



Environment and
Climate Change Canada

Environnement et
Changement climatique Canada

2017-2018

ANNUAL REPORT TO PARLIAMENT

Privacy Act

Canada 

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INTRODUCTION

The *Privacy Act* (R.S.C. 1985, c. P-21) came into force on July 1, 1983. The Act governs how the federal government may collect personal information, restricts the use and disclosure of this information, and gives individuals a right to review and correct their personal information. Section 72 requires every head of a federal government institution to submit a report to Parliament on the administration of the Act within their institution during the fiscal year.

This report is submitted in accordance with section 72 of the Act. It presents an overview of activities related to the *Privacy Act* carried out within Environment and Climate Change Canada during the reporting period of April 1, 2017 to March 31, 2018. Further, since the Canada Emission Reduction Incentives Agency was not operational during this reporting period, an Agency report will not be prepared for this period.

The Department of the Environment was established by the *Government Reorganization Act* (1970-71-72, c. 42) on June 10, 1971. A number of acts and regulations provide the Department with its mandate and allow it to carry out its programs. Under the *Department of the Environment Act*, the powers, duties and functions of the Minister of the Environment extend to and include matters relating to:

- the preservation and enhancement of the quality of the natural environment, including water, air and soil quality;
- renewable resources, including migratory birds and other non-domestic flora and fauna;
- water;
- meteorology;
- the enforcement of any rules or regulations made by the International Joint Commission relating to boundary waters; and
- the coordination of the policies and programs of the Government of Canada respecting the preservation and enhancement of the quality of the natural environment.

ORGANIZATIONAL STRUCTURE

As Environment and Climate Change Canada's Access to Information and Privacy Coordinator, the Director of the Access to Information and Privacy Division has delegated authority on all matters concerning Access to Information and Privacy (ATIP). The ATIP Division is part of the Corporate Secretariat, which is found within the Public and Indigenous Affairs and Ministerial Services Branch of the Department. The ATIP Division is the central coordinating body for all requests received by Environment and Climate Change Canada under the *Access to Information Act* and the *Privacy Act*.

The ATIP Division directs all activities within Environment and Climate Change Canada relating to the administration, application and promotion of the *Access to Information Act* and the *Privacy Act*. It provides advice to senior management on the implementation of the statutes and prepares reports to Parliament, the Treasury Board Secretariat and senior management. The ATIP Division represents the Department in complaints and investigations conducted by the Information

Commissioner and Privacy Commissioner of Canada, and in any Federal Court applications arising from ATIP matters.

As of March 31, 2018, the ATIP Division was comprised of 19 officers. The Division is organized in two teams each led by a manager who reports to the ATIP Director. The ATIP Division team consists of two team leaders, four senior advisors, three analysts, three junior analysts, two intake officers and two clerical assistants. In order to help meet the increase in volume and complexity of requests, the Division also engaged the support of two consultants during the reporting period.

Capacity Development

Environment and Climate Change Canada remains committed to recruiting, training and maintaining a workforce that possesses specialized skills and that will continue to provide the best possible service to both internal and external clients.

During the reporting period, Environment and Climate Change Canada completed several staffing actions. As a result of these staffing processes, two team leaders at the PM-05 level joined our team. In addition, two new Intake Officers were recruited and an administrative officer position was staffed.

Early in the 2018-2019 fiscal year, the ATIP Division will launch selection processes for additional senior advisors at the PM-04 level and a third PM-05 team leader to help meet the growing workload challenge.

Environment and Climate Change Canada continues to focus on developing capacity through its ATIP Professional Development Program. The program aims to train employees over a period of three to five years through a combination of competency-based training, professional development training and work assignments. Candidates enter the program at the PM-01 or PM-02 level and graduate as Senior ATIP Advisors at the PM-04 level. The program enables the ATIP Division to better manage increasing workloads while facilitating succession planning through the transfer of corporate memory and encourages staff to remain with the Department for a longer period of time.

