



PA Annual Report

Report on the Privacy Act
2009-2010

**AECL's Access to
Information and Privacy
Office**

**177-511600-041-003
Revision 0**

2010 June

juin 2010

UNRESTRICTED

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AECL EACL

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Revision 0


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1. INTRODUCTION

Atomic Energy of Canada Limited (AECL) is a full service nuclear technology company providing services to nuclear utilities around the world. Our mandate is to be Canada's nuclear platform for nuclear science and technological expertise and to operate a commercially viable, self-sustaining business designing, building and servicing CANDU® nuclear power reactors. Created in 1952, AECL is an agent Crown Corporation whose shares are wholly owned by the Crown. On September 1st, 2007 the *Federal Accountability Act* amended the *Privacy Act (PA)* 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.

(See Appendix A for AECL's Organizational Structure)

1.1 2009-2010 HIGHLIGHTS

- AECL received 84 requests for information under the *Privacy Act*. An 81% increase from last fiscal year.
- Out of 84 requests, 97.6% were completed and 2.4% were carried forward into the next fiscal year. A total of 10,355 pages were reviewed.
- Of the 97.6% requests completed, records were disclosed in full in 14.6 percent of the cases and disclosed in part in 56.1 percent of the cases. 28.1 percent of cases were unable to be processed as the requested information did not exist within the custody and control of AECL. In 1 case (1.2 percent), the request was abandoned by the applicant.
- AECL worked to identify the collections of personal information and registered six new Institution-specific Personal Information Banks with Treasury Board Secretariat.
- Seven information sessions on the *Privacy Act* were given to four new AECL executives and hundreds of employees, nurses and senior managers from the Occupational Safety and Health Centre and Information Technology Security Unit.
- AECL did not complete any Privacy Impact Assessments or preliminary Privacy Impact Assessments between April 1st, 2009 and March 31st, 2010.
- AECL has drafted one institution-specific Privacy Policy related to the *Privacy Act*.
- AECL did not disclose any personal information pursuant to subsection 8(2)(m) of the *Privacy Act*.

- No new data matching and data sharing activities were undertaken during the reporting period.
- Between April 1st, 2009 and March 31st, 2010, AECL received 331 new informal request for personal information. An increase of 287 applications compared to fiscal year 2008-2009 mostly due to the Atomic Veteran's Recognition Program (AVRP).
- Out of 331 requests, 99.7% were completed and 0.3% was carried forward into the next fiscal year. A total of 11 642 pages were reviewed.

1.2 2009-2010 STATISTICAL REPORT



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 2009-04-01 to/à 2010-03-31	
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I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels		IV Exclusions cited / Exclusions citées		VII Translations / Traductions	
Received during reporting period / Reçues pendant la période visée par le rapport	84	S. Art. 68(1)(a)	0	Translations requested / Traductions demandées	0
Outstanding from previous period / En suspens depuis la période antérieure	0	(b)	0	Translations prepared / Traductions préparées	English to French De l'anglais au français 0
TOTAL	84	S. Art. 70(1)(a)	0	French to english Du français à l'anglais 0	0
Completed during reporting period / Traitées pendant la période visée par le rapport	82	(b)	0		
Carried Forward / Reportées	2	(c)	0		
		(d)	0		
		(e)	0		
		(f)	0		

II Disposition of requests completed / Disposition à l'égard des demandes traitées		V Completion time / Délai de traitement		VIII Method of access / Méthode de consultation	
1. All Disclosed / Communication totale	12	30 days or under / 30 jours ou moins	78	Copies given / Copies de l'original	58
2. Disclosed in part / Communication partielle	46	31 to 60 days / De 31 à 60 jours	4	Examination / Examen de l'original	0
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0	61 to 120 days / De 61 à 120 jours	0	Copies and examination / Copies et examen	0
4. Nothing disclosed (exempt) / Aucune communication (exemption)	0	121 days or over / 121 jours et plus	0		
5. Unable to process / Traitement impossible	23				
6. Abandoned by applicant / Abandon de la demande	1				
7. Transferred / Transmission	0				
TOTAL	82				

