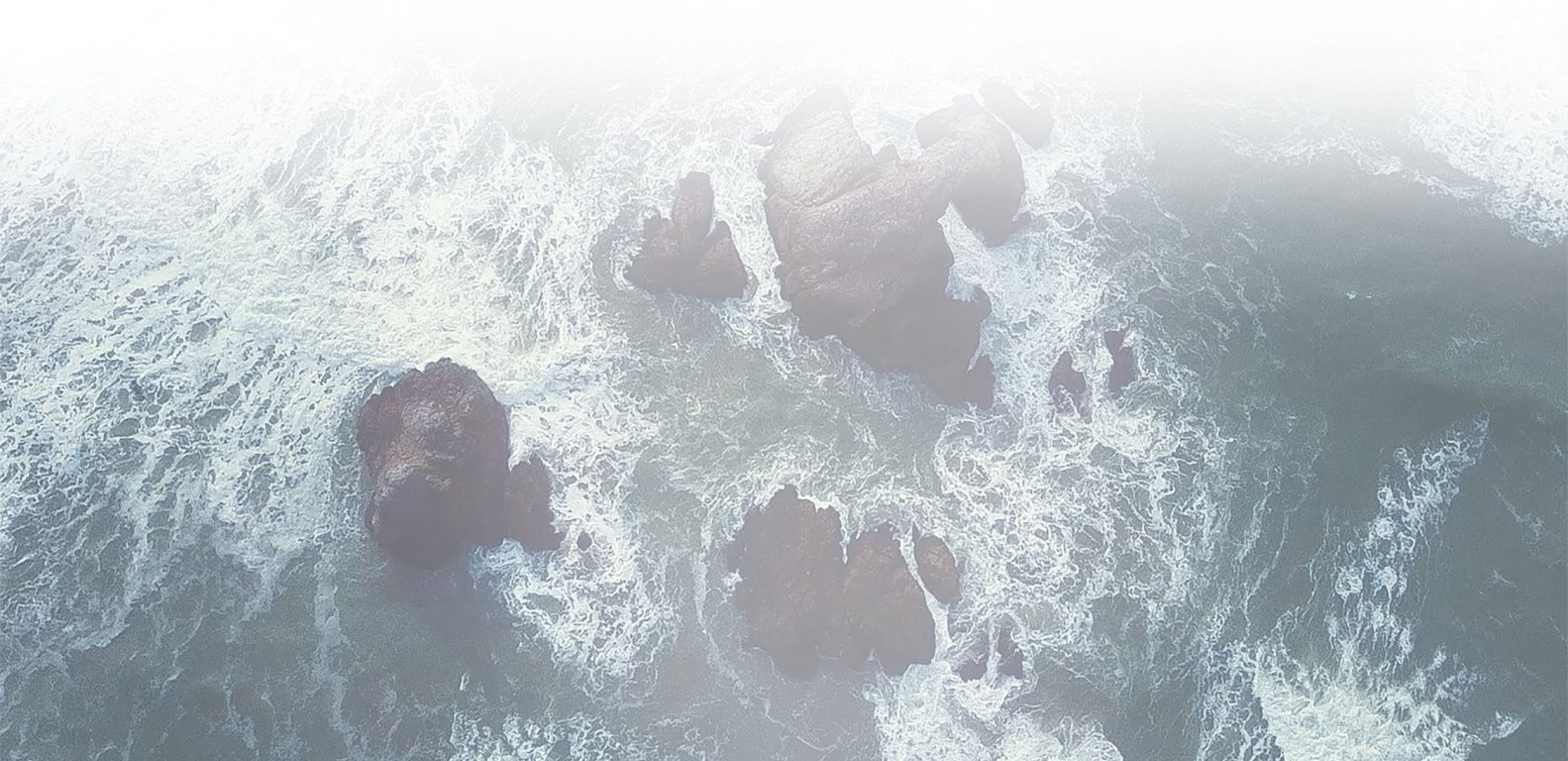


**Office of the Administrator of the  
Ship-source Oil Pollution Fund**

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

**2019-2020**



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# TABLE OF CONTENTS

- 1. Introduction ..... 4
- 2. Our mandate ..... 4
- 3. Organizational structure for Privacy activities ..... 5
- 4. Privacy activities ..... 6
  - 4.1 Requests, consultations and public interest disclosures ..... 6
  - 4.2 Complaints, audits, and privacy breaches ..... 7
  - 4.3 Training and awareness ..... 7
  - 4.4 Policies, guidelines, and procedures ..... 7
  - 4.5 Privacy Impact Assessments (PIAs) ..... 7
  - 4.6 Impact of COVID-19 related measures ..... 8
- Appendix A: Delegation order ..... 9
- Appendix B: Statistical report ..... 13
- Appendix C: Supplemental statistical report ..... 25

# 1. INTRODUCTION

The Office of the Administrator of the Ship-source Oil Pollution Fund 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, 2019, and ending March 31, 2020. 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 about themselves held by the government, subject to specific and limited exceptions. The Act also protects individuals' personal information and gives individuals substantial control over its collection, use and disclosure.

# 2. OUR MANDATE

The Ship-source Oil Pollution Fund (the Fund) compensates victims of oil pollution for damages caused by any type of oil, from any ship or boat, anywhere in Canadian waters. The Administrator then takes all reasonable steps to recover costs from polluters.

The Fund is managed by an independent Administrator, who reports to Parliament through the Minister of Transport. The Administrator, appointed by the Governor-in-Council:

- 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 Fund;
- As an independent authority, must investigate and assess all claims submitted to the Fund, subject to appeal to the Federal Court of Canada;
- Has the powers of a Commissioner under Part 1 of the *Inquiries Act*;
- Must take recourse action against third parties to recover the amount paid out of the Fund to a claimant and may also take action to obtain security, either prior to or after receiving a claim;
- Prepares an annual report on the operations of the Fund, which is laid before Parliament by the Minister of Transport;
- 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;

