



The Chief Electoral Officer • Le directeur général des élections

JUN 27 2011

The Honourable Andrew Scheer, M.P.
Speaker of the House of Commons
Centre Block
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. Speaker:

Pursuant to section 72 of the *Access to Information Act* and section 72 of the *Privacy Act*, I am pleased to enclose, for tabling in the House of Commons, the annual reports for the fiscal year 2010–2011 in respect of the administration of those Acts within the Office of the Chief Electoral Officer. The reports are to be referred to the Standing Committee on Justice and Human Rights.

If you require further information regarding this matter, please do not hesitate to contact me at 613-993-5755.

Yours truly,

Marc Mayrand
Chief Electoral Officer

Encl.

c.c.: Ms. Audrey O'Brien
Clerk of the House of Commons

Office of the
Chief Electoral Officer

ANNUAL REPORT ON THE

Privacy Act

For the period ending March 31, 2011



Office of the Chief Electoral Officer

For the period ending March 31, 2011

**Annual Report on the
*Privacy Act***

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1. Introduction

The *Privacy Act* extends to individuals the right of access to personal information about themselves held by a government institution. The Act also protects individuals' privacy by preventing others from having access to their personal information. In addition, it limits federal institutions' use of the personal information that they collect and retain.

Section 72 of the *Privacy Act* requires that the head of every institution subject to the Act submit an annual report to Parliament on the administration of the Act during the financial year. This report describes how Elections Canada administered its responsibilities under the *Privacy Act* during the fiscal year from April 1, 2010 to March 31, 2011.

1.1 Mandate of the Office of the Chief Electoral Officer

The Office of the Chief Electoral Officer, commonly known as Elections Canada, is an independent, non-partisan agency that reports directly to Parliament. Its mandate is to:

- be prepared at all times to conduct a federal general election, by-election or referendum
- administer the political financing provisions of the *Canada Elections Act*
- monitor compliance with and enforce electoral legislation
- conduct voter education and information programs
- provide support to the independent commissions in charge of adjusting the boundaries of federal electoral districts following each decennial census
- carry out studies on alternative voting methods and, with the approval of parliamentarians, test on-line voting processes for future use during electoral events

In fulfilling its mandate, Elections Canada appoints, trains and supports 308 returning officers, and retains the services of approximately 30 field liaison officers across Canada. It also maintains the National Register of Electors, which is used to prepare preliminary lists of electors at the start of electoral events, as well as electoral geography information, which provides the basis for maps and other geographic products used during electoral events.

The agency also:

- registers political entities, including political parties, electoral district associations, candidates, leadership contestants, third parties that engage in election advertising and referendum committees
- administers the allowances, reimbursements and subsidies paid to eligible candidates, registered political parties and auditors
- monitors compliance with the *Canada Elections Act*, including compliance with political financing rules, during and between elections

- discloses information on registered parties and electoral district associations, registered parties' nomination and leadership contestants, candidates, third parties and referendum committees, including their financial returns
- recommends to Parliament amendments for the better administration of the *Canada Elections Act* by submitting a recommendations report after general elections as well as by providing expert advice when Parliament studies electoral reform

In addition, the Chief Electoral Officer appoints the Commissioner of Canada Elections and the Broadcasting Arbitrator. The role of the Commissioner is to ensure that the *Canada Elections Act* and the *Referendum Act* are complied with and enforced. The Broadcasting Arbitrator is responsible for allocating free and paid broadcasting time among political parties and for arbitrating disputes that may arise between parties and broadcasters.

1.2 Structure of the Access to Information and Privacy Office

The ATIP Office is part of the Legal Services Sector and is managed on a full-time basis by the agency's ATIP Coordinator, to whom the Chief Electoral Officer has delegated his authority under section 73 of the *Privacy Act*. A copy of the delegation order setting out the responsibilities under that Act appears in Appendix I of this report.