III Exemptions invoked / Exemptions invoquées		VI Extensions / Prorogations des délais		IX Corrections and notation / Corrections et mention	
S. Art. 18(2)	0	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus	Corrections requested / Corrections demandées	0
S. Art. 19(1)(a)	0	Interference with operations / Interruption des opérations	0	Corrections made / Corrections effectuées	0
(b)	0	Consultation	3	Notation attached / Mention annexée	0
(c)	0	Translation / Traduction	0		
(d)	0	TOTAL	3		
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	46				
S. Art. 27	9				
S. Art. 28	0				

X Costs / Coûts	
Financial (all reasons) / Financiers (raisons)	(\$ 000)
Salary / Traitement	165564.5
Administration (O and M) / Administration (fonctionnement et maintien)	52427
TOTAL	217991.5
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	1.50

1.3 INTERPRETATION OF THE STATISTICAL REPORT

1.3.1 Box 1 – Requests under the *Privacy Act*

Eighty-four requests for information under the *Privacy Act* were received in fiscal year 2009-2010. Out of the 84 requests received, 82 were completed between April 1st, 2009 and March 31st, 2010 and 2 were carried forward into the next fiscal year.

1.3.2 Box II – Disposition of completed requests

Of the 82 requests completed in 2009-2010, information was disclosed in full for 12 requests and in part for 46 requests. As for the remainder, AECL was unable to process 23 requests as the requested information did not fall within our custody and control and one request was abandoned by the applicant.

1.3.3 Box III and IV – Exemptions invoked and Exclusions cited

Where access to certain information was denied, the following exemptions were invoked:

<u>Reason</u>	<u>Incidence</u>
Personal Information (s.26)	46
Solicitor-Client Privilege (s.27)	9

No Exclusions were cited in fiscal year 2009-2010.

1.3.4 Box V and VI – Completion Time and Extensions

78 requests received were completed within the 30 day legislated timeframe and 4 requests were completed between 61 to 120 days. Three, 30 days and under extensions for consultation purposes were required.

1.3.5 Box VII – Translations

No translations were prepared during the period under review.

1.3.6 Box VIII – Method of Access

Access to the relevant documents was given, in whole or in part, for 58 requests.

1.3.7 Box IX – Corrections and notation

Neither corrections nor notations were prepared during the period under review.

1.3.8 Box X – Costs

Total salary costs associated with *Privacy Act* activities are estimated at \$165,564.50 for fiscal year 2009 – 2010. Other operation and maintenance costs amounted to \$52,427.00 for a total of \$217,991.50. The associated full-time equivalency (FTE) human resource is 1.5.

1.4 ORGANIZATION OF *PRIVACY ACT* ACTIVITIES

1.4.1 Structure

AECL's 5,000 employees deliver cutting edge nuclear services, research and development (R&D) support, design and engineering, construction management, specialized technology, refurbishment, waste management and decommissioning in support of CANDU® reactor products.

To meet this mandate, AECL works with a wide range of partners and stakeholders, including other federal government departments and agencies, provincial and international governments, non-governmental organizations and the academic community.

Employees of AECL are located primarily at the Corporate office in Mississauga, its nuclear laboratories at Chalk River, Ontario and at multiple project and service offices across Canada and overseas. AECL's ATIP Office is located in Ottawa and consists of three employees including one Director, one Senior Analyst and one Analyst. Cooperation and collaboration with many sectors of the economy is ongoing throughout the planning, implementation and delivery of AECL products and services.

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.

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. The final decisions on severances, exemptions and exclusions are the responsibility of the ATIPO.

