

Royal Canadian Mounted Police
External Review Committee



Comité externe d'examen
de la Gendarmerie royale du Canada

Privacy Act

RCMP External Review Committee

Annual Report
2016-17

Report on *Privacy Act* 2016-17

1. INTRODUCTION

The *Privacy Act* protects the privacy of all Canadian citizens and permanent residents regarding personal information held by a government institution. It also gives individuals, including those in Canada who are not permanent residents or citizens, the right to access their own personal information.

Section 72 of the *Privacy Act* requires that the head of every government institution prepare an annual report to be tabled in Parliament regarding the administration of the *Privacy Act* during the financial year. This report describes how the RCMP External Review Committee (ERC) administered the *Privacy Act* throughout financial year 2016-17.

Mandate of the RCMP External Review Committee

Established in 1986 under Part II of the *Royal Canadian Mounted Police Act*, the RCMP External Review Committee is an independent and impartial administrative tribunal which contributes to fair and equitable labour relations within the Royal Canadian Mounted Police (RCMP). The ERC conducts an independent review of appeals of certain labour relations and employment matters of the RCMP (including, harassment complaints, conduct, discharges and demotions and stoppages of pay and allowances), that are referred to it pursuant to section 33 and section 45.15 of the *Royal Canadian Mounted Police Act* and section 17 of the *Royal Canadian Mounted Police Regulations*. Its findings and recommendations are provided to the Commissioner of the RCMP who makes final decisions. The ERC reports directly to Parliament through the Minister of Public Safety and Emergency Preparedness

2. ERC'S ORGANIZATIONAL STRUCTURE TO FILL ITS *PRIVACY ACT* RESPONSIBILITIES

Given the small size of the ERC (less than 10 FTEs) and the small number of requests it receives, all privacy-related functions are performed by the Executive Director and the Manager of Corporate Services. The ERC has no regional offices. The ERC processes requests as follows:

- the requested information is identified;
- the requests are examined to see if they should be transferred to another government institution with a 'greater interest';
- possible exemptions are considered;
- a copy of the non-exempt information is prepared and forwarded to the requester with a transmittal letter; and,
- the requests and all related documentation are filed in the ERC's Access to Information and Privacy (ATIP) registry.

All personal information is compartmentalized, and access is controlled, to ensure it will only be used for the purposes for which it was collected.

The ERC relies on existing Treasury Board guidelines regarding privacy and protection of personal information.

3. DELEGATION ORDER

The Minister of Public Safety and Emergency Preparedness Canada, pursuant to section 73 of the *Privacy Act*, designates the Chair, the Vice-Chair and the Executive Director of the ERC to exercise the powers and perform the duties of the Minister as the head of a government institution, the RCMP External Review Committee, under certain sections of the *Act*. The responsibilities associated with the administration of the *Privacy Act* include notifying applicants of extensions and releasing records to applicants (see Annex A, Delegation Order).

4. HIGHLIGHTS OF THE STATISTICAL REPORT, 2016-17

Throughout fiscal year 2016-17, the ERC received one request under the *Privacy Act*. One request that was carried over from fiscal year 2015-16 was also completed during the reporting period. The disposition of these two requests is as follows:

All disclosed	0
Disclosed in part	1
All exempted	0
All excluded	0
No records exist	1
Request abandoned	0
Neither confirmed nor denied	0
Total	2

Disposition of Requests

One request was disclosed in part as some text was exempted under subsection 22(1)(b) of the *Privacy Act*. The disposition and completion time was between 31 and 60 days as consultations were required with two other federal government institutions.

In one request, no relevant records were found although the request provided sufficient detail to identify the specific information sought. The disposition and completion time for this request was between one and 15 days.

In all the requests, the applicants were advised accordingly.

Other Consultations

There were no consultations on Cabinet Confidences under the *Privacy Act*.

One request was sent to the Privy Council Office for consultation on proposed exemptions. The Privy Council Office concurred with ERC's proposed exemptions of the information under paragraph 22(1)(b) of the *Privacy Act*.

