



Canadian
Heritage

Patrimoine
canadien

Canada



Privacy Act

Annual Report

2015-2016



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Catalogue No. : CH1-1/2E-PDF
ISSN: 1926-7819

Privacy Act

ANNUAL REPORT

(April 1, 2015 to March 31, 2016)

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Privacy Act

ANNUAL REPORT

(April 1, 2015 to March 31, 2016)

1. Introduction

1.1 Purpose of the *Privacy Act*

Canadian Heritage is pleased to present to Parliament its annual report on the administration of the *Privacy Act* for fiscal year April 1, 2015 to March 31, 2016. Section 72 of the Act requires that the head of every federal government institution submit an annual report to Parliament on the administration of the Act during the fiscal year.

The purpose of the *Privacy Act* is to protect the privacy of individuals with respect to personal information about themselves held by a government institution and to provide individuals with a right of access to their information. It also protects the privacy of individuals by exercising strict control over the collection, disclosure and use of such information.

Canadian Heritage is fully committed to both the spirit and the intent of the *Privacy Act*, which are based on the principles of open government and the assurance of privacy of individuals with respect to their personal information held by the Department.

1.2 Mandate of Canadian Heritage

The Department of Canadian Heritage and Canada's major national cultural institutions play a vital role in the cultural, civic and economic life of Canadians. We work together to support culture, the arts, heritage, official languages, multiculturalism, citizenship and participation, in addition to Aboriginal, youth, and sport initiatives.

The Department of Canadian Heritage is responsible for programs and policies that help all Canadians participate in their shared cultural and civic life. The Department's legislative mandate is set out in the *Department of Canadian Heritage Act* and other statutes for which the Minister of Canadian Heritage is responsible and presents a wide-ranging list of responsibilities for the Minister under the heading of "Canadian identity and values, cultural development, and heritage."

The Department oversees numerous statutes, namely the *Broadcasting Act*, the *Copyright Act* and the *Investment Canada Act* (the latter two acts shared with Innovation, Science and Economic Development Canada), the *Official Languages Act* (Part VII), the *Museums Act*, the *Canada Travelling Exhibitions Indemnification Act*, the *Cultural Property Export and Import Act*, the *Status of the Artist Act*, the *Canadian Multiculturalism Act* and the *Physical Activity and Sport Act* (shared with Health Canada).

The Department of Canadian Heritage is specifically responsible for formulating and implementing cultural policies related to copyright, foreign investment and broadcasting, as well as policies related to arts, culture, heritage, official languages, sport, state ceremonial and protocol, and Canadian symbols. The Department's programs, delivered through Headquarters, and multiple points of service including five regional offices across the country, fund community and third-party organizations to promote the benefits of culture, identity, and sport for Canadians.

In 2015-2016 the Minister of Canadian Heritage, assisted by the Minister for Sport and Persons with Disabilities, was accountable to Parliament for the Department, four departmental agencies and twelve Crown corporations.

2. The Structure of the Access to Information and Privacy Secretariat

The Access to Information and Privacy (ATIP) Secretariat is responsible for administering the *Privacy Act* within Canadian Heritage. Its mandate is to act on behalf of the Minister of Canadian Heritage in ensuring compliance with legislation, regulations and government policy and to create departmental directives, including standards, in all matters relating to the *Act*.

During the reporting period, the Secretariat consisted of the following positions: Director, Deputy Director, six analysts, one project manager and two administrative support staff. In the departmental organizational structure, the ATIP Secretariat reports to the Corporate Secretariat for Canadian Heritage.

The activities of the ATIP Secretariat include:

- receiving and processing requests in accordance with the *Act*;
- promoting awareness of the *Act* within the Department;
- preparing the annual report to Parliament and the annual statistical report and maintaining the Department's *Info Source* chapter;
- monitoring departmental compliance with the *Act*;
- providing professional advice and guidance to senior management and all departmental staff on the *Act*; and
- assisting in the privacy impact assessment process and in creating or modifying personal information banks.