1.4.2 Processing Procedures

The processing of Privacy requests is centralized at the Access to Information and Privacy Office (ATIPO) located in Ottawa, Ontario. AECL's Access to Information and Privacy Director remains accountable for the development, coordination and implementation of effective policies, guidelines, systems and procedures that enable the efficient processing of requests under both the *Access to Information* and *Privacy Acts*. The Director is also responsible for related policies, systems and procedures resulting from the *Acts*, such as privacy protection and the collection and inventory and security of personal information banks. The Director acts as the point of contact for the Corporation in dealings with the ATIP Directorate at Treasury Board Secretariat and colleagues in ATIP at government departments and agencies.

The ATIP Office is responsible for integrating procedures and services for the efficient administration of the *Access to Information* and *Privacy* legislation. In addition to the processing of formal and informal requests, consultations and complaints, the ATIP Office also provides advice and assistance to line operations on all aspects of the legislation, as well as preparing statistical and status reports for senior management.

All formal requests for information under the *Privacy Act* are forwarded to the ATIP Office where they are reviewed for clarity and conformity with the legislation. Information retrieval is facilitated electronically and the office of the primary interest (OPI) and the ATIP Director work together to formulate recommendations on the disposition of the case. These recommendations are justified by the Director to the Senior Management Team.

1.5 PRIVACY IMPLEMENTATION

1.5.1 Education and Training

AECL's ATIPO and Organizational Development and Training (ODT) has implemented and registered the PA Awareness course under AWS-0030 to gain a total of 3 credit hours. This training is to inform AECL employees of the requirements of the *Privacy Act*. It is one of ATIPO's objectives to ensure that all AECL employees understand their obligations to the requirements of the *Privacy Act*. In addition, the training provides details on tight deadlines and consultation process with other levels of governments. Briefing sessions form an integral part of the ATIP communications and training objectives.

Seven information sessions on the *Privacy Act* were given to four new AECL executives and hundreds of employees, nurses and senior managers from the Occupational Safety and Health Centre and Information Technology Security Unit at head office in Mississauga, Chalk River

Laboratories, Low-Level Radioactive Waste Management Office in Port Hope and Whiteshell Laboratories.

The ATIP Office will focus on additional training requirements for the upcoming fiscal year. Informal briefing sessions are also given regularly by the Director during the process of retrieval and review of documents in response to PA requests.

1.5.2 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*.

1.6 PRIVACY POLICIES AND DISCLOSURES

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

Mechanisms and procedures are in place to ensure the ongoing protection of personal information. AECL drafted an institution-specific Privacy Policy related to the *Privacy Act*. Several Privacy Statements have also been added to institution-specific forms and the external website www.aecl.ca.

AECL also worked to identify the collections of personal information and registered six new Institution-specific Personal Information Banks with Treasury Board Secretariat.

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.

(See Appendix B)

1.8 COMPLAINTS AND INVESTIGATIONS

Applicants have the right of complaint pursuant to the *Privacy Act* and may exercise this right at any time during the processing of their request.

AECL received one complaint under the *Privacy Act* this fiscal year. The applicant complained on the extension required in response to his request. The complaint was closed and found “Discontinued” by the Office of the Privacy Commissioner of Canada at the end of the fiscal year.

No appeals were filed with the Federal Court at the end of the reporting period.

1.9 APPENDICES

1.10 Appendix A

1.10.1.1 AECL Organizational Structure

AECL is an agent Crown corporation reporting to Parliament through the Minister of Natural Resources Canada. Management organizes its business activities and evaluates its financial results through two distinct business divisions: CANDU Reactor and Research and Technology. Each division is responsible for achieving its business goals as established in the Corporate Plan. The corporate services function has traditionally supported these divisions.

CANDU Reactor Division

The CANDU Reactor Division, based in Mississauga, Ontario, employs approximately 2,000 people and operates on a commercial basis providing nuclear products and related services. It generates value for nuclear utilities worldwide through its three core business lines: New Build, Life Extension and Services.

Research and Technology Division

AECL's Research and Technology Division employs approximately 3,000 people and is principally centred at Chalk River Laboratories, Canada's largest federal laboratory. Almost 400 of those staff members are employed in other locations, including the Whiteshell Laboratories in Manitoba.

