



Military Grievances
External Review Committee

Comité externe d'examen
des griefs militaires

2019-2020
Annual Report on the *Privacy Act*

Aussi disponible en français sous le titre : Rapport annuel 2019-2020 sur la *Loi sur la protection des renseignements personnels*

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For more information, contact:

Military Grievances External Review Committee
60 Queen Street
Ottawa, Ontario K1P 5Y7
www.canada.ca/en/military-grievances-external-review.html

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Report on the *Privacy Act*

1. Introduction

The *Privacy Act* gives Canadians the right to access personal information held by the government and protection of that information against unauthorized use and disclosure. Ministers and heads of agencies are responsible for ensuring that their organizations comply with privacy legislation.

This report is prepared and tabled in Parliament in accordance with section 72 of the *Privacy Act*.

The Committee is an independent administrative tribunal reporting to Parliament through the Minister of National Defence. It reviews all military grievances referred to it by the Chief of Defence Staff (CDS), as stipulated in the *National Defence Act* (NDA) and article 7.21 of the *Queen's Regulations and Orders for the Canadian Forces* (QR&O).

Section 29 of the NDA provides a statutory right for an officer or a non-commissioned member to grieve a decision, an act or an omission in the administration of the affairs of the Canadian Armed Forces (CAF). The importance of this broad right cannot be overstated since it is, with certain narrow exceptions, the only formal complaint process available to Canadian Armed Forces members.

Since beginning operations in 2000, the Committee has acted as the external and independent component of the CAF grievance process. It also has the statutory obligation to deal with all matters as informally and expeditiously as the circumstances permit.

Following its review of referred military grievances, the Committee provides its findings and recommendations (F&R) reports to the CDS and the grievor. The CDS is the final decision-maker, and is not bound by the Committee's F&Rs. In any case where the Committee's F&Rs are not accepted, the CDS must provide the reasoning in writing.

2. Organizational Structure

The Access to Information and Privacy (ATIP) Office is part of the Strategic Planning, Performance Measurement and Communications Services Division. The division is made up of two employees who dedicate on average 5% of their time to fulfill the Committee's obligations under both the *Access to Information Act* and the *Privacy Act*.

The ATIP Coordinator, the Director General, Corporate Services and Chief Financial Officer, and the Director General, Operations and General Counsel have delegated authority to oversee the administration of the *Access to Information Act* and the *Privacy Act* within the Committee and to ensure compliance with the legislation.

A description of the classes of institutional records held by the Committee can be accessed online at <https://www.canada.ca/en/military-grievances-external-review/corporate/transparency/info-source-sources-federal-government-employee-information.html>. The Committee does not have any exempt banks.

2019-2020 Annual Report on the *Privacy Act*

In accordance with the *Access to Information Act*, members of the public may examine publications and other public documents governing the administration and operation of the Committee at:

Military Grievances External Review Committee
60 Queen Street, 10th Floor
Ottawa, Ontario K1P 5Y7

The Committee is now using the ATIP Online Request Service, designed and maintained by Treasury Board of Canada, to process formal Access to Information requests and collect the service fee.

3. Delegation Order for the *Privacy Act*

The Canadian Forces Grievance Board was renamed the Military Grievances External Review Committee by the *Act to amend the National Defence Act* and to make consequential amendments to other Acts, S.C. 2013, c., 24, s.11(1). A new delegation order was signed by the Chairperson to reflect the name change.

Military Grievances External Review Committee
Comité externe d'examen des griefs militaires

DELEGATION ORDER

PRIVACY ACT

I, the undersigned, Chairperson and Chief Executive Officer of the Military Grievances External Review Committee, pursuant to Section 73 of the *Privacy Act*, hereby authorize the Director General, Corporate Services and Chief Financial Officer, the Director General of Operations and General Counsel, and the Access to Information and Privacy Coordinator, to exercise signing authorities or perform any of the Chairperson and Chief Executive Officer's powers, duties or function specified in the attached Schedule B.

