



PA Annual Report

Report on the Privacy Act
2008-2009

AECL's Access to Information and Privacy Office

**177-511600-041-002
Revision 0**

2009 July

juillet 2009

UNRESTRICTED

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PA Annual Report

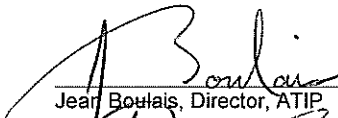
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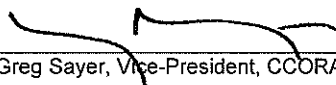
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Rédigé par


Jean Boulais, Director, ATIP

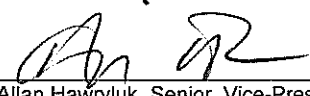
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I. REPORT ON THE *PRIVACY ACT*

Atomic Energy of Canada Limited (AECL) is a full service nuclear technology company providing services to nuclear utilities around the world. AECL is an agent Crown Corporation whose shares are wholly owned by the Crown. Created in 1952, AECL reports to Parliament through the Minister of Natural Resources. On September 1st, 2007 the *Federal Accountability Act* amended the *Privacy Act* to include AECL. The purpose of this Act is to extend the present laws of Canada that protect the privacy of individuals with respect to personal information about themselves held by AECL and that provide individuals with a right of access to that information.

1.1 *PRIVACY ACT HIGHLIGHTS*

- From April 1st, 2008 to March 31st, 2009, Atomic Energy of Canada Limited (AECL) received only three requests for information under the *Privacy Act*.
- The processing of Privacy requests is centralized at the Access to Information and Privacy Office (ATIPO) located in Ottawa. Procedures are similar to those used for processing Access to Information (ATI) requests. The role of the Director and the consultation mechanism with other government institutions are the same as those utilized in processing requests under the *Access to Information Act*.
- This past fiscal year, AECL worked to identify the collections of personal information that required registration with Treasury Board Secretariat and created personal information banks.
- Activities related to the *Privacy Act* focused on providing information sessions to employees with respect to their rights and obligations under the legislation. Three sessions on the *Privacy Act*, at times combined with briefing sessions on the *Access to Information Act*, were given to AECL employees.
- AECL did not complete any Privacy Impact Assessments or preliminary Privacy Impact Assessments between April 1st, 2008 and March 31st, 2009.

1.2 **PRIVACY ACT STATISTICAL DATA**

Government of Canada
Gouvernement du Canada

REPORT ON THE PRIVACY ACT

RAPPORT CONCERNANT LA LOI SUR LA PROTECTION
DES RENSEIGNEMENTS PERSONNELS

| | | | |
|---|--|---|--|
| Institution Atomic Energy of Canada Limited / Énergie atomique du Canada limitée | | Reporting Period / Période visée par le rapport 2008-04-01 to/à 2009-03-31 | |
|---|--|---|--|

| | |
|--|---|
| 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 | 0 |
| TOTAL | 3 |
| Completed during reporting period / Traitées pendant la période visée par le rapport | 3 |
| Carried Forward / Reportées | 0 |

| | |
|--|---|
| II Disposition of requests completed / Disposition à l'égard des demandes traitées | |
| 1. All Disclosed / Communication totale | 0 |
| 2. Disclosed in part / Communication partielle | 1 |
| 3. Nothing disclosed (excluded) / Aucune communication (exclusion) | 0 |
| 4. Nothing disclosed (exempt) / Aucune communication (exemption) | 0 |
| 5. Unable to process / Traitement impossible | 1 |
| 6. Abandoned by applicant / Abandon de la demande | 0 |
| 7. Transferred / Transmission | 1 |
| TOTAL | 3 |

| | |
|---|---|
| III Exemptions invoked / Exemptions invoquées | |
| S. Art. 18(2) | 0 |
| S. Art. 19(1)(a) | 0 |
| (b) | 0 |
| (c) | 0 |
| (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 | 1 |
| S. Art. 27 | 0 |
| S. Art. 28 | 0 |

| | |
|---|---|
| IV Exclusions cited / Exclusions citées | |
| S. Art. 69(1)(a) | 0 |
| (b) | 0 |
| S. Art. 70(1)(a) | 0 |
| (b) | 0 |
| (c) | 0 |
| (d) | 0 |
| (e) | 0 |
| (f) | 0 |

| | |
|---|---|
| V Completion time / Délai de traitement | |
| 30 days or under / 30 jours ou moins | 2 |
| 31 to 60 days / De 31 à 60 jours | 0 |
| 61 to 120 days / De 61 à 120 jours | 1 |
| 121 days or over / 121 jours et plus | 0 |