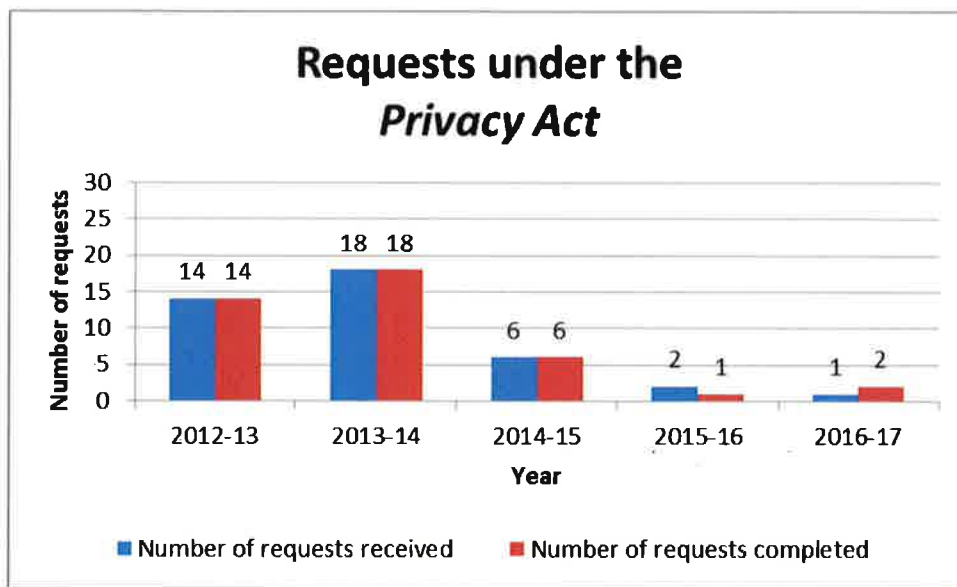
Consultations from Other Institutions

During the reporting period, the ERC received no consultation regarding a formal privacy request received by another federal institution.

Annex B provides a summarized statistical report on *Privacy Act* requests processed by the ERC between April 1, 2016 and March 31, 2017.

Multi-Year Trends

Evaluation of multi-year trends is difficult given the very small number of requests received each year by the ERC. The kinds of requests dealt with by the ERC in 2016-17 were generally consistent with previous years. Requests were fewer in number than the average of eight received over the past five years (see Figure below).



5. TRAINING ACTIVITIES

No formal privacy training was provided to ERC staff during the reporting period. Some ERC legal counsel have received legal training in ATIP matters as the assessment of some requests may require legal analysis or advice.

Information about the ATIP program and activities is routinely circulated to ERC staff in the course of normal operations.

6. POLICIES, GUIDELINES, PROCEDURES AND INITIATIVES

The ERC did not implement any new or revised privacy-related policies, guidelines, procedures or initiatives during the reporting period.

7. SUMMARY OF KEY ISSUES AND ACTIONS TAKEN ON COMPLAINTS OR AUDITS

No audits were concluded during the reporting period.

Pursuant to section 31 of the *Privacy Act*, the ERC received four complaints from the Office of the Privacy Commissioner during the reporting period. After investigation, two complaints were considered not well-founded by the Office of the Privacy Commissioner. The applicant was advised accordingly by the Office of the Privacy Commissioner. The remaining two complaints are still under investigation at the end of the reporting period.

There were no applications/appeals to the Federal Court in respect of privacy files received by the ERC during fiscal year 2016-17.

8. MONITORING COMPLIANCE

Monitoring of the time to process privacy information requests during the reporting period was carried out on a case-by-case basis. Time to process requests is also discussed in the responsible management committee when required.

9. MATERIAL PRIVACY BREACHES

No privacy breaches occurred during the reporting period.

10. PRIVACY IMPACT ASSESSMENTS (PIA)

There were no PIAs undertaken by the ERC during the reporting period.

11. PUBLIC INTEREST DISCLOSURES

Subsection 8(2) of the *Privacy Act* provides limited and specific circumstances under which institutions may disclose personal information without an individual's consent. During the reporting period, the ERC did not disclose personal information pursuant to paragraph 8(2)(m) of the *Privacy Act*.

