

# **PRIVACY ACT**

Annual Report

April 1, 2015 – March 31, 2016

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## **1. Introduction**

### **Purpose of the *Privacy Act***

The *Privacy Act* (the Act) protects the privacy of individuals with respect to personal information about themselves held by a government institution and provides individuals with a right of access to that information.

The Annual Report to Parliament on the Act is prepared and tabled in Parliament in accordance with section 72 of the Act.

### **Military Police Complaints Commission of Canada**

#### **The Mandate**

The Military Police Complaints Commission of Canada (MPCC) provides independent civilian oversight of the Canadian Armed Forces (CAF) Military Police (MP) and carries out its quasi-judicial functions pursuant to the powers conferred under Part IV of the *National Defence Act*.

The MPCC reviews and investigates complaints concerning MP conduct and investigates allegations of interference in MP investigations. It reports its findings and makes recommendations directly to the MP and national defence leadership.

#### **The Mission**

The mission of the MPCC is to promote and ensure the highest standards of conduct of MP in the performance of policing duties, and to discourage interference in any MP investigation.

## **2. Application of the Privacy Act**

### **Institutional Organization of Activities**

#### **The Organization**

The MPCC is a micro-agency consisting of 30 planned full-time equivalents with a reference level of \$4.2M.

As Deputy Head, the Chairperson is supported by the General Counsel and the Chief of Staff (CoS), four part-time Governor-in-Council appointed Commission Members, MPCC personnel and consultants.

#### **MPCC Access to Information and Privacy (ATIP) Program**

The MPCC ATIP program provides services / products under the *Access to Information Act* and *Privacy Act*, but also provides services / products during the phases of large public interest hearings (PIH) and investigations. Furthermore, the MPCC has developed an *Access to Information Framework- Plans and Strategies* encompassing documented processes and management accountability to strengthen the integrity of the ATIP program.

## **MPCC Access to Information and Privacy Coordinator and Personnel**

The Access to Information and Privacy Coordinator for the MPCC is the CoS who is supported by the Access to Information and Privacy (ATIP) Officer. The Senior Planning & Administrative Officer (SPAO) serves as back-up to the ATIP Officer. As such, ATIP requests are a shared responsibility between two delegated salaried employees, as well as the responsibility of the Offices of Primary Interest (i.e. Operations, Registrar, Finance, the Records and Information Management Officer, etc.). Each area performs these duties in addition to their regular workload.

The main activities of the ATIP officer are the following;

- Handles assigned cases, analyzes purpose/history of request, interprets legislation and determines information that may be disclosed, exempted and excluded;
- Provides advice and consultation to requesters and third party stakeholders and MPCC management and employees, responds to questions and concerns and ensures that they have a clear understanding of legislation and MPCC policies and procedures for handling requests and other ATIP related issues, including document security classification;
- Conducts research and consultations with other departments and third parties to prepare responses to requesters;
- Analyzes and provides recommendations in the preparation of exhibits for disclosure during a Public Interest Hearing in accordance with ATIP legislation, Open Court Principles and other related policies and procedures; and
- Prepares reports for MPCC management on ATIP requests, other ATIP related issues, including statistical reports, Annual Reports for submission to Parliament and Info Source.

The MPCC does not have any regional offices.

### **3. Delegation**

Pursuant to section 73 of the Act, the Chairperson appointed the CoS, the ATIP Officer and the SPAO with the duty to exercise certain powers and to perform duties and functions under the Act and Regulations. (**Appendix A – Privacy Act Delegation Order**).

### **4. Privacy Act Statistics**

During this review period, the MPCC received 12 privacy requests and carried forward 11 requests as they were received in March 2016. One (1) request was closed within a 30 day completion time.

For additional information, please refer to **Appendix B**.

### **Consultations from Other Institutions**

The MPCC received and closed one (1) consultation received from other government department within the 30 day completion time.

## **Other consultations**

There were no consultations for other institutions during this reporting period.

## **Multi-Year Trends**

Due to the generally small numbers of requests, it is difficult to extrapolate trends. However, in March 2016, the MPCC received 11 new requests bringing the total to 12 in the reporting year. This was a 75% increase from the previous reporting year.

## **5. Training**

In-house training, advice and coaching is provided to MPCC personnel on ATIP throughout the year. The newly appointed Chairperson as well as a Commission Member received one on one training from the ATIP Officer as part of their initial training. In addition, one legal counsel attended the Canadian Bar Association's (CBA) Access to Information and Privacy Law Symposium.

## **6. Institutional Policies and Procedures**

Annually, the CoS reviews and updates the MPCC *Access to Information Framework- Plans and Strategies* and business processes. The MPCC ensures it complies with new Treasury Board of Canada Secretariat policies and directives, as a result of issues raised by the Office of the Privacy Commissioner of Canada, other Agents of Parliament (e.g. Auditor General, Comptroller General, etc.) or for other reasons (i.e. management reviews, evaluations, audits, etc.).

