

Government  
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du Canada[Home](#) → [Military Grievances External Review Committee](#) → [Access to Information and Privacy](#)

# 2015-16 Annual Reports on the Access to Information Act and the Privacy Act

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## Table of Contents

- [Report on the Access to Information Act](#)
  - 1. [Introduction](#)
  - 2. [Administration](#)
  - 3. [Delegation Order for Access to Information Act](#)
  - 4. [Statistical Report on the Access to Information Act](#)
  - 5. [Training](#)
  - 6. [Policies, Guidelines and Procedures](#)
  - 7. [Complaints and Investigations](#)
  - 8. [Completion Time and Extensions](#)
- [Report on the Privacy Act](#)
  - 1. [Introduction](#)
  - 2. [Administration](#)
  - 3. [Delegation Order for Privacy Act](#)
  - 4. [Statistical Report on the Access to Privacy Act](#)
  - 5. [Training](#)
  - 6. [Policies, Guidelines and Procedures](#)
  - 7. [Complaints and Investigations](#)
  - 8. [Completion Time and Extensions](#)
  - 9. [Privacy breaches](#)
  - 10. [Privacy Impact Assessment](#)
  - 11. [Disclosures Under Paragraphs 8\(2\)\(m\) of the Privacy Act](#)

## Report on the Access to Information Act

### 1. Introduction

The *Access to Information Act* gives Canadian citizens, as well as people and corporations present in Canada, the right to access to federal government records that are not of a personal nature. The Act complements but does not replace other procedures for obtaining Government information. It is not intended to limit in any way the access to Government information that is normally available to the public upon request.

This report has been prepared and tabled in parliament in accordance with section 72 of the *Access to Information Act*.

The *raison d'être* of the Military Grievances External Review Committee (the Committee or MGERC (Military Grievances External Review Committee)) is to provide an independent and external review of military grievances. Section 29 of the *National Defence Act* (NDA (National Defence Act)) provides a statutory right for an officer or a non-commissioned member who has been aggrieved, to grieve a decision, an act or an omission in the administration of the affairs of the Canadian Armed Forces. The importance of this broad right cannot be overstated since it is, with certain narrow exceptions, the only formal complaint process available to Canadian Armed Forces members.

The Committee reviews military grievances referred to it and provides findings and recommendations (F&Rs (Findings and Recommendations)) to the Chief of the Defence Staff (CDS (Chief of the Defence Staff)) and the officer or non-commissioned member who submitted the grievance.

The Committee also has the obligation to deal with all matters before it as informally and expeditiously as the circumstances and the considerations of fairness permit.

### 2. Administration

The Access to Information and Privacy (ATIP (Access to Information and Privacy)) Office is part of the Strategic Planning and Performance Measurement services. The section has 2 employees which dedicate on average .02% of their time to fulfill the Committee's obligations under both legislations.

The Access to Information and Privacy (ATIP (Access to Information and Privacy)) Coordinator, the

Executive Director and the General Counsel have delegated authority to oversee the administration of the *Access to Information Act* and the *Privacy Act* within the Military Grievances External Review Committee and to ensure compliance with the legislation.

A description of the classes of institutional records held by the Military Grievances External Review Committee can be accessed through public and academic libraries and constituency offices of federal members of Parliament and can be found on the Info Source section of the Committee's website at <http://mgerc-ceegm.gc.ca/pd-dp/is-is-eng.html> . The Military Grievances External Review Committee does not have any exempt banks.

In accordance with the *Access to Information Act*, members of the public may examine publications and other public documents governing the administration and operation of the Military Grievances External Review Committee at:

Military Grievances External Review Committee  
60 Queen Street, 9<sup>th</sup> Floor  
Ottawa, Ontario K1P 5Y7

### 3. Delegation Order for *Access to Information Act*

The Canadian Forces Grievance Board was renamed to the Military Grievances External Review Committee by the *Act to amend the National Defence Act* and to make consequential amendments to other Acts, S.C. 2013, c. (chapter), 24, s.11(1). A new delegation order was signed by the Chairperson to reflect the name change.

#### Delegation Order

##### *Access to Information Act*

I, the undersigned, Chairperson of the Military Grievances External Review Committee, pursuant to Section 73 of the *Access to Information Act*, hereby authorize the Executive Director, the General Counsel and the Access to Information and Privacy Coordinator, to exercise signing authorities or perform any of the Chairperson's powers, duties or function specified in the attached Schedule A.