The ATIP Office is responsible for the following activities:

- processing requests under the *Access to Information Act* and the *Privacy Act*
- responding to consultation requests from other government institutions
- providing ongoing legal and business advice as well as guidance to senior management and agency staff on ATIP legislation and related matters
- monitoring institutional compliance with the aforementioned Acts, regulations, relevant procedures and policies
- acting on behalf of Elections Canada in dealings with the Treasury Board of Canada Secretariat, the offices of the Information Commissioner and Privacy Commissioner of Canada and other government institutions regarding the application of the above legislation as it relates to Elections Canada
- preparing annual reports to Parliament, in addition to other statutory reports and material that may be required by central agencies
- developing and delivering awareness training to Elections Canada managers and employees to ensure departmental responsiveness to the legal obligations imposed on them by both Acts and regulations
- coordinating the annual update of the descriptions of the agency's organization and its record holdings for inclusion in the Treasury Board of Canada publication *Info Source*
- representing Elections Canada by participating in ATIP community forums, such as the Treasury Board Secretariat's ATIP Community meetings

- providing advice regarding privacy issues and privacy impact assessments (PIAs)
- developing and implementing internal policies

In the course of the reporting period, Elections Canada prepared to consolidate functions related to information management, records management and ATIP under the Chief Information Officer Sector. This change, effective April 1, 2011, aims to raise the focus on information management and bring more coherence to it, including the management of personal information. A second delegation of authority, signed March 17, 2011, is part of this consolidation process (see Appendix I).

2. Key Activities and Accomplishments

2.1 Education and Training

In 2010–2011, the ATIP Office prepared a comprehensive plan to educate its own staff, Elections Canada employees in Ottawa and field staff in their responsibilities under the privacy statute and policies, through classroom and on-line methods.

A total of eight privacy training sessions were delivered to Elections Canada staff. These included sessions on the fundamental concepts of privacy and the duty to assist requesters under the *Access to Information Act* and the *Privacy Act*. Elections Canada's operations group also trained 88 newly appointed returning officers and assistant returning officers in their ATIP responsibilities through an on-line module.

New educational material was published on Elections Canada's public Web site and on its intranet site. The Web site informs the public of their rights under the access and privacy statutes, as well as the responsibility of Elections Canada to assist the public with their requests. Annual reports on the agency's administration of the Acts and a link to the organization's *Info Source* chapter are also on the Web site. The intranet site provides agency staff with training materials and guidance to help them fulfill their ATIP responsibilities.

2.2 Institutional Privacy Policies and Procedures

During this reporting period, the ATIP Office developed guidance documents for information-sharing agreements in response to new Treasury Board guidelines on data sharing. Several long-standing agreements were reviewed and will be updated to reflect these guidelines.

In response to the Office of the Privacy Commissioner's 2009 audit report *Privacy Management Frameworks of Selected Federal Institutions*, Elections Canada developed an approach to address privacy breaches. Senior management ratification of the process is anticipated in 2011–2012.

Elections Canada also revised its guidelines on use of the voters lists provided at specific times to candidates, political parties and members of Parliament. Voters lists are distributed pursuant to the *Canada Elections Act*, which also sets limits on how the information can be used. Notable improvements to the document *Guidelines on Use of the Lists of Electors from the Office of the Chief Electoral Officer of Canada*, which accompanies the voters lists, were the extension of the target audience to candidates and an elaboration of best practices for the protection of personal information.

In addition, Elections Canada updated its Web site in order to provide electors with detailed information regarding the National Register of Electors, including their rights to be included or removed from the Register as well as how personal information will be used and disclosed.

2.3 Information-Sharing Agreements

The Chief Electoral Officer has the authority, pursuant to section 44 of the *Canada Elections Act*, to maintain a registry of Canadians who qualify as electors. This registry is known as the National Register of Electors and contains more information than the lists of electors distributed to candidates, political parties and members of Parliament. The Register contains the name, address, sex, date of birth and a randomly generated unique identifier for each elector.

