

# **Privacy Act**

**Annual Report** 

2019-2020

**Final** 

Prepared by

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Secretary

2020 August

**UNRESTRICTED** 

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Page 1

Table o	f Contents	
1.	INTRODUCTION	2
2.	ORGANIZATIONAL STRUCTURE	2
3.	DELEGATION ORDER	3
4.	PERFORMANCE 2019-2020	3
4.1 4.1.1	Interpretation of the Statistical Report, 2019-20 Section 1 – Requests under the PA	
4.1.2	Section 2 – Requests Closed During the Reporting Period	
4.1.3	Section 3 – Disclosures under Subsections 8(2) and 8(5)	
4.1.4	Section 4 – Requests for Correction of Personal Information and	
	Notations	
4.1.5	Section 5 – Extensions	6
4.1.6	Section 6 – Consultations Received from Other Institutions and Organizations	6
4.1.7	Section 7 – Completion Time of Consultations on Cabinet	0
7.1.7	Confidences	E
4.1.8	Section 8 – Complaints and Investigations Notices Received	
4.1.9	Section 9 – Privacy Impact Assessments and Personal Information	
	Banks	
4.1.10	Section 10 – Material Privacy Breaches	
4.1.11 4.1.12	Section 11 – Resources Related to the PA	/
4.1.12	2019-2020 Supplemental Statistical Report – Requests affected by COVID-19 measures	7
5.	TRAINING AND AWARENESS	8
6.	POLICIES, GUIDELINES, PROCEDURES AND INITIATIVES	8
7.	COMPLAINTS	
8.	MONITORING COMPLIANCE	8
9.	MATERIAL PRIVACY BREACHES	8
10.	PRIVACY IMPACT ASSESSMENT	9
11.	PUBLIC INTEREST DISCLOSURES	9
12.	APPENDIX A – DELEGATION ORDER	10
13.	APPENDIX B - STATISTICAL REPORT, 2019-20	11



Page 2

## 1. INTRODUCTION

This annual report to Parliament is prepared and tabled in accordance with section 72 of the <u>Privacy Act</u> (**PA**). The report provides a summary of the activities related to the administration of the Act within Atomic Energy of Canada Limited (**AECL**) during fiscal year ending March 31, 2020.

The purpose of the PA is to protect personal information held by government institutions and to provide individuals with a right of access to their own information.

#### Mandate

AECL's mandate is to enable nuclear science and technology and to protect the environment by fulfilling the government of Canada's radioactive waste and decommissioning responsibilities.

AECL receives funding from the Government of Canada to deliver on its mandate. As a federal Crown corporation, AECL reports to Parliament through the Minister of Natural Resources.

AECL delivers its mandate through long-term contracts with the private-sector for the management and operation of its sites. More information on AECL's activities and governance structure are available on AECL's website at <a href="https://www.aecl.ca">www.aecl.ca</a>.

# 2. ORGANIZATIONAL STRUCTURE

AECL's Access to Information and Privacy (ATIP) Office, located in Ottawa, Ontario, is the focal point for the application of the ATIP legislations within AECL. The mandate of the ATIP Office is to implement and administer AECL's obligations under the <u>Access to Information Act</u> (ATIA) and the PA. The Office deals directly with the public and employees in relation to access to information and privacy requests, and serves as the center of ATIP expertise in enabling AECL to meet its statutory obligations under the Acts.

The ATIP Office consists of one Director and one Senior Analyst. The ATIP Director reports directly to the Vice-President, General Counsel and Corporate Secretary of AECL. The equivalent of 1.5 full time employee (**FTE**) was applied to *ATIA* matters and 0.5 FTE was applied to *PA* matters.



Page 3

# **Organizational Structure of the ATIP Office**



# 3. DELEGATION ORDER

Under the PA, the President is the designated head of the institution for the purpose of administering the legislation. Section 73 authorizes the head of the institution to designate, by order, one or more officers or employees of AECL to exercise or perform any powers, duties or functions of the head of AECL that are specified in the order. As ATIP Coordinator, the ATIP Director holds full delegated authority under the *PA*. The signed copy of the Delegation Order is included in appendix A.

