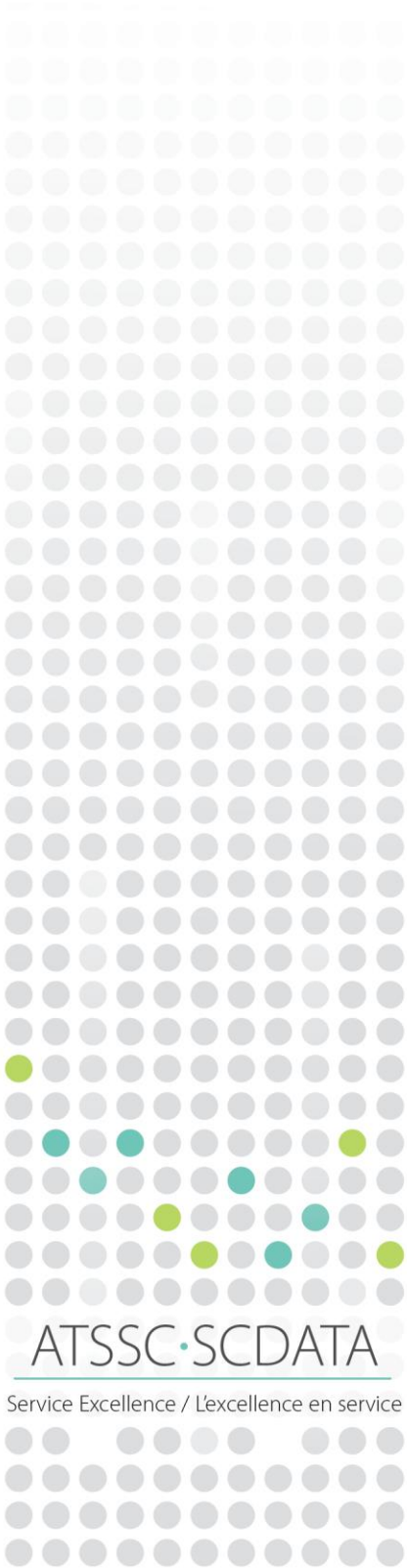




Annual Report to Parliament on the Administration of the *Privacy Act*

April 1, 2019 to March 31, 2020



ATSSC · SCDATA

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Introduction

The Administrative Tribunals Support Service of Canada (ATSSC) is pleased to present to Parliament its annual report on the administration of the *Privacy Act* (the *Act*) for fiscal year April 1, 2019 to March 31, 2020.

Section 72 of the *Act* requires the head of every federal government institution to prepare and table an annual report to Parliament on the administration of the *Act* during the fiscal year. This report provides an overview of the activities of the ATSSC in implementing the *Act* during the organization's fiscal cycle.

The purpose of the *Privacy Act* is to 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 their information. It also protects the privacy of individuals by exercising strict control over the collection, disclosure and use of such information.

The ATSSC is fully committed to both the spirit and the intent of the *Act* to foster a culture of openness and transparency while ensuring the privacy of individuals with respect to their personal information held by the organization.

ATSSC Mandate

The Administrative Tribunals Support Service of Canada (ATSSC) was established with the coming into force on November 1, 2014, of the *Administrative Tribunals Support Service of Canada Act*. The ATSSC is responsible for providing support services and facilities to 11 federal administrative tribunals by way of a single, integrated organization.

These services include the specialized services required to support the mandate of each tribunal (e.g., registry, research and analysis, legal and other mandate or case activities), as well as internal services (e.g., human resources, financial services, information management and technology, accommodation, security, planning and communications). Through these specialized services, the ATSSC supports improving access to justice for Canadians.

The administrative tribunals supported by the ATSSC include the:

- Canada Agricultural Review Tribunal;
- Canada Industrial Relations Board;
- Canadian Cultural Property Export Review Board;
- Canadian Human Rights Tribunal;
- Canadian International Trade Tribunal;
- Competition Tribunal;
- Federal Public Sector Labour Relations and Employment Board;
- Public Servants Disclosure Protection Tribunal;
- Social Security Tribunal of Canada;
- Specific Claims Tribunal Canada; and
- Transportation Appeal Tribunal of Canada.

