



# Report on the Administration of the *Privacy Act*

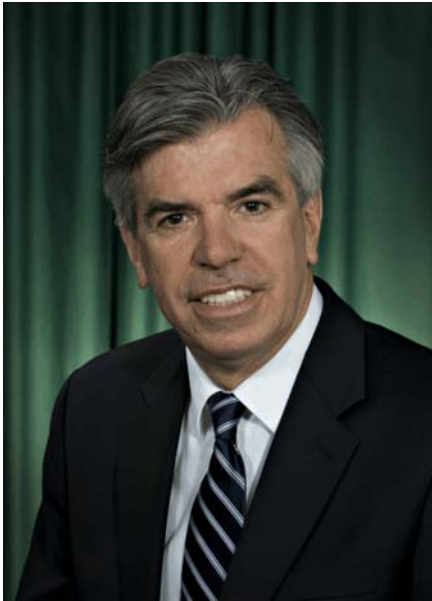
2011-2012

Canada 

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## Message from the Chairperson



On behalf of the Veterans Review and Appeal Board, I am pleased to present the 2011-2012 annual report to Parliament on the administration of the *Privacy Act*.

This legislation gives Canadian citizens the right to see and correct personal information held by the Government of Canada. It also protects the individual's right to privacy by strictly controlling how the government uses this information. In 2011-12, the Board received and processed an increased number of formal requests under the *Privacy Act* for individuals exercising their rights under this legislation.

Privacy and the protection of our applicants' personal information are top priorities at the Board. In 2011-12, the Board's Access to Information and Privacy (ATIP) Office continued to review our work processes through a "privacy" lens to further strengthen our privacy practices.

During the last year, we added privacy statements to all forms and summaries of completed Access to Information requests to our Web site. We also took great care in depersonalizing our Noteworthy Decisions to be published online, and spent time developing new privacy training sessions to be delivered to Members and staff in the coming fiscal year.

In 2011-2012, 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, we are 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 black ink, reading "John D. Larlee". The signature is fluid and cursive.

John D. Larlee  
Chairperson

## The Veterans Review and Appeal Board

### *Our Objective*

The Veterans Review and Appeal Board is an independent, quasi-judicial tribunal created in 1995. The Board provides an appeal program for service-related disability decisions made by Veterans Affairs Canada (VAC, the Department). This program gives applicants two levels of redress for disability pension and disability award decisions and the final level of appeal for War Veterans Allowance claims.

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

### *How We Work*

The Board operates at arm's-length from the Department to ensure a fair appeal process for applicants. Our work is governed by the *Veterans Review and Appeal Board Act* and delivered by up to 29 permanent Members appointed by the Governor in Council and approximately 85 staff in 2011-2012. Our daily work involves conducting hearings in locations across Canada and issuing written decisions for applicants based on evidence and according to the legislation governing disability benefits.

### *Our Hearing Program*

The Board provides applicants with two levels of redress: a review hearing and a subsequent appeal hearing if they remain dissatisfied. Our hearings are non-adversarial, which means no one argues against the Veteran. Applicants have access to free case preparation and representation at their hearing by the Bureau of Pensions Advocates (a unique organization of lawyers within VAC) or by Service Officers from Veterans organizations. As independent adjudicators, Board Members are not bound by previous decisions and will change them to benefit applicants if there is credible evidence.

The review hearing is the first and only opportunity in the disability adjudication process for applicants to appear before the decision makers and tell their story. We hold review hearings in locations across Canada, and by video conference, where applicants give oral testimony, bring forward witnesses and new information, and present arguments in support of their case. If applicants are not satisfied with their review decision, they can request an appeal hearing. While the legislation does not permit oral testimony at the appeal level, the hearing is a further opportunity for applicants, through their representative, to submit new information and arguments. Appeal hearings are usually held at the Board's Head Office in Charlottetown, Prince Edward Island.

### *Our Commitment*

The Board is committed to upholding the principles of the *Privacy Act* while providing applicants with a fair and timely appeal process for disability benefits decisions.

## 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. How VRAB fulfills its responsibilities under the *Privacy Act***

The Access to Information and Privacy (ATIP) Office is under the Director, Corporate Operations who acts on behalf of the Chairperson of the Board to oversee the administration of the *Access to Information Act* and the *Privacy Act*.

The ATIP Office is now entering its third year of existence. The office consists of an ATIP Coordinator, a Deputy Coordinator, an ATIP Liaison Officer and an ATIP Officer position which will be staffed permanently in the next fiscal year.

The Board has full responsibility for the administration of the *Access to Information Act* and the *Privacy Act*. However, the Decisions rendered by the Board may direct Department to pay benefits to applicants and appellants. For this reason, these decision documents are kept on the Department's Head Office files. When privacy requests are made by Veterans to VAC for full disclosure of their files, these decisions are released through the VAC ATIP Office. All other requests, including access requests, are released through VRAB.