- Directs payments out of the Fund 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;
- Is consulted by the Minister of Transport with regard to the release of necessary emergency funding of up to \$10 million per fiscal year (or additional funds to a maximum of \$50 million per fiscal year, if required) to the Minister of Fisheries and Oceans (DFO), to respond to a significant incident involving the discharge of oil from a ship;
- Has inspection and inquiry powers with respect to oil shippers' data reporting obligations, infringement of which may cause Administrative Monetary Penalties (AMPs).

The Fund is governed by Part 7 of the *Marine Liability Act* (MLA), and all the amendments thereto.

### **3. ORGANIZATIONAL STRUCTURE FOR PRIVACY ACTIVITIES**

The Administrator is the designated head of the Office of the Administrator of the Fund for the *Privacy Act*. Due to the very small size of the organization, the Information Management Officer 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 responsibilities under the *Privacy Act* are met at the Office of the Administrator of the Fund 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 Office of the Administrator of the Fund;
- Promoting awareness of the Act to ensure the responsiveness of the Office of the Administrator of the Fund to the obligations imposed on the government;

- Monitoring compliance of the Office of the Administrator of the Fund 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 Office of the Administrator of 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 Office of the Administrator of the Fund;
- Supporting the Office of the Administrator of 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.

The delegation order for the administration of the *Privacy Act* is attached in Appendix A.

For 2019-2020, the costs directly associated with the administration of the *Privacy Act* are estimated at \$2,225.

Salaries: \$2,140  
 Consultant Fees: \$85

The associated human resources for 2019-2020 are estimated at 0.04 person years for administering the *Privacy Act*.

## **4. PRIVACY ACTIVITIES**

### **4.1 REQUESTS, CONSULTATIONS AND PUBLIC INTEREST DISCLOSURES**

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

A submission was received via the ATIP Online Request Service in January 2020, but it did not meet the criteria of an official request. At the end of the reporting period, staff was working with the requester to clarify the submission.