### 4. PERFORMANCE 2019-2020

AECL received 3 new requests in 2019-20 for personal information subject to the *PA*. All 3 requests were completed within 30 days.

In support of the decentralized self-publishing of institutional Info Source chapters, AECL's Info Source Chapter can be found on AECL's external website at <a href="https://www.aecl.ca/access-to-information-and-privacy-acts/info-source/">https://www.aecl.ca/access-to-information-and-privacy-acts/info-source/</a>.

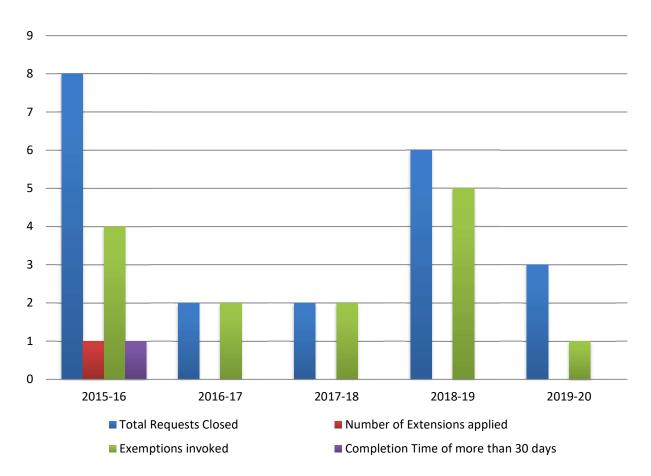
AECL did not disclose any personal information pursuant to subsection 8(2)(m) of the PA.





Page 4

# **Multiyear Trend**



# 4.1 Interpretation of the Statistical Report, 2019-20

The completed Statistical Report 2019-20 is included in appendix B.

# 4.1.1 Section 1 – Requests under the PA

AECL received 3 new requests for personal information under the *PA*. All 3 requests were completed during the reporting year.

# 4.1.2 Section 2 – Requests Closed During the Reporting Period

# **Subsection 2.1 – Disposition and Completion Time**

All three requests closed in 2019-20 were completed within 30 days. One of those requests was fully disclosed, one other disclosed in part and no records existed for the last request.



Page 5

# **Subsection 2.2 – Exemptions**

Where access to certain information was denied, the following exemptions were invoked:

Reason	Incidence
Personal Information (s.26)	1

#### **Subsection 2.3 - Exclusions**

No exclusions were cited in fiscal year 2019-20.

#### Subsection 2.4 – Format of Information Released

Access to the relevant documents for one of the completed requests disclosed was provided in electronic format and one in paper format.

# **Subsection 2.5 – Complexity**

# 2.5.1 – Relevant Pages Processed and Disclosed

47 pages were processed for two requests and a total of 13 pages were disclosed.

# 2.5.2 – Relevant Pages Processed and Disclosed by Size of Requests

One fully disclosed request had less than 100 pages processed. One request disclosed in part, also had less than 100 pages processed.

# 2.5.3 - Other Complexities

No processed requests had other complexities.

# Subsection 2.6 – Closed requests

## 2.6.1 – Number of requests closed within legislated timelines

AECL closed 100% of its three requests within legislated timelines of the *Privacy Act* in the fiscal year 2019-2020.

#### Subsection 2.7 - Deemed Refusals

# 2.7.1 - Reasons for not meeting statutory deadline

AECL has no deemed refusals to report in the fiscal year 2019-20.

# 2.7.2 – Number of days past deadline

AECL has no deemed refusals to report in the fiscal year 2019-20.

#### Subsection 2.8 – Request for Translation

No translations were prepared during the period under review.

# 4.1.3 Section 3 – Disclosures under Subsections 8(2) and 8(5)

This fiscal year, no disclosures of personal information were made pursuant to s. 8(2)(e) (investigations provision), 8(2)(f) (under an agreement or arrangement between the Government of Canada or an institution), 8(2)(g) (to a Member of Parliament) or 8(2)(m) (public interest override provision) of the PA.