Bruno Hamel  
Chairperson  
Military Grievances External Review Committee

Date : 26 March 2014

#### Schedule A - Delegation of powers, functions and duties pursuant to section 73 of the *Access to Information Act*

Section	Description	Executive Director	General Counsel	ATIP (Access to Information and Privacy) Coordinator
7	Respond to request for access within 30 days; give access or give notice	X		X
8	Transfer a request to the government institution with greater interest; give written notice of the transfer to applicant	X		X
9	Extend time limits for responding to request and give notice to Information Commissioner of extension over 30 days	X		X
10	Issue notice where access is refused	X	X	X
11	Administer the collection of fees	X		X
12(2)	Decide whether to translate requested record(s)	X		X
12(3)	Convert record(s) in an alternative format, when necessary and reasonable	X		X

Section	Description	Executive Director	General Counsel	ATIP (Access to Information and Privacy) Coordinator
13(1)	Shall refuse to disclose any record obtained in confidence from another government	X	X	
13(2)	May disclose any record referred to in 13(1) if the other government consents to the disclosure or makes the information public	X	X	
14	May refuse to disclose any record if reasonably injurious to the conduct of Federal-Provincial affairs	X	X	
15	May refuse to disclose any record if reasonably injurious to international affairs and defence or the detection, prevention, or suppression of subversive or hostile activities	X	X	
16	May refuse to disclose any record pertaining to law enforcement and investigations, to information that could reasonably be expected to facilitate the commission of an offence, to confidential information on policing services for provinces and municipalities	X	X	
17	May refuse to disclose any record that could reasonably threaten the safety of individuals	X	X	
18	May refuse to disclose any record that could reasonably be expected to be materially injurious to the economic interest of Canada	X	X	
19	Shall refuse to disclose any record that contains personal information as defined in section 3 of the <i>Privacy Act</i>	X	X	X
20	Shall refuse to disclose any record that contains third party information	X	X	X
21	May refuse to disclose any record that contains information related to the operations of government	X	X	
22	May refuse to disclose any record that contains information relating to testing or auditing procedures	X	X	
23	May refuse to disclose any record that contains information subject to solicitor-client privilege	X	X	X
24	Shall refuse to disclose any record that is subject to statutory prohibitions as set out in Schedule II	X	X	
25	Shall sever any information that could risk being disclosed	X	X	X
26	May refuse to disclose any record on reasonable grounds that such material is to be published within a 90 day period or longer	X	X	

Section	Description	Executive Director	General Counsel	ATIP (Access to Information and Privacy) Coordinator
27(1) and (4)	Shall give notice to a third party of the intent to disclose any records that may contain third party information and may extend the time limit for third party notification	X	X	X
28(1)(b)	Shall within 30 days after notice is given to third party as per Section 27(1), give notice of the decision to disclose any record pertaining to the third party	X	X	X
28(2)	Waive the requirements for a written representation by a third party	X	X	X
28(4)	Disclose a record pertaining to third party following 20 days from the notice having been issued to a third party of the decision to disclose, unless the third party requests a review of the decision as per section 44	X	X	X
29(1)	Give written notice to the applicant and to any involved third party of the Board's decision to disclose information on the recommendation of the Information Commissioner	X	X	
33	Shall advise the Information Commissioner of any third party notified under section 27(1) when given notice of an investigation or that would have been notified had disclosure been intended	X		X
35(2)	Right to make representation to the Information Commissioner in the course of an investigation	X	X	
37(1)(b)	Receive Information Commissioner's report of findings and recommendations and give notice of action taken or reasons why no action was taken	X	X	
37(4)	Give complainant access to a record after 37(1)(b) where a notice is required	X	X	
43(1)	Give notice to a third party of an application for a Court review under section 41 or 42	X	X	X
44(2)	Give notice to an applicant of the third party's application for a Court review under section 44	X	X	X
52(2)	Request that sections 41 or 42 hearings held in camera be heard and determined in the National Capital Region	X	X	X
52(3)	Request and be given right to make representation <i>ex parte</i> in Section 52	X	X	X
68,69	Deny any record that is excluded in the <i>Act</i>	X	X	X
71(2)	Exclude any exempt information contained in manuals before the manuals are inspected by the public	X	X	X
72(1)	Prepare Annual Report to Parliament			X

Section	Description	Executive Director	General Counsel	ATIP (Access to Information and Privacy) Coordinator
77	Responsibilities conferred on the head of the institution by the regulations made under Section 77	X	X	X

