



Environnement  
Canada

Environment  
Canada

**2010-2011**

# **Annual Report To Parliament**

***Privacy Act***

Canada 

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## *Privacy Act*

### **Annual Report to Parliament**

#### **INTRODUCTION**

The *Privacy Act* (R.S.C. 1985, c. P-21) came into force on July 1, 1983. The *Act* governs how the federal government may collect personal information, restricts the use and disclosure of this information, and gives individuals a right to review and correct their personal information. Section 72 requires every head of a federal government institution to submit a report to Parliament on the administration of the *Act* within their institution during the fiscal year.

This report is submitted in accordance with section 72 of the *Act*. It presents an overview of activities related to the *Privacy Act* carried out within Environment Canada during the reporting period April 1, 2010 to March 31, 2011.

The Department of the Environment was established by the *Government Reorganization Act* (1970-71-72, c. 42) on June 10, 1971. The Department, also known as Environment Canada (EC), has as its primary duties renewable resources management and the protection of Canada's air, water and land resources.

The primary objective of the Department of the Environment is to preserve and enhance the quality of the environment for the benefit of present and future generations of Canadians. Departmental programs are designed to promote the establishment or adoption of objectives and standards relating either to improved environmental quality or pollution control, to ensure the wise management and use of renewable resources and to provide Canadians with environmental information in the public interest. As well, the Department ensures that new federal projects, programs and activities are assessed early in the planning process for potentially adverse effects on the environment and is the federal lead on Government of Canada sustainable development planning and reporting.

#### **ORGANIZATIONAL STRUCTURE**

Environment Canada's programs are organized around five major activities: sustainable environment; weather and environmental services; environmental protection; sustainable development of the Mackenzie Gas resources; and finally, providing internal services within the Department.

The Director General of the Corporate Secretariat is Environment Canada's Access to Information and Privacy Coordinator, and has delegated authority on all matters concerning Access to Information and Privacy (ATIP). The ATIP Secretariat, which is a part of the Corporate Secretariat, is the central coordinating body for all requests received by Environment Canada under the *Privacy Act* and the *Access to Information Act*.

### **Capacity Development**

In 2009-2010, Environment Canada implemented an Access to Information and Privacy Professional Development Program. Four analysts were hired in the initial recruitment. A second round of recruitment for this program was started during the 2010-2011 fiscal year. The program aims to train employees over a period of three to five years through a combination of competency based training, professional development training, and work assignments. Candidates enter the program at the PM-01 and PM-02 level and will graduate as Senior ATIP Advisors at the PM-04 level.

The Professional Development Program will improve the long-term sustainability of the ATIP Secretariat and address the shortage of trained ATIP staff. In addition to allowing the Secretariat to handle increasing workloads, it will facilitate succession planning through the transferral of corporate memory and encourage staff to remain with the Department for a longer period of time.

Environment Canada's ATIP Secretariat also engaged in a number of staffing activities throughout the year in an effort to improve the Department's capacity in the face of increasing workloads. The ATIP Secretariat supplemented its staff by hiring consultants.

Environment Canada remains committed to recruiting, training and maintaining a workforce that possesses specialized skills and that will continue to provide the best possible service to both internal and external clients.

### **DELEGATION OF AUTHORITY**

Decision-making responsibility for the application of the various provisions of the *Privacy Act* has been formally established and is outlined in the departmental Delegation of Authority Instrument. The current Designation Orders were approved by the Honourable Peter Kent, Minister of the Environment, on January 6, 2011. A copy of the designation order and the specific delegation notes pertaining to the *Privacy Act* are in Appendix C at page 9 of this Report.