| | |
|---|---|
| VI Extensions / Prorogations des délais | |
| 30 days or under / 30 jours ou moins | 0 |
| 31 days or over / 31 jours ou plus | 0 |
| Interruption with operations / Interruption des opérations | 0 |
| Consultation | 0 |
| Translation / Traduction | 0 |
| TOTAL | 0 |

| | |
|---|---|
| VII Translations / 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 de l'original | 0 |
| Examination / Examen de l'original | 0 |
| Copies and examination / Copies et examen | 1 |

| | |
|--|---|
| 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) | (\$ 000) |
| Salary / Traitement | 30000 |
| Administration (O and M) / Administration (fonctionnement et maintien) | 40415 |
| TOTAL | 70415 |
| Person year utilization (all reasons) / Années-personnes utilisées (raisons) | |
| Person year (decimal format) / Années-personnes (nombre décimal) | 0.50 |

1.3 NOTES ON *PRIVACY ACT* STATISTICAL DATA

1.3.1 Box 1 – Requests under the *Privacy Act*

Three requests for information under the *Privacy Act* were received and completed between April 1st, 2008 and March 31st, 2009.

1.3.2 Box II and III – Disposition and Exemptions

Of the 3 requests completed in 2008-2009, information was exempted in part for 1 request. As for the remainder, AECL was unable to process 1 request as the requested information did not fall within our custody and control and the last request was transferred to another federal organization.

1.3.3 Box V and VI – Completion Time and Extensions

2 requests received were completed within the 30 day legislated timeframe and 1 request was completed between 61 to 120 days. No extensions for consultation purposes were required.

1.3.4 Box X – Costs

Total salary costs associated with *Privacy Act* activities are estimated at \$30,000 for fiscal year 2008 – 2009. Other operation and maintenance costs amounted to \$40,415 for a total of \$70,415. The associated full-time equivalency (FTE) human resource is 0.50.

1.4 ORGANIZATION OF *PRIVACY ACT* ACTIVITIES

AECL uses the same organizational structure for the administration of both the *Privacy Act* and the *Access to Information Act*. On behalf of the President and CEO, the Access to Information and Privacy Director and the Access to Information and Privacy Office (ATIPO) ensure that the Corporation meets all of its obligations under the *Privacy Act* and deals with all applicants fairly and consistently.

While the final decisions on severances, exemptions and exclusions remains the responsibility of the ATIPO, those decisions are influenced by the recommendations of program managers. Information would be collected in response to a request under the *Privacy Act* directly from the individual holding the information. Approval of the application of exemptions is limited in order to protect the privacy of the applicant.

1.5 PRIVACY IMPLEMENTATION

In addition to responding to formal requests for information, person-year and budget resources are allocated to the protection of personal information, controlling the collection, use and retention of this personal information. AECL employees are provided with awareness sessions and guidance on a regular basis to assist them in fulfilling their duties under the *Privacy Act*. The ATIP Office offer advice and support on an as-needed basis.

1.5.1 Privacy Impact Assessment Policy

AECL did not complete any Privacy Impact Assessments or preliminary Privacy Impact Assessments during this reporting period. The corporation created privacy policies and guidelines to reflect the requirements of the *Privacy Act*.

1.5.2 Education and Training

As AECL is newly compliant to the *Privacy Act*, the main focus during this past fiscal year – and the upcoming fiscal year – is on training program managers on the obligations under the *Privacy Act*. Specifically, program managers are being offered training on what information can be collected in support of a program, how that information should be retained, when the information should be transferred to Library and Archives Canada or destroyed and how to ensure that forms used to collect personal information comply with the *Privacy Act*.

1.6 ORGANIZATIONAL PRIVACY POLICIES

In keeping with Treasury Board guidelines, it is AECL's policy to release personal information only to those individuals to whom it relates. This fiscal year, no disclosures of personal information were made pursuant to s. 8(2)(e) (investigations provision) or 8(2)(m) (public interest override provision) of the *Privacy Act*. Mechanisms and procedures are in place to ensure the ongoing protection of personal information.

AECL makes every effort to action requests from employees on an informal basis.

1.7 DELEGATION OF AUTHORITY

To ensure ongoing safeguarding and respect for the rights of applicants and the legislative provisions of the *Privacy Act*, the authority to disclose, exempt personal information is limited to the Director, Access to Information and Privacy.

