



Information
Commissioner
of Canada

Commissaire
à l'information
du Canada



Annual Report on the Administration of the PRIVACY ACT

2009-2010

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1 Introduction

This report to Parliament describes the activities of the Office of the Information Commissioner of Canada (OIC) that support compliance with the *Privacy Act*. It is submitted pursuant to section 72 of the Act.¹

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

The mandate of the Information Commissioner is to investigate complaints under the *Access to Information Act* from individuals who feel that their rights to access have not been respected by federal institutions. The Commissioner is also authorized to initiate a complaint relating to requesting or obtaining access to records under the Act if there are reasonable grounds to do so.²

Since the OIC was itself made subject to the *Access to Information Act* in 2007, we are now required to report annually on the administration of our own Access to Information program. This report details the activities and accomplishments of the program as they pertain to the *Privacy Act*. Some highlights include:

- the convergence of Information Technology and Information Management (IM/IT) products, policies and services to facilitate speedier access to information for requesters, as well as greater transparency for Canadians; and
- the development and implementation of innovative new approaches that cross organizational units to balance the unpredictable demand of requests with the need for high quality analysis and organizational capacity requirements to conduct special projects.

2 Organization

The Information Commissioner is an Officer of Parliament and ombudsman appointed by Parliament under the *Access to Information Act*, Canada's freedom of information legislation. The Commissioner is supported by the OIC, an independent public body established in 1983 under the Act to respond to complaints from the public about access to information.

The Office has four branches:

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

¹ *Privacy Act*, R.S., 1985, c. P-21

² *Access to information Act*, R.S. 1985, c. A-1, section 30

- **The Policy, Communications and Operations Branch** assesses federal institutions' performance under the Act, conducts systemic investigations and analyses, provides strategic policy direction for the Office, 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, internal audit and information management. The Policy, Communications and Operations Branch also comprises the ATIP Secretariat.
- **The Legal Services Branch** represents the Commissioner in court cases and provides legal advice on investigations, as well as legislative and administrative matters.
- **The Human Resources Branch** oversees all aspects of human resources management and provides advice to managers and employees on human resources issues.

The Access to Information and Privacy (ATIP) Secretariat, which was established within the Policy, Communications and Operations Branch, administers and processes requests for OIC information under the *Access to Information* and *Privacy* acts. The staff of the Secretariat in 2009–2010 comprised five persons:

- the Director, Information Management Division, who, as institutional ATIP Coordinator, also holds full delegated authority under the acts;
- the Deputy Director, who is responsible for the management of the Secretariat, including oversight of request administration, policy development and training;
- the Senior ATIP Analyst, who is responsible for the processing of complex and/or voluminous files, and the second review of completed requests;
- the Junior ATIP Analyst, who administers less complex and smaller volume applications under the PA; and
- the ATIP Assistant, who enters all applications into the electronic system, acknowledges requests, performs imaging services, produces reports and is responsible for other administrative tasks.

3 Delegation Order

Under the *Privacy Act*, the Information Commissioner is the designated head of the institution, for the purpose of administering the legislation.

The delegation order signed on November 10th, 2008, was in force at the start of this reporting period. The order delegated full authority under section 73 of the Act to the Assistant Commissioner, Policy, Communications and Operations, the Director, Information Services and Knowledge Management, as well as the Director, Strategic Case Management.

During the reporting period, three consecutive delegation orders were put in place that reflected changes in staffing within the organization. The first order, signed on May 21, 2009, stipulated that full authority to administer the Act was delegated to the Assistant Commissioner, the Acting Director of the Information Management Division and the ATIP Manager. The second order, signed July 27, 2009, specified that the delegation was held by the Interim Assistant Commissioner, Policy Communications and Operations, the Director, Information Management, and the ATIP Manager. The final delegation order, signed January 18, 2010, repeated the previous delegation to reflect staffing changes that had occurred to that point.

Copies of the delegation orders are attached as Appendices A, B, C and D.

4 Statistical Report

The statistical report is attached as Appendix E.

5 Interpretation of the Statistical Report

This section provides details on the four requests the ATIP Secretariat processed under the *Privacy Act* during the reporting period. Only those sections of the Act that were applicable to those requests will be discussed.