The duties of the ATIP Coordinator's Office are to:

- 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;
- Fulfills requirements to complete 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;
- Review noteworthy decision documents from a privacy perspective before posting on VRAB's Web site;
- Prepare the VRAB chapter in the Info Source publication; and
- Prepare annual reports to TBS 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

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\*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, 2011, and March 31, 2012.

### **PART 1 Requests under the *Privacy Act***

During the reporting period, VRAB received ten (10) requests under the *Privacy Act*. Two (2) requests were outstanding from the previous reporting period for a total of twelve (12) requests.

### **PART 2 Requests closed during the reporting period**

#### **2.1 Disposition and completion time**

During the reporting period, VRAB completed eleven (11) requests under the *Privacy Act*. There were two (2) cases where the information was all disclosed and two (2) where it was partly disclosed. No records existed for six (6) of the requests, and one (1) request was abandoned.

Of the eleven (11) requests completed by VRAB, six (6) requests were completed within 15 days, three (3) within 30 days, one (1) within 60 days; and one (1) within 120 days.

#### **2.2 Exemptions**

During the reporting period, VRAB invoked two (2) exemptions under Section 26 of the *Privacy Act*.

#### **2.3 Exclusions**

There are no exclusions cited to report during the 2011-2012 reporting period.

#### **2.4 Format of information released**

The format used for the four (4) cases that were released in whole or in part was paper.

#### **2.5 Complexity**

##### **2.5.1 Relevant pages processed and disclosed**

There were 32 pages processed and all disclosed and 1153 processed and disclosed in part.

### **2.5.2 Relevant pages processed and disclosed by size of requests**

Two (2) of the requests processed and released were less than 100 pages, one (1) was between 101 and 150 pages, and one (1) was between 501 and 1000 pages.

### **2.5.3 Other complexities**

One (1) case where the information was all disclosed was influenced by other complexities.

## **2.6 Deemed refusals**

### **2.6.1 Reasons for not meeting statutory deadline**

Two (2) cases were closed beyond the statutory deadline due to the complexity of the relevant material, and in one (1) of the two (2) cases, also due to late reassignment to the Board.

### **2.6.2 Number of days past deadline**

One case was eight (8) days late and the other was 61 days late.

## **2.7 Requests for translation**

During the reporting period, VRAB made zero requests for translations.

## **PART 3 Disclosures under subsection 8(2)**

During the reporting period, VRAB made no releases under section 8(2).

## **PART 4 Requests for correction of personal information and notations**

During the reporting period, there was one (1) request for corrections and/or notations received.

## **PART 5 Extensions**

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

## **5.1 Reasons for extensions and disposition of requests**

N/A

## **5.2 Length of extensions**

N/A

## **PART 6 Consultations received from institutions and organizations**

### **6.1 Consultations received from other government institutions and organizations**

During the reporting period, VRAB did not receive any consultations.

### **6.2 Recommendations and completion time for consultations received from other government institutions**

N/A

### **6.3 Recommendations and completion time for consultations received from other organizations**

N/A

## **PART 7 Completion time of consultations on Cabinet confidences**

N/A

## **PART 8 Resources related to the *Privacy Act***

### **8.1 Costs**

During the reporting period, VRAB spent a total of \$98,718.00 administering the *Privacy Act*. Staff salaries accounted for \$75,607.00, and other administrative costs (representing goods and services expenditures, including a contracted consultant) amounted to \$23,111.00.

### **8.2 Human Resources**

Three (3) full time employees, one (1) casual and one (1) consultant were dedicated to privacy activities on a part-time basis.

## **5. Training**

The ATIP Office is committed to providing on-going training to existing staff, members and new employees. The ATIP Office is developing specific sessions for members to be delivered at members' annual professional development seminars. A new orientation binder, which includes chapters on privacy and access to information, has been developed for all new employees.

## **6. Policies, Guidelines and Procedures**

- On an annual basis, memos are distributed to remind staff and members of the importance of the security and privacy of client information.
- The ATIP Office continues to review operational procedures with a privacy lens. Some highlights include reviewing all forms from a Need to Know perspective, adding privacy statements to all forms, reviewing procedures for the handling of employee confidential files and reviewing sessions lists for hearings.
- The ATIP Office reviews all noteworthy decisions identified for posting on VRAB's Web site to determine if there are privacy concerns.
- New guidelines for minimizing and dealing with privacy breaches have been implemented.

## **7. Complaints and/or Investigations**

There was one complaint made in 2011-2012. The requester alleged that, contrary to the *Privacy Act*, an employee of the VRAB improperly accessed, for personal reasons, the complainant's personal information and subsequently disclosed this information to an external third party. This complaint was settled in the course of investigation and no action was required.

