



Office of the Superintendent of
Financial Institutions Canada

Bureau du surintendant des
institutions financières Canada

Privacy Act
Annual Report
2012–2013

May 2013



OSFI
BSIF

Canada 

Table of Contents	Page
Introduction	1
The Office of the Superintendent of Financial Institutions (OSFI) Mandate	1
Strategic Outcomes	2
Implementation of the <i>Privacy Act</i>	2
OSFI procedures and nature of records held	2
Delegation of authority	2
Processing of privacy request	2
Reading room	3
Statistical Report	4
Interpretation of Statistical Report	10
Disposition of requests completed	11
Exemptions set forth	11
Exclusions cited	11
Format of information released	11
Relevant pages processed and disclosed	11
Relevant pages processed and disclosed by size of requests	11
Other complexities	11
Deemed refusal	11
Request for translation	11
Disclosure under subsection 8(2)	12
Request for correction of personal information and notations	12
Extensions	12
Consultations received from other government institutions and organizations	12
Recommendations and completion time for consultations received from other government institutions	12
Recommendations and completion time for consultations received from other organizations	12
Completion time of consultations on Cabinet confidences	12
Resources related to the <i>Privacy Act</i>	12
Training	12
Summary of significant changes to programs, operations, policies or procedures	13
Overview of OSFI's <i>Privacy Act</i> related policies and procedures implemented or revised during the fiscal year	13
Major changes implemented as a result of concerns or issues raised by the Privacy Commissioner of Canada in his annual report to parliament	13
Major changes implemented as a result of concerns or issued raised by other agents of parliament	13

Number of applications or appeals to the Federal Court or the Federal Court of Appeal during the fiscal year	13
Complaints submitted to the Privacy Commissioner of Canada	13
Completed Privacy Impacts Assessments (PIAs)	13
Number of new data matching and sharing activities undertaken	13
Privacy impact of any legislative, policy and service delivery initiatives or data matching or data sharing agreements	14
Exempt banks	14
APPENDIX 1	15
APPENDIX 2	16

Introduction

The purpose of the *Privacy Act* is to extend the present laws of Canada that protect the privacy of individuals with respect to personal information about themselves held by a government institution and that provide individuals with a right of access to that information.

This annual report was prepared and submitted in accordance with section 72 of the *Privacy Act*.

The information provided in this report covers the period from April 1, 2012 to March 31, 2013.

The Office of the Superintendent of Financial Institutions (OSFI) Mandate

OSFI's legislated mandate was implemented in 1996 and under the legislation, OSFI's mandate is to:

- supervise federally regulated financial institutions and private pension plans to determine whether they are in sound financial condition and meeting minimum plan funding requirements, respectively, and are complying with their governing law and supervisory requirements;
- promptly advise institutions and plans in the event there are material deficiencies and take, or require management, boards or plan administrators to take, necessary corrective measures expeditiously;
- advance and administer a regulatory framework that promotes the adoption of policies and procedures designed to control and manage risk; and
- monitor and evaluate system-wide or sectoral issues that may impact institutions negatively.

OSFI's prudential mandate supports a safe and sound Canadian financial system.

OSFI's legislation also acknowledges the need to allow institutions to compete effectively and take reasonable risks. It recognizes that management, boards of directors, and plan administrators are ultimately responsible and that financial institutions and pension plans can fail.

The Office of the Chief Actuary (OCA) is a separate unit within OSFI and provides expert actuarial services and advice on the state of various public pension plans and on the financial implications of options being considered by policymakers. In conducting its work, the OCA plays a vital and independent role towards a financially sound and sustainable Canadian public retirement income system.

Strategic Outcomes

Primary to OSFI's mandate and central to its contribution to Canada's financial system are two strategic outcomes:

1. A safe and sound Canadian financial system
2. A financially sound and sustainable Canadian public retirement income system.

For the purposes of the *Privacy Act*, the head of OSFI is the Superintendent and the responsible minister is the Minister of Finance.

Implementation of the *Privacy Act*

OSFI procedures and nature of records held

Because OSFI is responsible for regulating financial institutions and private pension plans under federal jurisdiction, much of the information in its possession is third-party information about these supervised institutions and pension plans and, therefore, OSFI has relatively little personal information in its records.

From inception of the Act to March 31, 2013, OSFI received 48 privacy requests. In 2012-2013, it received 1 request, which was closed during the reporting period. OSFI had no information related to the request. OSFI has not received any consultations from other government institutions and organizations.