The Register is updated with information supplied by federal, provincial and territorial data sources and by electors themselves (section 46 of the Act). Elections Canada has agreements with data suppliers including the Canada Revenue Agency, Canada Post Corporation, Citizenship and Immigration Canada and provincial and territorial registrars of motor vehicles and vital statistics.

Elections Canada also provides the information in the Register, in accordance with section 55 of the Act, to any body responsible under provincial or territorial law for establishing a list of electors. Such information-sharing agreements must include conditions regarding the use and protection of the personal information being shared.

Elections Canada has two-way data-sharing agreements with all provincial and territorial electoral agencies except for those in Saskatchewan and Yukon. The agreements allow Elections Canada to receive and share data with these electoral authorities. In the cases of Saskatchewan and Yukon, agreements have been negotiated to receive data but not to provide any in return. Elections Canada also has two-way information-sharing agreements with some municipalities, for example, the City of Winnipeg, to share data for electoral purposes.

2.4 Privacy Impact Assessments

Significant inroads have been made to bring privacy considerations to the forefront of institutional planning at Elections Canada. The Information Management/Information Technology Committee has been mandated to consider privacy in its review and oversight of new project initiatives. Also in the context of project planning, senior managers must ensure that PIAs are considered and completed where necessary in any project for which they are responsible. The roles and responsibilities regarding PIAs have been clarified and a PIA guide is now available to all employees on Elections Canada's intranet site.

While the six assessments begun in the reporting period found substantial compliance with privacy principles and requirements, they also identified areas for improvement. One such area is in fully documenting processes that illustrate how program activities meet privacy principles mandated by the *Privacy Act*. No assessments were concluded during the reporting period.

2.5 Human Resources and Staffing

A substantial assessment of the skills and resources needed to administer the ATIP legislation was conducted during the reporting year. The ATIP Office has relied on a combination of seconded staff, consultants and students since its creation. Steps were taken to solidify its small employee base in 2010–2011, including the conclusion of several competitive processes.

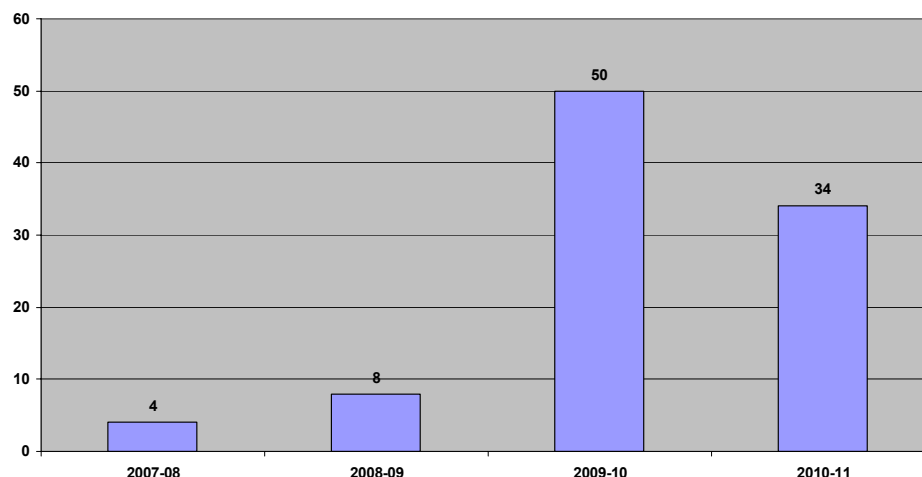
In close collaboration with Elections Canada’s Human Resources Sector, the ATIP Office developed a skills development program for ATIP agents. This program, which is in line with Elections Canada’s Human Resources Strategy, would focus on the acquisition and development of skills through training, both in the classroom and on the job.

3. Statistical Report on the Administration of the *Privacy Act*

This section provides information about the processing of requests made to Elections Canada under the *Privacy Act*. Appendix II provides a statistical summary of the privacy requests received and/or finalized in 2010–2011.