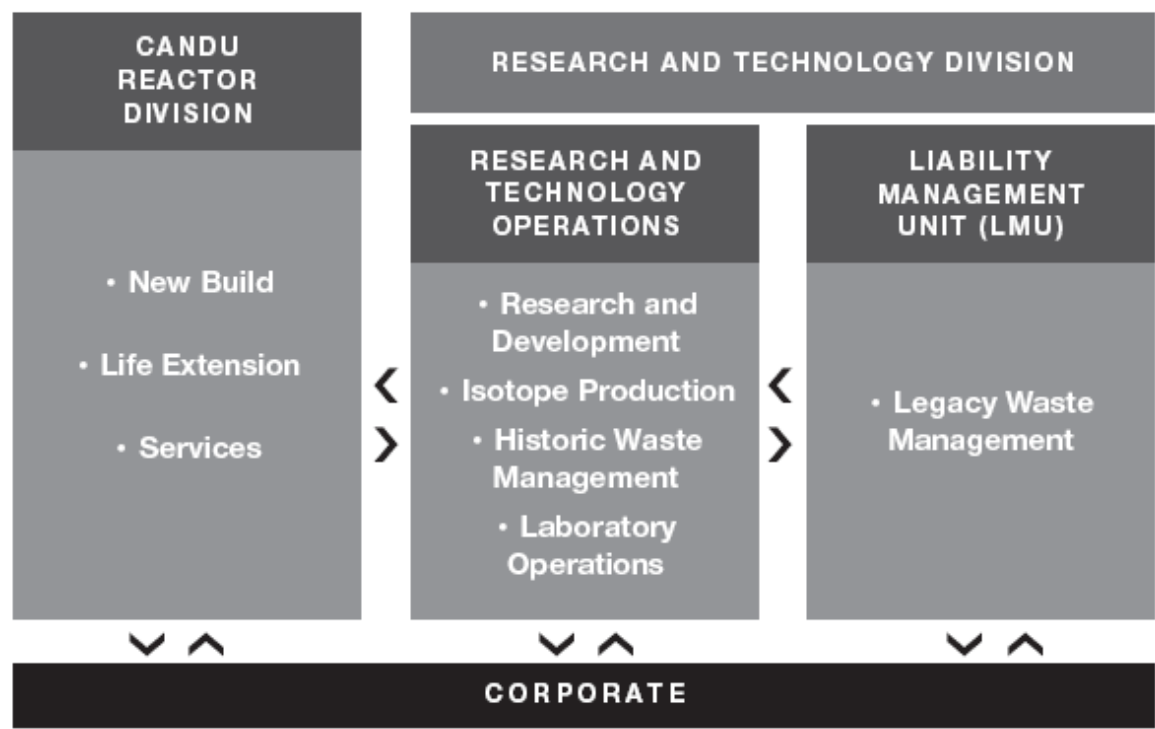
The Division maintains facilities and research and development capabilities that are leveraged to benefit Canada and the nuclear industry. These benefits include isotope production capabilities; research themes that are focused on maintaining and improving safety; and nuclear-related products and services. Through innovation and engineering services, the Division supports the safe and efficient operation of CANDU nuclear generating stations and helps customers meet their regulatory requirements.

The Division is largely supported by the Government. It also generates revenue from the sale of products and/or services, including isotopes, research contracts for the CANDU Owners Group, and commercial waste management services for hospitals and universities.

The Division also supports the CANDU Reactor Division in performing research, technical support and testing in the development of new commercial products, such as the ACR-1000.

The Division reports its financial performance under Research and Technology Operations and the Liability Management Unit.

1.10.1.2 AECL Organizational Chart



1.11 Appendix B

1.11.1.1 Delegation of Authority

POSITION

President and CEO

AECL Director,
Access to Information and Privacy,
ATIP Office

SECTION OF THE ACT

8(2)m

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

1.11.1.2 *Privacy Act Delegation Order*
 AECL OFFICIAL USE ONLY/
 À USAGE EXCLUSIF D'AECL

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



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		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	



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	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

Date

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