## **Handling of Formal Requests**

The MPCC has adopted the following process to handle formal requests:

1. Receive and acknowledge receipt of the privacy request;
2. Create a file and register the request including capturing and updating the information in the Report on the Act;
3. Review the request and determine next steps;
4. Gather and review all documents including redacting the information if required;
5. Validate and approve the release of the information; and
6. Audits.

## **7. Complaints, Audits and Investigations**

No complaints were received by the Office of the Privacy Commissioner of Canada during this reporting period. No audits were conducted during this reporting period. No appeals concerning *Privacy Act* requests with MPCC were filed in Federal Court during this reporting period.

## **8. Monitoring**

All ATIP requests are monitored by the CoS / ATIP Coordinator throughout the year and information such as the statistics and time to process ATI requests are captured in an ATIP report. This monitoring occurs from the receipt to the closure of all ATIP requests.

Quarterly, the CoS / ATIP Coordinator submit the ATIP reports including all other ATIP activities (i.e. ATI Annual Report, *Privacy Act* Annual Report, ATI Statistical Report, *Privacy Act* Statistical Report, Info Source, Personal Information Bank etc.), to the Executive Committee as a standing agenda item. This Committee consists of the Chairperson (Deputy Head), CoS / ATIP Coordinator and the General Counsel. During the agenda item, the ATIP Officer is present and the report is tabled, discussed and approved.

## **9. Privacy Breaches**

No privacy breach occurred at the MPCC during this reporting period.

## **10. Privacy Impact Assessments (PIA)**

No PIA were conducted during this reporting period.

## **11. Disclosure**

The MPCC has not disclosed any personal information pursuant to subsection 8 (2)(m) of the Act.

## Appendix A - *Privacy Act* Delegation Order

### ***Access to Information Act and Privacy Act Delegation Order***

### ***Arrêté de délégation en vertu de la Loi sur l'accès à l'information et de la Loi sur la protection des renseignements personnels***

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The Chairperson of the Military Police Complaints Commission of Canada, pursuant to section 73 of the *Access to Information Act* and section 73 of the *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers, duties and functions of the Chairperson as the head of Military Police Complaints Commission of Canada, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders.

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En vertu de l'article 73 de la *Loi sur l'accès à l'information* et de l'article 73 de la *Loi sur la protection des renseignements personnels*, le/la président(e) de la Commission d'examen des plaintes concernant la police militaire du Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire lesdits postes, les attributions dont le/la président(e) est, en qualité de responsable de Commission d'examen des plaintes concernant la police militaire, investi[e] par les dispositions de la Loi ou de son règlement mentionnées en regard de chaque poste. Le présent document remplace et annule tout arrêté antérieur.

La présidente de  
La Commission d'examen des plaintes concernant la police militaire du Canada

Hilary McCormack  
Chairperson  
Military Police Complaints Commission of Canada

Signed in Ottawa, Ontario, Canada this 12<sup>th</sup> day of May, 2016  
Signé à Ottawa, Ontario, Canada le 12<sup>ième</sup> jour de mai 2016

### **Privacy Act Delegation Order**

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#### **Privacy Act**

<b>Provision</b>	<b>Description</b>	<b>Chairperson</b>	<b>Chief of Staff</b>	<b>Access to Information and Privacy Officer</b>	<b>Senior Planning and Administrative Officer</b>
8(2)(e)	Disclose to investigative body	Y	Y	N	N
8(2)(j)	Disclosure for research or statistical purposes	Y	Y	N	N
8(2)(m)	Disclosure in the public interest or in the interest of the individual	Y	Y	N	N
8(4)	Copies of requests under paragraph 8(2)(e)	Y	Y	Y	Y
8(5)	Notice of disclosure under paragraph 8(2)(m)	Y	Y	N	N
9(1)	Record of disclosures	Y	Y	N	N
9(4)	Consistent uses	Y	Y	N	N
10	Personal information banks	Y	Y	N	N
14	Notice where access requested	Y	Y	Y	Y
15	Extension of time limits	Y	Y	N	N
16(1)(a)(b)	Where access refused	Y	Y	N	N
17(2)(b)	Language of access	Y	Y	Y	Y
17(3)(b)	Access in an alternative format	Y	Y	Y	Y



