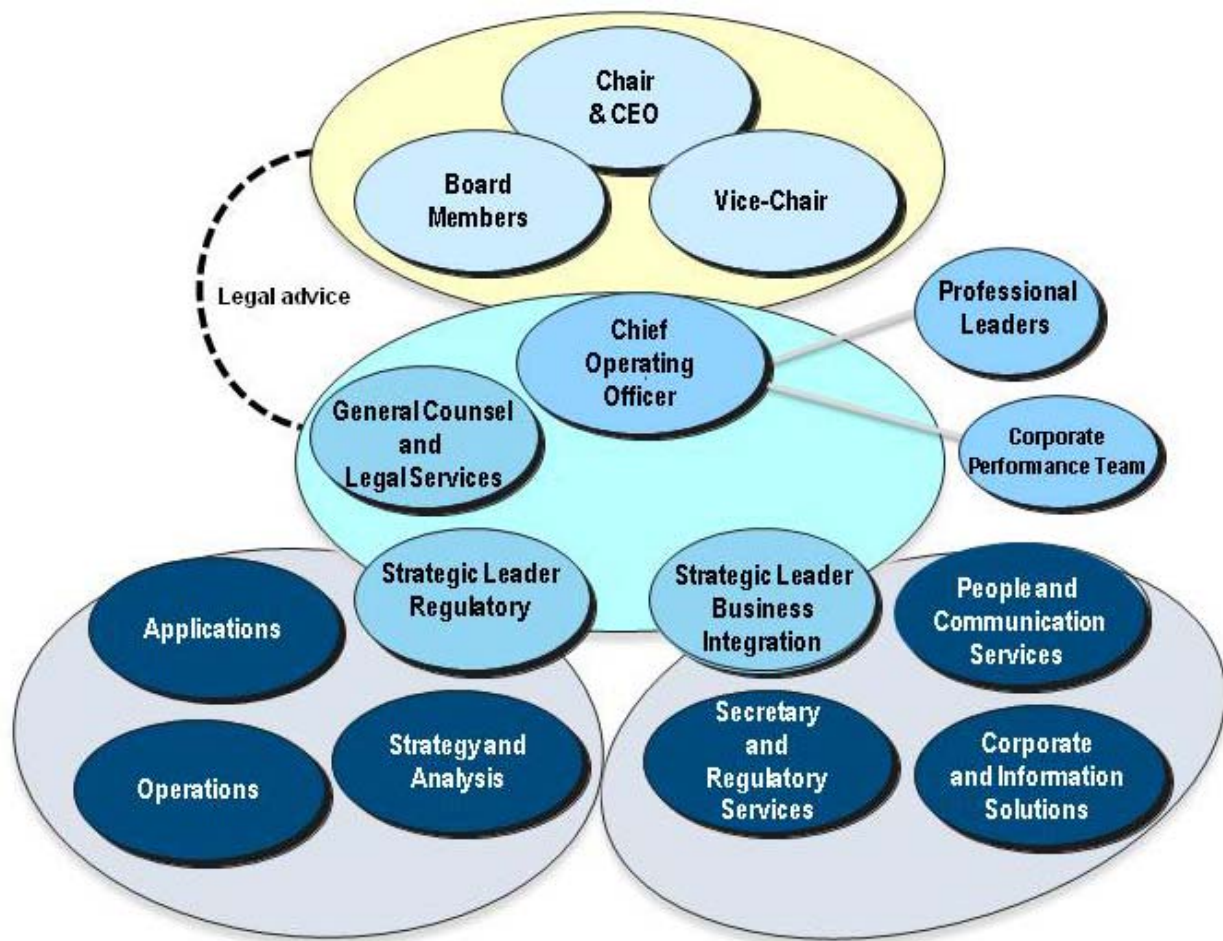
The ATIP Office, under the guidance of the Secretary, was comprised of one fulltime Officer in April 2010. Over the course of the year, due to a significant increase in the number of requests, the ATIP Office received additional permanent resources which resulted in staffing an Executive Support Advisor reporting to the ATIP Coordinator to oversee this team and an Administrative Assistant. A Senior ATIP Officer joined the team in February 2011 on a term assignment. In addition, the Board hired a contractor to assist part-time in the processing and coordinating of ATIP requests in May of 2010.

There are currently 3 full-time equivalents (FTEs) in the Board's ATIP Office.

In addition to providing legal advice and guidance to the ATIP Office on all issues related to the application of the Act, the Board's Legal Services, in general, assist the offices of primary interest within the Board and the ATIP Division in the delivery of their program and activities having a *Privacy Act* component.

