



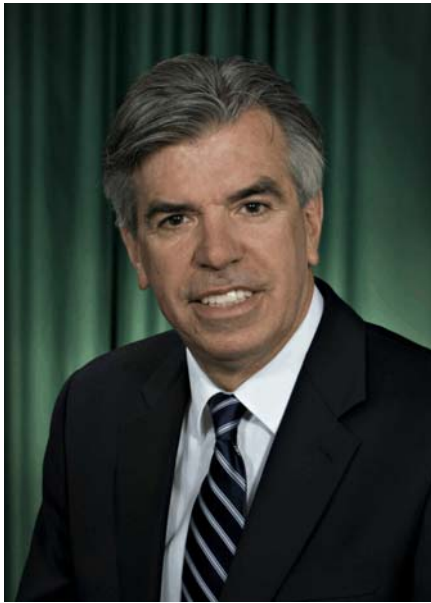
Report on the
Administration
of the
Privacy Act

2010-
2011

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MESSAGE FROM THE CHAIRPERSON



I am very pleased to present the 2010-2011 annual report to Parliament for the Veterans Review and Appeal Board on the administration of the *Privacy Act*.

This important legislation gives Canadian citizens the right to see and correct personal information held by the Government of Canada. It exists to protect the individual's right to privacy by strictly controlling how the government will use that information.

In 2010-2011, the Board received and processed an increased number of formal requests under the *Privacy Act*, as more individuals exercised their rights under this legislation. One of the Board's priorities is, and will remain, the protection of our applicants' personal information. As such, our Access to Information and Privacy (ATIP) Office continues to review the Board's work processes using a "privacy" lens. The Board has also renewed its focus on ATIP training for all employees to ensure appropriate access to applicant files.

In 2010-2011, the Board continued to provide applicants with an independent avenue of redress for their disability pension, disability award and War Veterans Allowance decisions. In fulfilling this mandate, it is committed to protecting individual rights by upholding the legislation and developing its capacity in matters of access to information and privacy.

A handwritten signature in dark ink, appearing to read "John D. Larlee".

John D. Larlee
Chairperson

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exists to protect the
individual's right to privacy
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information.

The Veterans Review and Appeal Board

The Veterans Review and Appeal Board is an independent, quasi-judicial tribunal that was created in 1995 through an Act of Parliament. It provides two levels of redress for disability pension and disability award applications and the final level of appeal for War Veterans Allowance decisions. The Board may affirm, vary or reverse decisions made by the Minister of Veterans Affairs or refer decisions back to the Minister for reconsideration.

The Veterans Review and Appeal Board's objective is to ensure that Canada's traditional Veterans, Canadian Forces members and Veterans, Royal Canadian Mounted Police members, qualified civilians and their families receive the disability pensions, disability awards and other benefits to which they are entitled under the law.

Organization

The Veterans Affairs Portfolio consists of three distinct and separate organizations: the Department of Veterans Affairs, the Office of the Veterans Ombudsman and the Veterans Review and Appeal Board. The Board operates at arm's-length from the Department and reports directly to Parliament through the Minister of Veterans Affairs.

In 2010-2011, the activities of the Board were delivered by 121 full-time equivalents and, as legislated under sections 4 and 6 of the *Veterans Review and Appeal Board Act*, not more than 29 permanent members to be appointed by the Governor in Council and such number of temporary members, whenever, in the opinion of the Governor in Council, the workload of the Board so requires. Approximately one-half of the members are located in Charlottetown and one-half are located in major cities across Canada. The Board holds review hearings in approximately 30 locations across Canada as well as by teleconference and video conference to ensure a timely process for applicants. Appeal hearings are usually held at the Board's Head Office in Charlottetown, Prince Edward Island, as well as by teleconference and video conference.

1. Introduction

The *Privacy Act* protects the privacy of individuals with respect to personal information held by a government institution and provides individuals with a right of access to that information. This Act also protects against unauthorized disclosure of that personal information. In addition, it strictly controls how the government will collect, use, disclose, and dispose of any personal information.

