

Ship-source Oil Pollution Fund

Annual Report to Parliament on the
Privacy Act

April 1, 2015 to March 31, 2016

Caisse d'indemnisation des dommages dus à la pollution par les hydrocarbures causée par les navires

Rapport annuel au Parlement sur la
*Loi sur la protection des
renseignements personnels*

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INTRODUCTION

The Office of the Administrator of the Ship-source Oil Pollution Fund (SOPF) is pleased to submit to Parliament its annual report on the administration of the *Privacy Act* (PA) for the fiscal year commencing on April 1, 2015 and ending March 31, 2016. This report is submitted in accordance with section 72 of the Act. The report is tabled in Parliament through the Minister of Transport.

The *Privacy Act* took effect on July 1, 1983. The PA extends to individuals the right of access to information held by the government, about themselves, subject to specific and limited exceptions. The Act also protects individuals' personal information and gives individuals substantial control over its collection, use and disclosure.

WHO WE ARE

The rules governing the SOPF are contained in Part 7 of the *Marine Liability Act*, Chapter 6, Statutes of Canada, 2001, as amended by Chapter 21, Statutes of Canada, 2009.

Initially the SOPF and its predecessor, the Maritime Pollution Claims Fund, were established on the basis of a levy on oil transported by ship, paid by oil companies, power generating authorities, pulp and paper manufacturers and other heavy industries. The levy was stopped in 1976 and currently the Fund is largely financed by monthly interest credited to the Fund by the Minister of Finance.

OUR MISSION

Canada's national SOPF may pay claims for oil pollution damage or anticipated damage, and costs and expenses incurred in respect of measures taken with respect thereto, at any place in Canada, or in Canadian waters including the exclusive economic zone, caused by the discharge of oil from a ship.

The SOPF is intended to pay claims regarding oil spills from ships of all classes - it is not limited to sea-going tankers and persistent (heavy) oil.

New provisions in Chapter 21, referred to above, implemented two international instruments, which entered into force for Canada as of January 2, 2010, namely, the *International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001* (*Bunkers Convention*) and the *Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 2003*, (*Supplementary Fund Protocol*). The SOPF is also available to provide additional

compensation (a fourth layer) in the event that compensation under the international regime, with respect to persistent (heavy) oil spills in Canada from oil tankers, is insufficient to meet all established claims for compensation.

OUR MANDATE

Effective August 8, 2001, the SOPF is governed by Part 6 of the *Marine Liability Act* (MLA) as modified by Statutes of Canada, 2009, chapter 21.

The Administrator, appointed by the Governor-in-Council:

- Holds office during good behavior and, as an independent authority, must investigate and assess all claims filed with the Ship-source Oil Pollution Fund (SOPF), subject to appeal to the Federal Court of Canada if the claimant disagrees with the Administrator's assessment;
- Offers compensation to claimants for whatever portion of the claim the Administrator finds to be established and, where a claimant accepts an offer, the Administrator directs payment to the claimant out of the SOPF;
- Has the power of a Commissioner under Part 1 of the *Inquiries Act* for the purpose of assessing claims;
- May take recourse action against third parties to recover the amount paid out of the SOPF to a claimant and may also take action to obtain security from the shipowner, either prior to or after receiving a claim;
- Becomes a party by statute to any proceedings commenced by a claimant against the owner of a ship, its insurer, or the International Oil Pollution Compensation (IOPC) Funds, as the case may be, after having been served with the document commencing the proceedings;
- Has the responsibility under the *Marine Liability Act* (MLA) to direct payments out of the SOPF for all Canadian contributions to the IOPC Funds (such contributions are based on oil receipts in Canada reported by the Administrator to the Director of the IOPC Funds);
- Participates with the Canadian delegation at meetings of the Executive Committee and the Assembly of the IOPC Funds;
- Prepares an annual report on the operations of the SOPF, which is laid before Parliament by the Minister of Transport.

PRIVACY ACTIVITIES

The Administrator of the SOPF is the designated head of the Fund for the *Privacy Act*. Due to the very small size of the organization, the Director of Corporate Services has been designated the *Access to Information and Privacy* (ATIP) Coordinator and retains all authorities in relation to the Act. An ATIP Consultant is hired to address any ATIP requests or related issues. There are no regional ATIP staff.

The ATIP Coordinator is accountable for the development, coordination and implementation of effective policies, guidelines, systems and procedures. This will ensure that the Fund's responsibilities under the *Privacy Act* are met and there is appropriate processing and proper disclosure of information. The Coordinator is also responsible for related policies, systems and procedures emanating from the Act.