Delegation of authority

The Superintendent is responsible for administering the *Privacy Act* at OSFI. The authority to claim exemptions and to issue various statutory notices has been delegated to the Assistant Superintendent, Regulation. The authority to issue various statutory notices has also been delegated to the Coordinator. See appendices 1 and 2.

Processing of privacy requests

The Access to Information and Privacy Coordinator (Coordinator) handles matters relating to the administration of the *Privacy Act*.

Formal requests under the privacy legislation are forwarded to the Coordinator, who coordinates the responses and ensures that use and disclosure of any personal information are in accordance with the provisions of the Act.

Aside from the standard employee information banks, OSFI has relatively little personal information in its records. OSFI does not anticipate receiving a significant number of requests for information under the *Privacy Act*.

Employees have the right to review their personal records at intervals specified in the various collective agreements. To exercise this right, an employee contacts the appropriate official in the Human Resources and Administration Division. The review of personal records is considered informal and no data on these requests is compiled. The employee, however, does have the option of submitting a formal request under the privacy legislation. Employees of the Division are aware of the provisions of the *Privacy Act* as they relate to the use and disclosure of personal information.

All formal privacy requests are forwarded to the Coordinator, who checks them for completeness. The Coordinator requests the information from the head of the division or divisions concerned. In gathering the material and subsequently reviewing it, the Coordinator provides advice and direction to ensure that the provisions of the Act are respected.

The assembled material is reviewed by the Coordinator, by Legal Services, and by the responsible director, as appropriate. The material and the recommendations pertaining to each access file are then submitted to the responsible Assistant Superintendent for review and approval.

Reading room

In accordance with the *Privacy Act*, OSFI's Kennet room in Ottawa has been designated a public reading room. It is located at 255 Albert Street, on the 16th Floor.

Statistical Report



Government
of Canada

Gouvernement
du Canada

Statistical Report on the *Privacy Act*

Name of institution: Office of the Superintendent of Financial Institutions Canada

Reporting period: 01/04/2012 to 31/03/2013

PART 1 – Requests under the *Privacy Act*

	Number of Requests
Received during reporting period	1
Outstanding from previous reporting period	0
Total	1
Closed during reporting period	1
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	1	0	0	0	0	0	0	1
Request abandoned	0	0	0	0	0	0	0	0
Total	1	0	0	0	0	0	0	1

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)(a)	0	70(1)(d)	0
69(1)(b)	0	70(1)(b)	0	70(1)(e)	0
69.1	0	70(1)(c)	0	70(1)(f)	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

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
Abandoned	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
Abandoned	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 subsection 8(2)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Total
0	0	0

PART 4 – Requests for correction of personal information and notations

	Number
Requests for correction received	0
Requests for correction accepted	0
Requests for correction refused	0
Notations attached	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 institutions and organizations

Consultations	Other government 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 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	than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	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	than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	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

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
Total	0	0

PART 8 – Resources related to the *Privacy Act*

8.1 Costs

Expenditures		Amount
Salaries		\$2,600
Overtime		\$0
Goods and Services		\$500
• Contracts for privacy impact assessments	\$0	
• Professional services contracts	\$0	
• Other	\$500	
Total		\$3,100

8.2 Human Resources

Resources	Dedicated full-time	Dedicated part-time	Total
Full-time employees	0.06	0.00	0.06
Part-time and casual employees	0.00	0.00	0.00
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.00	0.00	0.00
Students	0.00	0.00	0.00
Total	0.06	0.00	0.06

Appendix A

Previously released ATI package released informally

Institution	Number of informal releases of previously released ATI packages
Office of the Superintendent of Financial Institutions Canada	3

Completed Privacy Impact Assessments (PIAs)

Institution	Number of Completed PIAs
Office of the Superintendent of Financial Institutions Canada	Nil

Interpretation of Statistical Report

During the reporting period, OSFI received five new requests.

Disposition of requests completed

The following summarizes the measures taken with respect to the completed requests:

- All disclosed: 0 requests
- No records exist: 1 request

Exemptions set forth

No exemptions were set forth during the fiscal year.

Exclusions cited

No exclusions were applied.

Format of information released

No records exist.

Relevant pages processed and disclosed

No records exist.

Relevant pages processed and disclosed by size of requests

No records exist.

Other complexities

No other complexities are reported.

Deemed refusal

The response was provided within the statutory deadline.

Request for translation

No translations were requested.

Disclosure under subsection 8(2)

No disclosures were made pursuant to subsection 8(2) of the *Privacy Act* during this reporting period.

Request for correction of personal information and notations

No requests were made during this reporting period.