1.8 COMPLAINTS AND INVESTIGATIONS

No complaints were filed relating to requests for information pursuant to the *Privacy Act*. No appeals were on file with the Federal Court at the end of the reporting period.

1.9 USE AND DISCLOSURE

AECL has identified the collections of personal information and registered those collections as standard or particular personal information banks in accordance with Treasury Board policy. Next fiscal year, the retention and disposal authorities for all personal information banks will be reviewed and updated.

1.10 APPENDICES

1.11 Appendix A

1.11.1.1 AECL Organizational Structure

AECL operates through three business divisions: CANDU Reactor Division, Research and Technology Division and the Liability Management Unit. The objective of this business structure is to facilitate greater transparency in financial reporting and accountability for program objectives in accordance with good governance. Each division is responsible for achieving its business goals.

CANDU® Reactor Division

The CANDU Reactor Division, based in Mississauga, Ontario, is operated on a commercial basis and generates value through its core activities, which include the management of nuclear reactor construction, life extension and servicing projects. The division also manages marketing and business development and the commercialization of AECL's evolutionary ACR-1000®, a Generation III+ heavy water nuclear reactor.

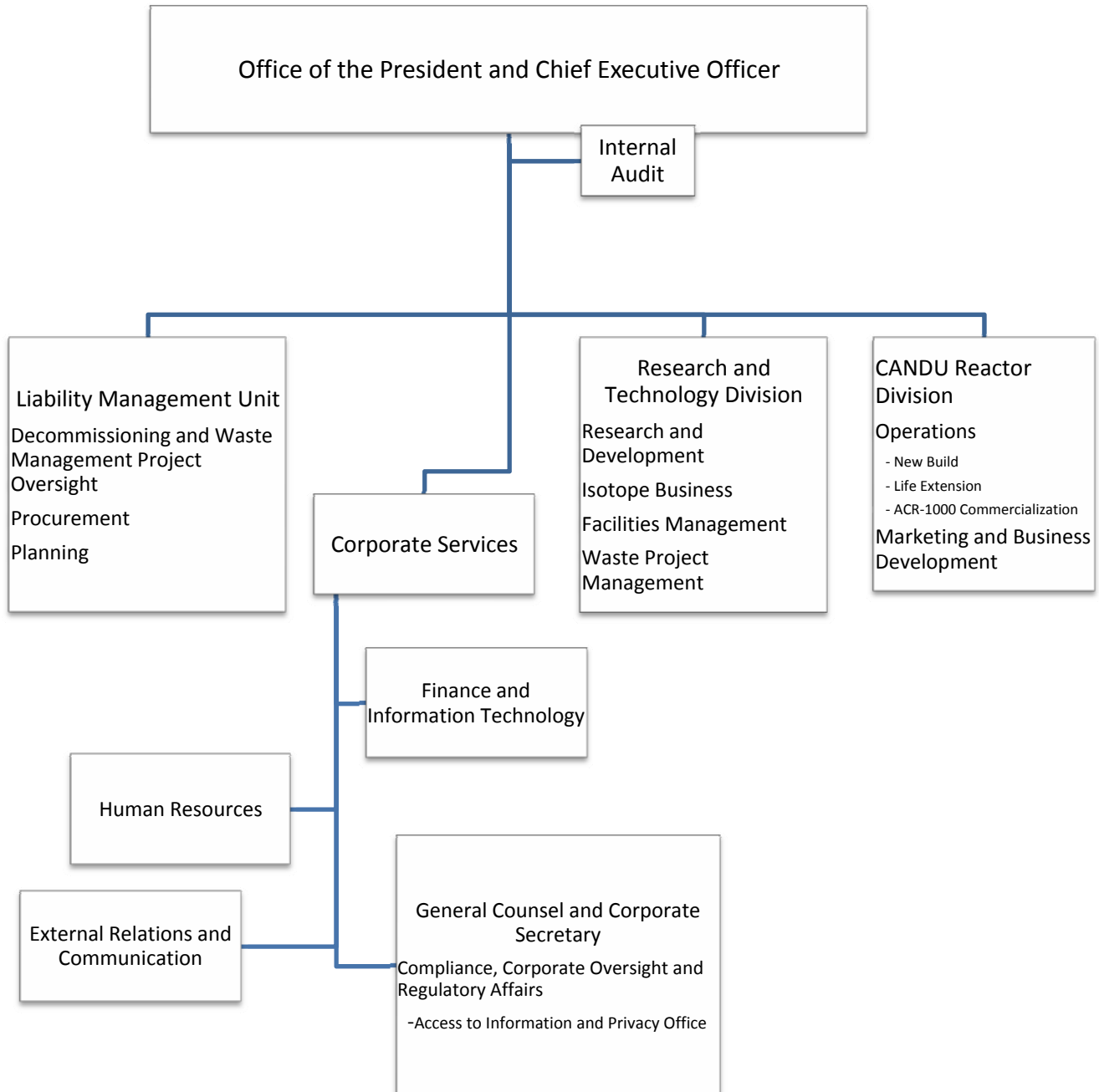
Research and Technology Division

The Research and Technology Division contribute value to Canada through undertaking of research, production of medical isotopes and management of nuclear waste. An important part of the Research and Technology Division's mission is to carry out the Government of Canada's policy mandate in support of Canadian nuclear technology and industry through its technology infrastructure, which includes nuclear laboratories and facilities.

Liability Management Unit (LMU)

The LMU manages waste and decommissioning liabilities on behalf of the Government of Canada. The program has a long-term focus –spanning several decades – to safely address decommissioning and waste management obligations on AECL-managed sites and waste received for safe storage from universities, medical facilities, government and industry from across Canada. This is managed in accordance with CNSC regulations and in the best interests of Canadians. These liabilities include obligations associated with AECL's existing infrastructure, those stemming from activities before AECL was incorporated in 1952, third party radioactive waste from across Canada, and R&D waste in support of Canada's nuclear program. The Research and Technology Division and private sector contractors perform decommissioning and waste management work. Liabilities such as operational waste, created after March 31, 2006, are separately accounted to reflect AECL's responsibility to manage and finance such wastes.

1.11.1.2 AECL Organizational Chart



1.12 Appendix B

1.12.1.1 Delegation of Authority

POSITION

SECTION OF THE ACT

President and CEO

8(2)m

AECL Director,