Section 72 of the *Privacy Act* requires that the head of every government institution prepare an Annual Report, for submission to Parliament, on the administration of the Act within the institution during each fiscal year.

Mandate

The Veterans Review and Appeal Board has full and exclusive jurisdiction to hear, determine and deal with all applications for review and appeal that may be made to the Board under the *Pension Act*, the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* - Part 3, the *War Veterans Allowance Act* and other Acts of Parliament. All matters related to appeals under this legislation are authorized under the *Veterans Review and Appeal Board Act*.

This Board also adjudicates duty related pension applications under the authority of the *Royal Canadian Mounted Police Pension Continuation Act* and the *Royal Canadian Mounted Police Superannuation Act*.

2. Access to Information and Privacy Coordinator's Office

The VRAB ATIP Coordinator's Office has now been in existence for two years. The VRAB Coordinator acts on behalf of the Chairperson of the Board to ensure compliance with the *Access to Information Act* and the *Privacy Act*. The VRAB ATIP Office consists of an ATIP Coordinator, ATIP Deputy Coordinator and VRAB Liaison Officer. The office has a dual function of serving both the public and the Board in matters relating to the *Access to Information Act* and the *Privacy Act*.

While responsibility for the administration of the *Privacy Act* rests with the Chairperson of the Board and the Board's ATIP Coordinator, a Memorandum of Understanding (MOU) is in place with the Department that outlines an agreement between the two institutions to administer the ATIP legislation. The Board utilizes the expertise of the Department's ATIP Coordinator's Office to assist in the administration of its ATIP Operations.

The duties of the ATIP Coordinator's Office are:

- Process requests for information submitted under the *Access to Information Act* and the *Privacy Act* in accordance with the legislation, regulations and Treasury Board of Canada Secretariat (TBS) policies and guidelines;
- Provide VRAB managers and staff with advice and guidance regarding the interpretation and application of the *Access to Information Act*, the *Privacy Act*, and other related TBS policies and guidelines;
- Develop policies, procedures and guidelines for the administration of the Acts and other related TBS policies and guidelines;
- Conduct the completion of Privacy Impact Assessments (PIAs);
- Coordinate the resolution of any complaints against VRAB made to the Information Commissioner under the *Access to Information Act* and to the Privacy Commissioner under the *Privacy Act*;
- Promote awareness of the Acts to ensure the Board's responsiveness to the obligations imposed on federal institutions;
- Prepare the VRAB chapter in the Info Source publication; and
- Prepare annual reports to the Treasury Board of Canada Secretariat and Parliament on the *Access to Information Act* and the *Privacy Act*.

3. Designation and Delegation Order

(a) Chairperson's Delegation Order, 14 October 2009

The responsibilities associated with the administration of the *Privacy Act*, such as notifying applicants of extensions and releasing records to applicants, are designated to the appropriate VRAB officials through a delegation instrument signed by the Chairperson, Veterans Review and Appeal Board.

PRIVACY ACT DELEGATION ORDER

The Chairperson of the Veterans Review and Appeal Board, pursuant to section 73 of the *Privacy Act**, hereby designates the persons holding the positions in the Veterans Review and Appeal Board set out in the schedule attached hereto, to exercise the powers and perform the duties and functions of the Chairperson as the head of a government institution under the sections of the Act set out in the schedule opposite the positions.

Dated at Charlottetown, this *14* day of *October*, 2009.