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

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

The complete statistical report on the Act for 2019-2020 is attached in Appendix B.

## **4.2 COMPLAINTS, AUDITS, AND PRIVACY BREACHES**

The Office of the Administrator of the Fund did not receive any *Privacy Act* complaints during this reporting period.

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

## **4.3 TRAINING AND AWARENESS**

All new staff are provided with a one-on-one introduction to ATIP by the ATIP Coordinator when they start their position at the Office of the Administrator of the Fund. Throughout the year, optional monthly training sessions were offered on various information management topics, including information protection. The goals are to familiarize staff with their privacy and information protection responsibilities, and to promote and facilitate adoption of information management practices, which improves adherence to policies that ensure protection of privacy as well as the efficiency and ease of retrieving information from the institution's records. These sessions were attended by an average of eight staff members (about half of the complement) per month.

Additional advice and recommendations were provided by a consultant on an as required basis to Management and staff.

## **4.4 POLICIES, GUIDELINES, AND PROCEDURES**

A new filing structure for incident claims files was implemented during the reporting period. This new way of organizing records related to incident claims better ensures that records containing personal information are stored and treated in a way that provides adequate protection of the information.

A new shared drive was implemented to store records related to the incident, claims, and recovery action activities of the Office of the Administrator of the Fund that contain protected information. This ensures personal information collected as part of these activities are available only to staff members who need to know this information to carry out their tasks.

Also, new filing procedures were implemented to ensure the timely, complete and adequate capture of the information resources of business value of the Office of the Administrator of the Fund. Ensuring official files are up-to-date improves retrieval of the records if required.

## **4.5 PRIVACY IMPACT ASSESSMENTS (PIAs)**

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

## **4.6 IMPACT OF COVID-19 RELATED MEASURES**

The Office of the Administrator of the Fund had no new or outstanding requests in the time COVID-19 related measures were in place during the reporting period.

Other *Privacy Act* responsibilities were not hindered or impacted by the COVID-19 related measures. A staff member came to the office during the shutdown caused by COVID-19 for processing pays and filing the related records, in order to avoid jeopardizing the protection of this personal information.

The supplemental statistical report on the impact of COVID-19 related measures on the administration of the Act for 2019-2020 is attached in Appendix C.



**APPENDIX A:  
DELEGATION ORDER**

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)	Disclosure for research purposes
ATIP Coordinator	8(2)(m)	Disclosure in the public interest or in the interest of the individual
ATIP Coordinator	8(4)	Copies of requests under 8(2)(e) to be retained
ATIP Coordinator	8(5)	Notice of disclosure under 8(2)(m)
ATIP Coordinator	9(1)	Records of disclosures to be retained
ATIP Coordinator	9(4)	Consistent uses
ATIP Coordinator	10	Personal information to be included in personal information banks
ATIP Coordinator	14	Notice where access requested
ATIP Coordinator	15	Extension of time limits
ATIP Coordinator	17(2)(b)	Language of access
ATIP Coordinator	17(3)(b)	Access to personal information in alternative format
ATIP Coordinator	18(2)	Exemption (exempt bank) - Disclosure may be refused
ATIP Coordinator	19(1)	Exemption - Personal information obtained in confidence
ATIP Coordinator	19(2)	Exemption - Where authorized to disclose
ATIP Coordinator	20	Exemption - Federal-provincial affairs
ATIP Coordinator	21	Exemption - International affairs and defence
ATIP Coordinator	22	Exemption - Law enforcement and investigation
ATIP Coordinator	22.3	Exemption - <i>Public Servants Disclosure Protection Act</i> .
ATIP Coordinator	23	Exemption - Security clearances

