



Information  
Commissioner  
of Canada

Commissaire  
à l'information  
du Canada



2007-2008

ANNUAL REPORT  
PRIVACY ACT

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## 1 Introduction

This report is submitted to Parliament by the Office of the Information Commissioner of Canada (OIC). It is the first annual report for the OIC pursuant to Section 72 of the *Privacy Act*.<sup>1</sup> The following sections provide information on the activities of the institutional Privacy program.

The purpose of the *Privacy Act*<sup>1</sup> is to protect the privacy of individuals with respect to personal information about themselves held by federal government institutions and provide individuals with a right of access to that information.

The mandate of the Information Commissioner of Canada is to investigate complaints related to the disclosure of information under the *Access to Information Act* (ATIA).<sup>2</sup> When royal assent was received on December 12, 2006, for the *Federal Accountability Act*,<sup>3</sup> the OIC and approximately 70 other agencies became subject to the provisions of both the ATIA and the *Privacy Act*. The OIC then established an Access to Information and Privacy program from the ground up, and prepared to achieve operational readiness for April 1, 2007.

In its initial year of operation, the institutional ATIP program was staffed with one position: the Director of Information Management, who was responsible for all aspects of request processing. Over the course of the year a submission to the Treasury Board Secretariat was prepared for funding effective April 1, 2008, in order to ensure full capacity as the ATIP program got underway.

## 2 Organization

During the reporting period, the OIC was set up along four business lines:

The **Complaints Resolution and Compliance Branch** carries out investigations and dispute resolution efforts to resolve complaints.

The **Policy, Communications and Operations Branch** monitors federal institutions' performance under the Act, provides strategic advice and direction for the Office to address systemic and policy issues, leads the Office's external relations with the public, the government and Parliament, and provides strategic and corporate leadership in the areas of financial management, administration and security, internal audit and information management. This Branch is also responsible for the OIC's ATIP function.

The **Legal Services Branch** represents the Commissioner in court cases and provides legal advice on investigations and legislative and administrative matters.

The **Human Resources Branch** oversees all aspects of human resources management—staffing, classification, staff relations, employment equity, planning, learning and development, compensation and official languages—and provides advice to managers and employees on human resources issues.

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<sup>1</sup> *Privacy Act*, R.S., 1985, c. P-21

<sup>2</sup> *Access to Information Act*, R.S. 1985, c.A-1

<sup>3</sup> *Federal Accountability Act*, 2006, c.9



The ATIP Secretariat within the Policy, Communications and Operations Branch carries out the administration and processing of requests for information under the *Privacy Act*. The ATIP Secretariat is staffed by the position of Director, Information Management.

### 3 Delegation Order

Under the *Privacy Act*, the head of the institution is responsible for setting out what powers have been delegated, and to whom, under a delegation order.

In its first year of operation, the institutional privacy program worked with three successive delegation orders. The change in orders is attributable to the fact that the ATIP Secretariat continued to grow from the time of its inception, and this evolution was then reflected in the delegation orders. The first order stipulates that the institutional ATIP Coordinator holds delegated authority under the Act along with the Senior Legal Advisor. The second order named the Assistant Commissioner of the Policy, Communications and Operations Branch and the ATIP Coordinator. The third order, which was in place at the end of the reporting period, included the third position of Senior Policy Analyst.

A copy of all three delegation orders is attached as Appendices A, B and C.

### 4 Statistical Report

The statistical report is attached as Appendix D.

### 5 Interpretation of the Statistical Report

The following section provides information on requests received by the OIC under the *Privacy Act*. Given the low number of requests received during the reporting period, statistics are only available for the following categories of information:

- requests received during the reporting period
- disposition of requests completed
- exemptions invoked
- method of access
- completion times
- costs

The remaining categories of information cited on the TBS statistical report on the *Privacy Act* were not applicable to the requests received by the OIC.

#### 5.1 Requests Received Under the *Privacy Act*

There were three requests received during the reporting period. Each one was completed before the end of the fiscal year—none were carried over.

#### 5.2 Disposition of Requests Completed

Of the three requests completed, two resulted in full disclosure. The remaining file resulted in partial disclosure of the information requested.