DELEGATION OF AUTHORITY

Decision-making responsibility for the application of the various provisions of the *Access to Information Act* has been formally established and is outlined in the departmental Delegation of Authority Instrument. The current Designation Order was approved by the Honourable Catherine McKenna, Minister of Environment and Climate Change, in January 2017. A copy of the designation order pertaining to the *Access to Information Act* can be found in Appendix B of this report.

This delegation order instrument provides full delegated authority under the Acts to the Deputy Minister, the Associate Deputy Minister, the Director General of the Corporate Secretariat, and the Director of the ATIP Division.

INTERPRETATION OF THE STATISTICAL REPORT

Environment and Climate Change Canada's Statistical Report on the *Privacy Act* is included in Appendix A of this report.

Between April 1, 2017 and March 31, 2018, Environment and Climate Change Canada received 30 requests under the *Privacy Act*. There were also 4 requests carried forward from the 2016–2017 reporting period, for a total of 34 active requests. In 2017–2018, a total of 24 requests were completed. Ten (10) requests were carried forward to the next reporting period.

Trends

Environment and Climate Change Canada received 25 fewer requests under the *Privacy Act* in 2017–2018 than in the previous fiscal year; this represents a decrease of 45% in the number of privacy requests received. Environment and Climate Change Canada continued to notice a trend in which privacy requests received this year were largely related to active labor relations matters. In some cases, it appears that the requests are filed to supplement existing processes/recourse mechanisms.

The number of requests under the *Privacy Act* **received** by Environment and Climate Change Canada from 2012-2013 to 2017–2018 is found in figure 1.