## **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 2011-2012 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

## Statistical Report on the *Privacy Act*

Name of institution: Veterans Review and Appeal Board

Reporting period: 2011/04/01 to 2012/03/31

### PART 1 – Requests under the *Access to Information Act*

	Number of Requests
Received during reporting period	10
Outstanding from previous reporting period	2
<b>Total</b>	<b>12</b>
Closed during reporting period	11
Carried over to next reporting period	1

### PART 2 – Requests closed during the reporting period

#### 2.1 Disposition and completion time

Disposition of requests	Completion Time							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	
All disclosed	1	0	0	1	0	0	0	2
Disclosed in part	1	0	1	0	0	0	0	2
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	4	2	0	0	0	0	0	6
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	1	0	0	0	0	0	1
<b>Total</b>	<b>6</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11</b>

#### 2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests
18(2)	0	22(1)(a)(i)	0	23(a)	0
19(1)(a)	0	22(1)(a)(ii)	0	23(b)	0
19(1)(b)	0	22(1)(a)(iii)	0	24(a)	0
19(1)(c)	0	22(1)(b)	0	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	2
19(1)(f)	0	22.1	0	27	0
20	0	22.2	0	28	0
21	0	22.3	0		

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## 2.3 Exclusions

Section	Number of requests	Section	Number of requests	Section	Number of requests
69(1)(a)	0	70(1)(a)	0	70(1)(d)	0
69(1)(b)	0	70(1)(b)	0	70(1)(e)	0
69.1	0	70(1)(c)	0	70(1)(f)	0
				70.1	0

## 2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	2	0	0
Disclosed in part	2	0	0
Total	4	0	0

## 2.5 Complexity

### 2.5.1 Relevant pages processed and disclosed

Disposition of requests	Number of pages processed	Number of pages disclosed	Number of requests
All disclosed	32	32	2
Disclosed in part	1153	1153	2
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	1

### 2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less than 100 pages processed		101-500 pages processed		501-1000 pages processed		1001-5000 pages processed		More than 5000 pages processed	
	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed
All disclosed	2	32	0	0	0	0	0	0	0	0
Disclosed in part	0	0	1	153	1	1000	0	0	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	1	0	0	0	0	0	0	0	0	0
Total	3	32	1	153	1	1000	0	0	0	0



### 2.5.3 Other complexities

Disposition	Consultation required	Legal advice sought	Interwoven Information	Other	Total
All disclosed	0	0	0	1	1
Disclosed in part	0	0	0	0	0
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
<b>Total</b>	0	0	0	1	1

### 2.6 Deemed refusals

#### 2.6.1 Reasons for not meeting statutory deadline

Number of requests closed past the statutory deadline	Principal Reason			
	Workload	External consultation	Internal consultation	Other
2	0	0	0	2

#### 2.6.2 Number of days past deadline

Number of days past deadline	Number of requests past deadline where no extension was taken	Number of requests past deadline where an extension was taken	Total
1 to 15 days	1	0	1
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	1	0	1
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
<b>Total</b>	2	0	2

### 2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
<b>Total</b>	0	0	0

### PART 3 – Disclosures under subsection 8(2)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Total
0	0	0



**PART 4 – Requests for correction of personal information and notations**

	Number
Requests for correction received	1
Requests for correction accepted	0
Requests for correction refused	0
Notations attached	1

**PART 5 – Extensions****5.1 Reasons for extensions and disposition of requests**

Disposition of requests where an extension was taken	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation or coversation
		Section 70	Other	
All disclosed	0	0	0	0
Disclosed in part	0	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
<b>Total</b>	0	0	0	0

**5.2 Length of extensions**

Length of extensions	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation purposes
		Section 70	Other	
1 to 15 days	0	0	0	0
16 to 30 days	0	0	0	0
<b>Total</b>	0	0	0	0

## PART 6 – Consultations received from other institutions and organizations

### 6.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during reporting period	0	0	0	0
Outstanding from the previous reporting period	0	0	0	0
<b>Total</b>	0	0	0	0
Closed during the reporting period	0	0	0	0
Pending at the end of the reporting period	0	0	0	0

### 6.2 Recommendations and completion time for consultations received from other government institutions

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	0	0	0	0	0	0	0	0

### 6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	0	0	0	0	0	0	0	0

**PART 7 – Completion time of consultations on Cabinet confidences**

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

**PART 8 – Resources related to the *Privacy Act*****8.1 Costs**

Expenditures		Amount
Salaries		\$75,807
Overtime		\$0
Goods and Services		\$23,111
• Contracts for privacy impact assessments	\$0	
• Professional services contracts	\$11,590	
• Other	\$11,521	
<b>Total</b>		<b>\$98,718</b>

**8.2 Human Resources**

Resources	Dedicated full-time	Dedicated part-time	Total
Full-time employees	0	3	3
Part-time and casual employees	0	1	1
Regional staff	0	0	0
Consultants and agency personnel	1	0	1
Students	0	0	0
<b>Total</b>	<b>1</b>	<b>4</b>	<b>5</b>

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

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