The ATSSC also supports the National Joint Council, the forum for co-development, consultation and information sharing between the government as employer and public service bargaining agents.

The Minister of Justice and Attorney General of Canada is responsible for the ATSSC.

Organizational Structure

The Access to Information and Privacy Office

The Access to Information and Privacy (ATIP) Office is responsible for administering the *Privacy Act* (the *Act*) on behalf of the ATSSC. Its mandate is to ensure compliance with the legislation, regulations and government policy and to create organizational standards and directives relating to the *Act*. Responsibility for the powers, duties and functions for the administration of the *Act* has been formally established and is outlined in the Delegation Order signed by the Chief Administrator. The Director General, Corporate Services Branch, The Director, Planning and Communications Division and the ATIP Manager have been delegated authorities as described in the Delegation Order included in Appendix A.

Within the ATSSC's organizational structure, the ATIP Office reports to the Planning and Communications Division which reports to the Corporate Services Branch. Oversight of the ATIP Office is administered by the Director, Planning and Communications Division. The ATIP Office consists of the manager and one analyst dedicated to access to information and privacy activities.

The ATIP Office receives, coordinates and processes requests in accordance with the *Act*, promotes awareness of the *Act* within the organization, fulfills reporting responsibilities relating to the *Act*. The ATIP office also provides expert advice and guidance to senior management and ATSSC staff on matters relating to the *Act*.

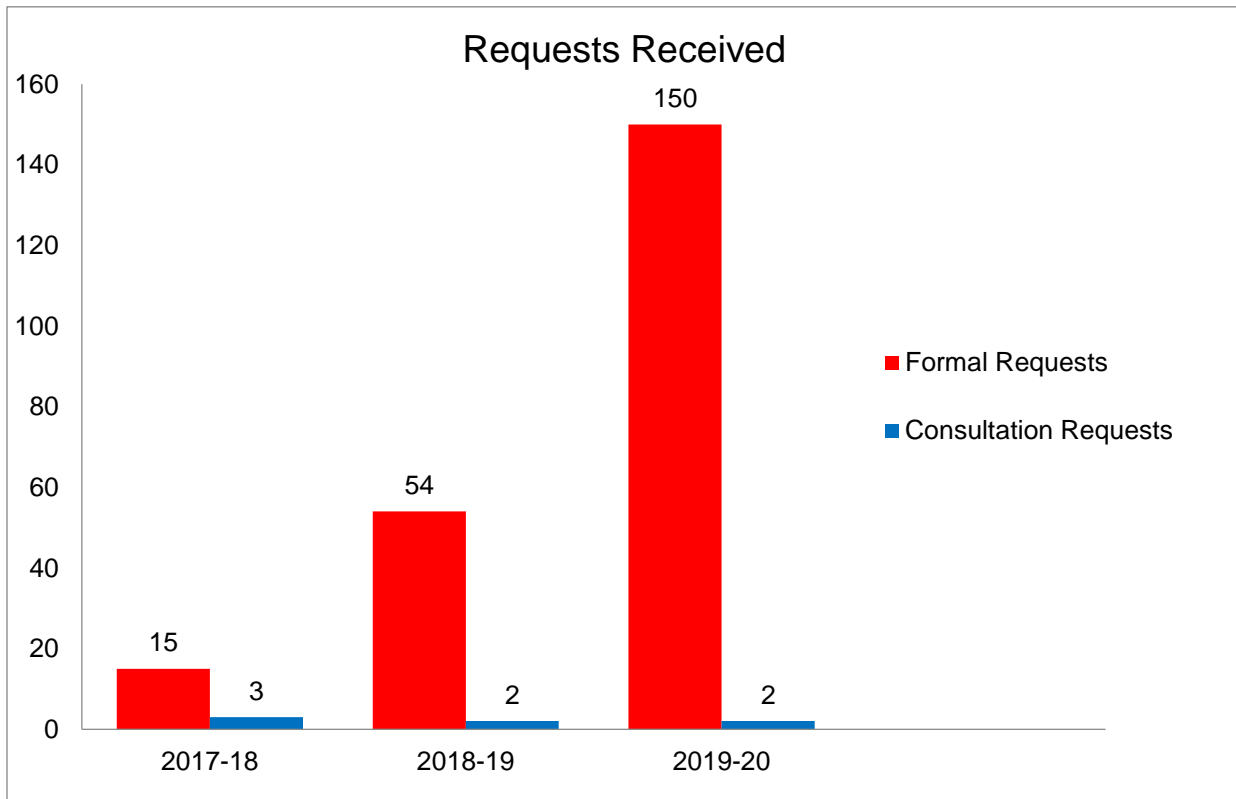
The ATSSC has not entered into any service agreements under section 73.1 of the Privacy Act during this reporting period.