Access to Information and Privacy,
ATIP Office

*8(2)(a) – (l), 8(5),
9(3), 14, 15, 17(2),
18(2), 19 – 28,
33(2), 35(1),
69, 70*

1.12.1.2

Privacy Act Delegation Order

| PRIVACY ACT DESIGNATION ORDER | ARRETÉ SUR LA DÉLÉGATION EN VERTU DE LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS |
|--|---|
| <p>The President and CEO of Atomic Energy of Canada Limited pursuant to section 73 of the <i>Privacy Act</i>, hereby designates the person holding the position set out in the schedule hereto to exercise the powers and perform the duties and functions of the President and CEO of AECL as the head of a government institution under the paragraph of the Act set out in the schedule opposite each position.</p> | <p>En vertu de l'article 73 de la <i>Loi sur la protection des renseignements personnels</i>, le Président-directeur général de Énergie atomique du Canada limitée délègue au titulaire du poste mentionné à l'annexe ci-après les attributions dont il est, en qualité de responsable d'une institution fédérale, investi par les alinéas de Loi mentionnés dans la liste en regard de chaque poste.</p> |


| | ATIP Director Directeur AIPRP |
|---|--|
| 8(2)(a) Approve disclosure of information – original purpose or consistent use Approuver la communication des renseignements – aux fins auxquelles ils ont été recueillis ou usages compatibles | F |
| 8(2)(b) Approve disclosure of information – in accordance with any Act of Parliament Approuver la communication des renseignements – aux fins conformes avec les lois du Parlement | F |
| 8(2)(c) Approve disclosure of information – subpoena, warrant or court order Approuver la communication des renseignements – subpoena, mandat ou ordonnance d'une court | F |
| 8(2)(d) Approve disclosure of information – to Attorney General or legal proceedings Approuver la communication des renseignements – au Procureur général du Canada pour des poursuites judiciaires | F |
| 8(2)(e) Approve disclosure of information – to an investigative body Approuver la communication des renseignements – à un organisme d'enquête | F |
| 8(2)(f) Approve disclosure of information – to other governments for law enforcement Approuver la communication des renseignements – à d'autres gouvernement en vue de l'application des lois | F |
| 8(2)(g) Approve disclosure of information – to a member of Parliament assisting the individual Approuver la communication des renseignements – à un parlementaire fédéral en vue d'aider l'individu concerné | F |
| 8(2)(h) Approve disclosure of information – for audit purposes Approuver la communication des renseignements – aux fins de vérifications | F |
| 8(2)(i) Approve disclosure of information – for archival purposes Approuver la communication des renseignements – aux archives publiques pour dépôt | F |
| 8(2)(j) Approve disclosure of information – for research or statistical purposes Approuver la communication des renseignements – pour des travaux de recherche ou de statistique | F |
| 8(2)(k) Approve disclosure of information – for aboriginal claims Approuver la communication des renseignements – pour l'établissement des droits des peuples autochtones | F |