3. Delegation Order

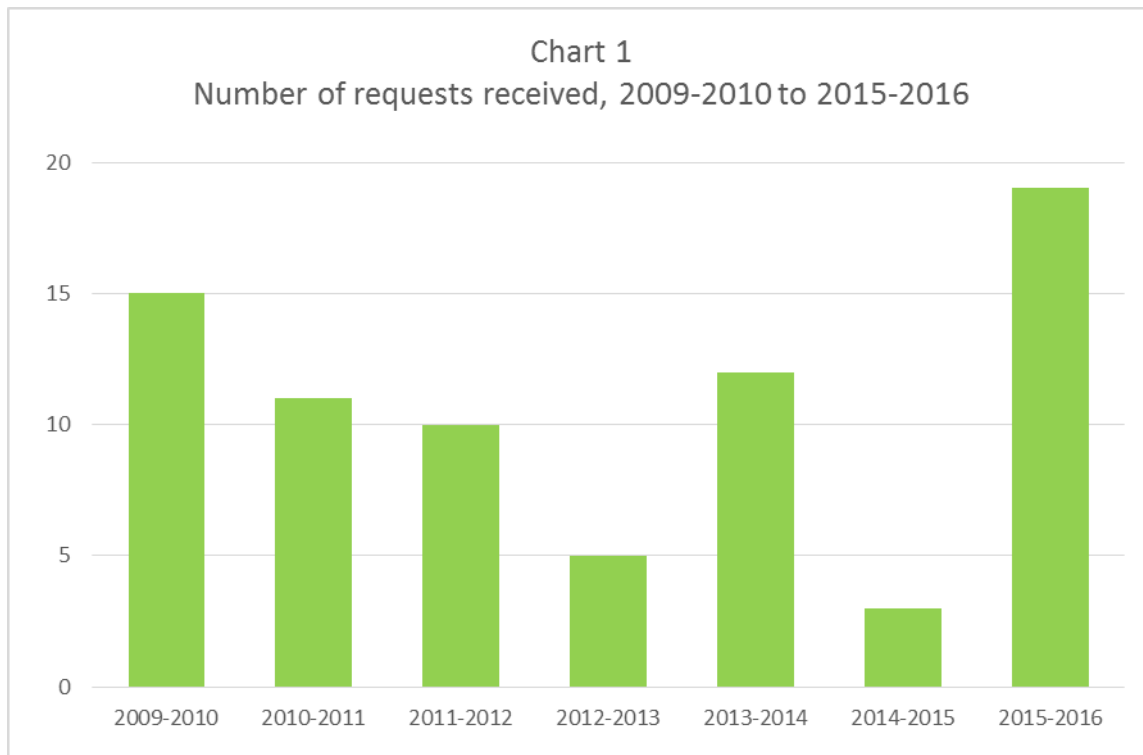
The powers, duties and functions of the administration of the *Privacy Act* have been fully delegated by the Minister to the Director of the ATIP Secretariat. A copy of the Canadian Heritage's delegation order is appended to this report as Appendix A.

4. Administration of Requests

The statistical report submitted to the Treasury Board Secretariat on the administration of the *Privacy Act* has been completed and is appended to this report as Appendix B.

4.1 Privacy Requests

Between April 1, 2015 and March 31, 2016, nineteen formal requests for information were received under the *Privacy Act*. In comparison with the last reporting period, this represents a 567% increase in requests, but a 1% decrease in pages processed.



No formal requests for correction of personal information were received for this fiscal year.

4.2 Disposition of Completed Requests

Eighteen requests were completed during the reporting period, one request was completely disclosed to the applicant, six requests resulted in the partial disclosure of information and five requests were abandoned. It was not possible to process six requests as no records existed.

4.3 Extensions

Requests can be extended for up to 30 additional days beyond the 30-day statutory time frame in two circumstances; when meeting the original time limit would unreasonably

interfere with the operations of the government institution or when consultations are necessary. In two requests the Department required extensions beyond the statutory time frame; one for interference in order to process a large volume of records and the other to consult another institution.

4.4 Exemptions

The *Privacy Act* sets out specific exceptions to the right of access. These exceptions are known as exemptions. Each exemption is intended to protect information relating to a particular public or private interest and form the only basis for refusing access to personal information under the *Privacy Act*. In the processing of requests, three exemptions to withhold information were invoked. Section 26 (personal information about another individual) was applied in six requests, section 27 (solicitor-client privilege) was applied in two requests and paragraph 22(1)b (law enforcement and investigation) was applied in one request.

