



Canadian Radio-television and
Telecommunications Commission

Conseil de la radiodiffusion et des
télécommunications canadiennes



Annual Report

BROADCASTING TELECOMMUNICATIONS



CRTC Privacy

2008 / 2009

Canada



Canadian Radio-television and
Telecommunications Commission

Conseil de la radiodiffusion et des
télécommunications canadiennes

Ottawa, Canada
K1A 0N2

June 22, 2009

The Honourable James Moore
Minister of Canadian Heritage
and Official Languages
15 Eddy Street
Gatineau, Quebec
K1A 0M5

Dear Minister:

In accordance with the provisions of Section 72 of the *Privacy Act*, the Canadian Radio-television and Telecommunications Commission hereby submits its annual report for the year ending March 31, 2009 for referral to the Standing Committee on Justice and Human Rights.

Yours respectfully,

Robert A. Morin
Secretary General

Access to Information & Privacy Coordinator
CRTC
1, Promenade du Portage
Central Building, Les Terrasses de la Chaudière
Hull, Quebec
(819) 997-4274

mailing address:
Ottawa, Ontario
K1A 0N2

or

Toll free 1-877-249-2782
TDD – Toll free 1-877-909-2782
Tel: (819) 997-0313
TDD – (819) 994-0423
Internet Address: <http://www.crtc.gc.ca>

Catalogue no. BC9-5/2-2009
ISBN 978-0-662-06894-5

Table of contents

Page

Introduction	5
CRTC Mandate and Responsibilities	5
Objectives	5
Administration	6
Education and Training	6
Information Holdings	6
Requests Under the <i>Privacy Act</i>	6
Use and Disclosure	7
Privacy Impact Assessments	7
Data Matching and Sharing Activities	7
Disclosures Under Subsections 8(2)(e), (f), (g), and (m) of the Privacy Act	7
Costs	7
Statistical Report of the <i>Privacy Act</i>	7

Appendices:

- A. Delegation Order and Delegation of Signing Authority
- B. Statistical Report on the *Privacy Act*

Report on the *Privacy Act*

Introduction

In its day-to-day operations, federal government departments and agencies collect personal information from almost all Canadians. The *Privacy Act* gives Canadian citizens and people present in Canada the right to have access to information about them that is held by the federal government. It also protects against unauthorized disclosure of that personal information. In addition, it strictly controls how the government will collect, use, store, disclose, and dispose of any personal information.

CRTC Mandate and Responsibilities

The CRTC is an independent public authority and reports to Parliament through the Minister of Canadian Heritage.

The CRTC mandate is to regulate and supervise the broadcasting and telecommunications industries in accordance with the policy objectives set out in sections 3 and 5 of the *Broadcasting Act* and in section 7 of the *Telecommunications Act*.

The *Broadcasting Act* seeks to ensure that all Canadians have access to a wide variety of high-quality Canadian programming.

The *Telecommunications Act* seeks to ensure, among other things: that increased reliance on market forces for the provision of telecommunications services is fostered; that regulation, where required, is efficient and effective; and that Canadians have access to reliable telephone and other telecommunications services at reasonable prices.

Objectives

In carrying out its responsibilities in both broadcasting and telecommunications, the CRTC must act in the public interest consistent with the statutes under which it operates. Through its public proceedings the CRTC ensures its sensitivity and responsiveness to the public. The CRTC makes sure to incorporate public's input into its policy formulation. Participation by Canadian citizens in our public proceedings is considered very important.

Complaints of a broadcasting nature received by the CRTC are generally forwarded to the specific licensee for response and are then placed on each licensee's public file prior to the public hearing at which their license renewal application is considered, with the exception of those complaints that are referred to the Canadian Broadcast Standards Council. Anyone can consult these files upon request.

Complaints of a telecommunications nature should be directed to the telephone company directly. If not satisfied, complainants may file a complaint with the Commissioner for Complaints for Telecommunications Services (CCTS) if their service provider is a member or with the CRTC if the service provider is not a member of CCTS.

The CRTC web site (<http://www.crtc.gc.ca>) offers public access to public documents related to public proceedings, as well as Notices of consultation, Decisions, Information Bulletins, Orders and Regulatory Policies.

Administration

The Access to Information and Privacy (ATIP) Office is located within the Information Management Coordination Centre of the Information Management and Technologies Directorate. The ATIP Office currently has two employees. Their functions are shared between the fulfillment of the CRTC's obligations under the *Access to Information Act* and the management of information policies at the CRTC.

The Secretary General and the ATIP Coordinator have delegated authority to oversee the administration of the *Privacy Act* within the CRTC and to ensure compliance with the legislation. Copies of the approved Delegation Orders can be found at Appendix A.

Education and training

During 2008–09, customized sessions were given to divisional teams or individual branches or sectors.

Information holdings

A description of the Specific Classes of Records held by the CRTC can be found in the following publication for 2009 *Info Source: Sources of Federal Government Information*. The CRTC does not have any exempt banks.

Info Source can be accessed through public and academic libraries and constituency offices of federal members of Parliament as well as on the Internet at <http://www.infosource.gc.ca>.

Requests received under the Privacy Act

During the reporting period from April 1, 2008 to March 31, 2009, the CRTC received one new request under the *Privacy Act*. It was not possible to process the request.

The ATIP Office moreover acted as a resource for CRTC officials and offered advice and guidance on the provision of the legislation. The ATIP Office was consulted on issued relating to matters such as information management issues, privacy impact assessments, security of information and privacy caveats.

Use and disclosure

CRTC employees are made aware of their responsibilities for the proper management of personal information holdings. Responsible sectors are also required to consult with the ATIP Coordinator before collecting any personal information.

