



Canadian Environmental  
Assessment Agency

Agence canadienne  
d'évaluation environnementale



# **Administration of the *Privacy Act***

**Annual Report to Parliament 2016-2017**

Administration of the *Privacy Act* - Annual Report to Parliament 2016-2017

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## Introduction

The *Privacy Act* (the 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 government will collect, use, store, disclose, and dispose of any personal information.

Section 72 of the Act requires that the head of every government institution submit an annual report to Parliament on the administration of the Act during each fiscal year. The Canadian Environmental Assessment Agency (the Agency) is pleased to table in Parliament its 2016-2017 Annual Report on the Administration of the Act.

### About the Canadian Environmental Assessment Agency

Led by the President, who reports to the Minister of Environment and Climate Change, the Agency delivers its mandate within the framework of the following instruments:

- The *Canadian Environmental Assessment Act, 2012* (CEAA 2012) and its accompanying regulations;
- The *Canada-Wide Accord on Environmental Harmonization*, including the *Sub-Agreement on Environmental Assessment*, and bilateral agreements with provincial governments that establish arrangements for cooperative environmental assessments; and
- International agreements containing environmental assessment provisions to which Canada is a party, principally the United Nations Economic Commission for Europe's *Convention on Environmental Impact Assessment in a Transboundary Context*.

Consistent with the *Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals*, the Agency also supports the Minister of Environment and Climate Change in promoting the application of environmental assessment processes in strategic-level decision-making, by providing training and guidance to federal authorities.

The Agency is responsible for conducting federal environmental assessments for most major resource projects, as mandated under CEAA 2012. The Agency also integrates the Government of Canada's Indigenous engagement and consultation activities into the environmental assessment process for these projects, in accordance with the *Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects* and its Memorandum of Understanding. The Agency is the Crown Consultation Coordinator for Indigenous consultation, with the exception of projects under the authority of the National Energy Board and the Canadian Nuclear Safety Commission.

The President of the Agency is designated by an Order in Council as the federal administrator of the environmental and social protection regimes set out in Chapters 22 and 23 of the 1975 *James Bay and Northern Quebec Agreement*.

## **Delegation of Authority**

For the purposes of the Act, the Agency's "head of the institution" as defined in section 3 of the Act is the President of the Agency.

The responsibilities associated with the administration of the Act are delegated to the senior executive officers reporting directly to the President (Vice-presidents and General Counsel), as well as the Access to Information and Privacy Coordinator as deemed appropriate by the President for the effective administration of the program. The decision-making responsibility for the application of the various provisions of the Act is formally established and outlined in the departmental Delegation of Authority Instrument which can be found under Appendix A.

## **About Access to Information and Privacy**

The administration of the Act at the Agency is delegated to the Access to Information and Privacy (ATIP) Division. Their provision of ATIP services is included under the general responsibility of the Information Services Division, reporting to the Vice-President and Chief Security Officer, Corporate Services.

The Information Services Division is sub-divided into an Information Management (IM) unit, an ATIP unit, and an Information Technology (IT) unit. The ATIP function is the direct responsibility of the ATIP Coordinator and a team of three ATIP Officers.

The ATIP team administers the Act by:

- Receiving requests under the Act, creating Privacy request files and tracking the processing of Privacy requests using AccessPro Case Management software;
- Sending statutory notices to applicants, to third parties, and to the Information and Privacy Commissioners;
- Conducting consultations;
- Processing records for disclosure under the Act, in response to requests;
- Responding to requests for correction of personal information held by the Agency;
- Providing advice and training to Agency officials on interpretation and application of the legislation;
- Negotiating the resolution of formal complaints;
- Advising applicants, third parties and complainants of their rights and obligations under the legislation;
- Managing and reporting on privacy breaches;
- Annually updating and publicly reporting the Personal Information Banks under the Agency's control;
- Conducting/securing Privacy Impact Assessments in support of the Act and associated Regulations, Policies and Directives of Justice Canada and the Treasury Board Secretariat (TBS);
- Compiling statistics; and
- Preparing the Agency's annual report on the administration of the Act.