Extensions

No requests required extensions beyond 30 days.

Consultations received from other government institutions and organizations

We did not receive any consultations from other government institutions and organizations.

Recommendations and completion time for consultations received from other government institutions

Not applicable.

Recommendations and completion time for consultations received from other organizations

Not applicable.

Completion time of consultations on Cabinet confidences

We did not consult on any cabinet confidences.

Resources related to the *Privacy Act*

Costs totalled \$3,100 and 0.6 full time equivalents (FTE) were used during this reporting period.

Training

To increase employee awareness of their responsibilities pertaining to privacy at OSFI, we provided a total of 5 privacy information sessions during the reporting period. A total of 57 employees participated.

We also have the *Info Access* bulletins that are published on OSFI's intranet and are designed as permanent reference tools for OSFI employees.

Summary of significant changes to programs, operations, policies or procedures

We have acquired a Privasoft software program to help us manage more efficiently our administrative duties under access and privacy.

Overview of OSFI's *Privacy Act* related policies and procedures implemented or revised during the fiscal year

We have drafted a *Privacy Protocol for Non-Administrative Uses of Personal Information*, a *Privacy Impact Assessment Directive* and a *Privacy Breach Directive* during the fiscal year. They will be finalized during the current fiscal year.

Major changes implemented as a result of concerns or issues raised by the Privacy Commissioner of Canada in his annual report to Parliament

No major changes were implemented by OSFI as the Privacy Commissioner of Canada did not raise any concerns or issues related to OSFI.

Major changes implemented as a result of concerns or issues raised by other agents of Parliament

No major changes were implemented by OSFI as other agents of Parliament did not raise any concerns or issues.

Number of applications or appeals to the Federal Court or the Federal Court of Appeal during the fiscal year

There were no applications or appeals to the Federal Court or the Federal Court of Appeal during this fiscal year related to OSFI.

Complaints submitted to the Privacy Commissioner of Canada

No complaints were submitted during this reporting period.

Completed Privacy Impacts Assessments (PIAs)

None.

Number of New Data Matching and Sharing Activities Undertaken

No data-matching and sharing activities were undertaken during this reporting period.

Privacy Impact of any Legislative, Policy and Service Delivery Initiatives or Data Matching or Data Sharing Agreements

Nothing to report on this item.

Exempt Banks

The nature of the information contained in the personal information banks under OSFI's control is such that none of these banks has been deemed exempt pursuant to section 18 of the *Privacy Act*.

APPENDIX 1

OFFICE OF THE SUPERINTENDENT OF FINANCIAL INSTITUTIONS

BUREAU DU SURINTENDANT DES INSTITUTIONS FINANCIÈRES

Privacy Act Designation Order

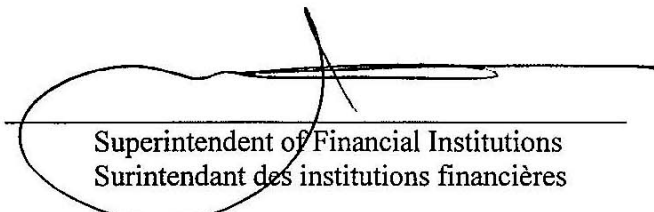
The Superintendent of Financial Institutions, pursuant to section 73 of the *Privacy Act*, hereby designates the person holding the position of Assistant Superintendent, Regulation Sector, and in the absence of that person, the person acting as Assistant Superintendent, Regulation Sector, to exercise the powers and perform the duties and functions of the Superintendent as the head of the Office of the Superintendent of Financial Institutions under the provisions of the *Privacy Act*.

Dated at Ottawa this 6 day of
January 2000

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

En vertu de l'article 73 de la *Loi sur la protection des renseignements personnels*, le surintendant des institutions financières délègue au titulaire du poste de surintendant auxiliaire, secteur de la réglementation, ses attributions en sa qualité de responsable du Bureau du surintendant des institutions financières en vertu de la *Loi sur la protection des renseignements personnels*. En l'absence du titulaire, ce pouvoir sera délégué à la personne agissant pour le titulaire.

Fait à Ottawa ce 6 jour de
janvier 2000



Superintendent of Financial Institutions
Surintendant des institutions financières

APPENDIX 2

DESIGNATION / DÉLÉGATION

PRIVACY ACT / LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Privacy Act Designation Order

By this order made pursuant to section 73 of the *Privacy Act*, I hereby authorize those officers and employees of the Office of the Superintendent of Financial Institutions occupying, on an acting basis or otherwise, the positions identified within the attached schedule to perform on my behalf any of the powers, duties or functions specified therein.