The ATIP Coordinator must be notified where personal information in a personal information bank is used or disclosed for a use consistent with the purpose for which the information was obtained or compiled, but was not identified in the statement of consistent uses published in *Info Source*.

Privacy Impact Assessment

One Privacy Impact Assessments (PIA) was initiated for 2008-2009. The PIA is a joint initiative with the National Do Not Call List operator. The PIA was forwarded to the Office of the Privacy Commissioner.

Data matching and data sharing

There was no data matching and data sharing activities during the report period.

Disclosures Under Subsections 8(2)(e), (f), (g), and (m) of the *Privacy Act*

There were no disclosures pursuant to subsections 8(2) (e), (f), (g) or (m) for the 2008-2009 period.

Costs

During 2008-2009, the ATIP Office incurred an estimated \$307 in salary cost. No costs were directed towards the administration of the *Privacy Act*.

Statistical Report of the *Privacy Act*

The report can be found at Appendix B.

Delegation Order.

Pursuant to section 73 of the *Access to Information Act* and section 73 of the *Privacy Act*, (the *Acts*) I designate the following employees and officers to perform the powers, duties and functions specified herein.

1. Review Committee

The Review Committee shall consist of one lawyer, designated by the Senior General Counsel, the Executive Director or Director General of the Office of Primary Interest (OPI), the employee responsible for the record and the Access to Information and Privacy (ATIP) Coordinator.

The purpose of the Committee is to advise the Secretary General or the Senior General Counsel in her absence, on any decisions to be made under these *Acts* and to give advice to any person designated in this Order, where that person so requests.

2. Responsibilities

Secretary General
Senior General Counsel
Executive Director, Broadcasting and Telecommunications
Associate Executive Director, Industry Analysis, Economics and
Technology
Associate Executive Director, Broadcasting
Associate Executive Director, Telecommunications

In addition to any other powers, duties, or functions specified in this Order, each of the above has the following responsibilities with regard to his/her directorate:

- a) Ensure that all relevant material is provided for each request and to make preliminary determinations as to whether documents or portions thereof should be severed;
- b) disclose records; and
- c) with the exception of any documents mentioned in 3(c) and 3(d), to forward to the ATIP Coordinator any record or part of a record which he/she considers should be reviewed by the Review Committee before disclosure.

3. The Secretary General

I designate the Secretary General to exercise or perform the powers, duties or functions of the head of the institution under these *Acts*.

In addition to any other powers, duties or functions specified in this Order, the Secretary General has the following responsibilities:

- a) To waive any fee to be paid under the Acts;
- b) where proper, to cause a translation to be made of any document;
- c) where appropriate, to allow access to any document relating to the management of personnel or the administration of the CRTC;
- d) where appropriate, to allow access to any document containing information on internal auditing procedures; and
- e) to establish systems for access to documents and the administration of the Acts.

4. The Senior General Counsel

In the absence of the Secretary General, I designate the Senior General Counsel to exercise or perform the powers, duties or functions of the head of the institution under these *Acts*.

5. The ATIP Coordinator

In addition to any other powers, duties or functions specified in this Order, the Access to Information and Privacy Coordinator has the following responsibilities:

- a) to carry on the day-to-day administration of the Acts;
- b) to draft and sign correspondence and notices required by the Acts based on decisions taken by the appropriate authorities as specified in this Order;
- c) to release records which have been previously released by the appropriate authority as specified in this Order;

- d) to reject and return applications which do not meet the requirements and conditions of the Acts and regulations;
- e) to determine the method of access and the fees to be paid;
- f) where necessary, to contact third parties as required by the Acts, and to determine if those parties consent to disclosure
- g) where proper, to transfer a request to another government institution having a greater interest in a record; and
- h) where proper, in consultation with the appropriate Executive Director and/or with the Review Committee, to extend time limits

Date



Chairman



REPORT ON THE PRIVACY ACT
RAPPORT CONCERNANT LA LOI SUR LA PROTECTION
DES RENSEIGNEMENTS PERSONNELS

Institution télécommunications canadiennes	Canadian Radio-television and Telecommunications Commission / Conseil de la radiodiffusion et des télécommunications canadiennes	Reporting period / Période visée par le rapport 2008-04-01 to/à 2009-03-31
---	--	---

**I Requests under the Privacy Act /
Demandes en vertu de la Loi sur la protection
des renseignements personnels**

Received during reporting period / Reçues pendant la période visée par le rapport	1
Outstanding from previous period / En suspens depuis la période antérieure	0
TOTAL	1
Completed during reporting period / Traitées pendant la période visée par le rapport	1
Carried forward / Reportées	0

**II Disposition of request completed /
Disposition à l'égard des demandes traitées**

1. All disclosed / Communication totale	0
2. Disclosed in part / Communication partielle	0
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0
4. Nothing disclosed (exempt) / Aucune communication (exemption)	0
5. Unable to process / Traitement impossible	1
6. Abandoned by applicant / Abandon de la demande	0
7. Transferred / Transmission	0
TOTAL	1

**III Exemptions invoked /
Exceptions 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	0
S. Art. 27	0
S. Art. 28	0

**IV Exclusions cited /
Exclusions citées**

S. Art. 69(1)(a)	0
(b)	0
S. Art. 70(1)(a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

**V Completion time /
Délai de traitement**

30 days or under / 30 jours ou moins	1
31 to 60 days / De 31 à 60 jours	0
61 to 120 days / De 61 à 120 jours	0
121 days or over / 121 jours ou 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	0	0
Consultation	0	0
Translation / Traduction	0	0
TOTAL	0	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	0
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)	
Salary / Traitement	\$ 307.00
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 0
TOTAL	\$ 307.00
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.004

