



Government of Canada
Privy Council Office

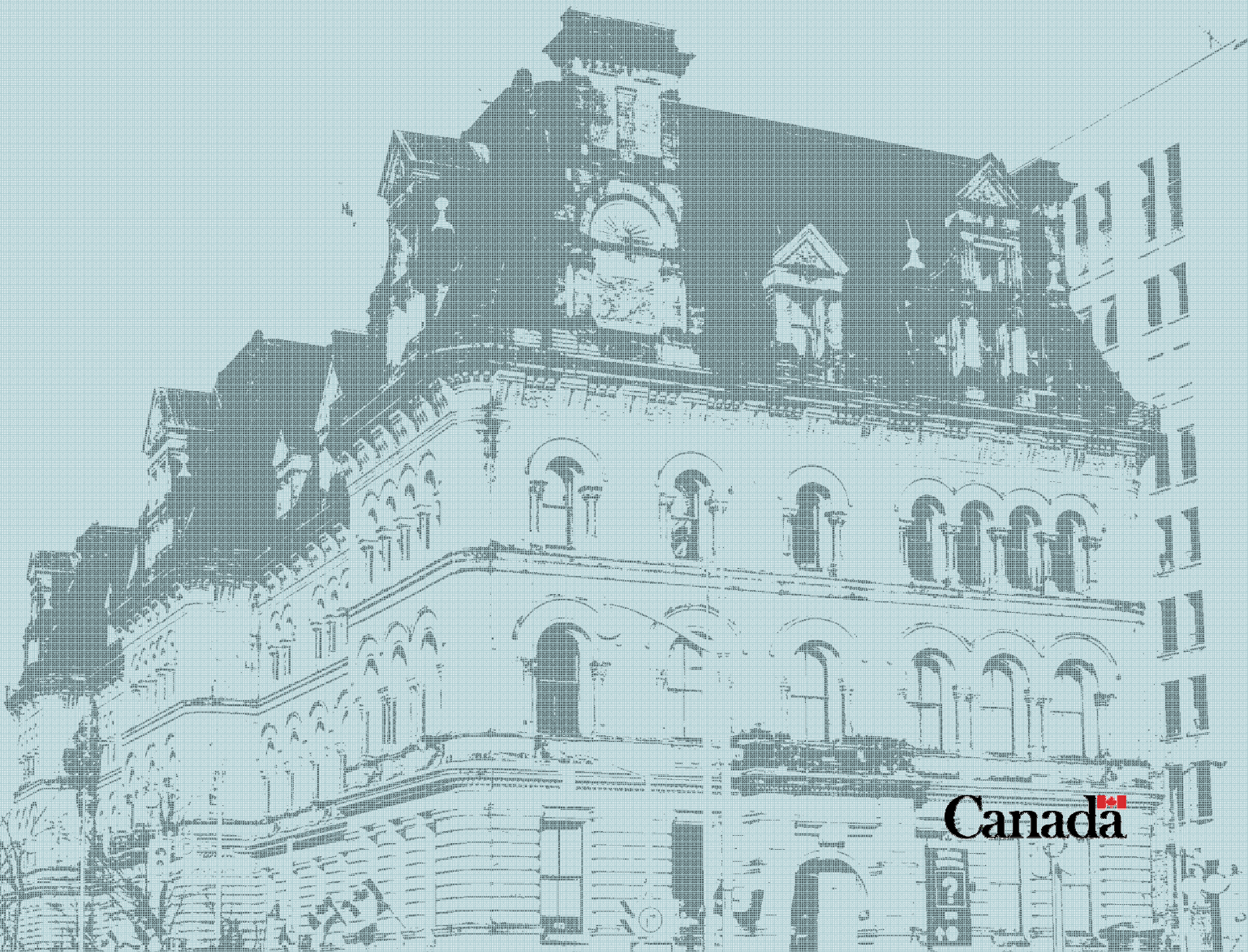
Gouvernement du Canada
Bureau du Conseil privé

ANNUAL REPORT TO PARLIAMENT ON THE *PRIVACY ACT*

2010-2011

PRIVY COUNCIL OFFICE

APRIL 1, 2010 TO MARCH 31, 2011



Canada 

2010-2011 Annual Report to Parliament on the *Privacy Act* Privy Council Office

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Introduction

The Privy Council Office (PCO) reports directly to the Prime Minister and is headed by the Clerk of the Privy Council and the Secretary to the Cabinet. The PCO is both the Cabinet secretariat and the Prime Minister's source of public service advice across the entire spectrum of policy questions and operational issues facing the Government.