<b>Exemption Provisions of the <i>Privacy Act</i></b>					
<b>Provision</b>	<b>Description</b>	<b>Chairperson</b>	<b>Chief of Staff</b>	<b>Access to Information and Privacy Officer</b>	<b>Senior Planning and Administrative Officer</b>
18(2)	Exemption – Exempt banks	Y	Y	N	N
19(1)	Exemption – Personal information obtained in confidence	Y	Y	N	N
19(2)	Exemption – Where disclosure authorized	Y	Y	N	N
20	Exemption - Federal-provincial affairs	Y	Y	N	N
21	Exemption - International affairs and defence	Y	Y	N	N
22	Exemption - Law enforcement and investigations	Y	Y	N	N
22.3	Exemption - <i>Public Servants Disclosure Protection Act</i>	Y	Y	N	N
23	Exemption - Security clearances	Y	Y	N	N
24	Exemption - Individuals sentenced for an offence	Y	Y	N	N
25	Exemption - Safety of individuals	Y	Y	N	N
26	Exemption - Information about another individual	Y	Y	N	N
27	Exemption - Solicitor-client privilege	Y	Y	N	N
28	Exemption - Medical record	Y	Y	N	N
<b>Other Provisions of the Privacy Act</b>					
<b>Provision</b>	<b>Description</b>	<b>Chairperson</b>	<b>Chief of Staff</b>	<b>Access to Information and Privacy Officer</b>	<b>Senior Planning and Administrative Officer</b>
33(2)	Right to make representations	Y	Y	N	N
35(1)(b)	Notice of actions to implement recommendations	Y	Y	Y	Y

	of Commissioner				
35(4)	Access to be given to complainant	Y	Y	Y	Y
36(3)(b)	Notice of actions to implement recommendations of Commissioner concerning exempt banks	Y	Y	Y	Y
51(2)(b)	Special rules for hearings	Y	Y	N	N
51(3)	<i>Ex parte representations</i>	Y	Y	N	N
72	Annual report to Parliament	Y	Y	N	N
<b>Privacy Regulations</b>					
<b>Provision</b>	<b>Description</b>	<b>Chairperson</b>	<b>Chief of Staff</b>	<b>Access to Information and Privacy Officer</b>	<b>Senior Planning and Administrative Officer</b>
9	Examination of information	Y	Y	Y	Y
11(2)	Notification that correction to personal information has been made	Y	Y	Y	Y
11(4)	Notification that correction to personal information has been refused	Y	Y	Y	Y
14	Examination in presence of medical practitioner or psychologist	Y	Y	N	N

Dated, at the City of Ottawa, this 12<sup>th</sup> day of May, 2016.

Hilary C. McCormack  
Chairperson  
Military Police Complaints Commission of Canada

## APPENDIX B - Statistical Report on the Privacy Act

Name of institution: MPCC

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

### Part 1: Requests Under the Privacy Act

	Number of Requests
Received during reporting period	12
Outstanding from previous reporting period	0
<b>Total</b>	<b>12</b>
Closed during reporting period	1
Carried over to next reporting period	11

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

#### 2.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	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	
All disclosed	0	1	0	0	0	0	0	1
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
<b>Total</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>

#### 2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
18(2)	0	22(1)(a)(i)	0	23(a)	0
19(1)(a)	0	22(1)(a)(ii)	0	23(b)	0
19(1)(b)	0	22(1)(a)(iii)	0	24(a)	0
19(1)(c)	0	22(1)(b)	0	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0

19(1)(e)	0	22(2)	0	26	0
19(1)(f)	0	22.1	0	27	0
20	0	22.2	0	28	0
21	0	22.3	0		

## 2.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
69(1)(a)	0	70(1)	0	70(1)(d)	0
69(1)(b)	0	70(1)(a)	0	70(1)(e)	0
69.1	0	70(1)(b)	0	70(1)(f)	0
		70(1)(c)	0	70.1	0

## 2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	1	0	0
Disclosed in part	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>

## 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	12	12	1
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
<b>Total</b>	<b>12</b>	<b>12</b>	<b>1</b>

### 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 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
All disclosed	1	12	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
<b>Total</b>	<b>1</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 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
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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

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

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

Disposition for Correction Requests Received	Number
Notations attached	0
Requests for correction accepted	0
<b>Total</b>	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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## 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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

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

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during the reporting period	1	31	0	0
Outstanding from the previous reporting period	0	0	0	0
<b>Total</b>	<b>1</b>	<b>31</b>	<b>0</b>	<b>0</b>
Closed during the reporting period	1	31	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
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	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	1	0	0	0	0	0	1
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
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	0	1	0	0	0	0	0	1

### 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
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
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 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 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



More than 365	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	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 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
More than 365	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	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 (PIAs)

Number of PIA(s) completed	0
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## Part 10: Resources Related to the Privacy Act

### 10.1 Costs

Expenditures	Amount
Salaries	\$14,050
Overtime	\$0
Goods and Services	\$0
• Professional services contracts	\$0
• Other	\$0
<b>Total</b>	<b>\$14,050</b>

## 10.2 Human Resources

<b>Resources</b>	<b>Person Years Dedicated to Privacy Activities</b>
Full-time employees	0.05
Part-time and casual employees	0.02
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
<b>Total</b>	0.07

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