



Innovation, Science and
Economic Development Canada

Innovation, Sciences et
Développement économique Canada

2015-16

ANNUAL REPORT ON THE
ADMINISTRATION OF THE *PRIVACY ACT*



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PREFACE AND PURPOSE

The *Privacy Act* (Revised Statutes of Canada, Chapter A-1, 1985) was proclaimed on July 1, 1983.

The purpose of the *Privacy Act* “is to extend the present laws of Canada that 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 that information”. The law also protects an individual’s privacy by preventing others from having access to that personal information and allows an individual specific rights concerning the collection and use of his/her information.

Section 72 of the *Privacy Act* requires that the head of every government institution prepare for submission to Parliament an annual report on the administration of this Act within the institution during each financial year.

This annual report is tabled in Parliament in accordance with section 72 of the *Privacy Act* and describes how Innovation, Science and Economic Development Canada administered its responsibilities for 2015-2016.



ABOUT THE ORGANIZATION

Departmental Mandate

On November 4, 2015, the Government of Canada announced that the Department of Industry would be known as Innovation, Science and Economic Development Canada. The Department helps Canadian businesses grow, innovate and export so that they can create good quality jobs and wealth for Canadians. The Department works with provinces, territories, municipalities, the post-secondary education system, employers and labour to improve the quality and impact of its programs that support innovation, scientific research and entrepreneurship, in order to build a prosperous and innovative Canada.

Innovation, Science and Economic Development Canada works with Canadians in all areas of the economy and in all parts of the country to improve conditions for investment, to enhance Canada's innovation performance, and to make Canadian firms more productive and competitive in the knowledge-based economy. The Department works on a broad range of matters related to industry and technology, trade and commerce, science, consumer affairs, corporations and corporate securities, competition and restraint of trade, weights and measures, bankruptcy and insolvency, intellectual property, investment, small business, and tourism.

Access to Information and Privacy Services

Access to Information and Privacy (ATIP) Services (previously Information and Privacy Rights Administration) is part of the Office of the Corporate Secretary (OCS) of Innovation, Science and Economic Development Canada. The team has a complement of 15 employees consisting of one Director, three managers, nine advisors and two support staff, all of whom are dedicated to processing access and privacy requests, as well as related functions.

ATIP Services is responsible for the implementation and management of programs and services relating to the administration of the *Access to Information Act* and *Privacy Act* for the Department. Specifically, ATIP Services makes decisions on the disposition of access and privacy requests; promotes awareness of the legislation to ensure departmental responsiveness to statutory obligations; monitors and advises on departmental compliance with the Acts, regulations, procedures and policies; and acts as the spokesperson for the Department when dealing with the Treasury Board Secretariat, the Information Commissioner, the Privacy Commissioner, and other government departments and agencies. ATIP Services is also responsible for consulting with other federal departments and third parties with respect to ATIP requests received.



Delegation of Authority

The existing ATIP Delegation Order was approved by the former Minister in November 2014. Pursuant to section 73 of the Acts, the Minister has delegated full authority to the Corporate Secretary, the Director and the Managers of ATIP Services. The designation of the Corporate Secretary position is for the purposes of providing strategic support and advice to the executive management of the Department concerning ATIP issues, if and when required. For all daily ATIP activities and operations, the Director and the Managers of ATIP Services exercise full responsibility (see Appendix B).

The Director of ATIP Services is responsible for the development, coordination and implementation of effective policies, guidelines and procedures to manage the Department's compliance with the Acts. The administration of the legislation within the Department is managed by ATIP Services, but is also facilitated at the sector, branch and regional office levels. Each sector and corporate branch has an ATIP Liaison Officer (reporting to an Assistant Deputy Minister, Executive Director, etc.) who coordinates activities and provides guidance on the administrative processes and procedures of the Acts. ATIP Services, which is located in Ottawa, responds to all formal requests submitted to the Department under both Acts.

ATIP Policies, Procedures and Business Practices

To improve the administration of the ATIP program, and to ensure that Treasury Board ATIP policies are respected and implemented, ATIP Services regularly develops and updates various internal guidelines, procedures, and business practices. One such business practice is the electronic management of consultation requests, in that no paper file is generated, nor retained.