5.1 Requests received under the Privacy Act

We received three requests under the *Privacy Act* during this fiscal year. All of these, as well as the one request carried over from the previous reporting period, were completed before March 31, 2010.

5.2 Disposition of requests completed

Of the four requests completed, three were disclosed in part and one was abandoned by the applicant.

5.3 Exemptions invoked

Section 26 of the Act, personal information belonging to an individual other than the requester, was invoked three times. Section 21, pertaining to international affairs and defence, and paragraph 22(1)(b)(i), pertaining to investigations, were each invoked once.

5.4 Completion times

All files were completed within their statutory deadlines. Three of the four were completed within the original 30 days. The fourth file was completed in 32 days and was done within the statutory deadline, since the 30th calendar day fell on a Saturday.

5.5 Method of access

In all three cases, copies of the records were provided to the requester in a CD format.

5.6 Costs

Costs to administer the OIC privacy program between April 1, 2009, and March 31, 2010	
Financial	Amount
Salary	\$11,724
Administration (O&M)	\$1,333
Total	\$13,057
Person Year (decimal format)	0.5

6 Privacy Impact Assessments

No privacy impact assessments were completed during the reporting period.

There is one Preliminary Privacy Impact Assessment being finalized regarding the implementation of the new corporate repository system (RDIMS) to be implemented in the coming fiscal year.

7 Data-sharing Activities

There were no new data-sharing activities during the reporting period.

8 Education and Training Activities

During the reporting period, the ATIP Secretariat conducted three training sessions, in both official languages, on the *Access to Information* and *Privacy* acts and their associated processes.

The Secretariat staff attended learning activities organized by Treasury Board Secretariat on specific provisions in the legislation, as well as professional development opportunities such as the conference held by the Canadian Access and Privacy

Association and the Canadian Association of Professional Access and Privacy Administrators.

The Secretariat also developed and trained specific cohorts in the OIC on the classification and handling of sensitive records.

9 Changes to the Organization, Programs, Operations or Policies

9.1 OIC IM/IT strategy

In December 2008, following a preliminary assessment of our IM/IT, we developed a five-year strategic plan that was subsequently approved by the Treasury Board Secretariat. The plan calls for a major overhaul of IM and IT services to address investment in an integrated infrastructure, business applications, and supporting policies and processes. The plan included a roadmap of the path and steps required for us to develop IM/IT to full maturity as a process-driven organization with a multi-layered business solutions infrastructure.

Maturing the IT and IM functions

To meet the challenges of creating access and implementing Year 1 of the strategic plan, we

- organized IT into Operations and Application units, and staffed these units based on the plan and available resources; and
- prioritized activities to enable staff to divide their time as required to accommodate both normal operational and strategic project priorities.

Subsequently, the IT Operations unit's focus shifted to include stabilizing the current production environment and building the development capacity for the strategic initiatives.

We also put in place a Project Management Office, which has proven to be extremely useful in setting the stage to effectively manage all of our projects. Through a master work plan and schedule, we can manage and monitor the status of all IM/IT projects from a single project file. Individual projects are created as a team approach by the IT Special Advisor, the project managers and the professionals who are delivering the project services.

In the IM function, staffing efforts began early in the new fiscal year so that we could stabilize the IM function and also deliver on the key components of our institutional IM program. The maturing of the IM function included ongoing activities such as:

- ensuring the security of the records area by restricting access and creating appropriate storage wherever possible;
- implementing procedures for submitting closed files to the Records Centre for storage;
- providing advice and training to specific cohorts within the OIC on the classification of sensitive documents and the lifecycle of records; and

- implementing the first annual disposition of investigative records and ongoing disposition of corporate transitory records.

Partnering and repurposing

Coming into 2009–2010, our IM/IT unit recognized that we had a major challenge. As a small agency with limited resources, we faced a set of significant issues related to the IM/IT strategy implementation. To meet this challenge, we decided that the best approach was to identify and repurpose existing solutions from elsewhere within the government rather than creating unique solutions for the OIC.