| | | ATIP Director Directeur AIPRP |
|-------------|---|----------------------------------|
| 8(2)(l) | Approve disclosure of information – for collection of payment of a crown debt Approuver la communication des renseignements – pour recouvrer ou acquitter une créance de la Couronne | F |
| 8(2)(m)(i) | Approve disclosure of information – in public interest Approuver la communication des renseignements – dans l'intérêt public | See note* |
| 8(2)(m)(ii) | Approve disclosure of information – to benefit the individual Approuver la communication des renseignements – dans le cas où l'individu concerné en tirerait un avantage certain | See note* |
| 8(5) | Notify Privacy Commissioner of disclosure under 8(2)(m) Aviser le Commissaire à la protection de la vie privée de la communication dans le cas prévu à l'alinéa 8(2)(m) | F |
| 9(3)(a) | Notify Privacy Commissioner of new consistent uses Aviser le Commissaire à la protection de la vie privée de nouveaux usages compatibles | F |
| 14 | Notify requester whether or not access is to be given and where appropriate give access Aviser le requérant si le document sera communiqué ou non et le cas échéant, communiquer les documents | F |
| 15 | Extend time limits Proroger le délai | F |
| 17(2)(b) | Translate records Traduire des documents | F |
| 18(2) | Refuse to disclose information in an exempt bank Refuser de communiquer des renseignements contenus dans des fichiers inconsultables | F |
| 19(1) | Apply exemption – personal information obtained in confidence Appliquer l'exception – renseignements personnels obtenus à titre confidentiel | F |
| 19(2) | Approve disclosure of information obtained in confidence Approuver la communication des renseignements obtenus à titre confidentiel | F |
| 20 | Apply exemption – federal-provincial affairs Appliquer l'exception – affaires fédérales-provinciales | F |
| 21 | Apply exemption – international affairs and defence Appliquer l'exception – affaires internationales et défense | F |
| 22(1) | Apply exemption – law enforcement and investigation Appliquer l'exception – application des lois et enquêtes | F |
| 22(2) | Apply exemption – policing services for provinces and municipalities Appliquer l'exception – fonctions de police provinciale ou municipale | F |
| 22(3) | Public Servant disclosure protection Protection des fonctionnaires divulgateurs d'actes répréhensibles | F |
| 23 | Apply exemption – security clearances Appliquer l'exception – enquêtes de sécurité | F |
| 24 | Apply exemption – individuals sentenced for an offence | |



| | | |
|--------|---|----------------------------------|
| | Appliquer l'exception – individus condamnés pour une infraction | F |
| | | ATIP Director Directeur AIPRP |
| 25 | Apply exemption – safety of individuals Appliquer l'exception – sécurité des individus | F |
| 26 | Apply exemption – personal information about another individual Appliquer l'exception – renseignements personnels concernant un autre individu | F |
| 27 | Apply exemption – solicitor-client privilege Appliquer l'exception – secret professionnel des avocats | F |
| 28 | Apply exemption – medical record Appliquer l'exception – dossiers médicaux | F |
| 33(2) | Make representations to the Privacy Commissioner Présenter des observations du Commissaire à la protection de la vie privée | F |
| 35(1) | Notify Privacy Commissioner of Institution's intent regarding recommendations Aviser le Commissaire à la protection de la vie privée de toute mesure prise ou envisagée par l'institution pour la mise en œuvre de ses recommandations | F |
| 35(4) | Approve disclosure of information based on recommendation of Privacy Commissioner Approuver la communication des renseignements suite aux recommandations du Commissaire à la protection de la vie privée | F |
| 69, 70 | Notify individual that requested information is excluded Aviser l'individu que le document demandé est exclu | F |


 President & CEO of Atomic Energy of Canada Limited
 Président-directeur général, Énergie atomique du Canada limitée

02/20/08
 Date

| | |
|---|--|
| Notes: | Notes: |
| "F" Full authority to the ATIP Director | "F" Plein pouvoir au Directeur de l'AIPRP |
| * Full authority remains with the President & CEO of AECL | * Plein pouvoir demeure avec le Président-directeur général d'EACL |