The PCO also provides support to the Leader of the Government in the House of Commons, the Minister of State (Democratic Reform), the Minister of State and Chief Government Whip, the Leader of the Government in the Senate, and the Minister of Intergovernmental Affairs and President of the Queen's Privy Council for Canada.

The overall responsibilities of the Privy Council Office include:

- providing professional, non-partisan advice to the Prime Minister and Cabinet;
- managing the Cabinet's decision-making system, including coordinating Departmental policy proposals and conducting policy analysis;
- arranging and supporting meetings of Cabinet and Cabinet committees;
- advancing the development of the Government's agenda across federal departments and agencies and with external stakeholders;
- providing advice on the Government's structure and organization;
- managing the appointment process for senior positions in federal departments, Crown corporations and agencies;
- preparing Orders-in-Council and other statutory instruments to give effect to Government decisions;
- fostering a high-performing and accountable public service; and
- submitting an *Annual Report* to the Prime Minister on the state of the Public Service.

This is the 28th *Annual Report to Parliament* on the administration of the *Privacy Act* by the PCO, submitted as required by section 72(1) of the *Act*. This report covers the reporting period of April 1, 2010 to March 31, 2011.

Additional copies of this report may be obtained from:

Access to Information and Privacy Division
Privy Council Office
55 Metcalfe Street, Room 1340
Ottawa, Ontario K1A 0A3

Access to Information and Privacy Division

The *Privacy Act* protects the privacy of personal information held by the Government of Canada. The *Act* ensures the protection of that information against unauthorized use and disclosure, and provides individuals with the right of access to, and a means to correct, their personal information.

The Access to Information and Privacy (ATIP) Division is the focal point for access to information and privacy within the Privy Council Office. The Division is responsible for managing requests for departmental or personal information, ensuring corporate understanding and compliance with the *Access to Information Act* and the *Privacy Act*, and fostering corporate awareness of access and privacy rights and responsibilities. On matters of access and privacy, the ATIP Division also acts as a primary liaison with the Office of the Information Commissioner, the Office of the Privacy Commissioner, Treasury Board Secretariat, and partner departments.

The ATIP Division at the PCO has 26 approved full-time equivalents that are organized into three functional areas of responsibility.

1) ATIP Policy and Processes

- Provides expertise in Access to Information and Privacy policy
- Optimizes operations performance
- Researches trends and best practices in Access to Information and Privacy

2) Operations

- Processes Access to Information and Privacy requests
- Oversees the collection and release of personal and/or business information
- Maintains dialogue with secretariats and other federal or provincial institutions

3) Client Services and ATIP Training

- Produces training and promotional products
- Develops and delivers ATIP training programs
- Develops ATIP awareness messaging
- Coordinates responses to Parliamentary questions and petitions
- Provides database administration

The ATIP Division also provides a reading room where the public may examine requested departmental records, manuals, and publications related to privacy. This is in compliance with subsection 17(1) of the *Act*, which states: “Subject to any regulations made under paragraph 77(1)(o), where an individuals to be given access to personal information requested under subsection 12(1), the government institution shall (a) permit the individual to examine the information in accordance with the regulations; or (b) provide the individual with a copy thereof.”

Privacy Act

DELEGATION ORDER

The Prime Minister, as head of the Privy Council Office and pursuant to section 73 of the Privacy Act^a, hereby designates the officers or employees holding the positions set out in the schedule hereto, and any persons acting in those positions, to exercise or perform the powers, duties and functions of the Prime Minister as the head of a government institution under the sections of the *Act* and the regulations opposite each position in the schedule.

This delegation order supercedes all previous delegation orders.

Loi sur la protection des renseignements personnels

ARRÊTÉ DE DÉLÉGATION

Le Premier ministre, en sa qualité de responsable du Bureau du Conseil privé et conformément à l'article 73 de la Loi sur la protection des renseignements personnels^a, délègue aux titulaires des postes énumérés en annexe, et à toutes autres personnes agissant dans ces postes de façon intérimaire, ses attributions à titre de responsable d'une institution fédérale aux termes des articles de la *Loi* et du règlement figurant en regard de chaque poste à l'annexe.

Le présent arrêté de délégation remplace et annule tout arrêté qui le précède.