The ATIP Office is responsible for the coordination and implementation of policies, guidelines and procedures to ensure the organization's compliance with the *Access to Information Act*. The office also provides the following services to the organization:

- responding to privacy requests;
- monitoring trends in national and international privacy issues to provide informed advice to clients;
- ensuring that the Board's personal information holdings are published in Info Source;
- coordinating and overseeing the Privacy Impact Assessment process for the NEB;
- advising program managers of the requirements of the Privacy Act for the collection, retention, use, and disclosure of personal information;
- promoting staff awareness and providing training on the Privacy Act; and
- developing corporate privacy policies and practices to protect and guide access to personal information.



III. Designation Order

APPENDIX I

NATIONAL ENERGY BOARD

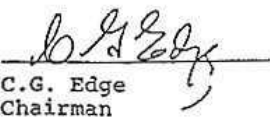


OFFICE NATIONAL DE L'ÉNERGIE

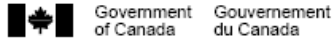
PRIVACY ACT DESIGNATION ORDER

The Chairman of the National Energy Board, pursuant to Section 73 of the Privacy Act*, hereby designates the person holding the office of Secretary of the National Energy Board to exercise the powers and perform the duties and functions of the Chairman as the head of a government institution under the Act.

Dated at Ottawa this 16 day of March, 1983.


C.G. Edge
Chairman

IV. Statistical Report



Government of Canada
Gouvernement du Canada

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

Institution National Energy Board / Office national de l'énergie	Reporting period / Période visée par le rapport April / Avril 2010 - March / Mars 2011
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I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels	
Received during reporting period / Reçues pendant la période visée par le rapport	3
Outstanding from previous period / En suspens depuis la période antérieure	0
TOTAL	3
Completed during reporting period / Traitées pendant la période visée par le rapport	1
Carried forward / Reportées	2

II Disposition of request completed / Disposition à l'égard des demandes traitées	
1. All disclosed / Communication totale	1
2. Disclosed in part / Communication partielle	
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	
4. Nothing disclosed (exempt) / Aucune communication (exemption)	
5. Unable to process / Traitement impossible	
6. Abandoned by applicant / Abandon de la demande	
7. Transferred / Transmission	
TOTAL	1

III Exemptions invoked / Exceptions invoquées	
S. Art. 18(2)	
S. Art. 19(1)(a)	
(b)	
(c)	
(d)	
S. Art. 20	
S. Art. 21	
S. Art. 22(1)(a)	
(b)	
(c)	
S. Art. 22(2)	
S. Art. 23 (a)	
(b)	
S. Art. 24	
S. Art. 25	
S. Art. 26	
S. Art. 27	
S. Art. 28	

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

IV Exclusions cited / Exclusions citées	
S. Art. 69(1)(a)	
(b)	
S. Art. 70(1)(a)	
(b)	
(c)	
(d)	
(e)	
(f)	

V Completion time / Délai de traitement	
30 days or under / 30 jours ou moins	1
31 to 60 days / De 31 à 60 jours	
61 to 120 days / De 61 à 120 jours	
121 days or over / 121 jours ou plus	

VI Extensions / Prorogations des délais		
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Interference with operations / Interruption des opérations		
Consultation		
Translation / Traduction		
TOTAL		

VII Translations / Traductions	
Translations requested / Traductions demandées	0
Translations prepared / Traductions préparées	
English to French / De l'anglais au français	
French to English / Du français à l'anglais	

VIII Method of access / Méthode de consultation	
Copies given / Copies de l'original	1
Examination / Examen de l'original	
Copies and examination / Copies et examen	

IX Corrections and notation / Corrections et mention	
Corrections requested / Corrections demandées	
Corrections made / Corrections effectuées	
Notation attached / Mention annexée	

X Costs / Coûts	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$15,487.20
Administration (O and M) / Administration (fonctionnement et maintien)	\$13,402.70
TOTAL	\$28,889.90
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.3



Additional Reporting Requirements – *Privacy Act*

During the reporting period, the Board initiated one Privacy Impact Assessment for its Participant Funding Program. The Assessment is expected to be submitted to the Treasury Board no later than September 2011.

The National Energy did not invoke any exemptions or cite any exclusions noted below during the reporting period.