## Statistical Report – Interpretation and Analysis

Appendix B provides a summarized statistical report on *Privacy Act* requests processed by the Agency from April 1, 2016, to March 31, 2017.

### ***Privacy Act* Requests Received**

As indicated in the statistical report, the Agency received no requests under the Act during the 2016-2017 fiscal year. The table below demonstrates that the Agency has received a declining number of Privacy requests over the past few fiscal years.

	2013-2014	2014-2015	2015-2016	2016-2017
Number of Requests Received	3	2	0	0

### **Disclosures under Paragraphs 8(2)(e), (f), (g), and (m) of the *Privacy Act***

There were no disclosures pursuant to paragraphs 8(2)(e), (f), (g), and (m) of the Act during the 2016-2017 reporting period.

### **Complaints / Investigations / Appeals to the Court**

There were no complaints filed with the Office of the Privacy Commissioner of Canada during the reporting period. As well, there were no investigations and no appeals to the Federal Court of Appeal.

## Privacy Impact Assessments

One Privacy Impact Assessment (PIA) for the Environmental Assessment Delivery, Facilitated by the Environmental Assessment Management System (EAMS) was completed on January 25, 2017.

The Risk Analysis for this PIA identified five medium and two high risks related to the management of personal information through EAMS. These risks have been addressed by a mitigation strategy involving the following:

- **Augmentation of the Agency's Privacy Management.** This includes updating the following documents: The Privacy Notice, the Privacy Impact Assessment Directive, the Privacy Breach Policy, and the Privacy Protocol. Final approval is ongoing for the implementation of some of these policy instruments.
- **Training.** The Agency is developing a communication strategy to promote staff awareness of the importance of the above mentioned policy instruments. The Agency is also developing a training strategy for the implementation of EAMS. Both strategies will enhance observance of the privacy protection requirements within the Agency and surrounding the use of EAMS.
- **Protected B certification of the EAMS hosted platform.** The Agency has secured certification that the platform is cleared for Protected B.
- **Establishment of Records Disposition Authorities (RDAs).** The Agency is working towards establishing RDAs with Library and Archives Canada.
- **Registration of a new Personal Information Bank (PIB) to replace an existing Class of Records.** A new PIB has been included in this PIA, and has been submitted to the Treasury Board Secretariat of Canada (TBS) for registration.

It was posted to the Agency's external website on February 9, 2017 and more information can be found at <https://www.canada.ca/en/environmental-assessment-agency/corporate/transparency/executive-summary.html>

## **Data Matching and Sharing Activities**

There was no data matching or sharing activities undertaken during this reporting period.

## **Policies, Guidelines and Procedures**

There were no policies, guidelines or procedures implemented during this reporting period.

## **Training and Awareness**

Agency employees are provided with training and guidance to assist them in fulfilling their duties under the *Privacy Act*. The ATIP Coordinator provides advice and support on an as-needed basis.

Employees have been directed to take the Privacy-related training offered by the Canada School of Public Service. Training and reference materials are also made available to employees on the Agency's Intranet site.

## **Monitoring and Reporting**

The Agency continues to ensure compliance with the Act through effective reporting and monitoring mechanisms. Weekly ATIP reports are provided to the Executive Management Committee. These reports include depersonalized status of any individual requests, as well as compliance statistics. Special reports are also submitted to provide justification for any time extensions.

## **Privacy Breaches**

The Agency had three (3) privacy incidents during the reporting period. These breaches were not significant and therefore were not reported to the Office of the Privacy Commissioner.

To mitigate the effects of these breaches and to prevent recurrence, the employees were reminded and referred to the Agency's Privacy Policy as well as the TBS Policy on Government Security.



## Appendix A: Designation Order

### DESIGNATION ORDER (*Privacy Act*)

As head of the Canadian Environmental Assessment Agency for purposes of the *Privacy Act*, I hereby designate, under section 73 of that Act, the officers and employees of the Canadian Environmental Assessment Agency, who hold the positions set out in the attached Annex, to exercise or perform all of the powers, duties or functions that are conferred upon me by the provisions of the *Privacy Act* specified in the aforementioned Annex.