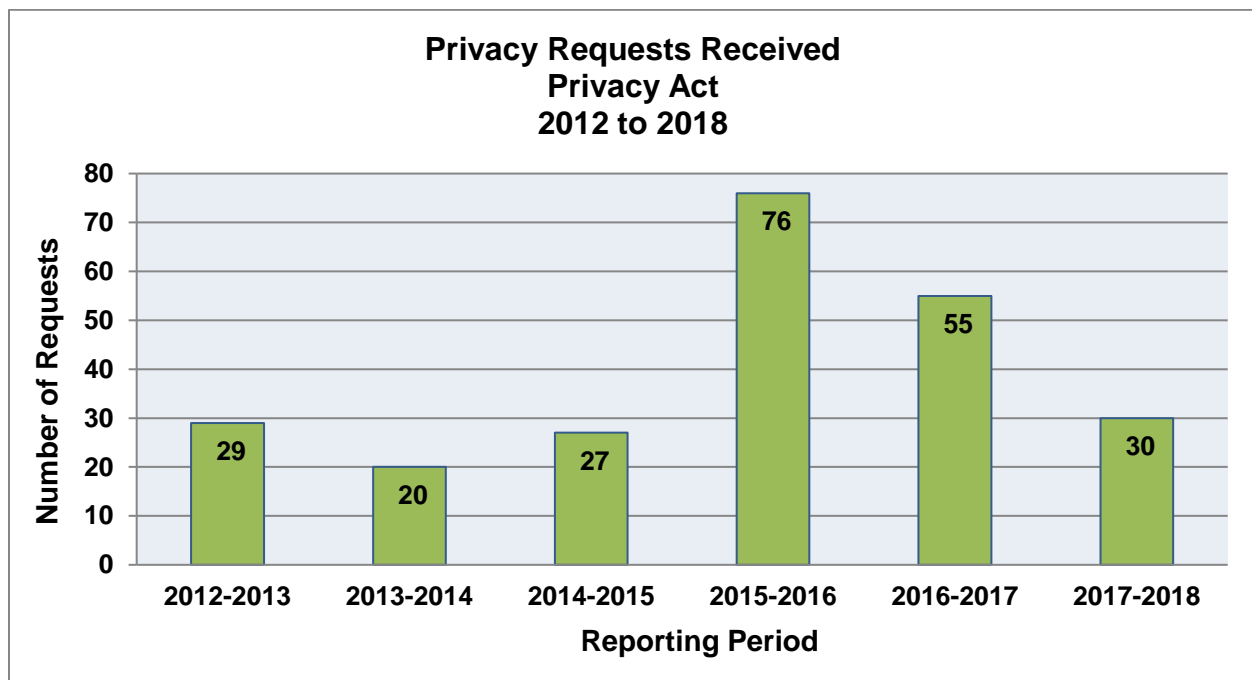


Figure 1

Environment and Climate Change Canada completed 24 requests under the Privacy Act in 2017–2018. Figure 2 displays the number of requests under the Privacy Act completed by Environment and Climate Change Canada from 2012–2013 to 2017–2018.

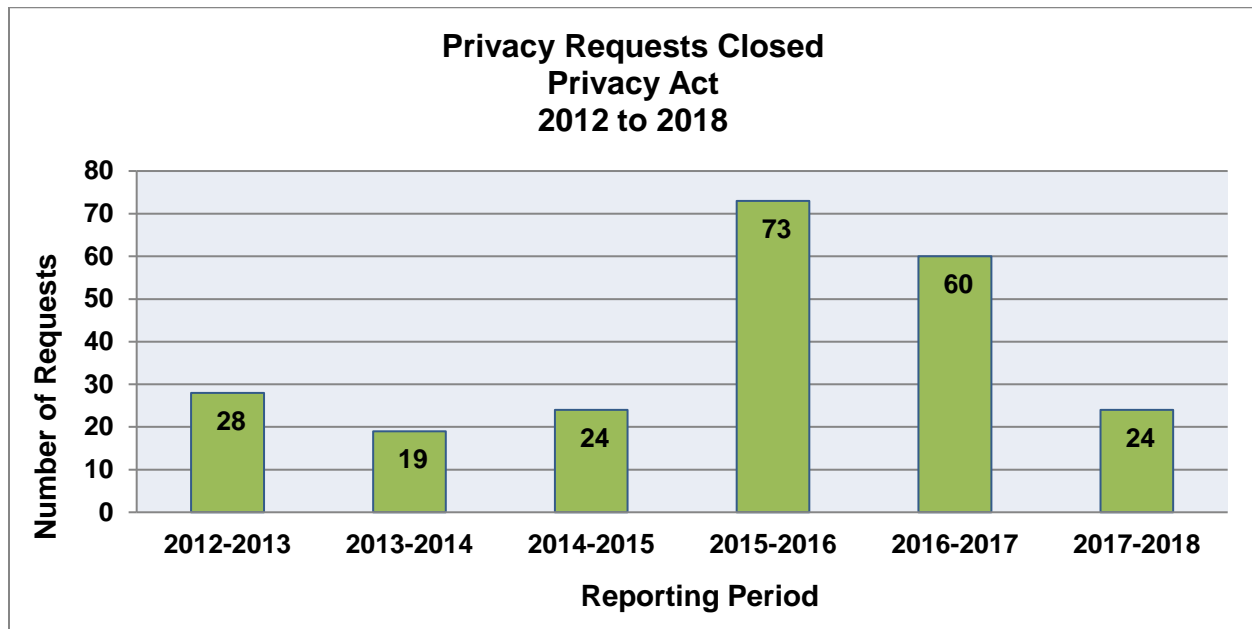


Figure 2

Figure 3 shows the number of pages **processed** by the ATIP Division in processing requests under the *Privacy Act* from 2012–2013 to 2017–2018.