Prime Minister / Premier ministre

June 13, 2008
Date

^a R.S. 1985, c. P-21 / L.R. 1985, ch. P-21

SCHEDULE / ANNEXE

Position / Poste	Sections of the Privacy Act^a / Articles de la Loi sur la protection des renseignements personnels^a	Sections of the Privacy Regulations^b / Articles du Règlement sur la protection des renseignements personnels^b
1. Clerk of the Privy Council and Secretary to the Cabinet. / <i>Greffier du Conseil privé et Secrétaire du Cabinet.</i>	Full delegation. / <i>Délégation entière.</i>	Full delegation. / <i>Délégation entière.</i>
2. Any senior management position within the Privy Council Office that reports directly to the position set out in paragraph 1 above. / <i>Tout poste de la haute gestion au sein du Bureau du Conseil privé, qui se rapporte directement au poste indiqué au paragraphe 1 ci-dessus.</i>	Full delegation. / <i>Délégation entière.</i>	Full delegation. / <i>Délégation entière.</i>
3. All Assistant Secretaries and Assistant Deputy Ministers within the Privy Council Office. / <i>Tous les Secrétaires adjoints et les Sous-ministres adjoints au sein du Bureau du Conseil privé.</i>	Full delegation. / <i>Délégation entière.</i>	Full delegation. / <i>Délégation entière.</i>
4. Any management position that is responsible for a unit within the Privy Council Office and that reports directly to a position covered by paragraph 2 above other than the Assistant Deputy Minister of Corporate Services Branch. / <i>Tout poste de gestionnaire qui est responsable pour une unité au sein du Bureau du Conseil privé et qui se rapporte directement à un poste envisagé au paragraphe 2 ci-dessus autre que le Sous-ministre adjoint de la Direction générale des services ministériels.</i>	Full delegation. / <i>Délégation entière.</i>	Full delegation. / <i>Délégation entière.</i>
5. Privacy Coordinator within the Privy Council Office. / <i>Coordonateur/trice de la protection des renseignements personnels au sein du Bureau du Conseil privé.</i>	8(4); 8(5); 9(1); 9(4); 10(1); 14; 15; 16; 17; 19; 35(4).	7; 9; 11(2); 11(4).

^a R.S. 1985, c. P-21 / L.R. 1985, ch. P-21

^b SOR/83-508 / DORS/83-508

2010-2011 Statistical Report on the *Privacy Act*



Government of Canada / Gouvernement du Canada

REPORT ON THE PRIVACY ACT

RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution Access to Information and Privacy Division / Division de l'accès à l'information et protection des renseignements personnels	Reporting Period / Période visée par le rapport 2010-04-01 to/à 2011-03-31
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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	10
Outstanding from previous period / En suspens depuis la période antérieure	4
TOTAL	14
Completed during reporting period / Traités pendant la période visée par le rapport	10
Carried Forward / Reportées	4

II Disposition of requests 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. Unable to process / Traitement impossible	* 6
6. Abandoned by applicant / Abandon de la demande	1
7. Transferred / Transmission	0
TOTAL	10

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	3
S. Art. 27	0
S. Art. 28	0

IV Exclusions cited / Exclusions citées	
S. Art. 68(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	8
31 to 60 days / De 31 à 60 jours	2
61 to 120 days / De 61 à 120 jours	0
121 days or over / 121 jours et 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	1	0
Consultation	1	0
Translation / Traduction	0	0
TOTAL	2	0

VII Translations / Traductions		
Translations requested / Traductions demandées		0
Translations prepared / Traductions préparées	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	3
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

IX Corrections and notation / Corrections et mention	
Corrections requested / Corrections demandées	0
Corrections made / Corrections effectuées	0
Notation attached / Mention annexée	0