### **INTERPRETATION OF THE STATISTICAL REPORT**

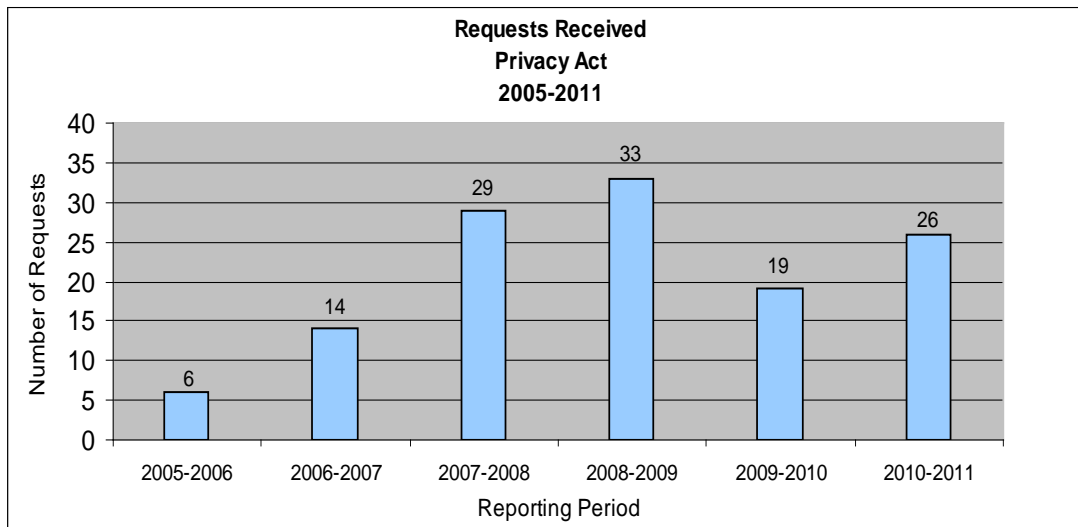
Environment Canada's Statistical Report on the *Privacy Act* is included in Appendix A of this Report, at page 8.

Between April 1, 2010 and March 31, 2011, Environment Canada received 26 requests under the *Privacy Act*. Four (4) requests were carried forward from the 2010-2011 reporting period, for a total of 30 active requests in the 2010-2011 reporting period. In 2010-2011, a total of 23 requests were completed. Seven (7) were carried forward to the next reporting period. The 3 requests in the "Unable to Process" category were for information for which no records exist.

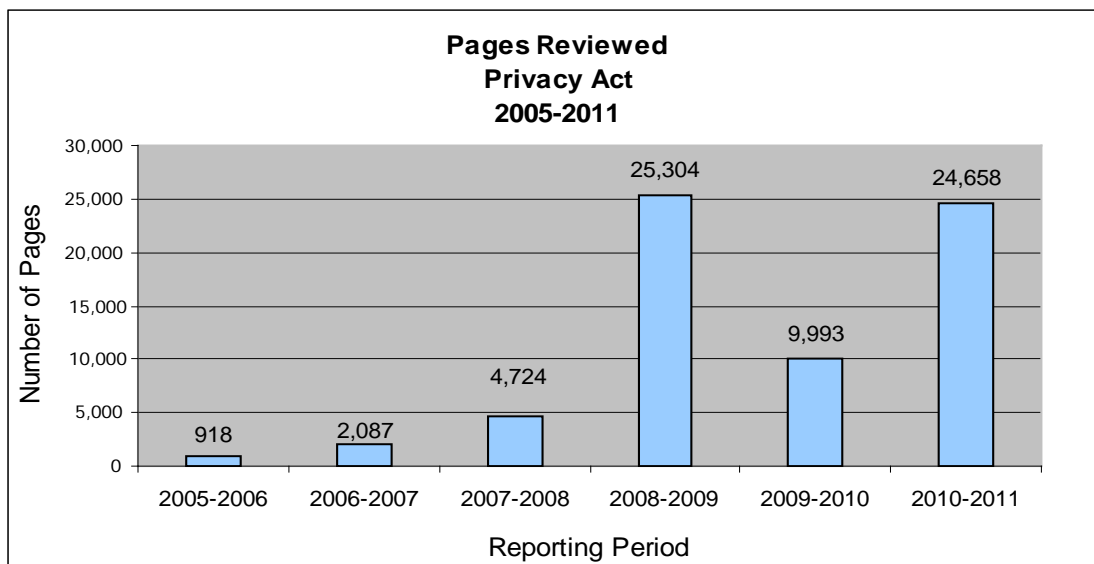
## Trends

Environment Canada received 7 more requests under the *Privacy Act* in 2010-2011 than in 2009-2010; this represents an increase of 37% in the number of privacy requests received.