3.1 Number of Requests

Elections Canada received 34 formal requests for personal information during the 2010–2011 reporting period. This was down from a high of 50 requests in 2009–2010. In addition to the 34 new requests, Elections Canada finished processing 3 outstanding requests from the 2009–2010 reporting period.



By the end of the fiscal year, the ATIP Office had completed a total of 35 formal requests, leaving 2 requests outstanding. These were carried forward into fiscal year 2011–2012.

3.2 Disposition of Completed Requests

Of the 35 requests completed during the reporting period, 29 resulted in full disclosure and 3 resulted in partial disclosure of the information requested. One request resulted in no disclosure because the information was exempt, one request was abandoned by the applicant, and in another case Elections Canada was unable to process the request because the requested records did not exist.

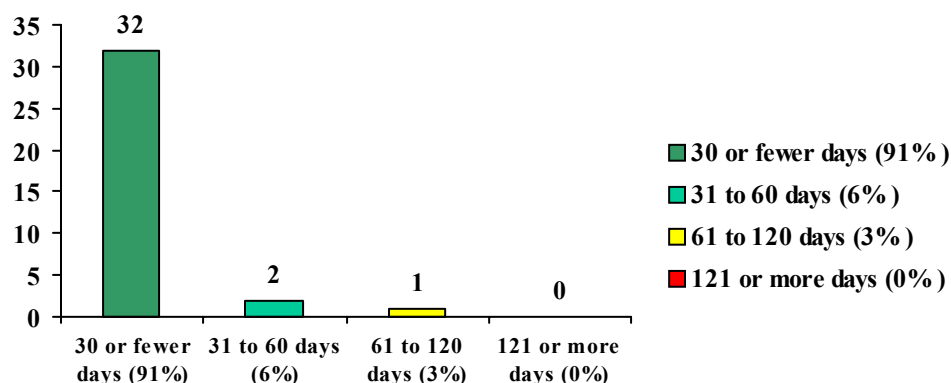
3.3 Exemptions to the Release of Information

The Privacy Statistical Report 2010–2011 (Appendix II) provides details on the exemptions that the agency invoked during the fiscal year. If an exemption is invoked several times within the same request, it is reported only once.

Elections Canada invoked exemptions under sections 26 and 27 of the *Privacy Act*. Section 26 protects personal information about an individual other than the individual who made the request, and section 27 protects information subject to solicitor-client privilege.

3.4 Completion Time

A total of 32 requests (91 percent) were completed within 30 days, 2 requests within 31 to 60 days, and 1 request within 61 to 120 days. In 2009–2010, 90 percent of requests were completed within the 30-day time limit.



3.5 Extension of the Time Limit

Section 15 of the *Privacy Act* provides for the extension of the statutory time limits if processing a request within the original time limit would unreasonably interfere with the operations of the institution or if consultations are necessary. Elections Canada took three extensions to complete requests in 2010–2011.

3.6 Informal Requests

The ATIP Office did not receive any informal requests for personal information in this reporting period.

3.7 Disclosure of Personal Information Under Paragraph 8(2)(m)

Subsection 8(2) of the *Privacy Act* describes the circumstances under which a government institution may disclose personal information under its control without the consent of the individual to whom the information relates. Such disclosures are discretionary and are subject to any other Act of Parliament.

Paragraph 8(2)(m) stipulates that an institution may disclose personal information for any purpose where, in the opinion of the head of the institution, the public interest in the disclosure clearly outweighs any invasion of privacy that could result from it, or the disclosure would clearly benefit the individual to whom the information relates.

Elections Canada did not disclose any personal information pursuant to paragraph 8(2)(m) during the reporting period.

3.8 Fees and Costs

There is no charge to individuals for the processing of requests under the *Privacy Act*.

For fiscal year 2010–2011, the budget for salaries of employees assigned to the administration of the *Privacy Act* totalled \$229,128, while that for operating and maintenance costs totalled \$167,730. This allocation takes into account the work done in various areas, including processing requests, developing and implementing policy guidance, delivering ongoing training, conducting PIAs, producing periodic reports, and providing administrative or legal advice. This work was performed by employees and consultants as well as by casual personnel.