### 5.3 Exemptions Invoked

Only one exemption was invoked during the reporting period. The exemption was pursuant to section 26 of the Act, which deals with the personal information of another person.

### 5.4 Completion Times

All three requests were completed within 30 days.

### 5.5 Method of Access

Two of the completed requests were provided to the applicants in photocopies. The remaining file was examined in the reading room and copies were subsequently provided to the requester.

### 5.6 Costs

<b>Financial (all reasons)</b>	
Salary	\$1,052
Administration (O&M)	\$1,020
<b>TOTAL</b>	<b>\$2,072</b>
<b>Person year utilization (all reasons)</b>	
Person year (decimal format)	0.02

## 6 Privacy Impact Assessments

Given that the reporting period represented the first year that the OIC was subject to the ATIA and the *Privacy Act*, the ATIP Secretariat focused on developing and implementing the processes for responding to requests.

## 7 New Data Matching Activities and Data Sharing Activities

No data matching activities or data sharing activities were undertaken during the reporting period.

## 8 Training Activities

The ATIP Secretariat is responsible for providing the OIC as a whole with training and ongoing coaching on interpretation of the legislation and organizational Privacy processes. The initial step taken by the ATIP Secretariat to ensure institutional readiness to implement the *Privacy Act* was to make sure all employees were trained on the provisions of the legislation, their responsibilities and the institutional processes. Training was provided to all employees in both French and English.

## 9 Disclosures of Personal Information

Section 8(2) of the *Privacy Act* stipulates under which circumstances personal information under the control of a government institution may be disclosed. During the reporting period, no personal information under the control of the OIC was disclosed under subsection 8(2).

## **10 Changes to the Institution's Organization, Programs, Operations or Policy**

When the OIC became subject to the Act, the organization had to move quickly to ensure operational readiness. The OIC staffed the ATIP Secretariat with one position, that of the Director, Information Management, and also set up a reading room. Additionally, a submission was prepared for Treasury Board Secretariat to request funding for positions, processing software, office furniture and equipment.

## **11 New and/or Revised Privacy Policies**

During the reporting period work began on the necessary policy instruments to support the work of the ATIP Secretariat.

## **12 Major Changes as a Result of Issues Raised by the Privacy Commissioner**

The Privacy Commissioner of Canada raised no issues during the reporting period.

## **13 Major Changes as a Result of Issues Raised by the Office of the Auditor General or other Agents of Parliament**

The Office of the Auditor General of Canada raised no issues during the reporting period.

## **14 Privacy Complaints**

There were no privacy complaints received during the period in question.

## **15 Applications/Appeals Submitted to the Federal Court, or the Federal Court of Appeal**

There were no appeals submitted to the Federal Court during the reporting period.



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**Delegation orders for the purpose of the *Access to Information Act*  
and the *Privacy Act*  
Arrêté sur la délégation en vertu de la *Loi sur l'accès à l'information*  
et de la *Loi sur la protection des renseignements personnels***

The Information Commissioner of Canada, pursuant to Section 73 of the *Access to Information Act* and *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers and functions of the Information Commissioner of Canada as the head of a government institution that is, the Office of the Information Commissioner of Canada.

En vertu de l'article 73 de la *Loi sur l'accès à l'information* et de la *Loi sur la protection des renseignements personnels*, le Commissaire à l'information du Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire les dits postes, les attributions dont il est investi en qualité de responsable d'une institution fédérale, c'est-à-dire le bureau du Commissaire à l'information du Canada.

Schedule/Annexe

<b>Position/Poste</b>	<b><i>Privacy Act and Regulations/Loi sur la protection des renseignements personnels et règlements.</i></b>	<b><i>Access to Information Act and Regulations/Loi sur l'accès à l'information et règlements.</i></b>
Director, Information Services and Knowledge Management/ Directeur, Services d'information et gestion du savoir	Full Authority/Autorité Absolue	Full Authority/Autorité Absolue
Senior Legal Advisor/Conseiller juridique principal	Full Authority/Autorité Absolue	Full Authority/Autorité Absolue