The following graph displays the number of requests under the *Privacy Act* received by Environment Canada from 2005-2006 to 2010-2011:



In addition, there was an increase of 147% in the number of pages reviewed as a result of the requests. The following graph shows the number of pages reviewed by the ATIP Secretariat in processing requests under the *Privacy Act*:



**Corrections**

Subsection 12(2)(a) of the *Privacy Act* gives individuals a right to request a correction of personal information about them held by the federal government.

No corrections were requested or made in 2010-2011.

**Disclosure under Subsection 8(2)**

Paragraphs 8(2)(e), (f), (g), and (m) permit the disclosure of personal investigation to various investigative/regulatory bodies or to Members of Parliament, or if disclosure is in the public interest.

There were no disclosures under 8(2)(e), (f), (g), or (m) in the 2010-2011 reporting period.

**Costs**

In 2010-2011, the total cost of administering the *Act* was \$89,300 for salary and \$40,000 for administration (O and M), for a total of \$129,300 in 2010-2011.

**TRAINING ACTIVITIES**

The Department's ATIP Secretariat continued its training and development activities in the 2010-2011 reporting period. Eleven (11) information and training sessions were held, attended by approximately 170 Environment Canada employees. The sessions included an overview of the *Privacy Act* and a description of internal procedures and associated deadlines for responding to requests. Information and training activities will continue throughout the 2011-2012 period.

**POLICIES, GUIDELINES AND PROCEDURES**

The ATIP Secretariat directs all activities within Environment Canada relating to the administration, application, and promotion of the *Privacy Act* and the *Access to Information Act*. It provides advice to senior management on the implementation of the statutes and prepares reports to Parliament, the Treasury Board Secretariat, and senior management. The ATIP Secretariat represents the Department in complaints and investigations conducted by the Privacy Commissioner and in any Federal Court applications arising from ATIP matters.

**Publicly Accessible Information and Inquiry Points**

Info Source is a series of publications containing information on the Government of Canada and its data collection activities. Info Source is intended to help the public access government information and to exercise their rights under the *Privacy Act* and *Access to Information Act*.

Each year, the ATIP Secretariat submits updates on Environment Canada's activities and information holdings to the Treasury Board Secretariat for publication in Info Source.



During 2010-2011 Environment Canada continued to revise its Info Source chapter based on Environment Canada's program activity architecture.

Environment Canada's comprehensive website provides information on the Department's policies, its organizational structure, and the means to contact Department officials. In accordance with the federal government's policy of proactive disclosure, the Department website also allows access to internal evaluations and audits, as well as information on hospitality expenses, contracts, and grants.

A new Environment Canada Access to Information and Privacy web page was created in March 2011. This page provides background information on both the *Access to Information Act* and the *Privacy Act*. It also contains a Frequently Asked Questions section and links to access to information request forms and personal information request forms.

In order to facilitate public access to information, the Environment Canada Library has been designated a public reading room. The Library is located on the second floor of the Place Vincent Massey building, 351 St. Joseph Boulevard, Gatineau, Quebec.

### **Policy Development**

During the 2010-2011 reporting period, the Department drafted a new suite of departmental access and privacy policies and directives in accordance with Treasury Board Secretariat requirements. Development of departmental procedures will continue in the coming year.

### **Data Sharing Activities**

The Department did not undertake any new internal or external data sharing activities in 2010-2011.

### **Exempt Personal Information Banks**

Environment Canada has no exempt Personal Information Banks.

### **Privacy Impact Assessments**

To fulfill its mandate, some of Environment Canada's responsibilities require the collection, use and disclosure of personal information. As a trusted custodian of this information, the Department uses Privacy Impact Assessments (PIAs) in accordance with Treasury Board policy, as a risk management tool. During the reporting period, Environment Canada initiated one Privacy Impact Assessments. This PIA was still under development at the end of 2010-2011.