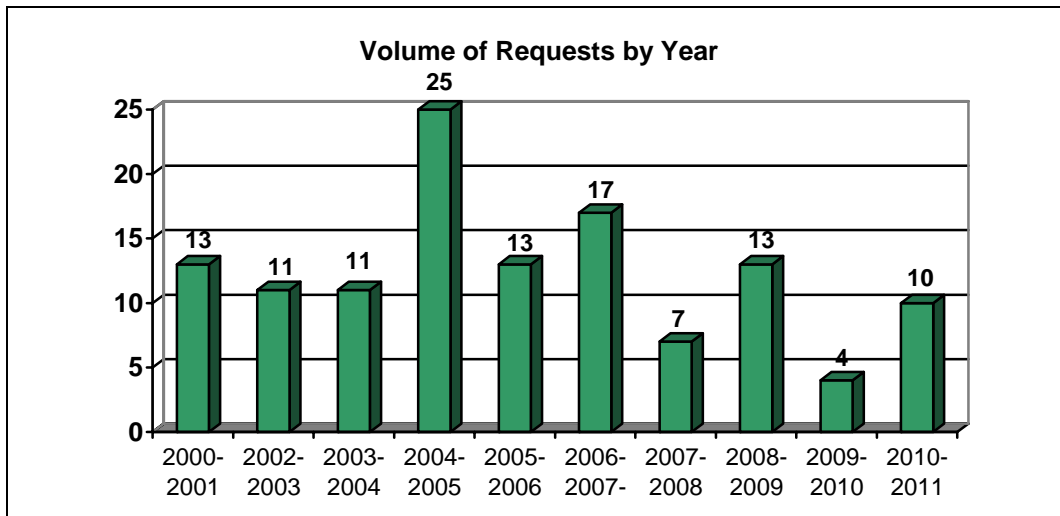
X Costs / Coûts	
Financial (all reasons) / Financiers (raisons)	(\$ 000)
Salary / Traitement	25
Administration (O and M) / Administration (fonctionnement et maintien)	3
TOTAL	28
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.36

*see explanation at page 8, first paragraph

Interpretation of the Statistical Report

a) Requests Received under the *Privacy Act*

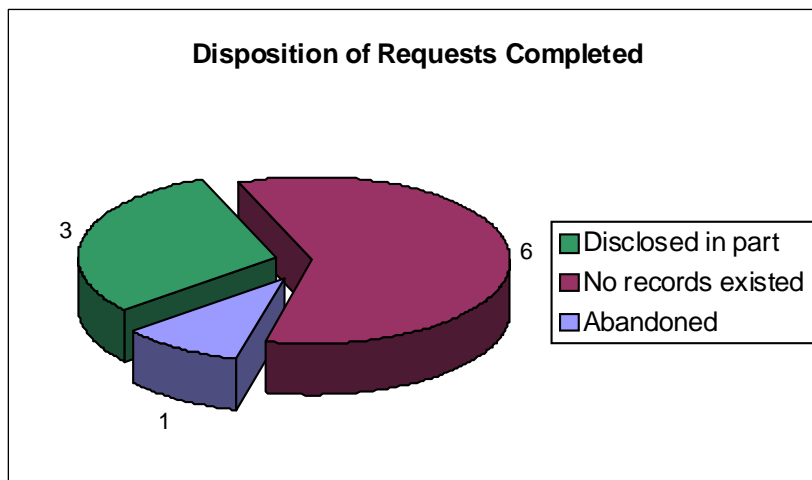
Between April 1, 2010 and March 31, 2011, the PCO received 10 requests for personal information under the *Privacy Act*, compared to 4 received the previous year. This represents an increase of 250% from 2009-2010.



b) Disposition of Requests Completed

In 2010-2011, the PCO completed 10 requests for personal information under the *Privacy Act*. This is comparable to the 9 requests, including requests carried over from previous fiscal years, completed in 2009-2010. The disposition of completed privacy requests was as follows:

- 3 disclosed in part
- 6 for which no records existed (shown as “unable to process” in the Statistical Report)
- 1 abandoned by the applicant



Note that the Treasury Board Secretariat uses the terminology “unable to process” at Part II (5) of the statistical report. However, these requests were processed. They either gave insufficient information to locate any relevant records, requested records not under the control of PCO (e.g., provincial/municipal records), or were requests for which no records were found to exist.

c) Exemptions Invoked

There are instances where information qualifies for necessary protection under the *Privacy Act*. A total of 3 exemptions were applied to information in privacy requests during 2010-2011, all under section 26 – information about another individual.

In compliance with the reporting requirements for the 2010-2011 statistical report to Parliament on the *Privacy Act*, additional information is provided on exemptions. The following exemptions were not invoked during the 2010-2011 reporting period:

- Paragraph 19(1)(e) - personal information obtained from the Westbank First Nation Council
- Paragraph 19(1)(f) - personal information obtained from a defined First Nation Council
- Subsection 22.1 – personal information obtained by the Privacy Commissioner
- Subsection 22.2 – personal information obtained by the Public Sector Integrity Commissioner
- Subsection 22.3 – personal information created under the *Public Servant Disclosure Protection Act*

d) Exclusions Cited

The *Privacy Act* does not apply to certain information described by section 69(1) and section 69(2) of the *Act*, or to confidences of the Queen’s Privy Council for Canada pursuant to section 70(1). During this reporting period, section 69 and section 70 were not invoked.