ATSSC Performance 2019-2020

The ATSSC received a total of 150 formal requests under the *Act*. With 11 requests carried over from last fiscal year, 160 of the 161 active requests were completed. One request was carried forward into the new fiscal year. The ATSSC responded to 94% (151 requests) of the received requests, within legislative deadlines. A copy of the Statistical Report is included in Appendix B.

In addition to the formal requests, the ATSSC received two consultation requests from other government institutions.

In the last reporting period, the statistics indicate an increase of 900% for formal requests received between 2017-2018 and 2019-2020. This increase in requests received also impacted the volume of requests closed – the ATSSC experienced a 178% increase in requests closed in 2019-2020 compared to 2018-2019 (54 requests vs. 150).

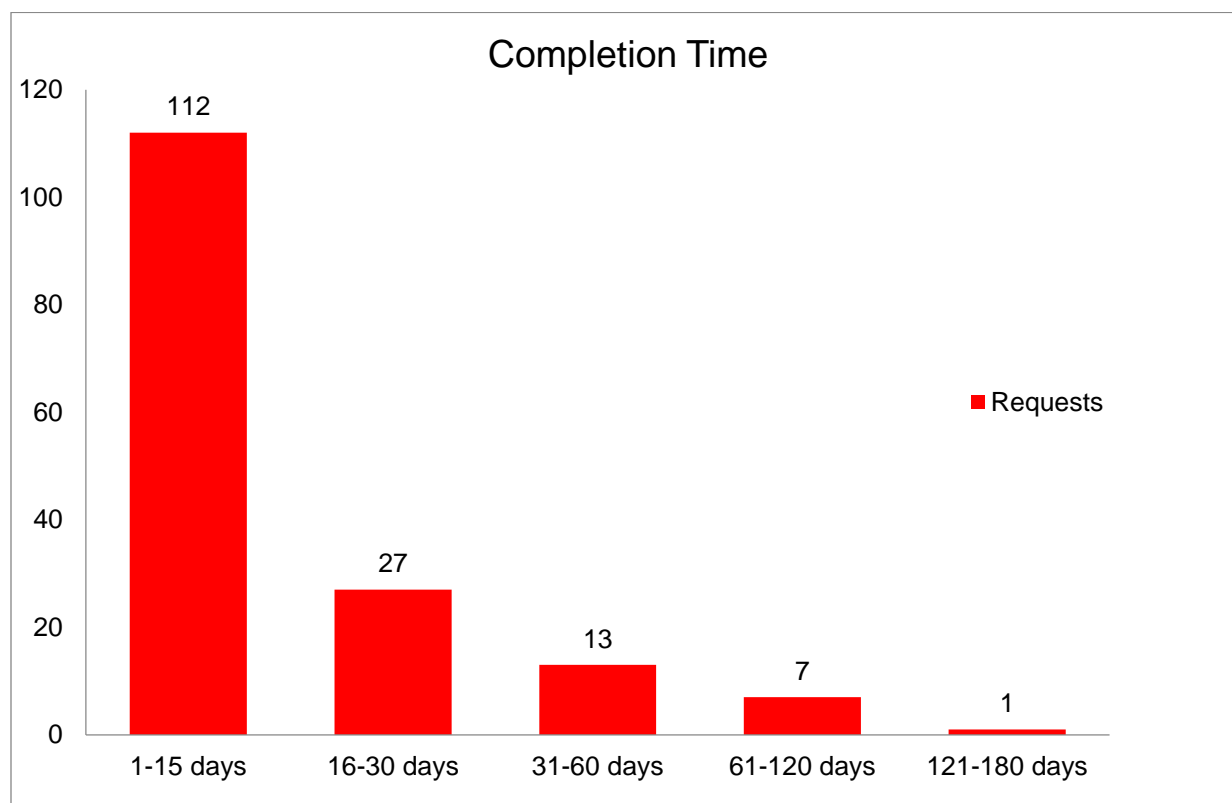


Along with processing requests received under the *Act*, the ATIP Office provides recommendations to other institutions regarding the release of records that concern the ATSSC. During this reporting period, the ATSSC received two consultation requests from other federal institutions.

Consultation requests received from other government institutions remain consistent from 2017-18 to this reporting period, varying between two and three requests per fiscal year. One consultation was closed within 1-15 days and the second within 16-30 days.

Extensions and Completion Times for Closed Requests

As indicated in the chart below, the ATSSC responded to 112 requests within 1-15 days, 27 requests within 16-30 days and thirteen requests within 31-60 days. A response was provided within 61 to 120 days for seven requests, and the remaining request within 121-180 days. One hundred and fifty-one of the 160 requests were completed within the statutory time frame. The remaining nine requests did not meet the statutory deadline due to workload (three), internal consultations (two) and other (four).



Pursuant to the *Privacy Act*, requests can be extended beyond the 30-day statutory time frame in three circumstances:

- the request is for a large number of records or necessitates a search through a large number of records (paragraph 15(a)(i) of the *Act*);
- consultations are necessary (paragraph 15(a)(ii) of the *Act*); or
- additional time is necessary for translation or conversion into another format.