#### 4. Statistical Report on the *Access to Information Act*

Name of institution: Military Grievances External Review Committee

Reporting period: 2015-04-01 to 2016-03-31

#### Part 1: Requests Under the *Access to Information Act*

##### 1.1 Number of Requests

	Number of Requests
Received during reporting period	6
Outstanding from previous reporting period	0
Total	6
Closed during reporting period	6
Carried over to next reporting period	0

##### 1.2 Sources of requests

Source	Number of Requests
Media	1
Academia	1
Business (private sector)	1
Organization	3
Public	0
Decline to Identify	0
Total	6

##### 1.3 Informal Requests

Completion Time							
1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
4	2	1	0	0	0	0	7

**Note:** All requests previously recorded as "treated informally" will now be accounted for in this section only.

#### Part 2: Requests Closed During the Reporting Period

##### 2.1 Disposition and completion time

Disposition of	Completion Time
----------------	-----------------

requests	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
All disclosed	3	0	0	0	0	0	0	3
Disclosed in part	3	0	0	0	0	0	0	3
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	0	0	0	0	0	0	0	0
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	6	0	0	0	0	0	0	6

## 2.2 Exemptions

Section	Number of Requests
13(1)(a)	0
13(1)(b)	0
13(1)(c)	0
13(1)(d)	0
13(1)(e)	0
14(a)	0
14(b)	0
15(1) - I.A. <sup>1</sup>	0
15(1) - Def. <sup>2</sup>	0
15(1) - S.A. <sup>3</sup>	0
16(1)(a)(i)	0
16(1)(a)(ii)	0
16(1)(a)(iii)	0
16(1)(b)	0
16(1)(c)	0
16(1)(d)	0
16(2)(a)	0
16(2)(b)	0
16(2)(c)	0
16(3)	0
16.1(1)(a)	0

Section	Number of Requests
16.1(1)(b)	0
16.1(1)(c)	0
16.1(1)(d)	0
16.2(1)	0
16.3	0
16.4(1)(a)	0
16.4(1)(b)	0
16.5	0
17	0
18(a)	0
18(b)	0
18(c)	0
18(d)	0
18.1(1)(a)	0
18.1(1)(b)	0
18.1(1)(c)	0
18.1(1)(d)	0
19(1)	3
20(1)(a)	0
20(1)(b)	0
20(1)(b.1)	0
20(1)(c)	0
20(1)(d)	0
20.1	0
20.2	0
20.4	0
21(1)(a)	0
21(1)(b)	0
21(1)(c)	0
21(1)(d)	0
22	0
22.1(1)	0
23	0
24(1)	0
26	0

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### Table notes

tnb1 I.A.: International Affairs

tnb2 Def.: Defence of Canada

tnb3 S.A.: Subversive Activities

## 2.3 Exclusions

Section	Number of Requests
68(a)	0
68(b)	0
68(c)	0
68.1	0
68.2(a)	0
68.2(b)	0
69(1)(a)	0
69(1)(b)	0
69(1)(c)	0
69(1)(d)	0
69(1)(e)	0
69(1)(f)	0
69(1)(g) re (a)	0
69(1)(g) re (b)	0
69(1)(g) re (c)	0
69(1)(g) re (d)	0
69(1)(g) re (e)	0
69(1)(g) re (f)	0
69.1(1)	0

## 2.4 Format of information released

Disposition	Paper	Electronic	Other Formats
All disclosed	2	1	0
Disclosed in part	1	2	0
Total	3	3	0

## 2.5 Complexity

### 2.5.1 Relevant pages processed and disclosed

Disposition of Requests	Number of Pages Processed	Number of Pages Disclosed	Number of Requests
All disclosed	1571	1571	3
Disclosed in part	2266	1741	3
All exempted	0	0	0



Disposition of Requests	Number of Pages Processed	Number of Pages Disclosed	Number of Requests
All excluded	0	0	0
Request abandoned	0	0	0
Neither confirmed nor denied	0	0	0

### 2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than Pages Proce	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Di
All disclosed	2	18	0	0	0	0	1	1553	0	
Disclosed in part	2	10	0	0	0	0	1	1731	0	
All exempted	0	0	0	0	0	0	0	0	0	
All excluded	0	0	0	0	0	0	0	0	0	
Request Abandoned	0	0	0	0	0	0	0	0	0	
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	
Total	4	28	0	0	0	0	2	3284	0	

### 2.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	1	0	0	0	1
Disclosed in part	0	0	0	0	0
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request Abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Total	1	0	0	0	1

## 2.6 Deemed refusals

### 2.6.1 Reasons for not meeting statutory deadline

Number of Requests Closed Past the Statutory Deadline	Principal Reason			
	Workload	External Consultation	Internal Consultation	Other
0	0	0	0	0