Ron Hallman  
President/Président  
Canadian Environmental Assessment Agency/  
Agence canadienne d'évaluation environnementale

### ARRÊTÉ DE DÉLÉGATION (*Loi sur la protection des renseignements personnels*)

En tant que responsable de l'Agence canadienne d'évaluation environnementale aux fins de la *Loi sur la protection des renseignements personnels*, je délègue, en vertu de l'article 73 de cette Loi, à des cadres et employés de l'Agence canadienne d'évaluation environnementale qui détiennent les postes présentés à l'annexe ci-jointe, mes attributions conférées par les dispositions de la *Loi sur la protection des renseignements* spécifiées dans cette annexe.

23 July '14  
Date

**Annex to Designation Order (Privacy Act) Dated – July 2014**

**Annexe à l'Arrêté de délégation (Loi sur la protection des renseignements personnels) datée juillet 2014**

The Access to Information and Privacy Coordinator and the Senior Executive Officers reporting directly to the President of the Canadian Environmental Assessment Agency are designated to exercise or perform all powers, duties or functions of the President as the head of the Canadian Environmental Assessment Agency under the provisions of the *Privacy Act* listed below. This designation replaces all previous delegation orders.

Toutes attributions du responsable de l'Agence canadienne d'évaluation environnementale conférées par les dispositions ci-dessous de la *Loi sur la protection des renseignements personnels* sont déléguées au Coordonnateur de l'accès à l'information et de la protection des renseignements personnels ainsi qu'aux Agents principaux exécutifs qui se rapportent au président de l'Agence canadienne d'évaluation environnementale. Le présent document remplace et annule tout arrêté antérieur.

8(2)(e)	Disclose personal information for law enforcement or investigation	Communiquer des renseignements personnels en vue de faire respecter les lois fédérales ou la tenue d'enquêtes licites
8(2)(m)	Disclose personal information in the public interest or in the interest of the individual	Communiquer des renseignements personnels pour des raisons d'intérêt public ou pour l'avantage d'un individu
8(4)	Retain copy of 8(2)(e) requests and disclosed records	Conserver une copie des demandes reçues en vertu de l'alinéa 8(2)e) et une mention des renseignements communiqués en vertu de cet alinéa
8(5)	Notify Privacy Commissioner of 8(2)(m) disclosures	Inform le Commissaire à la protection de la vie privée d'une communication en vertu de l'alinéa 8(2)m)
9(1)	Retain record of use	Faire un relevé des cas d'usage
9(4)	Notify Privacy Commissioner of consistent use and amend index	Aviser le Commissaire à la protection de la vie privée d'un usage compatible et modifier le répertoire
10(1)	Include personal information in personal information banks	Verser des renseignements personnels dans des fichiers de renseignements personnels
14(a)	Provide notice when access is requested	Répondre à une demande de communication
14(b)	Provide access to the information or part thereof	Donner accès à la totalité ou à une partie du document
15	Extend time limit	Proroger le délai
17(2)(b)	Cause translation or interpretation to be made	Demande qu'une traduction ou interprétation soit faite
18(2)	Apply exemption - Personal information contained in an exempt bank	Appliquer une exception - Renseignements personnels contenus dans un fichier inconsultable
19(1)	Apply exemption - Personal information obtained in confidence from other governments	Appliquer une exception - Renseignements personnels obtenus à titre confidentiel d'autres gouvernements
19(2)	Apply exemption - Personal information if the other government, organization or institution consents to the disclosure or makes the information public	Appliquer une exception - Renseignements personnels si l'autre gouvernement, organisation ou organisme consent à leur divulgation ou les rend publics
20	Apply exemption - Personal information injurious to the conduct of federal-provincial affairs	Appliquer une exception - Renseignements personnels dont la divulgation risque de porter préjudice à la conduite des