Page 6

# 4.1.4 Section 4 – Requests for Correction of Personal Information and Notations

Neither corrections nor notations were requested during the reporting period.

#### 4.1.5 Section 5 – Extensions

# Subsection 5.1 – Reasons for extensions and disposition of requests

No extension was required during the reporting period.

# **Subsection 5.2 – Length of extensions**

No extension was required during the reporting period.

# 4.1.6 Section 6 – Consultations Received from Other Institutions and Organizations

# Subsection 6.1 – Consultations received from other Government of Canada institutions and other organizations

No consultations were received from other federal institutions or other organizations during the reporting period.

# Subsection 6.2 – Recommendations and completion time for consultations received from other Government of Canada institutions

No consultations were received from other federal institutions during the reporting period.

# Subsection 6.3 – Recommendations and completion time for consultations received from other organizations

No consultations were received from other organizations during the reporting period.

# 4.1.7 Section 7 – Completion Time of Consultations on Cabinet Confidences

AECL did not process any Cabinet confidences in relation to requests under the *Privacy Act* during the reporting year.

# **Subsection 7.1 – Requests with Legal Services**

No consultations were required with legal services concerning Cabinet confidence during the reporting period.

# **Subsection 7.2 Requests with Privacy Council Office**

No consultations were required with Privy Council Office concerning Cabinet confidences during the reporting period.



Page 7

# 4.1.8 Section 8 – Complaints and Investigations Notices Received

Applicants have the right to file a complaint pursuant to the *PA* and may exercise this right at any time during the processing of their request. AECL has not received any complaints or requests for investigation related to a *PA* and no appeals have been made to the Federal Court during the reporting period 2019-20. One complaint received during the reporting period 2018-19 was discontinued this fiscal year.

# 4.1.9 Section 9 – Privacy Impact Assessments and Personal Information Banks

# **Subsection 9.1 - Privacy Impact Assessments**

AECL did not complete any Privacy Impact Assessments during the reporting period.

#### **Subsection 9.2 - Personal Information Banks**

AECL has 51 active and registered personal information banks. AECL did not create, terminate or modify any personal information banks during the reporting period.

# 4.1.10 Section 10 – Material Privacy Breaches

To our knowledge, no material privacy breaches occurred during the reporting period.

## 4.1.11 Section 11 – Resources Related to the PA

## **Subsection 11.1 - Costs**

Total salary costs associated with *PA* activities are estimated at \$67,513 for 2019-20. Other operation and maintenance costs amounted to \$6,183 for a total of \$73,696.

#### Subsection 11.2 - Human Resources

The associated full-time equivalency human resource was 0.5.

# 4.1.12 2019-2020 Supplemental Statistical Report – Requests affected by COVID-19 measures

In addition to completing the forms for the Statistical Reports on the *PA* for 2019-20, institutions were asked to complete a Supplemental Report to help identify the impact of COVID-19 measures on institutional performance for 2019-20 and going forward.

AECL's ATIP office has not been impacted by COVID-19. AECL is completely capable of fulfilling its *PA* responsibilities.



Page 8

# 5. TRAINING AND AWARENESS

One formal awareness session was provided to AECL's Executive Committee in Ottawa, Ontario during the reporting period 2019-20. Additionally, informal briefings, one-on-one training, orientation, and awareness sessions were given regularly by the ATIP Director during the process of retrieval and review of documents in response to *PA* requests.

# 6. POLICIES, GUIDELINES, PROCEDURES AND INITIATIVES

AECL did not implement any new and/or revised institution-specific Access to Information related policies, guidelines or procedures during the reporting year 2019-20.

AECL continuously worked to identify new collections of personal information and reviewed AECL's Personal Information Banks (**PIBs**) registered with the Information and Privacy Policy Division at Treasury Board Secretariat. Several Privacy statements were added to institution-specific forms collecting personal information. However, no PIB update or registration were necessary during fiscal year 2019-20.