The main activities of the ATIP Coordinator include:

- Processing requests under the Act;
- Developing and maintaining policies, procedures and guidelines to ensure the Act is respected by the Fund;
- Promoting awareness of the Act to ensure the SOPF's responsiveness to the obligations imposed on the government;
- Monitoring the SOPF's compliance with the Act, regulations and relevant procedures and policies;
- Preparing annual reports to Parliament and other statutory reports, as well as other material that may be required by central agencies;
- Representing the Fund in dealings with the Treasury Board Secretariat (TBS), the Privacy Commissioner and other government funds and agencies regarding the application of the Act as they relate to the SOPF;
- Supporting the Fund in meeting its commitments in relation to greater openness and transparency through proactive disclosure of information and the disclosure of information through informal avenues.

During the reporting period no privacy requests were received and there were no outstanding requests from the previous period. This is consistent with all previous years.

The SOPF did not receive any *Privacy Act* complaints during this reporting period.

There was no monitoring of the time to process privacy requests required.

There were no Privacy Impact Assessments (PIAs) done during this reporting period.

There were no new data sharing activities during this reporting period.

During the reporting period, the SOPF did not make any disclosures of personal information pursuant to subsection 8(2)(m) of the *Privacy Act*.

There were no ATIP awareness sessions conducted during this reporting period, nor did any individuals attend any training or awareness sessions. Continuous advice and recommendations were provided by a consultant on an as required basis to Management and staff.

No institution-specific privacy related policies, guidelines or procedures were implemented in the institution during the reporting period.

There were no material privacy breaches that occurred during the reporting period.

In fiscal year 2011-2012, the Ship-source Oil Pollution Fund acquired an electronic records and information management (RIM) application to assist in locating files and manage the SOPF record inventory to better address potential Access to Information requests and to ascertain that records containing personal information are dealt with in accordance with privacy laws and regulations.

Over the course of this fiscal year, an expert consultant was retained to maintain the application and oversee all necessary improvements to the system.

In addition to this work, the expert consultant has amended the existing RIM policy, procedures and standards manual to reflect the new electronic recordkeeping environment, developed guidelines on how to access and retrieve information from the application and provided training and orientation sessions, as and when required to SOPF employees.

Governance and statutory obligations

The Ship-source Oil Pollution Fund is a special account established in the accounts of Canada. It is governed by the *Marine Liability Act*.

When the Ship-source Oil Pollution Fund was made subject to the *Access to Information Act and the Privacy Act* in 2006, the SOPF automatically became subject to the *Library and Archives of Canada Act*.

As a result, the SOPF has a statutory obligation to comply with sections 12 and 13 of the Act and the Records Disposition Authority 96/022 issued by Library and Archives Canada. The authority states that all records created or acquired by the deputy head of the SOPF are deemed of historical and archival importance and are required to be transferred to the care and control of Library and Archives of Canada upon the expiry

of their retention periods.

The new electronic records and information management system ensures that SOPF business records are disposed of according to approved records retention and disposition schedules and authorities.

The costs associated to records and information management of SOPF record holdings are reflective of policies, systems and procedures that emanate from the *Access to Information Act* and the *Privacy Act*.

For 2015-2016, the costs directly associated with the administration of the *Privacy Act* are estimated at \$ 35,493.

Staff	\$3,865
Consultant fees	\$ 28,617
Office Equipment and Supplies	\$3,011

The associated employee resources for 2015-2016 are estimated at 2 part-time FTEs and 2 part-time consultants for administering the *Privacy Act*.



Statistical Report on the *Privacy Act*

Name of institution: Ship-source Oil Pollution Fund

Reporting period: 2015-04-01 to 2016-03-31

Part 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

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	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

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	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)	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

Disposition	Paper	Electronic	Other formats
All disclosed	0	0	0
Disclosed in part	0	0	0
Total	0	0	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	0	0	0
Disclosed in part	0	0	0
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	0
Neither confirmed nor denied	0	0	0
Total	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 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
0	0	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	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

2.7 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
0	0	0	0

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	0	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	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
		Section 70	Other	
1 to 15 days	0	0	0	0
16 to 30 days	0	0	0	0
Total	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							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							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

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

Part 8: Complaints and Investigations Notices Received

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

Part 9: Privacy Impact Assessments (PIAs)

Number of PIA(s) completed	0
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Part 10: Resources Related to the *Privacy Act*

10.1 Costs

Expenditures	Amount
Salaries	\$3,865
Overtime	\$0
Goods and Services	\$31,628
• Professional services contracts	\$28,617
• Other	\$3,011
Total	\$35,493

10.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.00
Part-time and casual employees	2.00
Regional staff	0.00
Consultants and agency personnel	2.00
Students	0.00
Total	4.00

Note: Enter values to two decimal places.