Chairperson, Veterans Review and Appeal Board

*R.S.C., 1985, c. P-21

(b) Privacy Act Delegation Schedule, 14 October 2009

HEAD OF INSTITUTION		CHAIRPERSON, VETERANS REVIEW & APPEAL BOARD
Sections of <i>Privacy Act</i>	Powers, Duties or Functions	Institution and Titles
73	All powers, duties or functions of head of the institution	Chairperson
8(2)(m)	Disclose personal information without the consent of the person concerned, in the public interest or to benefit the individual	Chairperson
20;21	Approve exemptions	Director General
8(2)(a)(b)(c)(d)(e)(f)(g)(h)(i)(j)(k)(l)	Disclose personal information without the consent of the person concerned: for a consistent use; in accordance with other Acts of Parliament; to comply with subpoenas; to the Attorney General for legal proceedings; to Federal Investigative Bodies; under agreement/arrangement with other governments; to members of Parliament helping individuals resolve a problem; to internal auditors or the Comptroller General; to the Public Archives; to researchers; to aboriginal peoples to settle land claims issues; and for purposes of locating an individual.	ATIP Coord./Deputy Coord.
8(5)	Notice of disclosure under 8(2)(m)	ATIP Coord./Deputy Coord.
8(4);9(1)	Retain copies and records	ATIP Coord./Deputy Coord.
9(4);10	Notify Privacy Commissioner of consistent use and amend index of personal information banks	ATIP Coord./Deputy Coord.
14(a)	Give notices re: access to records within 30 days	ATIP Coord./Deputy Coord.
15	Approve extension of time limits	ATIP Coord./Deputy Coord.
17(2)	Language of access	ATIP Coord./Deputy Coord.
19;22;23;24;25;26;27;28	Apply personal information exemptions	ATIP Coord./Deputy Coord.
31;33(2);35(1)(4);36(3);37(3);51(2)(b)(3)	Receive and give notices during an investigation	ATIP Coord./Deputy Coord.
72(1)	Prepare annual report to Parliament	ATIP Coord./Deputy Coord.

4. Statistical Report - Interpretation and Explanation

The Statistical Report, included in Annex 1, provides a summary of the formal *Privacy Act* requests processed between the reporting period of April 1, 2010, and March 31, 2011.

Part I Requests under the *Privacy Act*

During the reporting period, VRAB received ten (10) requests under the *Privacy Act*.

Part II Disposition of requests completed

During the reporting period, VRAB completed eight (8) requests under the *Privacy Act*. In four (4) of the requests the information was partially disclosed, three (3) requests were abandoned by the applicant and VRAB was unable to process one (1) of the requests.

Part III Exemptions invoked

During the reporting period, VRAB invoked four (4) exemptions under Section 26 of the *Privacy Act*.

Part IV Exclusions cited

There are no exclusions cited to report during the 2010-2011 period.

Part V Completion time

During the reporting period, VRAB completed eight (8) requests under the *Privacy Act* which were completed within the 30 day time limit.

Part VI Extensions

During the reporting period, VRAB made zero requests for extensions of time limits.

Part VII Translations

During the reporting period, there were no translations to report.

Part VIII Method of access

During the reporting period, VRAB released four (4) copies under the *Privacy Act*.

Part IX Corrections and notations

During the reporting period, there were zero corrections and/or notations requested or made.

Part X Costs

During the reporting period, VRAB spent a total of \$984.49 administering the *Privacy Act*. Staff salaries accounted for \$943.59 which is equivalent to <1.0 person-year utilization. Other administrative costs (representing operations and maintenance expenditures) amounted to \$40.90.

5. Privacy-related training

During the reporting period, 83 VRAB staff at all levels were provided with a briefing session on Accessing Client Information. The VRAB ATIP Coordinator participated in a three (3) day Introduction to Access to Information and Privacy course. The VRAB ATIP Liaison Officer, two (2) Information Management staff, and the ATIP Coordinator participated in a two (2) day session on the *Access to Information Act* and *Privacy Act*. Both the VRAB ATIP Coordinator and Deputy Coordinator participated in an afternoon session on the *Access to Information Act* and *Privacy Act*. Two (2) staff participated in a basic course provided by the Department on Information Management and ATIP.