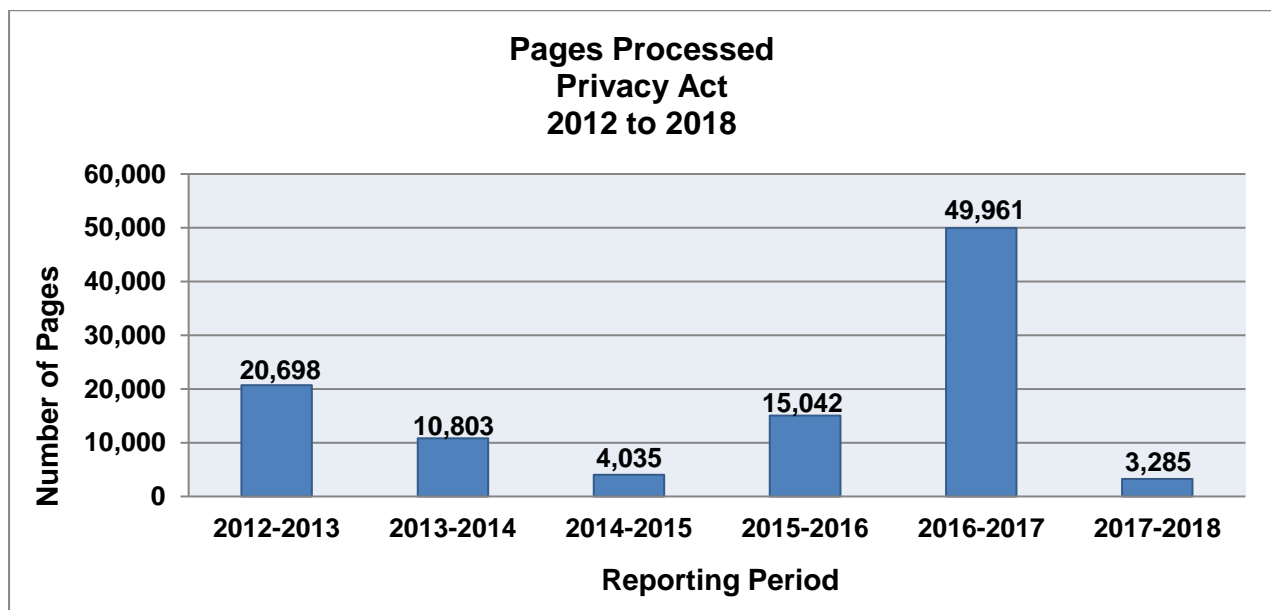


Figure 3

In the 2017–2018 reporting period, a total of 3,285 pages of records were retrieved and reviewed in response to privacy requests. This represents a decrease of 93% over the 2016–2017 fiscal

year. This significant decrease is largely attributable to one large request that was completed in the previous fiscal year as well as the overall decrease in the number of requests processed.

The number of pages **disclosed** by the ATIP Division in processing requests under the *Privacy Act* from 2012–2013 to 2017–2018 is found in figure 4.

