



Military Police
Complaints Commission
of Canada

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

Privacy Act

Annual Report

April 1, 2016 – March 31, 2017

For an electronic version of the publication, please consult the Military Police Complaints Commission of Canada's website at mpcc-cppm.gc.ca.

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1. Introduction

Purpose of the *Privacy Act*

The *Privacy Act* (PA) 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 PA is prepared and tabled in Parliament in accordance with section 72 of the PA.

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 (GIC) 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* (ATIA) and PA, 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 ATIP Coordinator for the MPCC is the CoS who is supported by the 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 PIH 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 PA, 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 PA and Regulations. (**Appendix A – Privacy Act Delegation Order**).

4. Privacy Act Statistics

During this review period, the MPCC received four requests and closed 15 requests. 11 of these requests were carried over from 2015-16.

Of the closed requests, three (20%) requests were responded within 15 days, one (7%) request was responded within 30 days and 11 (73%) requests were responded to within 120 days.

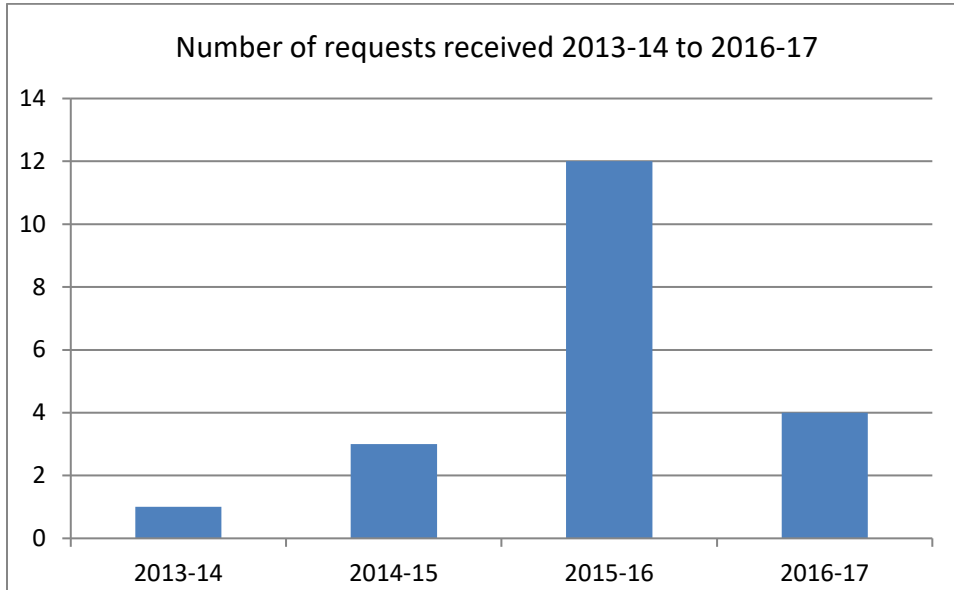
For additional information, please refer to **Appendix B**.

Consultations from Other Institutions

The MPCC received and closed two consultations received from other government department within the 15 days.

Multi-Year Trends

Due to the generally small numbers of requests, it is difficult to extrapolate trends. Although there was a 75% increase from 2014-15 to 2015-16, the number of requests from 2015-16 to 2016-17 dropped significantly.



5. Training

In addition to completing two mandatory online courses, 100% of MPCC employees received an awareness session. The session provided general information related to the PA and roles and responsibilities of institutions and employees.

6. Institutional Policies and Procedures

During the reporting period, the MPCC implemented a manual Tickler system (time limit reminder) to more efficiently respond to files within legislative deadlines. Procedures for processing Access to Information (ATI) were updated and provided to staff during ATIP training sessions. The MPCC also began the process of acquiring ATIP-specific software to administer the PA.

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 PA;
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

During the reporting period, 22 complaints were received by the Office of the Privacy Commissioner of Canada (OPC). The OPC concluded that eight of these complaints were well-founded under the “timelines and extension notice” provision. An error was made in calculating the due date and therefore the materials were released five days after the due date. The remaining 14 complaints were still ongoing at the end of the fiscal year. No audits were conducted during the reporting period as well as no appeals concerning PA requests with MPCC were filed in Federal Court.

