



Office of
the Intelligence
Commissioner

Bureau du
commissaire
au renseignement

Annual Report on the *Privacy Act*

2019–20

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Table of Contents

1. Introduction	1
2. Organizational Structure	2
3. Delegation Order for the <i>Privacy Act</i>	2
4. Performance 2019–20	2
5. Training and Awareness	2
6. Policies, Guidelines, Procedures and Initiatives	2
7. Summary of Key Issues and Actions Taken on Complaints or Audits	2
8. Monitoring Compliance	3
9. Material Privacy Breaches	3
10. Privacy Impact Assessments	3
11. Public Interest Disclosures	3
Appendix A – <i>Access to Information</i> and <i>Privacy Act</i> Delegation Order	4
Appendix B – Statistical Report	5

1. Introduction

This Annual Report for 2019–20 is presented to Parliament, in accordance with section 72 of the *Privacy Act*, which purpose is to protect the privacy of individuals with respect to their personal information held by a government institution and to provide a right of access to that information.

The Office of the Intelligence Commissioner, an independent oversight body, was created as a result of the *Intelligence Commissioner Act* which came into force on July 12, 2019. Under the *Intelligence Commissioner Act*, the Commissioner is responsible for performing quasi-judicial reviews of the conclusions on the basis of which certain authorizations are issued or amended, and certain determinations are made, under the *Communications Security Establishment Act* and the *Canadian Security Intelligence Service Act*. If the Commissioner is satisfied that the conclusions underpinning the decisions are reasonable, he will approve the decisions.

The Commissioner reviews and may approve, or not, the following:

- the conclusions on the basis of which the Minister of National Defence issued or amended a Foreign Intelligence Authorization or a Cybersecurity Authorization for the Communications Security Establishment (CSE);
- the conclusions on the basis of which the Minister of Public Safety and Emergency Preparedness determined classes of Canadian datasets or categories of acts and omissions that would otherwise constitute offences for the Canadian Security Intelligence Service (CSIS); and
- the conclusions on the basis of which the Director of CSIS authorized the querying of a dataset in exigent circumstances, or the retention of foreign datasets for CSIS (the Minister of Public Safety and Emergency Preparedness designated the Director of CSIS as the person responsible for authorizing this retention).

In order for an authorization or determination to be valid, it must be approved by the Commissioner following his quasi-judicial review. Unless approved by the Commissioner, the activities described in the authorizations or determinations cannot be carried out by the intelligence agencies. The Commissioner must receive all information that was before the decision-maker, that is, either of the ministers mentioned above or the Director of CSIS, when issuing the authorization or determination.

The Commissioner's decisions must be rendered no later than 30 days after the Commissioner has received notice that an authorization has been issued or a determination has been made, or as soon as feasible in relation to authorizations rendered in exigent circumstances.

Further to his quasi-judicial review, whether the Commissioner is satisfied that the conclusions underpinning a decision are reasonable or not, he must issue written

reasons explaining his decision. The Commissioner then provides his decision to the relevant decision-maker. In addition, a copy of all of the Commissioner's decisions are provided to the National Security and Intelligence Review Agency.

2. Organizational Structure

The Executive Director has delegated authority to oversee the administration of the *Access to Information Act* and the *Privacy Act* within the office and ensure compliance with the legislation. The office is a separate agency consisting of 10.5 planned full-time equivalents.

3. Delegation Order for the *Privacy Act*

Pursuant to section 73 of the *Privacy Act*, the Intelligence Commissioner appointed the Executive Director with the duty to exercise full authorities under the *Privacy Act* and Regulations (Appendix A – *Access to Information Act* and *Privacy Act* Delegation Order).

4. Performance 2019–20

The office did not receive any requests for records under the *Privacy Act* during the reporting period.

5. Training and Awareness

The Executive Director, Legal Services and Internal Services participated in specialized training sessions concerning responsibilities relating to access to information and privacy. A total of six (6) employees received training during the reporting period.

6. Policies, Guidelines, Procedures and Initiatives

As a newly created institution, the office obtained the services of a consultant to aid in the establishment of institutional policies and procedures in the application of the *Privacy Act*.

7. Summary of Key Issues and Actions Taken on Complaints or Audits

During the reporting period, no complaints were received and no audits or investigations were concluded.

8. Monitoring Compliance

The office utilizes a manual monitoring system. The monitoring system keeps track of upcoming deadlines for requests and consultations and provides reminders of approaching deadlines.