**2.6.2 Number of days past deadline**

Number of Days Past Deadline	Number of Requests Past Deadline Where No Extension Was Taken	Number of Requests Past Deadline Where An Extension Was Taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
<b>Total</b>	0	0	0

**2.7 Requests for translation**

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
<b>Total</b>	0	0	0

**Part 3: Extensions****3.1 Reasons for extensions and disposition of requests**

Disposition of Requests Where an Extension Was Taken	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
All disclosed	0	0	0	0
Disclosed in part	0	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
<b>Total</b>	0	0	0	0

**3.2 Length of extensions**

Length of Extensions	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
30 days or less	0	0	0	0
31 to 60 days	0	0	0	0
61 to 120 days	0	0	0	0

Length of Extensions	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	0	0	0	0

#### Part 4: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	0	\$15	0	\$0
Search	0	\$0	0	\$0
Production	0	\$0	0	\$0
Programming	0	\$0	0	\$0
Preparation	0	\$0	0	\$0
Alternative format	0	\$0	0	\$0
Reproduction	0	\$0	0	\$0
Total	0	\$15	0	\$0

#### Part 5: Consultations Received From Other Institutions and Organizations

##### 5.1 Consultations received from other Government of Canada institutions and organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during reporting period	3	22	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	3	22	0	0
Closed during the reporting period	3	0	0	0
Pending at the end of the reporting period	0	22	0	0

##### 5.2 Recommendations and completion time for consultations received from other Government of Canada institutions

Recommendation	Number of days required to complete consultation requests							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total

Recommendation	Number of days required to complete consultation requests							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
Disclose entirely	2	0	0	0	0	0	0	2
Disclose in part	1	0	0	0	0	0	0	1
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	3	0	0	0	0	0	0	3

### 5.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	0	0	0	0	0	0	0	0

## Part 6: Completion Time of Consultations on Cabinet Confidences

### 6.1 Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 500 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

6.2 Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 500 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Part 7: Complaints and Investigations

Section 32	Section 35	Section 37	Total
0	0	0	0

Part 8: Court Action

Section 41	Section 42	Section 44	Total
0	0	0	0

Part 9: Resources Related to the *Access to Information Act*

9.1 Costs

Expenditures	Amount
Salaries	\$763
Overtime	\$0
Goods and Services	\$1,990
Professional services contracts	\$0

Expenditures	Amount
Other	\$1,990
<b>Total</b>	<b>\$2,753</b>

## 9.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	1.00
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
<b>Total</b>	<b>1.00</b>

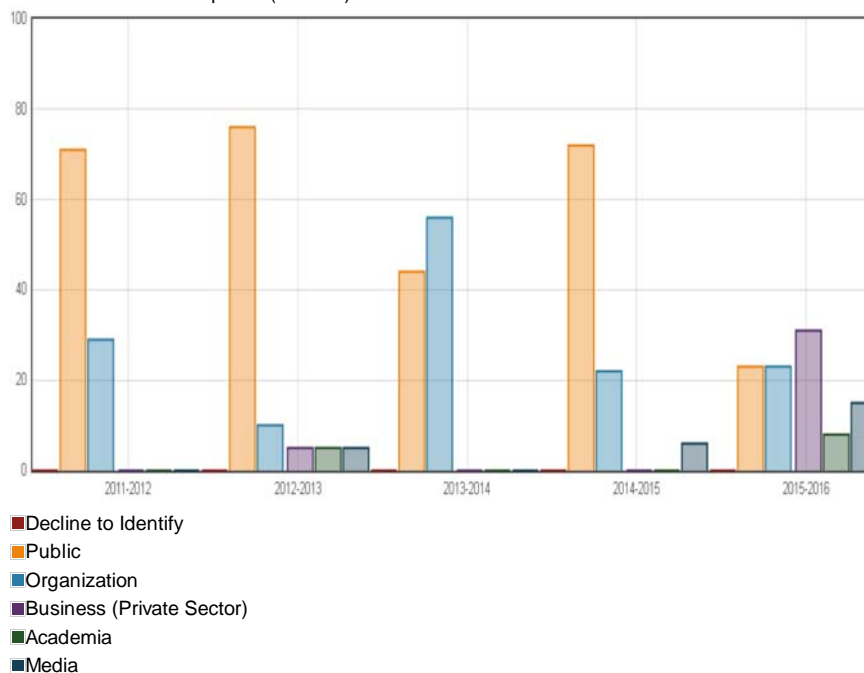
**Note:** Enter values to two decimal places.