ATIP Services communicates information using various methods from direct interactions with departmental officials (i.e.: training and meetings), to publishing articles in the department's weekly newsletter and/or posting on its intranet site.

ATIP Services continues to maintain its lean engineering practices by reviewing processes and eliminating redundant administrative activities to ensure a high-level compliance and performance as well as positive communications with its clients and stakeholders.



Training and Outreach

Enhanced awareness and knowledge of ATIP obligations on the part of departmental officials has shown to improve the quality of responses and the Department's rate of compliance with legal obligations.

ATIP Services updated its training products to reflect legislative and policy requirements, as well as to promote best practices in responding to ATIP requests and managing information. Throughout the reporting period, ATIP Services delivered 28 training sessions and a total of 610 employees received some form of ATIP training. Most of this training was tailored to specific needs of various sectors.

ATIP Services also developed a series of messages designed to promote best practices and remind employees of legal and policy requirements related to privacy. These messages were communicated to all employees via the departmental weekly newsletter and were posted on the intranet site.

PRIVACY – TRENDS AND STATISTICS

The Department's mandate is focused on Canadian businesses. Departmental programs and initiatives assist in building a more productive, competitive and knowledge-based economy for Canada. As a result, there are few privacy requests or privacy related issues.

A summarized statistical report on *Privacy Act* requests processed from April 1, 2015 to March 31, 2016 is found at Appendix A. An explanation and interpretation of the information contained in the statistical report follows.

Statistical Report – Interpretation and Analysis

Number of requests received and completed

In 2015-2016, the Department received 55 requests submitted under the *Privacy Act* as compared to 59 requests received during 2014-2015. This represents a 7 percent decrease from the previous reporting period.

The Department completed 58 requests during this reporting period, almost the same as the previous year (57). However, following discussion with applicants, it



was concluded that 20 requests (34percent) consisted of information that was not under the control of the Department and therefore, deemed either “abandoned” or “no records”. The remaining three (3) requests were carried forward to the 2016-2017 reporting year.

In addition, the Department received and completed two (2) consultation requests from other government departments during the reporting period.

Nature of information requested

The privacy requests processed involved issues related to staffing exercises (such as rating guides and screening processes), performance, personal comments and/or bankruptcy files held by the Office of the Superintendent of Bankruptcy. This is in keeping with previous years.

Volume of pages processed

A total of 11,213 pages were processed during the reporting period, a 7 percent increase from the 10,510 pages processed last year. Five thousand, three hundred and eighty-three (5,383) pages were released, which is 26 percent less than the 7,216 pages that were processed last year.

Completion Time

The 58 requests were completed within the following timeframes:

- 18 within 1 to 15 days (31%)
- 24 within 16 to 30 days (41%)
- 9 within 31 to 60 days (15 %)
- 4 within 61 to 120 days (7 %)
- 1 within 121-180 days (2 %)
- 1 within 181-365 days (2 %)
- 1 in more than 365 days (2 %)

Overall, 88 percent of these requests were completed within 60 days. With respect to monitoring the processing time of requests, ATIP Services has continued the following business practices:

- Managers regularly review and monitor the status of privacy requests using the ATIP case management tool (Axxess-1);



- Managers conduct weekly operational meetings with staff to review work plans and establish priorities; and
- Managers report weekly to the Director on requests to be closed as well as on-time compliance.

Disposition of requests

The disposition of the 58 completed requests is as follows:

- 25 were disclosed in part (43 %)
- 12 were fully disclosed (21%)
- 12 requests were abandoned (21%)
- 8 had no existing records (13%)
- 1 were fully withheld (2%)

Limits to the right of access – Exemptions and Exclusions

Exemptions in accordance with sections 19 through 28 of the *Privacy Act* can be invoked to withhold information from being released to a requester. Several exempting provisions can be applied to withhold information in response to one request, and these are reported separately in the statistical report. However, the same exempting provision invoked to withhold information more than once within the same request is reported only once in the statistical report.