#### 7. COMPLAINTS

Applicants have the right to file a complaint pursuant to the *PA* and may exercise this right at any time during the processing of their request. AECL has not received any complaints or requests for investigation related to a *PA* and no appeals have been made to the Federal Court during the reporting period 2019-20. One complaint received during the reporting period 2018-19 was discontinued this fiscal year.

# 8. MONITORING COMPLIANCE

AECL uses Privasoft software as a tool to monitor the time required to process each privacy request and requests for corrections. No other monitoring was necessary or conducted during the reporting period as 100% of the requests were completed on time.

# 9. MATERIAL PRIVACY BREACHES

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



Page 9

# 10. PRIVACY IMPACT ASSESSMENT

AECL did not complete any Privacy Impact Assessments during the reporting year.

# 11. PUBLIC INTEREST DISCLOSURES

During this fiscal year and to our knowledge, no disclosures of personal information were made under paragraph 8(2)(m) of the *Privacy Act*.



Page 10

## 12. APPENDIX A – DELEGATION ORDER



# Delegation Order under the Access to Information Act and Privacy Act / Arrêté de délégation accordé en vertu de la Loi sur l'accès à l'information et de la Loi sur la protection des renseignements personnels

Pursuant to subsection 95(1) of the *Access to Information Act* and subsection 73(1) of the *Privacy Act*, the President of Atomic Energy of Canada Limited (AECL), head of AECL, hereby designates the person holding the position set out in the schedule hereto, or the person occupying on an acting basis this position, to exercise the powers, duties and functions of the President, under the provisions of the Acts and related regulations set out in the schedule opposite the position. This designation replaces all previous delegation orders.

En vertu du paragraphe 95(1) de la *Loi sur l'accès à l'information* et du paragraphe 73(1) de la *Loi sur la protection des renseignements personnels*, le Président d'Énergie atomique du Canada limitée (EACL), responsable d'EACL, délègue au titulaire du poste mentionné à l'annexe ci-après, ainsi qu'à la personne occupant à titre intérimaire ledit poste, les attributions dont il est, en qualité de responsable d' EACL, investi par les dispositions de la Loi ou de son règlement mentionnées en regard du poste. Le présent document remplace et annule tout arrêté antérieur.

Schedule / Annexe					
Position / Poste	Access to Information Act and Regulations / Loi sur l'accès à l'information et Règlements	Privacy Act and Regulations / Loi sur la protection des renseignements personnels et Règlements			
Director, Access to Information and Privacy / Directeur, Accès à l'information et protection des renseignements personnels	Full authority / Entière autorité	Full authority / Entière autorité			

personneis		
Rebel & Septon		
	and Chief Executive Officer of a er dirigeant d'Énergie atomiqu	

2020 August 6	
Date	

Page 11

# 13. APPENDIX B - STATISTICAL REPORT, 2019-20

Government Gouvernement du Canada

# Statistical Report on the Privacy Act

Name of institution: Atomic Energy of Canada Limited

**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	3
Outstanding from previous reporting period	0
Total	3
Closed during reporting period	3
Carried over to next reporting period	0

# Section 2: Requests Closed During the Reporting Period

#### 2.1 Disposition and completion time

	Completion Time							
Disposition of Requests	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days		181 to 365 Days	Than 366 Days	Total
All disclosed	0	1	0	0	0	0	0	1
Disclosed in part	0	1	0	0	0	0	0	1
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	0	1	0	0	0	0	0	1
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	0	3	0	0	0	0	0	3

#### 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	1
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
1	1	0

Page 12

# 2.5 Complexity

#### 2.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
47	13	2

# 2.5.2 Relevant pages processed and disclosed by size of requests

	Less Than 100 Pages Processed Pages		10.100.0	101-500 Pages Processed		501-1000 Pages Processed		-5000 rocessed	More Than 5000 Pages Processed	
Disposition	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	1	2	0	0	0	0	0	0	0	0
Disclosed in part	1	11	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	2	13	0	0	0	0	0	0	0	0

# 2.5.3 Other complexities

Disposition	Consultation Disposition Required		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	3
Percentage of requests closed within legislated timelines (%)	100