In compliance with the reporting requirements for the 2010-2011 statistical report to Parliament, additional information is provided on exclusions. The following exclusions were not cited during the 2010-2011 reporting period:

- Subsection 69.1 – personal information used for journalistic or artistic purposes by the Canadian Broadcasting Corporation
- Subsection 70.1 – personal information prohibited from release by a certificate under the *Canada Evidence Act*

e) Completion Time

There are certain circumstances in which a file may require more than 30 days to complete. In 2010-2011, 8 requests were completed in 30 days or less, while 2 were completed in 31 to 60 days. This equates to an 80% rate of response within 30 days, an improvement over the 64% reported in 2009-2010.

f) Extensions of Time Limits

The *Privacy Act* provides for extensions to the legislated 30-day time limit, for consultations, or if meeting the original time would unreasonably interfere with the operations of the department. In the 2010-2011 fiscal year, the PCO took two extensions: 1 extension for 30 days or less to accommodate operations, and 1 extension for 30 days or less to complete consultations.

g) Translations

The *Act* states at section 17(2) that “where access to personal information is to be given under this Act and the individual...requests that access be given in a particular one of the official languages of Canada, (a) access shall be given in that language, if the personal information already exists; and (b) where the personal information does not exist in that language, the head of the government institution...shall cause it to be translated or interpreted...” if it would enable the individual to understand the information. During this reporting period, there were no translations requested.

h) Method of Access

Applicants have the options of receiving the response by mail or by picking it up in person. Nearly all replies are sent to the applicant by mail. The PCO provides records in hardcopy only. In 2010-2011, the PCO gave copies of relevant documents to requesters for 3 requests. No requesters asked to examine documents on site during this reporting period.

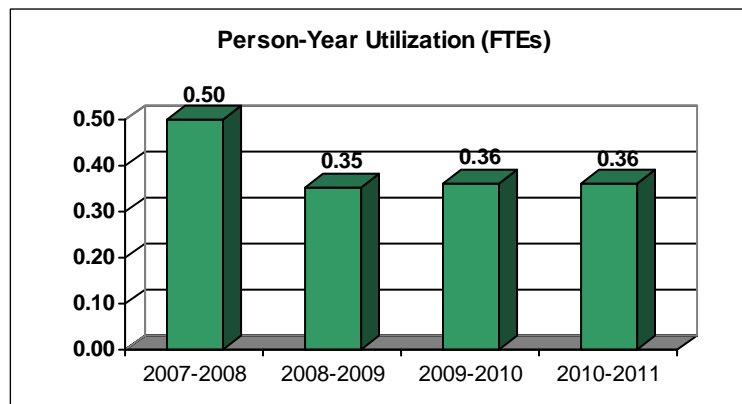
i) Corrections and Notation

There were no corrections or notations made during this reporting period.

j) Costs

In the 2010-2011 reporting period, the total salary costs associated with administering the *Privacy Act* were \$25,673.00, close to the \$26,536.00 of the previous year. Administrative costs amounted to \$3,405.00, down from \$10,929.00 in 2009-2010. Total cumulative costs amounted to \$29,078.00, a decrease of \$8,387.00 from 2009-2010.

The associated person-year resource utilization for the 2010-2011 reporting period was 0.36 full-time equivalents (FTEs) out of 28 approved FTEs, no change from the 2009-2010 fiscal year.