4.5 Costs

The cost of \$80,747, reported in the statistical report, includes the costs incurred for the processing of requests, as well as for all other activities associated with the administration of the *Act* such as providing advice, and training and awareness.

5. Education and Training Activities

To increase the knowledge and understanding of the *Privacy Act* across the department, training and awareness sessions were delivered to departmental employees. These sessions provided basic information on the purpose and provisions of the *Privacy Act*, as well as the roles and responsibilities of departmental employees and the ATIP Secretariat. The information for these awareness sessions was tailored to meet the specific needs of the branches concerned.

This reporting period, the ATIP Secretariat delivered 2 awareness sessions on the *Privacy Act* to departmental employees in the National Capital Region and regional offices. In total, 10 employees attended information sessions.

The internal website for the ATIP Secretariat is a tool that is accessible to all departmental employees which describes the ATIP Secretariat's roles and responsibilities and provides information on the *Privacy Act* and related departmental policies and procedures.

6. Policies, Guidelines and Procedures

No major changes were made to Canadian Heritage policies, guidelines or procedures relating to the implementation of the *Privacy Act*. The staff of the Access to Information and Privacy Secretariat collaborated with departmental staff in planning for the implementation of the Government of Canada's *Directive on Open Government* at Canadian Heritage.

7. Complaints and Federal Court Cases

No complaints regarding the processing of requests were filed with the Office of the Privacy Commissioner (OPC) against Canadian Heritage in the fiscal year. Canadian Heritage had no outstanding complaints with the OPC. There were no Federal Court cases concerning the refusal of access during this reporting period.

8. Monitoring the Processing of Requests and Requests for Corrections

The ATIP Secretariat monitors the processing of requests on a daily basis using the ATIP management system (Access Pro Case Management/Redaction) as well as through bi-weekly meetings between the officers and management of the Secretariat. This ensures accurate and timely responses to applicants.

9. Material Privacy Breaches

A Privacy Breach is deemed to be a material breach if it involves sensitive personal information, could reasonably be expected to cause serious injury or harm to the individual, or involves a large number of affected individuals. During this reporting period, the ATIP Secretariat was informed of three privacy incidents. Two involved unauthorized access to email accounts and the other involved a misdirected email. Following a review of these incidents, it was determined that they did not meet the

criteria for material privacy breaches. There was a very low probability of risk of harm. The Office of the Privacy Commissioner was not informed.

10. Privacy Impact Assessment

Twenty-two Privacy Impact Assessment Checklists were evaluated for new or changed programs or systems, three of which resulted in the recommendation to perform a full privacy impact assessment (PIA). Additionally, the ATIP Secretariat drafted five privacy notices further to the analysis of Privacy Impact Assessment Checklists. Departmental colleagues also requested advice on the use and disclosure of personal information in ten cases. During the reporting period, no PIAs were completed.

11. Disclosure of Personal Information Pursuant to Paragraph 8(2)(m)

Subsection 8(2) of the *Privacy Act* stipulates under which circumstances personal information under the control of a government institution may be disclosed. Paragraph 8(2)(m) states that disclosure of personal information is permitted for any purpose where, in the opinion of the head of the institution, the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or the disclosure would clearly benefit the individual to whom the information relates. During the reporting period, no disclosures were made pursuant to paragraph 8(2)(m) of the *Privacy Act*.

Appendix A – Delegation Order

DELEGATION ORDER

Access to Information Act and Privacy Act

Pursuant to Section 73 of the *Access to Information Act* and the *Privacy Act*, I, as head of the Department of Canadian Heritage, hereby designate the persons holding the positions set out in the schedule hereto, or persons occupying on an acting basis those positions, to exercise my powers and functions under these Acts specified opposite each position.

This Delegation Order supersedes all previous *Access to Information Act* and *Privacy Act* Delegation Orders.