Part III – Exemptions

Paragraph 19(1)(e)

Paragraph 19(1)(f)

Subsection 22.1

Subsection 22.2

Subsection 22.3

Part IV – Exclusions

Subsection 69.1

Subsection 70.1

V. Interpretation / Explanation

Received During Reporting Period

During the reporting period, the Board received three requests under the *Privacy Act*. Of the three requests, one was completed and two were carried forward to the next year.

Disposition of Requests Completed

For the request that was completed during the reporting period, the Board disclosed all documents.

Exemptions Invoked

The Board did not invoke any exemptions for the request that was completed during the reporting period.

Exclusions Cited

The NEB did not exclude any information under either section 69 or 70.

Completion Time

The Board was able to respond within 30 days or less for the request completed during the reporting period.

Extensions

No extensions were invoked for the requests completed during the reporting period.

Translations

There were no requests for translation of the personal information kept in the NEB's records.

Method of Access

'Methods of Access' refers to the method that applicants have chosen to access their records. Applicants can choose to receive copies of their records or to examine the records at the NEB's office in Calgary.

A copy of the original records was the preferred method of access for the request completed during the reporting period.

Corrections and Notations

There were no requests for the correction or the notation of personal notation during the reporting period.

Costs

The ATIP Division spent an estimated \$28,889.90 on the processing of Privacy Act requests. Of this total: salaries accounted for \$15,487.20 and administration for \$13,402.70. Salaries for the fiscal year amounted to 0.3 full time positions in the ATIP Division. These figures exclude the time and other resources that were involved in the implementation of the security and other measures throughout the Board in order to protect the privacy of our employees, clients and other Canadians.

VI. Training

Training for ATIP Analysts

ATIP staff attended the ATIP Community Meeting in Ottawa in February 2011 and courses offered by the Treasury Board of Canada Secretariat regarding Personal Information Banks, Info source and Parliamentary Reporting Requirements.

Training for National Energy Board Staff

The Board continues to deliver general training to raise employees' awareness of their responsibilities under the Act and specialized training to respond to client's needs. The ATIP Office provided general training on the provisions of the *Access to Information Act* and the *Privacy Act* and their impact on Board programs and initiatives.

ATIP staff also participated in orientation sessions where information was provided to new Board employees regarding obligations under the both Acts.

During the reporting period, Yvon Gauthier Info-Training provided three 2-day intensive training sessions for designated Board staff and eleven half-day mandatory training sessions for other Board staff. To date, 317 of the Board's roughly 400 employees have taken the ATIP training. The mandatory training is an ongoing initiative that will be carried on during the 2010-2011 fiscal year and reported upon at a later date.

In addition, the Board's Information and Document Services Team delivered sessions with colleagues in Records Management and Security Management highlighting horizontal linkages between ATIP, Security and Records Management. Employees who attend these sessions develop a complete awareness of their responsibilities and are more able to responsibly handle information at the National Energy Board.

VII. New or revised policies and guidelines

The ATIP Office initiated the development of a Privacy Management Framework that will better structure privacy accountability within the Board to ensure compliance with Treasury Board of Canada Secretariat (TBS) Directives on privacy protection.

The National Energy Board also implemented a standard policy and procedures guide during the reporting period. Procedures were endorsed by the head of the institution and posted for all Board employees on the internal website. New procedures developed during the reporting period include step-by-step instructional guides, forms and templates used in the processing of Privacy requests.

VIII. Complaints / Investigations

No complaints were received during the reporting period.

IX. Privacy Impact Assessments

The Board has initiated a Privacy Impact Assessment for the Participant Funding Program. This Privacy Impacts Assessment will be forwarded to the Office of the Privacy Commissioner.

X. Disclosures pursuant to subsection 8(2)(m)

Sub-paragraph 8(2)(m)(i) allows for the disclosure of personal information where the head of a government institution is of the opinion that the public interest in the disclosure clearly outweighs any invasion of privacy that could result from the disclosure.

In 2009-2010, there were no disclosures of personal information pursuant to that provision of the Privacy Act.

Enhancing Support and Sustaining Compliance

Senior management at the National Energy Board supports the development and implementation of a Privacy Management Framework; this will enable a more effective management of privacy within the NEB and facilitate compliance with TBS Policy and Directives obligations.

The development of the Framework is an ongoing initiative that will be carried on during the 2010-2011 fiscal year and reported upon at a later date. Focusing on improved accountability, the Framework will include clear roles and responsibilities for Board staff and ATIP, improved monitoring of personal information, procedures to ensure that the ATIP office is notified of any personal information collection, a revised Privacy Impact Assessment process, options for renewed privacy governance, and more targeted awareness building and training for officials responsible for privacy information.