Approved by :

Original signed by

Christine Guérette, CPA, CGA
Chairperson and Chief Executive Officer
Notre-Dame-du-Laus, Canada
July 15, 2020

ARRÊTÉ AUTORISANT LA
DÉLÉGATION DE POUVOIRS

LOI SUR LA PROTECTION DES
RENSEIGNEMENTS PERSONNELS

Je, soussignée, Présidente et première dirigeante du Comité externe d'examen des griefs militaires, autorise, en vertu de l'article 73 de la *Loi sur la protection des renseignements personnels*, le Directeur général, Services corporatifs et Dirigeant principal des finances, le Directeur général des opérations et Avocat général ainsi que la Coordonnatrice de l'accès à l'information et de la protection des renseignements personnels, à exercer au nom de la Présidente et première dirigeante les pouvoirs de signer, les attributions, les fonctions et les pouvoirs détaillés dans l'annexe B ci-jointe.

Approuvé par :

Original signé par

Christine Guérette, CPA, CGA
Présidente et première dirigeante
Notre-Dame-du-Laus, Canada
Le 15 juillet 2020

Schedule B Military Grievances External Review Committee Delegation of powers, duties and functions delegated pursuant to section 73(1) of the <i>Privacy Act</i>				
Section	Description	Director General, Corporate Services	Director General, Operations and General Counsel	ATIP Coordinator
8(2)	Generally disclose personal information on the basis of the requirements in subsection 8(2)	X	X	
8(2)(e)	Disclose personal information on the written request of an investigative body	X	X	
8(2)(j)	Disclose personal information for research or statistical purposes	X	X	
8(2)(m)	Disclose personal information in the public interest or in the interest of the individual	X	X	
8(4)	Retain copy of 8(2)(e) requests and disclosed records			X
8(5)	Notify Privacy Commissioner in writing of disclosures under paragraph 8(2)(m)	X	X	
9(1)	Retain record of use			X
9(4)	Notify the Privacy Commissioner of consistent use of personal information and update index accordingly	X	X	X
10	Include personal information in personal information banks	X	X	X
14	Respond to request for access within 30 days; give access or give notice	X		X

Schedule B				
Military Grievances External Review Committee				
Delegation of powers, duties and functions delegated pursuant to section 73(1) of the <i>Privacy Act</i>				
Section	Description	Director General, Corporate Services	Director General, Operations and General Counsel	ATIP Coordinator
15	Extend time limit for responding to request for access	X		X
16	Issue notice where access is refused	X	X	X
17(2)(b)	Decide whether to translate requested information	X		X
17(3)(b)	Decide whether to give access in an alternative format	X		X
18(2)	May refuse to disclose information contained in exempt bank	X	X	
19(1)	Shall refuse to disclose information obtained in confidence of another government	X	X	
19(2)	May disclose any information referred to in 19(1) if the other government consents to the disclosure or makes the information public	X	X	
20	May refuse to disclose information if injurious to the conduct of Federal-Provincial affairs	X	X	
21	May refuse to disclose if injurious to international affairs and defence or preventing or suppressing subversive or hostile activities	X	X	
22	May refuse to disclose information prepared by an investigative body, information injurious to the enforcement of a law, or information injurious to the security of penal institutions	X	X	

Schedule B Military Grievances External Review Committee Delegation of powers, duties and functions delegated pursuant to section 73(1) of the <i>Privacy Act</i>				
Section	Description	Director General, Corporate Services	Director General, Operations and General Counsel	ATIP Coordinator
23	May refuse to disclose information prepared by an investigative body for security clearances	X	X	
24	May refuse to disclose information collected by the Canadian Penitentiary Service, the National Parole Service, or the National Parole Board while individual was under sentence if conditions in section are met	X	X	
25	May refuse to disclose information which could reasonably threaten the safety of individuals	X	X	
26	May refuse to disclose information about another individual, and shall refuse to disclose such information where disclosure is prohibited under section 8	X	X	
27	May refuse to disclose information subject to solicitor-client privilege	X	X	X
28	May refuse to disclose information relating to the individual's physical or mental health where disclosure contrary to the best interest of the individual	X	X	
31	Receive notice of investigation by the Privacy Commissioner	X	X	
33(2)	Right to make representations to Privacy Commissioner in the course of investigation	X	X	
35(1)	Receive Privacy Commissioner's report of findings and recommendations and give notice of action taken	X	X	
35(4)	Give complainant access to information after 35(1)(b)	X	X	