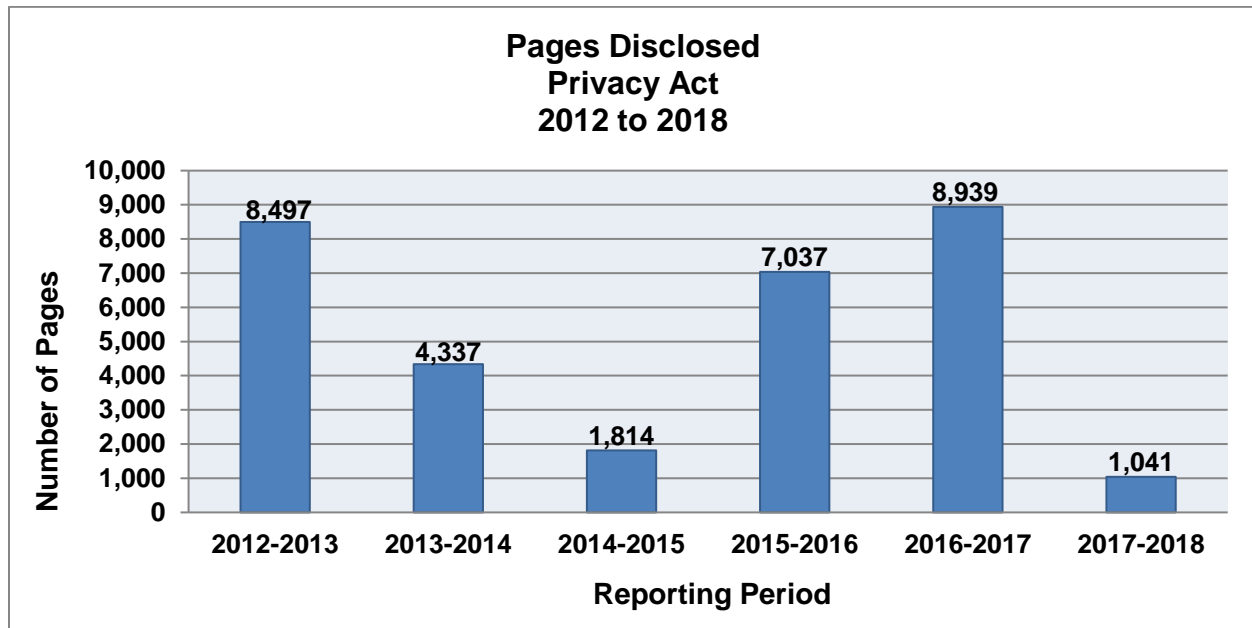


Figure 4

Corrections

Paragraph 12(2)(a) of the *Privacy Act* gives individuals a right to request a correction of personal information about them held by the federal government.

No corrections were requested or made in the 2017–2018 reporting period.

Disclosure under Subsection 8(2)

Paragraphs 8(2)(e), (f), (g), and (m) of the *Privacy Act* permit the disclosure of personal information to various investigative/regulatory bodies or to Members of Parliament, or if disclosure is in the public interest.

No disclosures under subsection 8(2), including under paragraph 8(2)(m), were completed in the 2017–2018 reporting period.

Consultations

In 2017–2018, Environment and Climate Change Canada received 8 privacy consultations from other government institutions. Seven (7) consultations were completed during the 2017–2018 reporting period. Two (2) consultations were carried forward to the next reporting period.

Costs

In 2017–2018, the total cost of administering the *Privacy Act* was \$170,320. This included \$145,320 for salaries and \$25,000 for goods and services.

TRAINING ACTIVITIES

The ATIP Division provides daily advice to departmental officials on the processing of ATIP requests as well as the interpretation of the Acts to ensure the efficient and consistent processing of all requests received by the Department.

The ATIP Division further continued its formal training and development activities in the 2017–2018 reporting period. Twelve (12) information and training sessions were held, attended by 80 Environment and Climate Change Canada employees. The sessions included an overview of the *Access to Information Act* and the *Privacy Act* as well as a description of internal procedures and associated deadlines for responding to requests. The training activities were supported by new tools to assist program officials to respond to requests.

In the latter part of 2017-2018, planning was also undertaken on the development of a new training program which will begin in April 2018.

POLICIES, GUIDELINES, PROCEDURES AND REPORTING

Policy Framework

Environment and Climate Change Canada's privacy policy framework was approved in November 2012. No changes were brought to the privacy policy framework in 2017-2018.

Reporting

The ATIP Division regularly monitors the timeliness and trends associated with the processing of requests through ongoing communication with branch and directorate liaison contacts. This includes providing performance reports on the status of branch retrievals to branch head offices on a regular basis. ATIP updates are also provided to Environment and Climate Change Canada's Executive Management Committee.

Publicly Accessible Information and Inquiry Points

Info Source is a series of publications containing information on the Government of Canada and on the Government's data collection activities. Info Source is intended to help the public access government information and to exercise their rights under the *Privacy Act* and *Access to Information Act*.

Each year, the ATIP Division prepares updates on Environment and Climate Change Canada's activities and information holdings for publication in Info Source which is published on the Department's website. In 2017-2018, Environment and Climate Change Canada made minor changes to its Info Source chapter.