Page 13

#### 2.7 Deemed refusals

#### 2.7.1 Reasons for not meeting legislated timelines

	Principal Reason					
Number of Requests Closed Past the Legislated Timelines	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

	15(a	15 (a)(ii) Consultation						
Number of								
requests	Further review				Cabinet			15(b)
where an	required to				Confidence			Translation
extension	determine	Large volume of	Large volume of	Documents are	Section (Section			purposes or
was taken	exemptions	pages	requests	difficult to obtain	70)	External	Internal	conversion
0	0	0	0	0	0	0	0	0

Page 14

#### 5.2 Length of extensions

	15(a	a)(i) Interference	with operations	15 (a)(ii) (				
Length of Extensions	Further review required to determine exemptions	Large volume of pages	•	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

# 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
Carried 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

	Nun	Number of Days Required to Complete Consultation Reques								
Recommendation	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 organizations

	Nu	mber of d	lays requ	ired to c	omplete	consultat	ion requ	ests
Recommendation	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



Page 15

# Section 7: Completion Time of Consultations on Cabinet Confidences

# 7.1 Requests with Legal Services

	Fewer Than 1 Proces		101-500 Pages 501-1000 Processed Pages Processed			1001-5000 Pages Processed			an 5000 rocessed	
Number of Days	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	U	0	0	0	0	0	0	0	0

#### 7.2 Requests with Privy Council Office

	Fewer Than 100 Pages Processed		Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 5000 Pages Processed	
Number of Days	Number of Requests	Pages Disclosed	of Requests	Pages Disclosed	of Requests	Pages Disclosed	of Requests	Pages Disclosed	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

Page 16

# Section 8: Complaints and Investigations Notices Received

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

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

9.1 Privacy Impact Assessments

Number of PIA(s) completed	0
----------------------------	---

9.2 Personal Information Banks

Personal Information Banks	Active	Created	Terminated	Modified
	51	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	Expenditures	
Salaries		\$67,513
Overtime		\$0
Goods and Services		\$6,183
Professional services contracts	\$0	
• Other	\$6,183	
Total		\$73,696

#### 11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.50
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	0.50

# Supplemental Statistical Report on the Privacy Act

The following table reports the total number of formal requests received during two periods; 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

# Table 4 - Requests Received

Column (0	Col.	1
-----------	------	---

		Nulliber of requests
Row 1	Received from 2019-04-01 to 2020-03-13	3
Row 2	Received from 2020-03-14 to 2020-03-31	0
Row 3	Total <sup>1</sup>	3

<sup>1</sup> – Total for Row 3 should equal the total in the Privacy Statistical Report Section 1.1 Row

2019-20 PA Annual Report



Page 17

The following table reports the total number of requests closed within the legislated timelines and the number of closed requests that were deemed refusals during two periods 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 5 – Requests Closed

		C-1	-
Col. 1		Col	

		Number of requests closed within the legislated timelines	Number of requests closed past the legislated timelines
Row 1	Received from 2019-04-01 to 2020- 03-13 and outstanding from previous reporting periods	3	0
Row 2	Received from 2020-03-14 to 2020- 03-31	0	0
Row 3	Total <sup>2</sup>	3	0

<sup>&</sup>lt;sup>2</sup> – Total for Row 3 Col. 1 should equal the total in the Privacy Statistical Report Section 2.6.1 Row 1 -- Total for Row 3 Col. 2 should equal the total in the Privacy Statistical Report Section 2.7.1. Col. 1 Row 1

The following table reports the total number of requests carried over during two periods; 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

# **Table 6– Requests Carried Over**

Col. 1

		Number of requests
Row 1	Requests from 2019-04-01 to 2020-03-13 and outstanding from previous reporting period that were carried over to the 2020-2021 reporting period	0
Row 2	Requests from 2020-03-14 to 2020-03-31 that were carried over to the 2020-2021 reporting period	0
Row 3	Total <sup>3</sup>	0

<sup>&</sup>lt;sup>3</sup> – Total for Row 3 should equal the total in the Privacy Statistical Report Section 1.1 Row 5