We were particularly successful over the past year in identifying relevant candidate solutions and building relationships with other federal institutions to be able to reuse their solutions and relevant experience. Our plan is to repurpose these solutions for the OIC and then continue in the partnering spirit by sharing our accomplishments.

IM/IT governance

Early in the year, the terms of reference were defined for an IM/IT steering committee. This includes Director-level representation from all of the OIC. It meets bi-monthly to review functional issues, project progress, and any relevant changes to the IM/IT context. Discussions and decisions at the IM/IT steering committee have produced two significant positive outcomes:

- stronger ties to the business areas and enhanced communications between IM/IT staff and the rest of the OIC; and
- a decision-making forum for changes to the IM/IT infrastructure at the OIC.

9.2 Access to Information and Privacy Secretariat

During the reporting period, the ATIP Secretariat was also undergoing a transformation in the way that it works and is administered to facilitate faster access to information for requesters and improved information management.

By working closely with out with our IT section, and software supplier, the Secretariat ensured that our electronic request management system was functioning optimally, and that all users were fully trained. This allowed us to maximize efficiencies in request processing to ensure that requesters received their information in the shortest time possible.

Greater understanding of our electronic request administration system also allowed us to electronically administer our responses to complaints made to Information Commissioner and to expedite closing of the complaint files. Full implementation of our electronic request processing system has also meant that we are now positioned to post the text of our requests on our website in both official languages and produce copies of release packages on demand. This is a key step in supporting our corporate transparency focus.

Finally, the ATIP Secretariat worked in innovative ways to manage the unpredictability of demand within the unit, leveraging its expertise in the legislation and easy access to the IT project management office to support special projects within the OIC. In this way we ensured flexibility to meet unpredictable demand, while building a strong collaborative relationship with the business areas. This, in turn, has fostered better understanding and increased capacity internally.

10 New Policies or Procedures

Early in the fiscal year we realized we required an IM strategy to set out clearly what we needed to do to modernize our practices and ensure compliance with the *Library and Archives of Canada Act*. We then drafted an IM policy suite that covers the high-level IM policy direction for the OIC. We produced a procedures manual outlining the business rules for the organization, as well as the specific business rules by function. We developed a function-based universal file classification system and descriptions of records in consultation with the business areas. Specific procedures incorporated in the manual include guidelines for managers on what to do with employee-generated records when they leave the organization, how to classify sensitive documents and details on metadata. These tools established the foundation for our migration to a corporate electronic records management tool in the coming year.

We also developed the *Access to Information and Privacy Policy and Procedures Manual* that will be posted on our website in the first quarter of 2010–2011. The manual describes our approach to the administration of requests under the *Access to Information and Privacy* acts. In summary, the six pillars of our Access to Information and Privacy program are:

- full implementation of the duty to assist provision;
- justified application of exemptions;
- minimal extension of deadlines only;
- timeliness of responses;
- maintaining the confidentiality of our investigative process; and
- commitment to the confidentiality and security of personal information at all times.

We developed, in consultation with our Legal Services Division, four practice directions that set out the specific practices in place within the ATIP Secretariat, and in particular, a practice direction on the duty to assist provisions of the legislation. The practice directions will be posted on our website in the first quarter of 2010–2011.

11 Privacy Complaints and Investigations

While no complaints were lodged with the Office of the Privacy Commissioner (OPC) during the reporting period, there were two privacy breaches identified, one of which led to an investigation by the OPC.

The first breach was caused by a lost memory stick containing personal information. The report was completed. The OPC and the individual in question were notified. The OPC investigated the breach and found that steps had been taken to mitigate and prevent reoccurrence.

The second breach was discovered when reviewing an older access to information request. It was found that some personal information pertaining to OIC employees had inadvertently been released to the requester. The report was completed and filed with the OPC. The employees in question were notified.

Appendix A



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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 institutions 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 lesdits 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.

Position/ Poste	Schedule / Annexe	
	<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 Commissioner, Policy, Communications and Operations / Commissaire adjointe, Politiques, communications et opérations	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue
Monica Fuijksht Director, Information Services and Knowledge Management/ Directrice, Services d'information et gestion du savoir	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue
Christian Picard Director, Strategic Case Management Team/ Directeur, Groupe de gestion stratégique des dossiers	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue

Dated, at the City of Ottawa,
this 10th day of November 2008

Daté à Ottawa
ce 10^e jour de novembre 2008

The Information Commissioner of Canada
Mr. Robert Marleau

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

Appendix B



Information
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Delegation orders for the purpose of the *Access to Information Act* and the *Privacy Act* Arrête 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.