During this reporting period, thirteen files required extension to the legislative deadline to respond to the request. Some of these files required extensions invoked under multiple paragraphs of the Act; this resulted in ATSSC reporting 19 actual extensions invoked on files in the fiscal year. Fifteen extensions were taken under 15(a)(i) (interference with operations) and four extensions were taken under 15(a)(ii) (requiring consultation).

Impact of COVID-19 on ATIP Operations

ATSSC's ATIP office has been equipped for virtual operations since 2019, with analysts able to work remotely. While the ATSSC is equipped with an electronic records repository, the retrieval of records in response to requests has been challenged by COVID-19. Not all of the records have been digitized and stored in an accessible repository and not all administrative Tribunals are equipped with e-Registry services. At the writing of this Report, no requests were affected.

Training and Awareness

To increase the knowledge and understanding of the *Act* across the ATSSC, training and awareness sessions were delivered by the ATIP Office. These sessions provided general information on the purpose and provisions of the *Act*, as well as the roles and responsibilities of employees and the ATIP Office. These awareness sessions were tailored to meet the specific needs of the units concerned.

Ongoing briefings occurred on an ad-hoc basis with our liaison officers. The liaison officers assist the ATIP Office in producing the requested records and providing insight into the subject matter of the requests.

Policies, Guidelines, Procedures and Initiatives

The ATSSC is guided by the Treasury Board of Canada Secretariat (TBS) suite of privacy policy and guidance instruments. During this reporting period, the ATSSC did not implement any new or revised institution-specific policies, guidelines or procedures.

Summary of Key Issues and Actions Taken on Complaints or Audits

This reporting period, the ATSSC received eight notices, pursuant to section 31 of the Act, from the Office of the Privacy Commissioner (OPC) to notify the ATSSC about complaints received against the organization. One complaint related to the format of the records provided; all other complaints related to the application of exemptions on records.

In addition, the ATSSC received findings from the OPC on one complaint, with a well-founded / resolved outcome.

No privacy-related audits were completed during this fiscal year.