3.9 Complaints and Judicial Review

There were no privacy complaints and no judicial reviews reported to Elections Canada in 2010–2011.

Appendix I

Delegation of Authority Under Section 73 of the *Privacy Act*



The Chief Electoral Officer • Le directeur général des élections

PRIVACY ACT DELEGATION ORDER

The Chief Electoral Officer of Canada, in accordance with section 73 of the *Privacy Act*, hereby designates the person holding the position set out below, or, in that person's absence, the Senior General Counsel or person acting in that position to exercise the powers and perform the duties and functions of the Chief Electoral Officer of Canada, as the head of the government institution under the Act.

POSITION

SECTIONS OF THE *PRIVACY ACT*

Access to Information and Privacy
Coordinator and General Counsel

All sections

Date: May 28th, 2010

Signature:



The Chief Electoral Officer • Le directeur général des élections

PRIVACY ACT DELEGATION ORDER

The Chief Electoral Officer of Canada, in accordance with section 73 of the *Privacy Act*, hereby designates the person holding the position set out below, or, in that person's absence, the Director Information Management or person acting in that position to exercise the powers and perform the duties and functions of the Chief Electoral Officer of Canada, as the head of the government institution under the Act.

POSITION

SECTIONS OF THE *PRIVACY ACT*

Manager and Coordinator Access to
Information and Privacy

All sections

Date: MAR 17 2011

Signature:

Appendix II

Privacy Statistical Report 2010–2011

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

Institution Elections Canada		Reporting period / Période visée par le rapport 2010-04-01 to/à 2011-03-31	
I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels		IV Exclusions cited / Exclusions citées	
Received during reporting period / Reçues pendant la période visée par le rapport	34	S. Art. 69(1)(a)	0
Outstanding from previous period / En suspens depuis la période antérieure	3	(b)	0
TOTAL	37	S. Art. 70(1)(a)	0
Completed during reporting period / Traitées pendant la période visée par le rapport	35	(b)	0
Carried forward / Reportées	2	(c)	0
		(d)	0
		(e)	0
		(f)	0
II Disposition of request completed / Disposition à l'égard des demandes traitées		V Completion time / Délai de traitement	
1. All disclosed / Communication totale	29	30 days or under / 30 jours ou moins	32
2. Disclosed in part / Communication partielle	3	31 to 60 days / De 31 à 60 jours	2
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0	61 to 120 days / De 61 à 120 jours	1
4. Nothing disclosed (exempt) / Aucune communication (exemption)	1	121 days or over / 121 jours ou plus	
5. Unable to process / Traitement impossible	1		
6. Abandoned by applicant / Abandon de la demande	1		
7. Transferred / Transmission			
TOTAL	35		
III Exemptions invoked / Exceptions invoquées		VI Extensions / Prorogations des délais	
S. Art. 18(2)	0	Interference with operations / Interruption des opérations	3
S. Art. 19(1)(a)	0	Consultation	0
(b)	0	Translation / Traduction	
(c)	0	TOTAL	3
(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	3		
S. Art. 27	1		
S. Art. 28			
		VII Translations / Traductions	
		Translations requested / Traductions demandées	0
		Translations prepared / De l'anglais au français	0
		Traductions préparées / Du français à l'anglais	0
		VIII Method of access / Méthode de consultation	
		Copies given / Copies de l'original	32
		Examination / Examen de l'original	0
		Copies and examination / Copies et examen	
		IX Corrections and notation / Corrections et mention	
		Corrections requested / Corrections demandées	0
		Corrections made / Corrections effectuées	0
		Notation attached / Mention annexée	0
		X Costs / Coûts	
		Financial (all reasons) / Financiers (raisons)	
		Salary / Traitement	\$ 229128
		Administration (O and M) / Administration (fonctionnement et maintien)	\$ 167730
		TOTAL	\$ 396858
		Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
		Person year (decimal format) / Années-personnes (nombre décimal)	3.34

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