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		affaires fédérales-provinciales
21	Apply exemption - Personal information injurious to international affairs or defense	Appliquer une exception - Renseignements personnels dont la divulgation risque de porter préjudice à la conduite des affaires internationales ou à la défense
22(1)	Apply exemption - Personal information injurious to law enforcement or investigation	Appliquer une exception - Renseignements personnels dont la divulgation risque de porter préjudice à l'application de la loi ou aux enquêtes
22(2)	Apply exemption - Personal information obtained or prepared by the RCMP while performing policing services for a province or municipality	Appliquer une exception - Renseignements personnels obtenus ou préparés par la GRC dans l'exercice de fonctions de police provinciale ou municipale
22 (3)	Apply exemption - Personal information requested under subsection 12(1) that was created for the purpose of making a disclosure under the <i>Public Servants Disclosure Protection Act</i> or in the course of an investigation into a disclosure under that Act.	Appliquer une exception - Renseignements personnels demandés au titre du paragraphe 12(1) qui ont été créés en vue de faire une divulgation au titre de la <i>Loi sur la protection des fonctionnaires divulgateurs d'actes répréhensibles</i> ou dans le cadre d'une enquête menée sur une divulgation en vertu de cette loi.
23	Apply exemption - Personal information prepared by an investigative body for security clearances	Appliquer une exception - Renseignements personnels préparés par un organisme d'enquête lors des enquêtes de sécurité
24	Apply exemption - Personal information collected by the Canadian Penitentiary Service, the National Parole Service or the National Parole Board while individual was under sentence	Appliquer une exception - Renseignements personnels obtenus par le Service canadien des pénitenciers, le Service national des libérations conditionnelles ou la Commission nationale des libérations conditionnelles pendant que l'individu était sous le coup d'une condamnation
25	Apply exemption - Personal information which could threaten the safety of individuals	Appliquer une exception - Renseignements personnels dont la divulgation risquerait de nuire à la sécurité des individus
26	Apply exemption - Personal information about another individual	Appliquer une exception - Renseignements personnels qui portent sur un autre individu
27	Apply exemption - Personal information subject to solicitor-client privilege	Appliquer une exception - Renseignements personnels protégés par le secret professionnel qui lie un avocat à son client
28	Apply exemption - Personal information relating to the individual's physical or mental health	Appliquer une exception - Renseignements personnels sur l'état physique ou mental d'un individu
31	Receive notice of intention of investigation by the Privacy Commissioner	Recevoir les avis d'enquête du commissaire à la protection de la vie privée
33(2)	Make representations to the Privacy Commissioner in the course of an investigation	Présenter des observations au commissaire à la protection de la vie privée au cours d'une enquête
35	Give notice to the Information Commissioner of action taken/to be taken to implement recommendations and provide access to complainant after 35(1)(b) notice	Aviser par écrit le Commissaire à l'information des mesures prises ou envisagées pour la mise en œuvre des recommandations et accorder l'accès aux renseignements au plaignant après un avis donné en vertu de l'alinéa 35(1)b).

**Annex to Designation Order (Privacy Act) Dated – July 2014**

**Annexe à l'Arrêté de délégation (Loi sur la protection des renseignements personnels) datée juillet 2014**

36(3)	Receive Privacy Commissioner's report of findings of investigation of exempt bank	Recevoir du commissaire à la protection de la vie privée un rapport ou il présente ses conclusions au sujet d'une enquête sur un fichier inconsultable
37(3)	Receive report of Privacy Commissioner's findings after compliance investigation	Recevoir du commissaire à la protection de la vie privée un rapport ou il présente ses conclusions à la suite d'une vérification portant sur l'application de la Loi
51(2)(b)	Request that hearing be held in the National Capital Region	Demander qu'une audition ait lieu dans la région de la capitale nationale
51(3)	Request and be given opportunity to make representations in section 51 hearings	Demander et obtenir le droit de présenter des arguments lors des auditions en vertu de l'article 51
70(1)	Exclusion - Confidences of the Queen's Privy Council for Canada	Exclusion - Renseignements confidentiels du Conseil privé de la Reine pour le Canada
72(1)	Prepare annual report to Parliament	Établir le rapport d'application de la Loi pour présentation au Parlement
77	Fulfill any responsibilities that are conferred upon the head of the institution by the regulations made under section 77 and are not included above	S'acquitter des responsabilités qui sont attribuées par règlement au responsable de l'institution fédérale en vertu de l'article 77 et qui ne sont pas incluses ci-dessus

## Appendix B: Statistical Report on the *Privacy Act*