Monitoring Compliance

The monitoring of privacy requests was conducted through the case management system, which captures all relevant and necessary information to assess compliance with the legislated requirements and reporting obligations. The system was updated as new requests were received or the status of a file was changed. Weekly meetings between the ATIP Manager and the ATIP Analyst as well as meetings between the ATIP Manager and the Director, Planning and Communications to discuss workload and priorities also assisted the ATSSC in meeting its statutory obligations.

Material Privacy Breaches

A privacy breach is deemed material if the breach involves sensitive personal information that could reasonably be expected to cause serious injury or harm to the individual, or involves a large number of affected individuals. During this reporting period, the ATSSC did not experience any material privacy breaches.

Privacy Impact Assessments

Privacy Impact Assessments (PIAs) are used to identify the potential privacy risks of new or redesigned federal government activities or services. They also help eliminate or reduce those risks to an acceptable level.

The ATIP Office provided advice to internal stakeholders in response to four cases concerning privacy practices associated with the redesign of activities or services. In all cases, it was recommended to conduct a full PIA.

During this reporting period, no PIAs were completed.

Public Interest Disclosures

Subsection 8(2) of the *Act* stipulates under which circumstances personal information under the control of a government institution may be disclosed. Paragraph 8(2)(m) states that disclosure of personal information is permitted for any purpose where, in the opinion of the head of the institution, the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or the disclosure would clearly benefit the individual to whom the information relates. During this reporting period, no disclosures were made pursuant to paragraph 8(2)(m) of the *Privacy Act*.

APPENDIX A
Privacy Act
Delegation Order



Administrative Tribunals
Support Service of Canada

Chief Administrator

Service canadien d'appui
aux tribunaux administratifs

Administrateur en chef

**Delegation Order for the purpose of
the *Privacy Act* and *Privacy Regulations***

The Chief Administrator, pursuant to subsection 73(1) of the *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the person occupying the position on an acting basis, to exercise the powers, duties and functions of the Chief Administrator as the head of the Administrative Tribunals Support Service of Canada, under the provisions of the Act and related regulations as specified in the schedule opposite each position.

This Delegation Order supersedes all previous Delegation Orders.

Dated, at the City of Ottawa,
this 5th day of March, 2020.

**Arrêté de délégation en vertu de
la *Loi sur la protection des renseignements
personnels* et du *Règlement sur la protection
des renseignements personnels***

En vertu de sous-section 73(1) de la *Loi sur la protection des renseignements personnels*, l'Administrateur en chef délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire lesdits postes, les attributions dont l'Administrateur en chef est, en qualité de responsable du Service canadien d'appui aux tribunaux administratifs, investi 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.

Daté, en la ville d'Ottawa,
ce 5^e jour de Mars 2020.

Orlando Da Silva

Chief Administrator

Administrateur en chef

SCHEDULE

Powers, duties and functions delegated pursuant to Subsection 73(1) of the *Privacy Act* and *Privacy Regulations*

Legend:

CA	Chief Administrator
DG	Director General, Corporate Services
D	Director, Planning and Communications
M	Manager, Access to Information and Privacy

Provision	Description	CA	DG	D	M
<i>Privacy Act</i>					
<i>DISCLOSURE AND ACCESS</i>					
8(2)(a) – 8(2)(l)	Permissible Disclosures	X	X	X	X
8(2)(m)	Disclosure in the public interest or in the interest of the individual	X			
8(4)	Copies of requests under paragraph 8(2)(e)	X	X	X	X
8(5)	Notice of disclosure under paragraph 8(2)(m)	X	X	X	X
9(1)	Record of disclosures	X	X	X	X
9(4)	Consistent uses	X	X	X	X
10	Personal information banks	X	X	X	X
14(a)	Notice when access requested	X	X	X	X
14(b)	Giving access to the record	X	X	X	X
15	Extension of time limits	X	X	X	X
17(2)(b)	Language of access	X	X	X	X
17(3)(b)	Access in an alternative format	X	X	X	X
<i>EXEMPTIONS</i>					
18(2)	Exempt banks	X	X	X	X
22	Law enforcement and investigations	X	X	X	
22.3	<i>Public Servants Disclosure Protection Act</i>	X	X	X	
23	Security clearances	X	X	X	
24	Individuals sentenced for an offence	X	X	X	
25	Safety of individuals	X	X	X	
26	Information about another individual	X	X	X	X
27	Solicitor-client privilege	X	X	X	X
28	Medical records	X	X	X	X