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, PA Annual Report, ATI Statistical Report, PA 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 the reporting period.

10. Privacy Impact Assessments (PIAs)

No PIA were conducted during the reporting period.

11. Disclosure

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



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**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**

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.

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*, la présidente 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 du Canada, 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 12th day of May, 2016
Signé à Ottawa, Ontario, Canada le 12^{ème} jour de mai 2016

Canada

Privacy Act Delegation Order

The Chairperson of the Military Police Complaints Commission of Canada, pursuant to 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 the 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.

Privacy Act

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

Exemption Provisions of the Privacy Act					
Provision	Description	Chairperson	Chief of Staff	Access to Information and Privacy Officer	Senior Planning and Administrative Officer
18(2)	Exemption – Exempt banks	•	•		
19(1)	Exemption – Personal information obtained in confidence	•	•		
19(2)	Exemption – Where disclosure authorized	•	•		
20	Exemption - Federal-provincial affairs	•	•		
21	Exemption - International affairs and defence	•	•		
22	Exemption - Law enforcement and investigations	•	•		
22.3	Exemption - <i>Public Servants Disclosure Protection Act</i>	•	•		
23	Exemption - Security clearances	•	•		
24	Exemption - Individuals sentenced for an offence	•	•		
25	Exemption - Safety of individuals	•	•		
26	Exemption - Information about another individual	•	•		
27	Exemption - Solicitor-client privilege	•	•		
28	Exemption - Medical record	•	•		
Other Provisions of the Privacy Act					
Provision	Description	Chairperson	Chief of Staff	Access to Information and Privacy Officer	Senior Planning and Administrative Officer
33(2)	Right to make representations	•	•		
35(1)(b)	Notice of actions to implement recommendations of Commissioner	•	•	•	•
35(4)	Access to be given	•	•	•	•

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

Dated, at the City of Ottawa, this 12th day of May, 2016.



Hilary C. McCormack
Chairperson
Military Police Complaints Commission of Canada

Statistical Report on the Privacy Act

Name of institution: MPCC

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

Part 1: Requests Under the Privacy Act

	Number of Requests
Received during reporting period	4
Outstanding from previous reporting period	11
Total	15
Closed during reporting period	15
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	4	0	0	0	5
All exempted	1	0	0	6	0	0	0	7
All excluded	0	0	0	0	0	0	0	0
No records exist	2	1	0	0	0	0	0	3
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	3	1	1	10	0	0	0	15

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)	10	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	4
19(1)(f)	0	22.1	0	27	3
20	0	22.2	0	28	0
21	0	22.3	8		

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	3	2	0
Total	3	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	0	0	0
Disclosed in part	1250	327	5
All exempted	6442	0	7
All excluded	0	0	0
Request abandoned	0	0	0
Neither confirmed nor denied	0	0	0
Total	7692	327	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	0	0	0	0	0	0	0	0	0	0
Disclosed in part	2	93	1	11	0	0	2	223	0	0
All exempted	2	0	2	0	0	0	3	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	4	93	3	11	0	0	5	223	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	2	0	0	0	2
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	2	0	0	0	2

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
11	8	3	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	1	1
61 to 120 days	0	10	10
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	11	11

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	4	0	4	0
All exempted	7	0	7	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	11	0	11	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	11	0	11	0
Total	11	0	11	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	2	97	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	2	97	0	0
Closed during the reporting period	2	97	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	1	0	0	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
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	2	0	0	0	0	0	0	2

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	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
22	0	0	0	22

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		\$53,307
Overtime		\$0
Goods and Services		\$6,104
• Professional services contracts	\$6,104	
• Other	\$0	
Total		\$59,411

10.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.50
Part-time and casual employees	0.25
Regional staff	0.00
Consultants and agency personnel	0.15
Students	0.00
Total	0.90

Note: Enter values to two decimal places.