### **Personal Information Banks**

During the 2008-2009 reporting period, the ATIP Secretariat began a review of personal information holdings obtained and collected through Departmental websites. This work has continued in the 2010-2011 period and involved the registration of 5 personal information banks with the Treasury Board Secretariat.

## **COMPLAINTS/INVESTIGATIONS**

During the 2010-2011, there was one complaint filed against Environment Canada with the Office of the Privacy Commissioner. The complaint concerned the application of exemption provisions under the Act. The complaint was resolved.

### **Application/ Appeals to the Federal Court or Federal Court of Appeal**

There were no applications or appeals to the Federal Court or Federal Court of Appeal under the *Privacy Act* during the 2010-2011 reporting period.



## **APPENDIX B: SUPPLEMENTARY REPORTING REQUIREMENTS**

### **Environment Canada 2010-2011**

#### **Additional Reporting Requirements**

##### ***Privacy Act***

Indicate the number of:

Preliminary Privacy Impact Assessments initiated	0
Preliminary Privacy Impact Assessments completed	0
Privacy Impact Assessments initiated	1
Privacy Impact Assessments completed	0
Privacy Impact Assessments forwarded to the Office of the Privacy Commissioner (OPC)	0

#### **Part III – Exemptions invoked**

Paragraph 19(1)(e)	0
Paragraph 19(1)(f)	0
Subsection 22.1	0
Subsection 22.2	0
Subsection 22.3	0

#### **Part IV – Exclusions cited**

Subsection 69.1	0
Subsection 70.1	0

## APPENDIX C: DESIGNATION ORDER INSTRUMENT

Environment Canada  
Delegation of Financial Signing Authorities and Designation Order Instrument: Part A, Summary Chart  
Effective on January 1, 2011

Accountability Level		Operational Authorities					
		Departmental Limit	1	2	3	4	5
1.00	Spending Authority - Expenditure Initiation with Availability of Funds						
1.01	Goods and Services (including contract initiation)	approved budget	F	F	F	F	F
1.02	Human Resources: Staffing, Pay Actions, Training	approved budget	F	F	F	F	C
1.03	Travel in Canada and Continental USA	approved budget	F	F	F	F	F
1.04	Relocation	approved budget	F	F	F	F	C
1.05	Isolated Posts	approved budget	F	F	F	C	C
1.06	International Travel	approved budget	F	F	F	C	C
1.07	Conference Attendance	approved budget	F	C	C	C	-
1.08	Conference Sponsorship	approved budget	F	-	-	-	-
1.09	Membership Fees	approved budget	F	C	C	C	C
1.10	Hospitality	approved budget	C	C	C	C	-
1.11	Grants and Contributions	approved budget	C	C	C	C	C
1.12	Ex-Gratia Payments	approved budget	C	C	C	-	-
1.13	Claims by or against the Crown	approved budget	F	C	C	C	C
2.00	Consentment Authority - Availability of Funds ( Section 32 FAA )						
2.01	All Expenditures	approved budget	F	F	F	F	F
3.00	Contracting Authority - to enter into contracts (managers remain accountable for the management and administration of their contracts)						
3.01	Goods (Amendment)	25K	F(F)	C	C	C	C
3.02	Services (Amendment)	as per TB policy	F(F)	C	C	C	C
3.04	Call-up against Standing Offers	as per Standing Offer limit	F(F)	C	C	C	C
3.05	Architectural & Engineering Service Contracting (Amendment)	as per TB policy	F(F)	-	-	-	-
3.06	Construction Contracting (Amendment)	as per TB policy	F(F)	-	-	-	-
3.07	Emergency Contracting	1M	F	F	F	C	C
3.08	Purchasing Test Vehicles (Amendment)	as per TB policy	F(F)	-	-	-	-
4.00	Project Authority						
4.01	Projects - Property Management Division	as per TB policy	C	C	-	-	-
4.02	Projects - Projects - Chief Information Officer Branch (CIOB)	as per TB policy	C	C	-	-	-
4.03	Projects - Integrated Enterprise Services (IES)	as per TB policy	C	C	-	-	-
4.04	Projects - Other	as per TB policy	C	C	-	-	-
5.00	Other Contracting Authorities						
5.01	Revenue Contracting			F	F	F	C
6.00	Spending Authority - Contract Performance and Price, Eligibility or Entitlement ( Section 34 FAA )						
6.01	All Expenditures	approved budget	F	F	F	-	F
7.00	Payment Authority ( Section 33 FAA )						
7.01	All Expenditures	approved budget	F	-	-	-	-
7.02	Pay & Benefits Expenditures	approved budget	F	-	-	-	-
8.00	Other Authorities						
8.01	Request for Special Distribution of RTG Cheques	-	F	-	-	-	-
8.02	Release of Security Deposits	-	F	-	-	-	-
8.03	Intellectual Properties including License Fees	-	-	C	C	C	C
8.04	Amend Delegation Instrument	-	C	-	-	-	-
8.05	Deletion of Debts	-	C	-	-	C	-
8.06	Waive or Reduce Interest or Administrative Charges	-	F	-	-	-	-
8.07	See-Off per Section 155 (1) FAA	-	F	-	C	C	-
8.08	Write-off of Material	as per TB policy	C	C	C	C	-
8.09	Disposal of Surplus Assets	as per TB policy	C	C	C	C	-
8.10	Donation of Surplus Assets	as per TB policy	C	-	-	C	-
8.11	Collective Arrangements	approved budget	F	C	C	C	C
8.12	Specific Service Agreements	approved budget	F	-	-	-	-
8.13	Federal Real Property Transactions	as per TB policy	F	-	-	-	-
9.00	Designation Order						
9.01	Section 73 of the Privacy Act	-	F	-	-	-	-
9.02	Section 73 of the Access to Information Act	-	F	-	-	-	-