This designation replaces and repeals all previous orders.

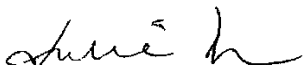
Dated in Ottawa on this 19th day
of Mar, 2008

Arrêté sur la délégation en vertu de la Loi sur la protection des renseignements personnels

Par le présent arrêté pris en vertu de l'article 73 de la *Loi sur la protection des renseignements personnels*, j'autorise les agents et les employés du Bureau du surintendant des institutions financières occupant, par intérim ou autrement, les postes identifiés dans l'annexe ci-jointe à exercer en mon nom, les attributions, les fonctions et les pouvoirs qui y sont spécifiés.

Le présent document remplace et annule tous les arrêtés antérieurs.

Fait à Ottawa en ce _____ jour
de _____ 2008



Superintendent of Financial Institutions/
Le surintendant des institutions financières

SCHEDULE 2
Designation Order - Privacy Act

Section	Powers, Duties or Functions	Assistant Superintendent Regulations Section	ATIP Coordinator
8(2)(j)	To disclose personal information when satisfied that the purpose for which the information is disclosed cannot reasonably be accomplished unless the information is provided in a form that identifies the person to whom it relates and obtain a written undertaking that no subsequent disclosure of the information will be made in a form that could reasonably be expected to identify the individual to whom it relates	X	
8(2)(m)	To disclose personal information when public interest outweighs invasion of privacy or when disclosure benefits the individual	X	
8(4)	To keep copies of requests made under 8(2)(e), keep records of information disclosed pursuant to such requests and to make those copies and records available to Privacy Commissioner	X	X
8(5)	To notify the Privacy Commissioner in writing of disclosure under paragraph 8(2)(m)	X	X
9(1)	To retain a record of use of personal information.	X	X
9(4)	To notify the Privacy Commissioner of consistent use of personal information and update index accordingly	X	X
10	To include personal information in personal information banks	X	X
14(a)	To give written notice as to whether or not access will be given	X	X
14(b)	To give access to requester	X	X
15	To extend time limit and give notice of extension	X	X
17(2)(b)	To determine the necessity for a translation or interpretation of a record	X	
17(3)	To determine whether a record should be provided in an alternative format	X	
18(2)	To refuse to disclose personal information referred to in that section	X	

March 2008 1

SCHEDULE 2
Designation Order - Privacy Act

Section	Powers, Duties or Functions	Assistant Superintendent Regulations Section	ATIP Coordinator
19(1)	To refuse to disclose personal information referred to in that section	X	
19(2)	To disclose, with consent, personal information referred to in that subsection	X	
20	To refuse to disclose personal information referred to in that section	X	
21	To refuse to disclose personal information referred to in that section	X	
22	To refuse to disclose personal information referred to in that section	X	
22.3	To refuse to disclose personal information referred to in that section	X	
23	To refuse to disclose personal information referred to in that section	X	
24	To refuse to disclose personal information under that section	X	
25	To refuse to disclose personal information under that section	X	
26	To refuse to disclose personal information under that section	X	
27	To refuse to disclose personal information under that section	X	
28	To refuse to disclose personal information under that section	X	
31	To receive notice of investigation by the Privacy Commissioner	X	
33(2)	To make representations to the Privacy Commissioner	X	X
35(1)	To receive the report of findings of the investigation and give notice of action taken or proposed to be taken or reasons why no action has been or is proposed to be taken	X	

March 2008 2

SCHEDULE 2
Designation Order - Privacy Act

Section	Powers, Duties or Functions	Assistant Superintendent Regulations Section	ATIP Coordinator
35(4)	To provide access to personal information	X	
36(3)	To receive the report of findings of the investigation of files in exempt banks	X	
37(3)	To receive the report of findings after investigation in respect of personal information	X	
51(2)(b)	To request that the matter be heard and determined in the National Capital Region	X	
51(3)	To request the opportunity to make representations ex parte	X	
72(1)	To prepare annual report for submission to Parliament	X	X

Privacy Regulations

Section	Powers, Duties or Functions	Assistant Superintendent Regulation Section	ATIP Coordinator
9	Reasonable facilities and time provided to examine personal information	X	X
11(2)	Notification that correction to personal information has been made	X	X
11(4)	Notification that correction to personal information has been refused	X	X
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	X	
14	Disclosure of personal information relating to physical or mental health may be made to requestor in presence of qualified medical practitioner or psychologist	X	

March 2008 3