Environment and Climate Change Canada's comprehensive website provides information on the Department's policies, its organizational structure and the means to contact departmental officials. In accordance with the federal government's policy of proactive disclosure, the

Department's website also allows access to internal evaluations and audits, as well as information on hospitality expenses, contracts and grants.

Environment and Climate Change Canada's website also has an access to information and privacy webpage that provides background information on both the *Access to Information Act* and the *Privacy Act*. It also contains a Frequently Asked Questions section and links to access to information request forms, personal information request forms and summaries of completed access to information requests.

In order to facilitate public access to information and to comply with the Act, the Environment and Climate Change Canada Library has been designated a public reading room. The library is located on the 1st floor of the Place Vincent Massey Annex, 351 St. Joseph Boulevard, Gatineau, Quebec.

Online Request Service

Environment and Climate Change Canada has participated in the Treasury Board Secretariat Online Request Service Pilot Project since April 2014. This initiative makes the process of requesting government records simpler and more convenient by enabling Canadians to submit their ATIP requests and application fees online. Environment and Climate Change Canada received 15 privacy requests online during the 2017–2018 reporting period. This represents 50% of the total number of privacy requests received by the Department.

Data Sharing Activities

The Department did not undertake any new internal or external data sharing activities in 2017–2018.

Exempt Personal Information Banks

Environment and Climate Change Canada has no exempt Personal Information Banks.

Privacy Impact Assessments

To fulfill its mandate, some of Environment and Climate Change Canada's responsibilities require the collection, use and disclosure of personal information. As a trusted custodian of this information, the Department uses Privacy Impact Assessments (PIAs), in accordance with Treasury Board policy, as a risk management tool. Although Environment and Climate Change Canada did not complete any Privacy Impact Assessments during the reporting period, the ATIP Division regularly provides advice to departmental employees on privacy matters.

Material Privacy Breaches

There was no material privacy breach during the 2017-2018 fiscal year.

COMPLAINTS, AUDITS, INVESTIGATIONS AND APPEALS

Applicants have the right to register a complaint with the Privacy Commissioner of Canada regarding any matter relating to the processing of a request.

During the 2017–2018 reporting period, there were 5 complaints filed against Environment and Climate Change Canada with the Office of the Privacy Commissioner. One of the complaints related to processing delays and 4 related to exemptions applied.

The five complaints received in 2017-2018, as well as 3 complaints from previous reporting periods were completed in 2017-2018 for a total of 8 complaints closed. Table 1 provides a breakdown of the reasons and results of the complaints that were completed in 2017-2018.

Table 1

Reason for Complaint	Number of Decisions	Results of Investigations					
		Well founded	Not well founded	Resolved	Early resolution	Settled during investigation	Discontinued
Delay	3	3	0	0	0	0	0
Exemption	5	0	1	4	0	0	0
Total	8	3	1	4	0	0	0

Explanation of the Results of Investigations

- **Well founded:** The government institution failed to respect the *Privacy Act* rights of an individual.
- **Not well founded:** The investigation uncovered no or insufficient evidence to conclude that the government institution violated the complainant's rights under the *Privacy Act*.
- **Resolved:** After a thorough investigation, the OPC helped negotiate a solution that satisfied all parties.
- **Early resolution:** Applied to situations in which the issue is dealt with before a formal investigation is undertaken.
- **Settled during the course of investigation:** The OPC helped negotiate a solution that satisfied all parties during the investigation, but did not issue a finding.
- **Discontinued:** The investigation was terminated before all the allegations were fully investigated.

One complaint remains outstanding.

The department reviews the outcomes of all of the Privacy Commissioner investigations and where appropriate, incorporates lessons learned into business processes.

There were no recommendations raised by other Agents of Parliament during the reporting period.

Application/Appeals to the Federal Court or Federal Court of Appeal

There were no applications or appeals to the Federal Court or Federal Court of Appeal under the *Privacy Act* during the 2017–2018 reporting period.