**Departmental Limit** – the maximum authority granted to the Minister in dollars.  
**C** = Conditional authority as set out in Part C  
**F** = Full authority with approved budget and subject to authorities delegated to the department

K = Thousands of dollars  
M = Millions of dollars

Functional Authorities			
G	7	8	5
F	F	F	C
F	C	-	-
F	C	-	-
F	C	-	-
F	C	-	-
F	-	-	-
C	C	-	-
C	C	-	-
C	C	-	-
C	C	-	-
C	C	-	-
C	C	-	-
F(5)	-	CC	C
F(7)	-	CC	C
F(8)	-	CC	C
F(1)	-	CC	-
F(5)	-	CC	-
F	-	C	-
F(1)	-	CC	-
C	-	C	-
C	-	-	C
C	-	-	-
C	-	-	-
F	F	-	F
F	F	-	-
F	F	-	C
F	F	-	-
F	F	-	-
F	-	-	-
C	-	-	-
C	C	-	-
F	C	-	-
F	C	-	-
C	C	-	-
C	-	C	-
C	-	C	-
F	-	-	-
F	-	C	-
F	-	C	-
I	-	-	C
I	-	-	F

### Delegation of Financial Signing Authorities and Designation Order Instrument

**Delegation of Financial Signing Authorities.** Every Officer of the Department appointed to a position listed on the Summary Chart and on the List of Equivalent Positions, including those officially appointed on acting basis, is hereby granted financial signing authorities within the stated limits thereon and in accordance with relevant statutes, regulations and directives. Limits may be modified, from time to time under the authority of the Deputy Minister to reflect changes in authorities as approved by Treasury Board.

**Designation Order Instrument** - Every Officer of the Department appointed to a position listed on the Summary Chart and on the List of Equivalent Positions, including those officially appointed on acting basis, is hereby designated to perform the duties and functions of the Minister, as head of a government institution, pursuant to Section 75 of the Access Act and Section 73 of the Access Information Act.