### Requests under the *Access to Information Act*

During the reporting period of April 1, 2015, to March 31, 2016, the Military Grievances External Review Committee received a total of 13 new requests under the *Access to Information Act*; 6 formal and 7 informal and no request was carried forward from 2014-15.

The number of requests has remained about the same in the last five fiscal years, although 2013-14 has seen more requests for consultations from other organizations than from the public. In 2015-16, 10 requests were for the Committee's records of which 7 were informal requests, which represents a decrease in formal requests from previous years.

Trend of Source of Requests (Percent)



► Trend of Source of Requests (Percent) - Table

### Disposition of Completed Requests

In 2015-16, 6 formal requests were completed. The dispositions of the completed requests were as follows:

- 3 were fully disclosed;

- 3 were partially disclosed.

### Exemptions Invoked

The Access to Information Act, allows, and in some instances requires, that some information be exempted and not released. In 2015-16, the Committee invoked a total of 3 exemptions on formal requests pursuant to the following sections of the Access to Information Act:

- Section 19: Exempting records containing personal information.

### Exclusions Cited

There were no cases where exclusions were cited.

### Complexity

The amount of pages reviewed and fully disclosed were 1,571 and disclosed in part were 1,741 for a total of 3,312 pages.

### Fees

During the reporting period, \$15.00 fees were collected. The fees were waived on 7 informal requests.

### Costs

During 2015-16, an estimated \$763 in salary costs and \$1,990 in maintenance costs related to the ATIP (Access to Information and Privacy) management system were incurred to administer the Access to Information Act.

## 5. Training

As part of the Committee's Access to Information and Privacy Awareness Plan, ATIP (Access to Information and Privacy) WINK emails are sent to staff on a regular basis to share points of interest and information relating to ATIP (Access to Information and Privacy). These emails include a variety of items: from a quick snapshot on relevant subjects such as Best Practices, Information Security, Information and Records Management to presentations providing an overview of the Act s and quizzes. During the reporting period, awareness sessions related to access to information were as follow:

- ATIP (Access to Information and Privacy) Wink awareness session – Privacy and personal information (2 presentations and 2 quizzes to 46 employees).
- ATIP (Access to Information and Privacy) Wink awareness session – Increasing awareness of the basics of Access to Information and Privacy Acts for new employees.
- ATIP (Access to Information and Privacy) Wink awareness session – Best practice on Privacy and personal information (700 closest friends).
- ATIP (Access to Information and Privacy) Wink awareness session – Best practice on Information Security and Records management. (46 employees).

## 6. Policies, Guidelines and Procedures

During the reporting period, the Committee did not implement any new institution-specific policies, guidelines and procedures related to access to information.

## 7. Complaints and Investigations

No complaint or investigation.

## 8. Completion Time and Extensions

As a means to monitor the time required to process requests under both Acts (Access to Information Act and Privacy Act), the ATIP (Access to Information and Privacy) Office reports delays on its activities to the Executive Director, Corporate Services. For the period covered by this report, all requests were completed within the statutory deadline.

## Report on the *Privacy Act*

### 1. Introduction

The *Privacy Act* gives Canadians the right to access personal information held by the government

and protection of that information against unauthorized use and disclosure.

Ministers and heads of agencies are responsible for ensuring that their organizations comply with privacy legislation.

This report has been prepared in accordance with section 72 of the *Privacy Act*.

The *raison d'être* of the Military Grievances External Review Committee (the Committee or MGERC (Military Grievances External Review Committee)) is to provide an independent and external review of military grievances. Section 29 of the *National Defence Act* (NDA (National Defence Act)) provides a statutory right for an officer or a non-commissioned member who has been aggrieved, to grieve a decision, an act or an omission in the administration of the affairs of the Canadian Armed Forces. The importance of this broad right cannot be overstated since it is, with certain narrow exceptions, the only formal complaint process available to Canadian Armed Forces members.

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The Committee also has the obligation to deal with all matters before it as informally and expeditiously as the circumstances and the considerations of fairness permit.

## 2. Administration

The Access to Information and Privacy (ATIP (Access to Information and Privacy)) Coordinator, the Executive Director and the General Counsel have delegated authority to oversee the administration of the *Access to Information Act* and the *Privacy Act* within the Military Grievances External Review Committee and to ensure compliance with the legislation.

A description of the classes of institutional records held by the Military Grievances External Review Committee can be accessed through public and academic libraries and constituency offices of federal members of Parliament and can be found on the Info Source section of the Committee's website at <http://mgerc-ceegm.gc.ca/pd-dp/is-is-eng.html>. The Military Grievances External Review Committee does not have any exempt banks.