6. Policies, Guidelines and Procedures

- During the reporting period, VRAB finalized an Information Management (IM) Governance Framework which outlines the principles of managing information at the Veterans Review and Appeal Board. The IM Framework also indicates the roles and responsibilities of Senior Managers and VRAB employees.
- On an annual basis, memos are distributed to remind VRAB staff and Members of the importance of the security and privacy of client information.
- During this reporting period, operational procedures were being looked at through a privacy lens and adjusted accordingly. The Board has added more rigor to ensure that individuals' privacy is protected through the stages of the operational processes.
- Privacy Breach guidelines are being revised.
- VRAB IM Specialists continue to strengthen a solid partnership with the VAC ATIP Coordinator's Office and Information Management Service Directorate (IMSD) to promote

and implement updated ATIP policies, directives and Information Management best practices.

7. Complaints and Investigations

The VRAB ATIP Coordinator's Office is pleased to note there were no complaints received in 2010-2011.

8. Privacy Impact Assessment (PIA)

During the reporting period, VRAB did not complete any Privacy Impact Assessments.

9. Disclosures Pursuant to Paragraph 8(2)(m)

There were no disclosures made of personal information pursuant to Paragraph 8(2)(m) of the *Privacy Act* during the 2010-2011 reporting period. Paragraph 8(2)(m) provides for disclosure 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.

Annex 1



Government
of Canada

Gouvernement
du Canada

REPORT ON THE PRIVACY ACT

RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution	Reporting period/Période visée par le rapport
Veterans Review and Appeal Board / Tribunal des anciens combattants (révision et appel)	2010-04-01 to/à 2011-03-31

I Request under the Privacy Act/ Demand en vertu de la Loi sur la protection des renseignements personnels	
Received during reporting period/ Reçues pendant la période visée par le rapport	10
Outstanding from previous period/ En suspens depuis la période antérieure	0
TOTAL	10
Completed during reporting period/ Traitées pendant la période visées par le rapport	8
Carried forward/ Reportées	2

II Disposition of request completed/ Disposition à l'égard des demandes traitées	
1. All disclosed/ Communication totale	0
2. Disclosed in part/ Communication partielle	4
3. Nothing disclosed (excluded)/ Aucune communication (exclusion)	0
4. Nothing disclosed (exempt)/ Aucune communication (exemption)	0
5. Unable to process/ Traitement impossible	1
6. Abandoned by applicant/ Abandon de la demande	3
7. Transferred/ Transmission	0
TOTAL	8

III Exemptions invoked/ Exceptions invoquées	
S. Art. 18(2)	0
S. Art. 19(1) (a)	0
(b)	0
(c)	0
(d)	0
S. Art. 20	0
S. Art. 21	0
S. Art. 22(1) (a)	0
(b)	0
(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	4
S. Art. 27	0
S. Art. 28	0

IV Exclusions cited/ Exclusions citées	
S. Art. 69(1) (a)	0
(b)	0
S. Art. 70(1) (a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

V Completion time/ Délai de traitement	
30 days or under/ 30 jours ou moins	8
31 to 60 days/ De 31 à 60 jours	0
61 to 120 days/ De 61 à 120 jours	0
121 days or over/ 121 jours ou plus	0

VI Extentions/ 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	0	0
Consultation	0	0
Translation/ Traduction	0	0
TOTAL	0	0

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

VIII Method of access/ Méthode de consultation	
Copies given/ Copies de l'original	4
Examination/ Examen de l'original	0
Copies and examination/ Copies et examen	0

IX Corrections and notations/ Corrections et mention	
Corrections requested/ Corrections demandées	0
Corrections made/ Corrections effectuées	0
Notation attached/ Mention annexée	0

IX Costs/ Coûts	
Financial (all reasons)/ Financiers (raisons)	
Salary/ Traitement	\$ 943.59
Administration (O and M)/ Administration (fonctionnement et maintien)	\$ 40.90
TOTAL	\$ 984.49
Person year utilization (all reasons)/ Années-personnes utilisées (raisons)	
Person year (decimal format)/ Années-personnes (nombre décimal)	< 1.0

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

Canada

This publication can be made available upon request. For further information or to obtain additional copies please contact:

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