The Honourable Mélanie Joly
Minister of Canadian Heritage

MAY 3 1 2016

Date

Powers and functions delegated pursuant to Section 73 of the *Privacy Act* and *Privacy Regulations*

Delegation		Position			
		DM	CS	ATIP/D	ATIP/DD
Section	Description	1	2	3	4
Privacy Act					
8(2)(j)	Disclosure for research purposes	X	x	x	
8(2)(m)	Disclosure in the public interest or in the interest of the individual	x			
8(4)	Copies of requests under 8(2)(e) to be retained	x	x	x	
8(5)	Notice of disclosure under 8(2)(m)	x	x	x	
9(1)	Record of disclosures to be retained	x	x	x	
9(4)	Consistent uses	x	x	x	
10	Personal information to be included in personal information banks	x	x	x	
14	Notice where access requested	x	x	x	
15	Extension of time limits	x	x	x	x
17(2)(b)	Language of access	x	x	x	
17(3)(b)	Access to personal information in alternative format	x	x	x	
18(2)	Exemption (exempt bank) - Disclosure may be refused	x	x	x	
19(1)	Exemption - Personal information obtained in confidence	x	x	x	

Delegation		Position			
		DM	CS	ATIP/D	ATIP/DD
Section	Description	1	2	3	4
Privacy Act					
19(2)	Exemption - Where authorized to disclose	x	x	x	
20	Exemption - Federal-provincial affairs	x	x	x	
21	Exemption - International affairs and defence	x	x	x	
22	Exemption - Law enforcement and investigation	x	x	x	
22.3	Exemption - <i>Public Servants Disclosure Protection Act</i>	x	x	x	
23	Exemption - Security clearances	x	x	x	
24	Exemption - Individuals sentenced for an offence	x	x	x	
25	Exemption - Safety of individuals	x	x	x	
26	Exemption - Information about another individual	x	x	x	
27	Exemption - Solicitor-client privilege	x	x	x	
28	Exemption - Medical record	x	x	x	
31	Notice of intention to investigate	x	x	x	
33(2)	Right to make representation	x	x	x	
35(1)	Findings and recommendations of Privacy Commissioner (complaints)	x	x	x	
35(4)	Access to be given	x	x	x	

Delegation		Position			
		DM	CS	ATIP/D	ATIP/DD
Section	Description	1	2	3	4
<i>Privacy Act</i>					
36(3)	Report of findings and recommendations (exempt banks)	x	x	x	
37(3)	Report of findings and recommendations (compliance review)	x	x	x	
51(2)(b)	Special rules for hearings	x	x	x	
51(3)	Ex parte representations	x	x	x	
72(1)	Report to Parliament	x	x	x	

Delegation		Position			
		DM	CS	ATIP/D	ATIP/DD
Section	Description	1	2	3	4
Privacy Regulations					
9	Reasonable facilities and time provided to examine personal information	x	x	x	
11(2)	Notification that correction to personal information has been made	x	x	x	
11(4)	Notification that correction to personal information has been refused	x	x	x	
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	x	x	x	
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	x	x	x	

Legend:

DM Deputy Minister

CS Corporate Secretary

ATIP/D Director, Access to Information and Privacy Secretariat

ATIP/DD Deputy Director, Access to Information and Privacy Secretariat

Appendix B – Statistical Report on the Privacy Act



Government of Canada / Gouvernement du Canada

Statistical Report on the *Privacy Act*

Name of institution: Canadian Heritage

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

Part 1: Requests Under the *Privacy Act*

	Number of Requests
Received during reporting period	19
Outstanding from previous reporting period	1
Total	20
Closed during reporting period	18
Carried over to next reporting period	2

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	1	3	1	1	0	0	0	6
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	1	4	1	0	0	0	0	6
Request abandoned	5	0	0	0	0	0	0	5
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	7	8	2	1	0	0	0	18

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	6
19(1)(f)	0	22.1	0	27	2
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	4	2	0
Total	5	2	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	3	3	1
Disclosed in part	5270	4539	6
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	5
Neither confirmed nor denied	0	0	0
Total	5273	4542	12

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	3	0	0	0	0	0	0	0	0
Disclosed in part	2	64	2	369	0	0	2	4106	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	5	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	8	67	2	369	0	0	2	4106	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	2	3
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	2	3

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
2	1	0	0	1

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	1	0	1
16 to 30 days	0	1	1
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	1	1	2

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	1	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	1	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	1	0
Total	1	0	1	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	1	5	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	1	5	0	0
Closed during the reporting period	1	5	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	1	0	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
Total	1	0	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
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	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 (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		\$73,241
Overtime		\$0
Goods and Services		\$7,506
• Professional services contracts	\$1,561	
• Other	\$5,945	
Total		\$80,747

10.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.94
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.08
Students	0.00
Total	1.02

Note: Enter values to two decimal places.