ANNEX A

Delegation Order – Privacy Act and Privacy Regulations
Arrêté de délégation en vertu de la Loi sur la protection des renseignements personnels et du
Règlement sur la protection des renseignements personnels
Royal Canadian Mounted Police External Review Committee / Comité externe d'examen
de la Gendarmerie royale du Canada

The Minister of Public Safety and Emergency Preparedness, pursuant to section 73 of the *Privacy Act**, hereby designates the persons holding the positions set out below, or acting in those positions, to exercise the powers and perform the duties and functions of the Minister as the head of a government institution, that is, the **Royal Canadian Mounted Police External Review Committee**, under the section of the *Act* set out opposite each position.

En vertu de l'article 73 de la *Loi sur la protection des renseignements personnels**, le ministre de la Sécurité publique et de la Protection civile délègue aux titulaires des postes sous mentionnés, ou aux personnes qui occupent ces postes à titre intérimaire, les pouvoirs et les fonctions dont il est, en qualité de responsable d'une institution fédérale, c'est-à-dire le **Comité externe d'examen de la Gendarmerie royale du Canada**, investi conformément à l'article de la *Loi* mentionné à l'égard de chaque poste.

		Chair / Président	Executive Director / Directeur exécutif	ATIP Coordinator / Coordonnateur de l'AIPRP
<i>Privacy Act / Loi sur la protection des renseignements personnels</i>				
Section / Article				
8(2)(j)	Disclosure for research purposes / Communication à des fins de recherche	●	●	
8(2)(m)	Disclosure in the public interest or in the interest of the individual / Communication dans l'intérêt public ou d'une personne	●	●	
8(4)	Copies of requests under 8(2)(e) to be retained / Conservation des copies des demandes en vertu de 8(2)(e)	●	●	●
8(5)	Notice of disclosure under 8(2)(m) / Avis de communication dans le cas de 8(2)(m)	●	●	
9(1)	Record of disclosures to be retained / Conservation d'un relevé des cas d'usage	●	●	
9(4)	Consistent uses / Usages compatibles	●	●	
10	Personal information to be included in personal information banks / Renseignements personnels versés dans des fichiers de renseignements personnels	●	●	
14	Notice where access requested / Aviser l'auteur de la demande d'accès	●	●	●
15	Extension of time limits / Prorogation du délai	●	●	●
17(2)(b)	Language of access / Version de la communication	●	●	●
17(3)(b)	Access to personal information in alternative format / Communication sur support de substitution	●	●	●
18(2)	Exemption (exempt banks) – Disclosure may be refused / Exception (fichiers inconsultables) – Autorisation de refuser	●	●	
19(1)	Exemption – Personal information obtained in confidence / Exception – Renseignements personnels obtenus à titre confidentiel	●	●	
19(2)	Exemption – Where disclosure authorized / Exception – Cas où la divulgation est autorisée	●	●	
20	Exemption – Federal-provincial affairs / Exception – Affaires fédéro-provinciales	●	●	

		Chair / Président	Executive Director / Directeur exécutif	ATIP Coordinator / Coordonnateur de l'AIPRP
Privacy Act / Loi sur la protection des renseignements personnels				
Section / Article				
21	Exemption – International affairs and defence / Exception – Affaires internationales et défense	●	●	
22	Exemption – Law enforcement and investigation / Exception – Application de la loi et enquêtes	●	●	
22.3	Exemption – <i>Public Servants Disclosure Protection Act</i> / Exception – <i>Loi sur la protection des fonctionnaires divulgateurs d'actes répréhensibles</i>	●	●	
23	Exemption – Security clearances / Exception – Enquêtes de sécurité	●	●	
24	Exemption – Individuals sentenced for an offence / Exception – Individus condamnés pour une infraction	●	●	
25	Exemption – Safety of individuals / Exception – Sécurité des individus	●	●	
26	Exemption – Information about another individual / Exception – Renseignements concernant un autre individu	●	●	
27	Exemption – Solicitor-client privilege / Exception – Secret professionnel des avocats	●	●	
28	Exemption – Medical record / Exception – Dossiers médicaux	●	●	
31	Notice of intention to investigate / Avis d'enquête	●	●	●
33(2)	Right to make representation / Droit de présenter des observations	●	●	●
35(1)	Findings and recommendations of Privacy Commissioner (complaints) / Conclusions et recommandations du Commissaire à la protection de la vie privée (plaintes)	●	●	●
35(4)	Access to be given / Communication accordée	●	●	●
36(3)	Report of findings and recommendations (exempt banks) / Rapport des conclusions et recommandations (fichiers inconsultables)	●	●	●
37(3)	Report of findings and recommendations (compliance review) / Rapport des conclusions et recommandations du Commissaire (contrôle d'application)	●	●	●
51(2)(b)	Special rules for hearings / Règles spéciales (auditions)	●	●	
51(3)	<i>Ex parte</i> representations / Présentation d'arguments en l'absence d'une partie	●	●	
72(1)	Report to Parliament / Rapports au Parlement	●	●	