Position	Privacy Act	
ATIP Coordinator	24	Exemption - Individuals sentenced for an offence
ATIP Coordinator	25	Exemption - Safety of individuals
ATIP Coordinator	26	Exemption - Information about another individual
ATIP Coordinator	27	Exemption - Solicitor-client privilege
ATIP Coordinator	28	Exemption – Medical record
ATIP Coordinator	31	Notice of intention to investigate
ATIP Coordinator	33(2)	Right to make representation
ATIP Coordinator	35(1)	Findings and recommendations of Privacy Commissioner (complaints)
ATIP Coordinator	35(4)	Access to be given
ATIP Coordinator	36(3)	Report of findings and recommendations (exempt banks)
ATIP Coordinator	37(3)	Report of findings and recommendations (compliance review)
ATIP Coordinator	51(2)(b)	Special rules for hearings
ATIP Coordinator	51(3)	Ex parte representations
ATIP Coordinator	72(1)	Report to Parliament

Position	Privacy Regulations	
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 the requester
ATIP Coordinator	14	Disclosure of personal information relating to physical or mental health may be made to requester in presence of a qualified medical practitioner or psychologist

Dated at Ottawa on September 2, 2020

  
\_\_\_\_\_  
Anne Legars, LL.M., CAE  
Administrator

**APPENDIX B:  
STATISTICAL REPORT**



## Statistical Report on the *Privacy Act*

Name of institution: Ship-source Oil Pollution Fund

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	0
Outstanding from previous reporting period	0
<b>Total</b>	<b>0</b>
Closed during reporting period	0
Carried over to next reporting period	0

### Section 2: Requests Closed During the Reporting Period

#### 2.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	more Than 365 Days	
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## 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





### 2.5.3 Other complexities

<b>Disposition</b>	<b>Consultation Required</b>	<b>Legal Advice Sought</b>	<b>Interwoven Information</b>	<b>Other</b>	<b>Total</b>
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
<b>Total</b>	0	0	0	0	0

### 2.6 Closed requests

#### 2.6.1 Number of requests closed within legislated timelines

	<b>Requests closed within legislated timelines</b>
<b>Number of requests closed within legislated timelines</b>	0
<b>Percentage of requests closed within legislated timelines (%)</b>	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
<b>Total</b>	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
<b>Total</b>	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
<b>Total</b>	<b>0</b>

**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	
0	0	0	0	0	0	0	0	0

**5.2 Length of extensions**

15(a)(i) Interference with operations	15 (a)(ii) Consultation
---------------------------------------	-------------------------

Length of Extensions	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
<b>Total</b>	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
<b>Total</b>	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

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
<b>Total</b>	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
<b>Total</b>	0	0	0	0	0	0	0	0

## Section 7: Completion Time of Consultations on Cabinet Confidences

### 7.1 Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	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
<b>Total</b>	0	0	0	0	0	0	0	0	0	0

## Section 8: Complaints and Investigations Notices Received

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

## Section 9: Privacy Impact Assessments (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
	23	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	\$2,140
Overtime	\$0
Goods and Services	\$85
• Professional services contracts	\$85
• Other	\$0
<b>Total</b>	<b>\$2,225</b>

### 11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.03

Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.01
Students	0.00
<b>Total</b>	0.04

**Note:** Enter values to two decimal places.



**APPENDIX C:  
SUPPLEMENTAL STATISTICAL REPORT**

**2019-2020 Supplemental Statistical Report on the *Privacy Act* – Requests  
affected by COVID-19 measures**

**Table 1 – Requests Received**

	<b>Number of requests</b>
Received from 2019-04-01 to 2020-03-13	0
Received from 2020-03-14 to 2020-03-31	0
<b>Total</b>	0

**Table 2 – Requests Closed**

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

**Table 3– Requests Carried Over**

	<b>Number of requests</b>
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
Requests from 2020-03-14 to 2020-03-31 that were carried over to the 2020-2021 reporting period	0
<b>Total</b>	0