Ship-source Oil Pollution Fund

Privacy Act
Delegation Order

The Administrator of the Ship-source Oil Pollution Fund, pursuant to section 73 of the *Privacy Act* (the *Act*) hereby designates the persons holding the positions set out herein or the persons occupying those positions on an acting basis, to exercise the powers, duties or functions of the Administrator as the head of a government institution, under the section or sections of the *Act* set out hereunder opposite each position.

Position	<i>Privacy Act</i>	
ATIP Coordinator	8(2)(j)	Disclose personal information for research purposes
ATIP Coordinator	8(2)(m)	Disclose personal information in the public interest or in the interest of the individual
ATIP Coordinator	8(4)	Retain copy of 8(2)(e) requests and disclosed records
ATIP Coordinator	8(5)	Notify Privacy Commissioner of 8(2)(m) disclosures
ATIP Coordinator	9(1)	Retain record of use
ATIP Coordinator	9(4)	Notify Privacy Commissioner of consistent use and amend index
ATIP Coordinator	10	Include personal information in personal information banks
ATIP Coordinator	14	Respond to request for access within 30 days; give access or give notice
ATIP Coordinator	15	Extend time limit for responding to request for access
ATIP Coordinator	17(2)(b)	Decide whether to translate requested information
ATIP Coordinator	17(3)(b)	Alternative format
ATIP Coordinator	18(2)	May refuse to disclose information contained in an exempt bank
ATIP Coordinator	19(1)	Shall refuse to disclose information obtained in confidence from another government
ATIP Coordinator	19(2)	May disclose any information referred to in 19(1) if the other government consents to the disclosure or makes the information public
ATIP Coordinator	20	May refuse to disclose information injurious to the conduct of federal-provincial affairs
ATIP Coordinator	21	May refuse to disclose information injurious to international affairs or defence

Position	Privacy Act
ATIP Coordinator	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
ATIP Coordinator	22.3 Shall refuse to disclose personal information that was created for the purpose of making a disclosure under the <i>Public Servants Disclosure Protection Act</i> or in the course of an investigation into a disclosure under that Act.
ATIP Coordinator	23 May refuse to disclose information prepared by an investigative body for security clearances
ATIP Coordinator	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
ATIP Coordinator	25 May refuse to disclose information which could threaten the safety of individuals
ATIP Coordinator	26 May refuse to disclose information about another individual, and shall refuse to disclose such information where disclosure is prohibited under Section 8
ATIP Coordinator	27 May refuse to disclose information subject to solicitor-client privilege
ATIP Coordinator	28 May refuse to disclose information relating to the individual's physical or mental health where disclosure is contrary to the best interests of the individual
ATIP Coordinator	31 Receive notice of investigation by the Privacy Commissioner
ATIP Coordinator	33(2) Right to make representations to the Privacy Commissioner during an investigation
ATIP Coordinator	35(1) Receive Privacy Commissioner's report of findings of the investigation and give notice of action taken
ATIP Coordinator	35(4) Give complainant access to information after 35(1)(b) notice
ATIP Coordinator	36(3) Receive Privacy Commissioner's report of findings of investigation of exempt bank

Privacy Act	
Position	
ATIP Coordinator	37(3) Receive report of Privacy Commissioner's findings after compliance investigation
ATIP Coordinator	51(2)(b) Request that Section 51 hearing be held in the National Capital Region
ATIP Coordinator	51(3) Request and be given right to make representations in Section 51 hearings
ATIP Coordinator	72(1) Prepare annual report to Parliament
ATIP Coordinator	77 Responsibilities conferred on the head of the institution by the regulations made under section 77 which are not included above
Privacy Regulations	
Position	
ATIP Coordinator	9 Reasonable facilities and time provided to examine personal information
ATIP Coordinator	11(2) Notification that correction to personal information has been made
ATIP Coordinator	11(4) Notification that correction to personal information has been refused
ATIP Coordinator	13(1) Disclosure of personal information relating to physical or mental health may be made to qualified medical practitioner or psychologist for an opinion on whether to release information to requestor
ATIP Coordinator	14 Disclosure of personal information relating to physical or mental health may be made to requestor in presence of qualified medical practitioner or psychologist

Dated at Ottawa on May 27 2016.



 Anne Legars, LL.M, cae
Administrator