Dated, at the City of Ottawa,  
this 8<sup>th</sup> day of April 2007

Daté, à la ville d'Ottawa  
ce 8<sup>e</sup> jour de avril 2007

The Information Commissioner of Canada  
Mr. Robert Marleau

M. Robert Marleau  
Le Commissaire à l'information du Canada



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Schedule / Annexe

**Position/ Poste**

	<i>Privacy Act</i> and Regulations/ <i>Loi sur la protection des renseignements personnels</i> et règlements.	<i>Access to Information Act</i> and Regulations/ <i>Loi sur l'accès à l'information</i> et règlements.
Suzanne Legault Assistant Information Commissioner/ Commissaire à l'information adjointe	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue
Christian Picard Director, Information Services and Knowledge Management/ Directeur, Services d'information et gestion du savoir	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue

Dated, at the City of Ottawa,  
this 3<sup>rd</sup> day of July 2007

Datée à Ottawa  
ce 3<sup>e</sup> jour de juillet 2007

The Information Commissioner of Canada  
Mr. Robert Marleau

M. Robert Marleau  
Le Commissaire à l'information du Canada



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**Delegation orders for the purpose of the Access to Information Act  
and the Privacy Act  
Arrêté sur la délégation en vertu de la Loi sur l'accès à l'information  
et de la Loi sur la protection des renseignements personnels**

The Information Commissioner of Canada, pursuant to Section 73 of the *Access to Information Act* and *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers and functions of the Information Commissioner of Canada as the head of a government institution that is, the Office of the Information Commissioner of Canada.

En vertu de l'article 73 de la *Loi sur l'accès à l'information* et de la *Loi sur la protection des renseignements personnels*, le Commissaire à l'information du Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire les dits postes, les attributions dont il est investi en qualité de responsable d'une institution fédérale, c'est-à-dire le bureau du Commissaire à l'information du Canada.

Schedule/Annexe

<b>Position/Poste</b>	<b>Privacy Act and Regulations/ Loi sur la protection des renseignements personnels et règlements.</b>	<b>Access to Information Act and Regulations/Loi sur l'accès à l'information et règlements.</b>
Suzanne Legault Assistant Information Commissioner/ Commissaire à l'information adjointe	Full Authority/ Autorité Absolue	Full Authority Autorité Absolue
Christian Picard Director, Information Management/ Directeur, Gestion de l'information	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue
Marey Gregory Senior Program and Policy Analyst/ Analyste principal, Programmes et Politiques	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue

Dated, at the City of Ottawa,  
this 30<sup>th</sup> day of November, 2007

Daté, à Ottawa  
ce 30<sup>e</sup> jour de novembre, 2007

The Information Commissioner of Canada  
Mr. Robert Marleau

M. Robert Marleau  
Le Commissaire à l'information du Canada



# Appendix D

Institution Office of the Information Commissioner of Canada	Reporting period / Période visée par le rapport April 1, 2007 to March 31, 2008
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<b>I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels</b>	
Received during reporting period/ Reçues pendant la période visée par le rapport	3
Outstanding from previous period/ En suspens depuis la période antérieure	
<b>TOTAL</b>	<b>3</b>
Completed during reporting period/ Traitées pendant la période visées par le rapport	3
Carried forward/ Reportées	

<b>II Disposition of request completed / Disposition à l'égard des demandes traitées</b>	
1. All disclosed/ Communication totale	2
2. Disclosed in part/ Communication partielle	1
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	
<b>TOTAL</b>	<b>3</b>

<b>III Exemptions invoked/ Exceptions invoquées</b>	
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	1
S. Art. 27	
S. Art. 28	

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

<b>V Completion time/ Délai de traitement</b>	
30 days or under / 30 jours ou moins	3
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	

<b>VI Extensions/ Prorogations des délais</b>		
	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		
<b>TOTAL</b>		

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

<b>VIII Method of access/ Méthode de consultation</b>	
Copies given/ Copies de l'original	2
Examination/ Examen de l'original	
Copies and examination/ Copies et examen	1

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

<b>X Costs / Coûts</b>	
Financial (all reasons)/ Financiers (raisons)	
Salary/ Traitement	\$ 1,052
Administration (O&M)/ Administration (fonctionnement et maintien)	\$ 1,020
<b>TOTAL</b>	<b>\$ 2,072</b>
Person year utilization (all reasons)/ Années-personnes utilisées (raisons)	
Person year (decimal format)/ Années-personnes (nombre décimal)	.0200