In accordance with the *Access to Information Act*, members of the public may examine publications and other public documents governing the administration and operation of the Military Grievances External Review Committee at:

Military Grievances External Review Committee  
60 Queen Street, 9<sup>th</sup> Floor  
Ottawa, Ontario K1P 5Y7

## 3. Delegation Order for *Privacy Act*

The Canadian Forces Grievance Board was renamed to the Military Grievances External Review Committee by the *Act to amend the National Defence Act* and to make consequential amendments to other Acts, S.C. 2013, c. (chapter), 24, s.11(1). A new delegation order was signed by the Chairperson to reflect the name change.

### Delegation Order

#### *Privacy Act*

I, the undersigned, Chairperson of the Military Grievances External Review Committee, pursuant to Section 73 of the *Privacy Act*, hereby authorize the Executive Director, the General Counsel and the Access to Information and Privacy Coordinator, to exercise signing authorities or perform any of the Chairperson's powers, duties or function specified in the attached Schedule B.

Bruno Hamel  
Chairperson  
Military Grievances External Review Committee

Date : 26 March 2014



**Schedule B - Delegation of powers, duties and functions delegated pursuant to section  
73 of the *Privacy Act***

<b>Section</b>	<b>Description</b>	<b>Executive Director</b>	<b>General Counsel</b>	<b>ATIP (Access to Information and Privacy) Coordinator</b>
<b>8(2)</b>	Generally disclose personal information on the basis of the requirements in subsection 8(2)	X	X	
<b>8(2)(e)</b>	Disclose personal information on the written request of an investigative body	X	X	
<b>8(2)(j)</b>	Disclose personal information for research or statistical purposes	X	X	
<b>8(2)(m)</b>	Disclose personal information in the public interest or in the interest of the individual	X	X	
<b>8(4)</b>	Retain copy of 8(2)(e) requests and disclosed records			X
<b>8(5)</b>	Notify Privacy Commissioner in writing of disclosures under paragraph 8(2)(m)	X	X	
<b>9(1)</b>	Retain record of use			X
<b>9(4)</b>	Notify the Privacy Commissioner of consistent use of personal information and update index accordingly	X	X	X
<b>10</b>	Include personal information in personal information banks	X	X	X
<b>14</b>	Respond to request for access within 30 days; give access or give notice	X		X
<b>15</b>	Extend time limit for responding to request for access	X		X
<b>16</b>	Issue notice where access is refused	X	X	X
<b>17(2)(b)</b>	Decide whether to translate requested information	X		X
<b>17(3)(b)</b>	Decide whether to give access in an alternative format	X		X
<b>18(2)</b>	May refuse to disclose information contained in exempt bank	X	X	
<b>19(1)</b>	Shall refuse to disclose information obtained in confidence of another government	X	X	
<b>19(2)</b>	May disclose any information referred to in 19(1) if the other government consents to the disclosure or makes the information public	X	X	
<b>20</b>	May refuse to disclose information if injurious to the conduct of Federal-Provincial affairs	X	X	
<b>21</b>	May refuse to disclose if injurious to international affairs and defence or preventing or suppressing subversive or hostile activities	X	X	

Section	Description	Executive Director	General Counsel	ATIP (Access to Information and Privacy) Coordinator
22	May refuse to disclose information prepared by an investigative body, information injurious to the enforcement of a law, or information injurious to the security of penal institutions	X	X	
23	May refuse to disclose information prepared by an investigative body for security clearances	X	X	
24	May refuse to disclose information collected by the Canadian Penitentiary Service, the National Parole Service, or the National Parole Board while individual was under sentence if conditions in section are met	X	X	
25	May refuse to disclose information which could reasonably threaten the safety of individuals	X	X	
26	May refuse to disclose information about another individual, and shall refuse to disclose such information where disclosure is prohibited under section 8	X	X	
27	May refuse to disclose information subject to solicitor-client privilege	X	X	X
28	May refuse to disclose information relating to the individual's physical or mental health where disclosure contrary to the best interest of the individual	X	X	
31	Receive notice of investigation by the Privacy Commissioner	X	X	
33(2)	Right to make representations to Privacy Commissioner in the course of investigation	X	X	
35(1)	Receive Privacy Commissioner's report of findings and recommendations and give notice of action taken	X	X	
35(4)	Give complainant access to information after 35(1)(b)	X	X	
36(3)	Receive Privacy Commissioner's report on findings and recommendations concerning the review of exempt information banks and, if appropriate, give notice to the Commissioner	X	X	
37(3)	Receive report of Privacy Commissioner's findings after compliance investigation	X	X	
51(2)(b)	Request that Section 51 hearing be held in the National Capital Region	X	X	
51(3)	Request and be given right to make representations ex parte in Section 51 hearings	X	X	