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Schedule / Annexe

Position/ Poste

	<i>Privacy Act and Regulations/ Loi sur la protection des renseignements personnels et règlements.</i>	<i>Access to Information Act and Regulations/ Loi sur l'accès à l'information et règlements.</i>
Suzanne Legault Assistant Information Commissioner/ Commissaire à l'information adjointe	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue
Monica Fuijkschot A/Director, Information Management/ Directrice intérimaire, Gestion de l'information	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue
José-Nicolas Blondin-Doucet ATIP Manager, Access to Information and Privacy /Gestionnaire AIPRP, Accès à l'information et protection des renseignements personnels	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue

Dated, at the City of Ottawa,
this 21st day of May 2009

Date, à la ville d'Ottawa
ce 21^{er} jour de mai 2009

Robert Marleau

Appendix C



Information
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**Delegation orders for the purpose of the *Access to Information Act* and the *Privacy Act*
Arrêté de 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*, la 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 elle est investie en qualité de responsable d'une institution fédérale, c'est-à-dire le Commissariat à l'information du Canada.

Schedule / Annexe

Position/ Poste

	<i>Privacy Act and Regulations/ Loi sur la protection des renseignements personnels et règlements.</i>	<i>Access to Information Act and Regulations/ Loi sur l'accès à l'information et règlements.</i>
Lisa Campbell Interim Assistant Information Commissioner/ Commissaire adjointe à l'information par intérim	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue
Monica Fuijkschot A/Director, Information Management/ Directrice intérimaire, Gestion de l'information	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue
Mario Perrier ATIP Manager, Access to Information and Privacy /Gestionnaire AIPRP, Accès à l'information et protection des renseignements personnels	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue

Dated, at the City of Ottawa,
this 27 day of July 2009

Date, à la ville d'Ottawa
ce 27 jour de juillet 2009

Suzanne Legault
Interim Information Commissioner of Canada
Commissaire par intérim à l'information du Canada

Appendix D



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

The Interim 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 Interim 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*, la Commissaire par intérim 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 elle est investie en qualité de responsable d'une institution fédérale, c'est-à-dire le Commissariat à l'information du Canada.

Schedule / Annexe

Position/ Poste	<i>Privacy Act and Regulations/ Loi sur la protection des renseignements personnels et règlements.</i>	<i>Access to Information Act and Regulations/ Loi sur l'accès à l'information et règlements.</i>
Layla Michaud Interim Assistant Information Commissioner/ Commissaire adjointe à l'information par intérim	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue
Monica Fuijkschot A/Director, Information Management/ Directrice intérimaire, Gestion de l'information	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue
Mario Perrier ATIP Manager, Access to Information and Privacy /Gestionnaire AIPRP, Accès à l'information et protection des renseignements personnels	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue

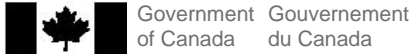
Dated, at the City of Ottawa,
this 18th day of January 2010

Daté, à la ville d'Ottawa
ce 18^è jour de Janvier 2010


Suzanne Legault

Interim Information Commissioner of Canada
Commissaire par intérim à l'information du Canada

Appendix E



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

Institution	Office of the Information Commissioner of Canada/OIC	Reporting period/Période visée par le rapport 04/01/2009 to/à 03/31/2010
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I Requests under the Privacy Act/ Demandes en vertu de la Loi sur la protection des renseignements personnels

Received during reporting period/ Reçues pendant la période visée par le rapport	3
Outstanding from previous period/ En suspens depuis la période antérieure	1
TOTAL	4
Completed during reporting period/ Traitées pendant la période visées par le rapport	4
Carried forward/ Reportées	0

II Disposition of request completed / Disposition à l'égard des demandes traitées