The statistics demonstrate that the Department only invoked two exempting provisions throughout the reporting period – sections 22 and 26. This reflects the nature of the information held by the Department (i.e., personal information about other individuals contained in staffing files, and administrative investigations carried out under the *Bankruptcy and Insolvency Act*).

The *Privacy Act* does not apply to published material, material available for purchase by the public, or confidences of the Queen's Privy Council for Canada, pursuant to sections 69 and 70 of the Act, respectively. One exclusion was invoked to refuse access to information that was publicly available.

Requests for Correction of Personal Information and Notations

No request for corrections or notations, were received for this reporting period. As a result, no monitoring processes were required during the reporting period.



Levelling of costs and human resources

ATIP Services

Total salary costs associated with ATIP Services administering the *Privacy Act* amounted to \$52,327 for this reporting period. Non-salary costs amounted to \$4,499 for a total cost of \$56,826.

The human resources required to administer the *Privacy Act* amounted to 0.65 full-time equivalents (FTE), similar to the previous year.

Department

Administrative costs as reported by program officials across the Department associated with retrieving, reviewing and providing information to ATIP Services amounted to \$7,548. The human resources outside of ATIP Services required to retrieve documents and provide recommendations totaled 0.12 FTEs.

Total Costs

The overall cost to administer the *Privacy Act* at Innovation, Science and Economic Development Canada amounts to \$64,374 for the reporting period. Total human resources required to administer the *Privacy Act* for the reporting period was less than 1 FTE (0.77).

Disclosures Under Subsection 8(2)(m)

Subsection 8(2) of the *Privacy Act* provides limited and specific circumstances under which institutions may disclose personal information without an individual's consent. Subsection 8(2)(m) allows institutions to release personal information if either the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or if the disclosure would clearly benefit the individual to whom the information relates.

During the reporting period, Innovation, Science and Economic Development Canada did not disclose personal information pursuant to paragraph 8(2)(m) of the *Privacy Act*.



Privacy Impact Assessments Completed During the Year

One privacy impact assessment (PIA) was completed during the reporting period. The PIA was a departmental project led by the Canadian Intellectual Property Office relating to the Canadian Document Access System.

The purpose of the PIA was to assess the privacy impacts arising from making additional information (much of it public) about patent applications and granted patents available online through the Canadian Patent Database and the World Intellectual Property Office's Centralized Access to Search and Examination system. A summary of the PIA is available [here](#).

Material Privacy Breaches

No material privacy breaches occurred during the reporting period.

Complaints, Audits, Investigations and Appeals

Applicants have the right of complaint pursuant to the Act and may exercise this right at any time during or after the processing of their request. The Department received three complaints during the reporting period – all were related to the improper use and disclosure of personal information. Two of these complaint investigations are ongoing.

The Office of the Privacy Commissioner (OPC) completed four complaint investigations during the reporting period – two involving allegations of improper use and disclosure, one relating to improper retention and disposal and one regarding the collection of personal information. All four complaints were considered to be not well-founded.

No court challenges were received during the reporting period, nor were any audits relating to the administration of the privacy legislation conducted during the reporting period.



APPENDIX A

Statistical Report on the *Privacy Act*

Name of
institution:

Innovation, Science and Economic Development

Reporting
period:

2015-04-01

to

2016-03-31

Part 1: Requests Under the *Privacy Act*

	Number of Requests
Received during reporting period	55
Outstanding from previous reporting period	6
Total	61
Closed during reporting period	58
Carried over to next reporting period	3

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	1	11	0	0	0	0	0	12
Disclosed in part	0	10	8	4	1	1	1	25
All exempted	0	1	0	0	0	0	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	6	1	1	0	0	0	0	8
Request abandoned	11	1	0	0	0	0	0	12
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	18	24	9	4	1	1	1	58



2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
18(2)	0	22(1)(a)(i)	1	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	23
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)	1	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	11	1	0
Disclosed in part	9	16	0
Total	20	17	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	239	239	12
Disclosed in part	10927	5144	25
All exempted	47	0	1
All excluded	0	0	0
Request abandoned	0	0	12
Neither confirmed nor denied	0	0	0