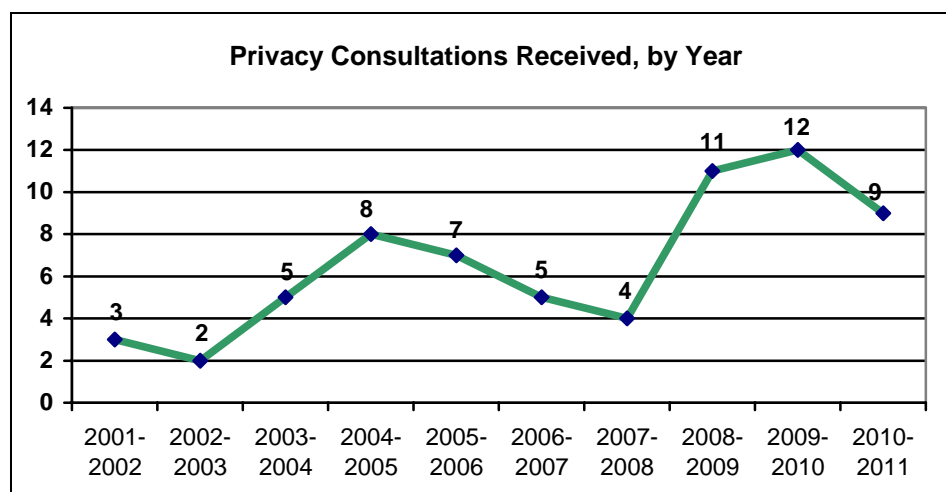
Consultations

a) External Consultations

The interdepartmental nature of information in many records under the control of the PCO continues to necessitate external consultations. This requirement is the principal reason why some requests take an extended length of time to process. During the reporting year, the PCO sent out 2 privacy consultations to other government institutions.

b) Consultations Received from Other Government Institutions

The department received 9 privacy consultations in the 2010-2011 fiscal year. As shown in the chart below, this volume of consultations is within the median of the last seven years. Consultation requests require resources at a level similar to the processing of privacy requests.



In terms of privacy consultations, the following departments and institutions sought the views of the PCO during 2010-2011:

- Royal Canadian Mounted Police
- Department of Foreign Affairs and International Trade
- Canadian Security Intelligence Service

Education and Training Activities

PCO promotes access to information imperatives in face-to-face meetings, presentations, special events, learning products, on the Intranet and through its training program. It fosters responsible working relationships with clients, and operates under a clearly elaborated timeline.

The PCO delivered ATIP training or awareness sessions to 242 employees through a total of 60 training events during the reporting year. Of these training events, 48 were training sessions presented jointly with Corporate Information Services Division, including 32 delivered in

English, and 16 in French. These joint sessions form an integral part of the orientation program for employees new to the PCO. The PCO-ATIP Director met with officials of portfolio Ministers to detail the ATIP business environment and promote understanding. The PCO Executive Committee was also briefed on access statistics, performance and compliance. ATIP senior staff met with senior officials in PCO Secretariats to clarify roles and strengthen the working relationship. PCO-ATIP analysts liaised with clients on a regular basis to explain the five-stage request timeline, train on processes such as record search or review, and make expectations clear. The access business process is elucidated through a 24-page booklet, learning materials, and electronic resources maintained on the PCO Intranet.

In fall 2010, PCO-ATIP developed and delivered an electronic presentation to all 900 PCO staff promoting compliance with the Act. ATIP content on the internal website was also updated to reflect streamlined approval procedures for access to information requests.

Privacy-Related Policies, Guidelines, and Procedures

a) Technological Change

In early 2011, following testing and validation, the department brought into service an upgraded version of its case management software. The program contains more comprehensive reporting and document management functions than the outgoing version, and will facilitate the population of expanded Statistical Reports brought into effect by Treasury Board in April 2011.

b) Co-location

Recognizing the value to the access to information process that co-location of ATI staff provides, the PCO secured additional floor space adjacent to one of two current PCO access to information worksites in Ottawa, Ontario. Consolidation of all ATI staff in this expanded workspace is planned for spring 2011. The move will increase oversight, improve communication and reduce logistical movement in the processing of records.

Other Activities

a) General Operations

Statistics do not provide a complete picture of general operations. For example, routine inquiries about privacy and personal information matters are received which, whenever possible, are treated informally and to the satisfaction of the requesters. In addition, the PCO received privacy requests from applicants who assumed the institution holds all government information of a personal nature, or whose requests should be addressed to provincial governments. In these cases, a letter to the requester is written explaining the nature and role of the PCO and the privacy application process. On a case-by-case basis, information is provided or the requester is referred to the appropriate federal authority for more information.

b) Data Matching and Sharing

For the 2010-2011 reporting period, the PCO did not establish any new systems or processes which led to data matching or sharing of personal information, either within the department or with any external sources. The department was not involved in any data matching activities.

Complaints and Investigations

In 2010-2011, the PCO received no complaints pursuant to the *Privacy Act*.

Additional Reporting Requirements

In compliance with the reporting requirements for the 2010-2011 statistical report to Parliament on the *Privacy Act*, total numbers are provided below for the following activities:

- Preliminary Privacy Impact Assessments initiated - none
- Preliminary Privacy Impact Assessments completed - none
- Privacy Impact Assessments (PIAs) initiated - 2
- PIAs completed - none
- PIAs forwarded to the Office of the Privacy Commissioner (OPC) – none
- Disclosures made under paragraph 8 (2)(m) of the *Privacy Act* during the reporting period - none