1. All disclosed/ Communication totale	0
2. Disclosed in part/ Communication partielle	3
3. Nothing disclosed (excluded)/ Aucune communication (exclusion)	0
4. Nothing disclosed (exempt)/ Aucune communication (exemption)	0
5. Transferred/ Transmission	0
6. Unable to process/ Traitement impossible	0
7. Abandoned by applicant/ Abandon de la demande	1
TOTAL	4

III Exemptions invoked/ Exceptions invoquées

18(1)	0
18(2)	0
18(3)(a)	0
18(3)(b)	0
19(1)(a)	0
19(1)(b)	0
19(1)(c)	0
19(1)(d)	0
19(1)(e)	0
19(1)(f)	0
19(2)(a)	0

IV Exclusions cited/ Exclusions citées

69(1)(a)	0
69(1)(b)	0
69(2)	0
70(1)(a)	0
70(1)(b)	0
70(1)(c)	0
70(1)(d)	0
70(1)(e)	0
70(1)(f)	0
70(2)	0
70(3)(a)	0
70(3)(b)(i)	0
70(3)(b)(ii)	0
70.1(1)	0
70.1(2)(a)	0
70.1(2)(b)	0
70.1(2)(c)	0
70.1(3)	0
70.1(4)	0
71(1)(a)	0
71(1)(b)	0
71(1)(c)	0
71(1)(d)	0
71(1)(e)	0
71(2)	0
71(3)	0
71(4)	0
71(5)	0
71(6)	0
72(1)	0
72(2)	0
72(3)	0

VII Translation/ Traductions

Translations requested/ Traductions demandées	0
Translations prepared/ Traductions préparées	0
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 given	3
Copies and examination/ Copies and examination	0
Examination/ Examination	0

IX Corrections and notation/ Corrections et mention

Corrections and notation/ Corrections demandées	0
Corrections made/ Corrections made	0
Notation attached/ Notation attached	0

X Costs / Coûts

Financial (all reasons)/ Financiers (raisons)	
Salary/ Traitement	\$ 0
Administration (O&M)/ Administration (fonctionnement et maintien)	\$ 0.00
TOTAL	\$ 0
Person year utilization (all reasons)/ Années-personnes utilisées (raison)	
Person year (decimal format)/ Années-personnes (nombre décimal)	0.00

19(2)(b)	0	73	0
20	0	74	0
21	1	75(1)	0
22(1)(a)(i)	0	75(2)	0
22(1)(a)(ii)	0	76	0
22(1)(a)(iii)	0	77(1)(a)	0
22(1)(b)(i)	1	77(1)(b)	0
22(1)(b)(ii)	0	77(1)(c)	0
22(1)(b)(iii)	0	77(1)(d)	0
22(1)(c)	0	77(1)(e)	0
22(2)	0	77(1)(f)	0
22(3)(a)	0	77(1)(g)	0
22(3)(b)	0	77(1)(h)	0
22(3)(c)	0	77(1)(i)	0
22.1(1)	0	77(1)(j)	0
22.1(2)	0	77(1)(k)	0
22.2	0	77(1)(l)	0
22.3	0	77(1)(m)	0
23(a)	0	77(1)(n)	0
23(b)	0	77(1)(o)	0
24(a)	0	77(2)	0
24(b)	0		
25	0		
26	3		
27	0		
28	0		

**v Completion time/
Délai de traitement**

30 days or under/ 30 jours ou moins	3
31 to 60 days/ De 31 à 60 jours	1
61 to 120 days/ De 61 à 120 jours	0
121 days or over/ 121 jours ou plus	0

**vi Extensions /
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	
Consultation	0	
Translation/ Traduction	0	0
TOTAL	0	0

Additional Reporting Requirements

Privacy Act

Treasury Board Secretariat is monitoring compliance with the Privacy Impact Assessment Policy (which came into effect on May 2, 2002) through a variety of means. Institutions are therefore required to report the following information for this reporting period.

Preliminary Privacy Impact Assessments initiated: 1

Preliminary Privacy Impact Assessments completed: 0

Privacy Impact Assessments initiated: 0

Privacy Impact Assessments completed: 0

Privacy Impact Assessments forwarded to the Office of the Privacy Commissioner: 0