Total	11213	5383	50
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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	12	239	0	0	0	0	0	0	0	0
Disclosed in part	11	328	9	1693	2	784	3	2339	0	0
All exempted	1	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	12	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	36	567	9	1693	2	784	3	2339	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	0	0	0	0	0
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	0	0	0	0	0

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
5	5	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	1	1
16 to 30 days	0	1	1
31 to 60 days	0	0	0
61 to 120 days	0	1	1
121 to 180 days	0	0	0
181 to 365 days	0	2	2
More than 365 days	0	0	0
Total	0	5	5

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
13	0	0	13

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	14	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	14	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	14	0	0	0
Total	14	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	2	5	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	2	5	0	0
Closed during the reporting period	2	5	0	0



Pending at the end of the reporting period	0	0	0	0
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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	2	0	0	0	0	0	0	2
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	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

[illegible]

7.2 Requests with Privy Council Office

[illegible]



Part 8: Complaints and Investigations Notices Received

Section 31	Section 33	Section 35	Court action	Total
3	0	0	0	3

Part 9: Privacy Impact Assessments (PIAs)

Number of PIA(s) completed	1
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Part 10: Resources Related to the *Privacy Act*

10.1 Costs

Expenditures		Amount
Salaries		\$52,327
Overtime		\$0
Goods and Services		\$4,499
• Professional services contracts	\$0	
• Other	\$4,499	
Total		\$56,826

10.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.65
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	0.65



APPENDIX B

DELEGATION OF AUTHORITY

Industry Canada (to be known as Innovation, Science and Economic Development)

Industrie Canada (qui sera connu sous le nom d'Innovation, Sciences et Développement économique)

Access to Information Act and Privacy Act Delegation Order

Arrêté sur la délégation en vertu de la Loi sur l'accès à l'information et de la Loi sur la protection des renseignements personnels

The Minister of Industry Canada, pursuant to section 73 of the *Access to Information Act* and 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 and functions of the Minister as the head of a government institution, under the section of the Acts set out in the schedule opposite each position. This Delegation Order supersedes all previous Delegation Orders

En vertu de l'article 73 de la *Loi sur l'accès à l'information* et la *Loi sur la protection des renseignements personnels*, le Ministre d'Industrie Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire les-dits postes, les attributions dont il est, en qualité de responsable d'une institution fédérale, investie par les articles des lois mentionnées en regard de chaque poste. Le présent décret de délégation remplace et annule tout décret antérieur

Schedule / Annexe

<u>Position / Poste</u>	<i>Access to information Act and Regulations / Loi sur l'accès à l'information et règlements</i>	<i>Privacy Act and Regulations / Loi sur la protection des renseignements personnels et règlements</i>
Corporate Secretary / Secrétaire général	Full authority / Autorité absolue	Full authority / Autorité absolue
Director, Access to Information and Privacy (ATIP) Services / Directeur (trice), Service de l'accès à l'information et à la protection des renseignements personnels (AIPRP)	Full authority / Autorité absolue	Full authority / Autorité absolue



Manager, ATIP Services /
Gestionnaire, Services de
l'AIPRP

Full authority / Autorité
absolue

Full authority / Autorité
absolue

And / et

Senior Advisor, ATIP
Services / Conseiller (ère)
principal(e), Services de
l'AIPRP

Section / Articles: 7, 8(1), 9,
11(4)(5), 13, 14, 15, 16, 17,
18, 19, 20, 21, 22, 23, 24, 25,
26, 27(1), 68, 69

Section / Articles : 8(1), 14,
15, 19, 20, 21, 22, 23, 24, 25,
26, 27, 28, 69, 70

Dated, at the City of Ottawa
this 10 day of June

, 2016

Daté, en la ville d'Ottawa
ce 10 jour de juin

2016

THE HONOURABLE NAVDEEP SINGH BAINS
MINISTER OF INDUSTRY CANADA
(to be known as Minister of INNOVATION,
SCIENCE AND ECONOMIC DEVELOPMENT)

MINISTRE D'INDUSTRIE CANADA
(identifié comme Ministre d'INNOVATION, SCIENCES
et DÉVELOPPEMENT ÉCONOMIQUE)
L'HONORABLE NAVDEEP SINGH BAINS