Policy Act and Submission 3 of the Access to Information Act.

*[Signature]* **JAN 6 2011**

Honorable Peter Kent  
Minister of Environment

*[Signature]*  
Dr. Paul Brodie

Dr. Paul Boone  
Deputy Minister of the Environment

Notes

1. This Summary Chart must be read in conjunction with Part B - List of Resident Positions, Part C - Specific Delegation Notes and Part D - Real Property Delegation Instrument.
2. The authorities which extend to the full resource balance available in the relevant budget, are limited by policies and procedures prescribed in TB regulations and directives, issued pursuant to the Financial Administration Act (FAA) and by departmental directives.
3. Signing authorities for Grants and Contributions are subject to the conditions approved by the Treasury Board or the Minister in accordance with the authority delegated to the Minister by the Treasury Board.
4. Spending authority (Section 34, FAA) and Payment authority (Section 33, FAA) for a particular payment, are not to be exercised by the same person.
5. Individuals are not to approve payments through which they may personally benefit.

## SPECIFIC DELEGATION NOTES

### SECTION 9.00 – DESIGNATION ORDER

The purpose of this Section is to establish the framework for managing the Access to Information Act and the Privacy Act. The Minister of Environment Canada pursuant to Section 73 of the Privacy Act and Section 73 of the Access to Information Act, hereby designates that persons holding the positions set out below to exercise the powers to perform the duties and functions of the Minister, as head of a government institution, under the sections of the Act specified opposite each position.

Position	Privacy Act Section	Access to Information Act Section
Level 1	All sections	All sections
Level 6	All sections	All sections
Director, Corporate Secretariat	All sections	All sections
Manager, ATIP Secretariat	All sections	All sections
Chief, ATIP Secretariat	15	7(a), 8, 9, 11, 27

### SECTION 9.01 – Section 73 of the Privacy Act

The responsibilities that may be delegated under Section 73 of the Privacy Act are set out below, in relation to its various sections and subsections.

8(2)(j)	Disclose personal information for research purposes
8(2)(m)	Disclose personal information in the public interest or in the interest of the individual
8(4)	Retain copy of 8(2) (e) requests and disclosed records
8(5)	Notify Privacy Commissioner of 8(2) (m) disclosures
9(1)	Retain record of use
9(4)	Notify Privacy Commissioner of consistent use and amend index
10	Include personal information in personal information banks
14	Respond to request for access within 30 days; give access or give notice

15	Extend time limit
17(2)(b)	Translate requested information
18(2)	Refuse to disclose information contained in an exempt bank
19(1)	Refuse to disclose information obtained in confidence from another government
19(2)	Disclose information if the other government consents to the disclosure or makes the information public
20	Refuse to disclose information injurious to the conduct of federal-provincial affairs
21	Refuse to disclose information injurious to international affairs or defence
22	Refuse to disclose information prepared by an investigative body, information injurious to the enforcement of a law, or information injurious to the security of penal institutions
24	Refuse to disclose information collected by the Canadian Penitentiary Service, the National Parole Service or the National Parole Board while individual was under sentence if conditions in section are met
25	Refuse to disclose information which could threaten the safety of individuals
26	Refuse to disclose information about another individual, and shall refuse to disclose such information where disclosure is prohibited under Section 8
27	Refuse to disclose information subject to solicitor-client privilege
28	Refuse to disclose information relating to the 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)	Right to make representations to the Privacy Commissioner during an investigation
35(1)	Receive Privacy Commissioner's report on findings of the investigation and give notice of action taken
35(4)	Give complainant access to information after 35(1) (b) notice
36(3)	Receive Privacy Commissioner's report of findings of investigation of

	exempt bank
37(3)	Receive report of Privacy Commissioner's findings after compliance investigation
51(2)(b)	Request that Section 51 hearing be held in the National Capital Region
51(3)	Request and be given right to make representations in Section 51 hearings
72(1)	Prepare annual report to Parliament
77	Responsibilities conferred on the head of the institution by the regulations made under Section 77 which are not included above