9. Material Privacy Breaches

There were no material privacy breaches reported to the Office of the Privacy Commissioner and to Treasury Board of Canada Secretariat (Information and Privacy Policy Division) during the reporting period.

10. Privacy Impact Assessments

The office engaged the services of a consultant to assist with the preparation of a Privacy Impact Assessment (PIA) for the new office. The PIA will be completed during the next reporting period.

11. Public Interest Disclosures

During the reporting period, no disclosures were made under paragraph 8 (2)(m) of the *Privacy Act*.

Appendix A – *Access to Information* and *Privacy Act* Delegation Order



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Access to Information Act and Privacy Act Delegation Order

The Intelligence Commissioner, pursuant to subsection 95(1) of the *Access to Information Act* and section 73 of the *Privacy Act*, hereby designates the persons holding the positions set out in the schedules (I, II and III) hereto, or the persons occupying on an acting basis those positions, to exercise the powers, duties and functions of the Intelligence Commissioner as the head of Office of the Intelligence Commissioner, 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 I

Position	<i>Access to Information Act</i> and Regulations	<i>Privacy Act</i> and Regulations
Executive Director	Full authority for all provisions	Full authority for all provisions

Dated, at the City of Ottawa, this 31 day of October, 2019

The Honourable Jean-Pierre Plouffe
Intelligence Commissioner

Canada

Appendix B – Statistical Report

Statistical Report on the *Privacy Act*

Name of institution: Office of the Intelligence Commissioner

Reporting period: 2019-07-12 to 2020-03-31

Section 1: Requests Under the *Privacy Act*

1.1 Number of requests

	Number of Requests
Received during reporting period	0
Outstanding from previous reporting period	0
Total	0
Closed during reporting period	0
Carried over to next reporting period	0

Section 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	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
No records exist	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

Canada

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	0
19(1)(f)	0	22.1	0	27	0
20	0	22.2	0	27.1	0
21	0	22.3	0	28	0
		22.4	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

Paper	Electronic	Other
0	0	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
0	0	0

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	0	0	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	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	0	0	0	0	0	0	0	0	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 Closed requests

2.6.1 Number of requests closed within legislated timelines

Number of requests closed within legislated timelines	0
Percentage of requests closed within legislated timelines (%)	0

2.7 Deemed refusals

2.7.1 Reasons for not meeting legislated timelines

Number of requests closed past the legislated timelines	Principal Reason			
	Interference with operations / Workload	External Consultation	Internal Consultation	Other
0	0	0	0	0

2.7.2 Request closed beyond legislated timelines (including any extension taken)

Number of Days Past Legislated Timelines	Number of requests past legislated timeline where no extension was taken	Number of requests past legislated timeline 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	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	0	0

2.8 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Section 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

Section 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

Section 5: Extensions

5.1 Reasons for extensions and disposition of requests

Number of requests where an extension was taken	15(a)(i) Interference with operations				15 (a)(ii) Consultation			15(b) Translation purposes or conversion
	Further review required to determine exemptions	Large volume of pages	Large volume of requests	Documents are difficult to obtain	Cabinet ConfidenceSection (Section 70)	External	Internal	
	0	0	0	0	0	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 or conversion
	Further review required to determine exemptions	Large volume of pages	Large volume of requests	Documents are difficult to obtain	Cabinet ConfidenceSection (Section 70)	External	Internal	
1 to 15 days	0	0	0	0	0	0	0	0
16 to 30 days	0	0	0	0	0	0	0	0
31 days or greater		0						0
Total	0	0	0	0	0	0	0	0

Section 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	0	0	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	0	0	0	0
Closed during the reporting period	0	0	0	0
Carry over to the next 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	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

6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

Section 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

Section 8: Complaints and Investigations Notices Received

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

Section 9: Privacy Impact Assessments (PIAs) and Personal Information Banks (PIBs)

9.1 Privacy Impact Assessments

Number of PIAs completed	0
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9.2 Personal Information Banks

Personal Information Banks	Active	Created	Terminated	Modified
	0	0	0	0

10.1 Material Privacy Breaches

Number of material privacy breaches reported to TBS	0
Number of material privacy breaches reported to OPC	0

Section 11: Resources Related to the Privacy Act

11.1 Costs

Expenditures		Amount
Salaries		\$2,644
Overtime		\$0
Goods and Services		\$0
• Professional services contracts	\$0	
• Other	\$0	
Total		\$2,644

11.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0.01
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	0.01

Note: Enter values to two decimal places.