Schedule B				
Military Grievances External Review Committee				
Delegation of powers, duties and functions delegated pursuant to section 73(1) of the <i>Privacy Act</i>				
Section	Description	Director General, Corporate Services	Director General, Operations and General Counsel	ATIP Coordinator
36(3)	Receive Privacy Commissioner's report on findings and recommendations concerning the review of exempt information banks and, if appropriate, give notice to the Commissioner	X	X	
37(3)	Receive report of Privacy Commissioner's findings after compliance investigation	X	X	
51(2)(b)	Request that Section 51 hearing be held in the National Capital Region	X	X	
51(3)	Request and be given right to make representations <i>ex parte</i> in Section 51 hearings	X	X	
69	Deny information that is excluded in the <i>Act</i>	X	X	X
72(1)	Prepare Annual Report to Parliament			X
73.1(2)	The head of a government institution may, for the purposes of subsection 73.1(1), by order, delegate any of their powers, duties or functions under this Act to one or more officers or employees of another government institution.	X		X
73(2)	The personal information that the head of a government institution provides to the head of another government institution for the purpose of the other institution providing the services referred to in subsection 73.1(1) is not under the control of that other institution.	X		X
77	Responsibilities conferred on the head of the institution by the Regulations made under section 77 which are not included in the above	X	X	X



Statistical Report on the *Privacy Act*

Name of institution: Military Grievances External Review Committee

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

Section 1: Requests Under the *Privacy Act*

	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
denied	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

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

	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 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	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			
	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	15(b) Translation purposes or conversion
Total	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		
	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	15(b) Translation purposes or conversion
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
Total	0	0	0	0	0	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	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
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							
	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

6.3 Recommendations and completion time for consultations received from other

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
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
365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

6

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)

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

Personal Information Banks	Active	Created	Terminated	Modified
	0	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		\$2,152
Overtime		\$0
Goods and Services		\$2,440
• Professional services contracts	\$0	
• Other	\$2,440	
Total		\$4,592

11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.02
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	0.02

4. Performance 2019-2020

Highlights of the Statistical Report 2019-2020

During the reporting period of April 1, 2019, to March 31, 2020, the Committee did not receive any requests under the *Privacy Act*.

In recent years, the number of requests made under the *Privacy Act* has varied. Specifically, over the last eight fiscal years, the number of requests received are as follows: 2011-2012 (11); 2012-2013 (8), 2013-2014 (4) and 2014-2015 (1), 2015-2016 (0), 2016-2017 (3), 2017-2018 (0), and 2018-2019 (0).

During 2019-2020, the Committee received no consultation requests from other Government of Canada organizations or from external entities.

Additionally, COVID-19 had no significant impact on the Committee's ability to fulfill its *Privacy Act* responsibilities. No additional mitigation measures have been required.

5. Training and Awareness

As part of the Committee's Access to Information and Privacy Awareness Plan, emails are sent to staff on a regular basis to share points of interest and information relating to ATIP.

6. Policies, Guidelines, Procedures, and Initiatives

During the reporting period, the Committee did not implement any new institution-specific policies, guidelines, procedures, or initiatives related to privacy.

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

Over the period covered by this report, no complaint against the Committee was submitted to the Privacy Commissioner under the *Privacy Act* nor was any audit undertaken.

8. Monitoring Compliance

As a means to monitor the time required to process requests under both acts (*Access to Information Act* and *Privacy Act*), the ATIP Office reports delays on its activities to the Director General, Corporate Services. For this reporting period, the Committee received no privacy requests.

9. Material Privacy Breaches

During this reporting period, the Committee did not incur any material privacy breach.

10. Privacy Impact Assessments

No Privacy Impact Assessment was conducted during this reporting period.

11. Public Interest Disclosures

Paragraph 8(2)(m) allows the disclosure of personal information when the public interest clearly outweighs any invasion of privacy that could result from the disclosure or when the disclosure would benefit the individual to whom the information relates. There were no disclosures pursuant to paragraph 8(2)(m) for the 2019-2020 period.