Provision	Description	CA	DG	D	M
Privacy Act					
	<i>OTHER PROVISIONS</i>				
33(2)	Right to make representations	X	X	X	X
35(1)(b)	Notice of actions to implement recommendations of Commissioner	X	X	X	X
35(4)	Access to be given to complainant	X	X	X	X
36(3)(b)	Notice of actions to implement recommendations of Commissioner concerning exempt banks	X	X	X	X
51(2)(b), 51(3)	Special rules for hearings	X	X	X	X
72	Annual report to Parliament	X	X	X	X
Privacy Regulations					
7	Retention of personal information requested under paragraph 8(2)(e)	X	X	X	X
9	Examination of information	X	X	X	X
11(2), 11(4)	Notification concerning corrections	X	X	X	X
13(1)	Disclosure of personal information relating to physical or mental health	X	X	X	X
14	Examination in presence of medical practitioner or psychologist	X	X	X	X

APPENDIX B
Privacy Act
Statistical Report



Statistical Report on the *Privacy Act*

Name of institution: Administrative Tribunals Support Service of Canada

Reporting period: 2019-04-01 to 2020-03-31

Section 1: Requests Under the *Privacy Act*

1.1 Number of requests

	Number of Requests
Received during reporting period	150
Outstanding from previous reporting period	11
Total	161
Closed during reporting period	160
Carried over to next reporting period	1

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	2	2	2	0	0	0	0	6
Disclosed in part	0	8	9	7	1	0	0	25
All exempted	0	1	0	0	0	0	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	98	16	2	0	0	0	0	116
Request abandoned	12	0	0	0	0	0	0	12
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	112	27	13	7	1	0	0	160

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)	7	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	19
19(1)(f)	0	22.1	0	27	17
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
1	30	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
8005	4134	44

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	5	82	1	378	0	0	0	0	0	0
Disclosed in part	17	792	7	1889	1	993	0	0	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	35	874	8	2267	1	993	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	3	3	0	0	6
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	3	3	0	0	6

2.6 Closed requests

2.6.1 Number of requests closed within legislated timelines

	Requests closed within legislated timelines
Number of requests closed within legislated timelines	151
Percentage of requests closed within legislated timelines (%)	94.4

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
9	3	0	2	4

2.7.2 Requests 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 Timelines Where an Extension Was Taken	Total
1 to 15 days	1	3	4
16 to 30 days	1	2	3
31 to 60 days	0	0	0
61 to 120 days	1	1	2
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	3	6	9

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 Confidence Section (Section 70)	External	Internal	
13	0	7	8	0	0	0	4	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 Confidence Section (Section 70)	External	Internal	
1 to 15 days	0	0	0	0	0	0	0	0
16 to 30 days	0	7	8	0	0	0	4	0
31 days or greater								0
Total	0	7	8	0	0	0	4	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	2	22	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	2	22	0	0
Closed during the reporting period	2	22	0	0
Carried over to the next reporting period	0	0	0	0

Section 8: Complaints and Investigations Notices Received

Section 31	Section 33	Section 35	Court action	Total
8	1	1	0	10

Section 9: Privacy Impact Assessments (PIA) and Personal Information Banks (PIB)

9.1 Privacy Impact Assessments

Number of PIA(s) completed	0
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9.2 Personal Information Banks

Personal Information Banks	Active	Created	Terminated	Modified
	46	0	0	0

Section 10: 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		\$116,873
Overtime		\$0
Goods and Services		\$1,556
• Professional services contracts	\$1,201	
• Other	\$355	
Total		\$118,429

11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	1.34
Part-time and casual employees	0.12
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	1.46

Note: Enter values to two decimal places.