APPENDIX A: STATISTICAL REPORT

Statistical Report on the *Privacy Act*

Name of Institution: Environment and Climate Change Canada - ATIP Secretariat

Reporting Period: 01-04-2017 to 31-03-2018

PART 1 - Requests under the Privacy Act

	Number of Requests
Received during reporting period	30
Outstanding from previous reporting period	4
Total	34
Closed during reporting period	24
Carried over to next reporting period	10

PART 2 - Requests closed during the reporting period

2.1 Disposition and completion time

Disposition of requests	Completion Time							
	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	1	1	0	0	0	0	2
Disclosed in part	0	2	3	4	1	0	0	10
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
Abandoned	9	0	0	0	0	0	0	9
Neither confirmed nor denied	0	2	0	0	0	0	0	2
Total	10	5	4	4	1	0	0	24

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)	0	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	10
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	1	1	0
Disclosed in part	5	5	0
Total	6	6	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	58	50	2
Disclosed in part	3227	991	10
All exempted	0	0	0
All excluded	0	0	0
Request Abandoned	0	0	9
Neither confirmed nor denied	0	0	2
Total	3285	1041	23

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	2	50	0	0	0	0	0	0	0	0
Disclosed in part	6	127	1	147	2	547	1	170	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
Abandoned	9	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	2	0	0	0	0	0	0	0	0	0
Total	19	177	1	147	2	547	1	170	0	0

2.5.3 Other complexities

Disposition	Consultation required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	1	0	0	0	1
Disclosed in part	0	0	6	0	6
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	4	0	4
Neither confirmed nor denied	0	0	0	0	0
Total	1	0	10	0	11

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
3	2	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	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	2	2
61 to 120 days	0	1	1
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	3	3

2.7 Request 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 subsection 8(2)

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	1	0	0	0
Disclosed in part	7	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	8	0	0	0

5.2 Length of extensions

Length of extensions	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation or conversion
		Section 70	Other	
1 to 15 days	0	0	0	0
16 to 30 days	8	0	0	0
Total	8	0	0	0

PART 6 - Consultations received from other institutions and organizations

6.1 Consultations received from other government institutions and organizations

Consultations	Other Government of Canada Institutions	Number of pages to review	Other organizations	Number of pages to review
Received during the reporting period	8	591	0	0
Outstanding from the previous reporting period	1	0	0	0
Total	9	591	0	0
Closed during the reporting period	7	465	0	0
Pending at the end of the reporting period	2	126	0	0

6.2 Recommendations and completion time for consultations received from other Government of Canada Institutions

Recommendations	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	
Disclose entirely	0	2	0	0	0	0	0	2
Disclose in part	1	3	0	1	0	0	0	5
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	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	5	0	1	0	0	0	7

6.3 Recommendations and completion time for consultations received from other organizations

Recommendations	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	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	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
5	7	3	0	15

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		\$ 145320.00
Overtime		\$ 0.00
Goods and Services		\$ 25000.00
• Contracts for privacy impact assessments	\$ 0.00	
• Professional services contracts	\$ 25000.00	
• Other	\$ 0.00	
Total		\$ 170320.00

10.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	1.00
Part-time and casual employees	1.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	2.00

APPENDIX B: DESIGNATION ORDER INSTRUMENT



Environment and
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Access to Information and Privacy Designation Order

The Minister of the Environment, 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 Minister of the Environment as the head of Environment and Climate Change 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.

Schedule		
Position	<i>Access to Information Act</i> and Regulations	<i>Privacy Act</i> and Regulations
Deputy Minister of Environment	Full authority	Full authority
Associate Deputy Minister of Environment	Full authority	Full authority
Director General, Corporate Secretariat	Full authority	Full authority
Director, Access to Information and Privacy	Full authority	Full authority
Manager, Access to Information and Privacy	Full authority	Full authority
Team Leader, Access to Information and Privacy	7(a), 8, 9, 11	15

JAN 11 2017

Dated, at the City of Gatineau, Quebec, this day of , 2017

Catherine McKenna
Minister of Environment and Climate Change Canada

Canada