Section	Description	Executive Director	General Counsel	ATIP (Access to Information and Privacy) Coordinator
69	Deny information that is excluded in the Act	X	X	X
72(1)	Prepare Annual Report to Parliament			X
77	Responsibilities conferred on the head of the institution by the Regulations made under section 77 which are not included in the above	X	X	X

#### 4. Statistical Report on the *Privacy Act*

**Name of institution:** Military Grievances External Review Committee

**Reporting period:** 2015-04-01 to 2016-03-31

##### Part 1: Requests Under the *Privacy Act*

	Number of Requests
Received during reporting period	0
Outstanding from previous reporting period	0
Total	0
Closed during reporting period	0
Carried over to next reporting period	0

##### Part 2: Requests Closed During the Reporting Period

###### 2.1 Disposition and completion time

Disposition of requests	Completion Time							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

###### 2.2 Exemptions

Section	Number of Requests
18(2)	0

Section	Number of Requests
19(1)(a)	0
19(1)(b)	0
19(1)(c)	0
19(1)(d)	0
19(1)(e)	0
19(1)(f)	0
20	0
21	0
22(1)(a)(i)	0
22(1)(a)(ii)	0
22(1)(a)(iii)	0
22(1)(b)	0
22(1)(c)	0
22(2)	0
22.1	0
22.2	0
22.3	0
23(a)	0
23(b)	0
24(a)	0
24(b)	0
25	0
26	0
27	0
28	0

### 2.3 Exclusions

Section	Number of Requests
69(1)(a)	0
69(1)(b)	0
69.1	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
70.1	0

**2.4 Format of information released**

Disposition	Paper	Electronic	Other formats
All disclosed	0	0	0
Disclosed in part	0	0	0
Total	0	0	0

**2.5 Complexity****2.5.1 Relevant pages processed and disclosed**

Disposition of requests	Number of Pages Processed	Number of Pages Disclosed	Number of Requests
All disclosed	0	0	0
Disclosed in part	0	0	0
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	0
Neither confirmed nor denied	0	0	0
Total	0	0	0

**2.5.2 Relevant pages processed and disclosed by size of requests**

Disposition	Less than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than Pages Proce	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	0	0	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

**2.5.3 Other complexities**

Disposition	Consultation Required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	0	0	0

Disposition	Consultation Required	Legal Advice Sought	Interwoven Information	Other	Total
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Total	0	0	0	0	0

## 2.6 Deemed refusals

### 2.6.1 Reasons for not meeting statutory deadline

Number of Requests Closed Past the Statutory Deadline	Principal Reason			
	Workload	External Consultation	Internal Consultation	Other
0	0	0	0	0

### 2.6.2 Number of days past deadline

Number of days past deadline	Number of requests past deadline where no extension was taken	Number of requests past deadline where an extension was taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	0	0

## 2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

## Part 3: Disclosures Under Subsections 8(2) and 8(5)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Paragraph 8(5)	Total
0	0	0	0

## Part 4: Requests for Correction of Personal Information and Notations

Disposition for Correction Requests Received	Number
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Disposition for Correction Requests Received	Number
Notations attached	0
Requests for correction accepted	0
Total	0

## Part 5: Extensions

### 5.1 Reasons for extensions and disposition of requests

Disposition of requests where an extension was taken	15(a)(i) Interference With Operations	15(a)(ii) Consultation		15(b) Translation or Conversion
		Section 70	Other	
All disclosed	0	0	0	0
Disclosed in part	0	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	0	0	0	0

### 5.2 Length of extensions

Length of extensions	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation purposes
		Section 70	Other	
1 to 15 days	0	0	0	0
16 to 30 days	0	0	0	0
Total	0	0	0	0

## Part 6: Consultations Received from Other Institutions and Organizations

### 6.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during the reporting period	0	0	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	0	0	0	0
Closed during the reporting period	0	0	0	0
Pending at the end of the reporting period	0	0	0	0

## 6.2 Recommendations and completion time for consultations received from other Government of Canada institutions

Recommendation	Number of days required to complete consultation requests							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

## 6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

## Part 7 – Completion Time of Consultations on Cabinet Confidences

### 7.1 Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 5001 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0



Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 500 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

7.2 Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 500 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Part 8 – Complaints and Investigations Notices Received

Section 31	Section 33	Section 35	Court Action	Total
0	0	0	0	0

Part 9 – Privacy Impact Assessments (PIA (Privacy Impact Assessment)s)

Number of PIA (Privacy Impact Assessment)s completed	0
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Part 10 – Resources related to the *Privacy Act*

10.1 Costs

Expenditures	Amount (\$)
Salaries	\$0
Overtime	\$0
Goods and Services	\$1,990

Expenditures	Amount (\$)
Professional services contracts	\$0
Other	\$1,990
<b>Total</b>	<b>\$1,990</b>

## 10.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	1.00
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
<b>Total</b>	<b>1.00</b>

**Note:** Enter values to two decimal places.

### Requests under the *Privacy Act*

During the reporting period of April 1, 2015, to March 31, 2016, the Military Grievances External Review Committee received no request under the *Access to Privacy Act*.

There has been a decline in the number of requests made under the *Access to Privacy Act* over the last 5 fiscal years 2011-12 (11); 2012-13 (8); 2013-14 (4) and 2014-15 (1) and 2015-16 (0).

### Disposition of Completed Requests

N/A

### Exemptions Invoked

N/A

### Exclusions Cited

N/A

### Complexity

N/A

### Costs

During 2015-16, \$0 in salary costs and \$1,990 in goods and services were incurred to administer the *Access to Privacy Act*.

## 5. Training

As part of the Committee's Access to Information and Privacy Awareness Plan, *ATIP (Access to Information and Privacy) WINK* emails are sent to staff on a regular basis to share points of interest and information relating to *ATIP (Access to Information and Privacy)*. These emails include a variety of items: from a quick snapshot on relevant subjects such as Best Practices, Information Security, Information and Records Management to presentations providing an overview of the *Act* s and quizzes. During the reporting period, awareness sessions related to privacy were as follow:

- Data Privacy Day Jan 28, 2016. Email with posters to mark Data Privacy Day sent through *ATIP (Access to Information and Privacy) Wink* to all staff (1 session and 46 employees).
- *ATIP (Access to Information and Privacy) Wink* awareness session - Best practice on Protecting sensitive information to all staff (one session and 46 employees).

## 6. Policies, Guidelines and Procedures

During the reporting period, the Committee did not implement any new institution-specific policies,

guidelines and procedures related to privacy.

## 7. Complaints and Investigations

Over the period covered by this report, no complaint against the Committee was submitted to the Privacy Commissioner under the *Privacy Act*.

## 8. Completion Time and Extensions

As a means to monitor the time required to process requests under both Acts (*Access to Information Act* and *Privacy Act*), the ATIP (*Access to Information and Privacy*) Office reports delays on its activities to the Executive Director, Corporate Services. For the period covered by this report, all requests were closed within the statutory deadline.

## 9. Privacy breaches

The Committee did incur one material privacy breach that qualified under the *Directive on Privacy Practices* over the reporting period. The breach was reported to the Office of the Privacy Commissioner and the Secretariat's Information and Privacy Policy Division.

The breach was in regards to a Sep 22, 2015 incident where 3 packages were being prepared to be sent Xpress post and two were mistakenly placed in the wrong addressed outer envelopes. Only one recipient's information was disclosed to another addressee as we were able to contact Canada Post and have the second envelope intercepted and returned to the *MGERC (Military Grievances External Review Committee)*. Since then, the unit has put in place procedures outlining the measures to consider before sending protected mail.

The Office of the Privacy Commissioner assessed the particulars of the incident, the nature and sensitivity of the information at issue, the number of individuals directly affected by it and the consequences for them as a result of this failure to adequately protect their personal information in accordance with the provisions of the *Privacy Act*. It has taken note of the institution's policies and procedures for the proper management of personal information under its control and has carefully considered the measures taken to contain the breach as well as efforts to prevent a recurrence of a similar incident. The Office of the Privacy Commissioner decided not to pursue the matter further and closed the file.

## 10. Privacy Impact Assessment

No Privacy Impact Assessment was conducted during the reporting period.

## 11. Disclosures Under Paragraphs 8(2)(m) of the *Privacy Act*

Paragraph 8(2)(m) allows the disclosure of personal information when the public interest clearly outweighs any invasion of privacy that could result from the disclosure or when the disclosure would benefit the individual to whom the information relates. There were no disclosures pursuant to paragraph 8(2)(m) for the 2015-16 period.

### Date modified:

2016-05-06