		Chair / Président	Executive Director and Senior Counsel / Directeur exécutif et avocat principal	ATIP Coordinator / Coordonnateur de l'AIIPRP
<i>Privacy Regulations / Règlement sur la protection des renseignements personnels</i>				
Section / Article				
9	Reasonable facilities and time provided to examine personal information / Fournir des installations convenables et fixer un moment pour examiner les renseignements personnels	•	•	•
11(2)	Notification that correction to personal information has been made / Avis que les corrections demandées ont été effectuées	•	•	•
11(4)	Notification that correction to personal information has been refused / Avis que les corrections demandées ont été refusées	•	•	•
13(1)	Disclosure of personal information relating to physical or mental health may be made to a qualified medical practitioner or psychologist for an opinion on whether to release information to the requestor / Le cas échéant, autoriser la communication des renseignements personnels concernant l'état physique ou mental de l'individu à un médecin ou à un psychologue en situation légale d'exercice, afin que celui-ci puisse donner son avis quant à savoir si la prise de connaissance de ces renseignements par l'individu lui porterait préjudice	•	•	•
14	Disclosure of personal information relating to physical or mental health may be made to a requestor in the presence of a qualified medical practitioner or psychologist / Le cas échéant, communiquer à l'individu les renseignements personnels concernant son état physique ou mental en la présence d'un médecin ou d'un psychologue en situation légale d'exercice	•	•	•

Dated at the City of Ottawa,

this 4 day of May, 2017

Daté en la ville d'Ottawa,

ce 4 jour de Mai 2017



Hon. Ralph Goodale, P.C., M.P. / L'hon. Ralph Goodale, C.P., député

*R.S.C. 1985, c. P-21

*L.R.C. 1985, ch. P-21



Statistical Report on the *Privacy Act*

Name of institution: RCMP External Review Committee

Reporting period: 2016-04-01 to 2017-03-31

Part 1: Requests Under the *Privacy Act*

	Number of Requests
Received during reporting period	1
Outstanding from previous reporting period	1
Total	2
Closed during reporting period	2
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							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	0	0	0	0	0	0	0
Disclosed in part	0	0	1	0	0	0	0	1
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	1	0	0	0	0	0	0	1
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	1	0	1	0	0	0	0	2

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)	1	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	0	0	0
Disclosed in part	1	0	0
Total	1	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	46	17	1
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	0
Neither confirmed nor denied	0	0	0
Total	46	17	1

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	0	0	0	0	0	0	0	0	0	0
Disclosed in part	1	17	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	1	17	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	1	0	0	0	1
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
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)	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
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	1	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	1	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	1	0	0	0
Total	1	0	0	0

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	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							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	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
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							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	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
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 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
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 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	1	3	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	1	3	0	0	0	0	0	0	0	0

Part 8: Complaints and Investigations Notices Received

Section 31	Section 33	Section 35	Court action	Total
4	0	0	0	4

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		\$5,000
Overtime		\$0
Goods and Services		\$0
• Professional services contracts	\$0	
• Other	\$0	
Total		\$5,000

10.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.05
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	0.05

Note: Enter values to two decimal places.