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2007–08 Annual Report
on the
Privacy Act

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on the
Privacy Act

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PREFACE AND PURPOSE

The *Privacy Act* (Revised Statutes of Canada, Chapter A-1, 1985) was proclaimed on July 1, 1983.

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" (Section 2 of the Act). The law also protects an individual's privacy by preventing others from having access to personal information, and it allows an individual specific rights concerning the collection and use of his/her information.

Section 72 of the *Privacy Act* requires that the head of every government institution prepare for submission to Parliament an annual report on the administration of this Act within the institution during each financial year.

This annual report describes how Industry Canada administered its responsibilities in the twenty-fifth year of operation of the *Privacy Act*.

ABOUT THE ORGANIZATION

Industry Canada's Mandate

Industry Canada's mandate is to help make Canadians more productive and competitive in the knowledge-based economy, thus improving the standard of living and quality of life in Canada. The department's policies, programs and services help grow a dynamic and innovative economy that:

- ▶ provides more and better-paying jobs for Canadians
- ▶ supports stronger business growth through continued improvements in productivity and innovation performance
- ▶ gives consumers, businesses and investors confidence that the marketplace is fair, efficient and competitive
- ▶ ensures a more sustainable economic, environmental and social future for Canadians

Industry Canada aims to help Canadians contribute to the knowledge economy and improve productivity and innovation performance through its **three strategic objectives**:

- ▶ a fair, efficient and competitive marketplace
- ▶ an innovative economy
- ▶ a competitive industry and sustainable communities

For more information about Industry Canada's initiatives, please visit www.ic.gc.ca.

Departmental Structure

In 2007, Industry Canada performed minor restructuring to better meet its mandate and respond to the government's priorities. See the attached department structure in Appendix II (also available on our [website](#)).

Delegation of Authority

In 2007, the Access to Information and Privacy (ATIP) Delegation Order was revised and approved by the new Minister. Full delegated authority is provided to the Assistant Deputy Minister of Small Business and Marketplace Services Sector, and the Director and the Manager (previously titled Deputy Director) of Information and Privacy Rights Administration (IPRA) (see Appendix IV). For the daily ATIP operations, both the Director and the Manager exercise full responsibility.

Information and Privacy Rights Administration

The IPRA (also referred to as the ATIP Office) is under the responsibility of the Information Management Branch, Small Business and Marketplace Services Sector. The Director and the Manager of IPRA have been delegated the authority to exercise full powers under the *Access to Information Act* and the *Privacy Act*. The Director is responsible for the development, coordination and implementation of effective policies, guidelines and procedures to manage the department's compliance with these Acts. The administration of the legislation in Industry Canada is also facilitated at the branch and regional office levels. Each organizational sector has a Liaison Officer (reporting to an Assistant Deputy Minister, Regional Executive Director, etc.) who coordinates activities and provides guidance on the administrative processes and procedures of the Acts. IPRA, which is located in Ottawa, responds to all formal requests submitted under the Acts. For daily operational purposes, the IPRA Director reports to the Director General of the Information Management Branch. For the purposes of the ministerial delegated authority on ATIP matters, the IPRA Director reports directly to the Assistant Deputy Minister of Small Business and Marketplace Services; who in turn reports to the Deputy Minister.

IPRA makes decisions on the disposition of access requests; promotes awareness of the legislation to ensure departmental responsiveness to the obligations imposed by law; monitors and advises on departmental compliance with the Acts, regulations, procedures and policies; and acts as the spokesperson for the Department in dealings with the Treasury Board Secretariat, the Information Commissioner, the Privacy Commissioner, and other government departments and agencies. IPRA is responsible for conducting consultations with other federal departments with respect to access to information and privacy issues.

With respect to its organization, IPRA has a complement of 15 employees comprising a director, a manager, 11 advisors and 2 support staff, all of whom are dedicated to processing access and privacy requests, along with other related functions.

Consistent with many ATIP offices, IPRA continued to face challenges in recruiting, developing and retaining staff in 2007-08. Of the 15 IPRA positions, only 11 were staffed for the majority of the reporting period. The 11 staffed positions consisted of the director, a manager in development, three senior advisors (PM-05 level) and six positions at the PM-03 level or lower. The more junior staff were, for the most part, in development. During part of the reporting period, a consultant was hired to help with the workload. See the attached organizational structure (Appendix III).

2007-08 Highlights

Workload

In 2007-08, the Department received six privacy requests and carried forward one request from the previous year.

Education and Training Activities

IPRA prepared and delivered 13 ATIP training and awareness sessions to departmental employees within the National Capital Region, with an average attendance of 25 employees per session. Upon request, sessions may be tailored to suit the needs of a specific group. In addition to these formal sessions, an intranet site is used to create awareness and disseminate information to employees.

ATIP — Professional Development Program

In 2005, Industry Canada launched the ATIP — Professional Development Program (ATIP-PDP) to develop employees from the PM-01 to the PM-04 level within the ATIP function. The program's objective is to provide managed training and development in the acquisition of knowledge of ATIP legislation, policy and directives, and to develop other core competencies that are needed now and in the future. Participants progressively acquire new competencies to meet both statutory and institutional needs, while maintaining and enhancing existing competencies to meet operational needs. Upon completion of the program, participants are fully functioning ATIP specialists (PM-04 or equivalent).

There have been four participants in the ATIP-PDP. One has graduated to the PM-04 level, another left the program to take on a new position outside of the ATIP environment, and two are currently in development at the PM-03 level. In the longer term, it is expected that the ATIP-PDP will contribute to employee retention and allow for better succession planning.

Policies and Procedures

Industry Canada ensures that Treasury Board policies are implemented, either through internal departmental policies and/or directives and guidelines.

Use of CDs

Since 2002-03, the Department has provided CDs containing the images of the processed records in response to all requests received pursuant to both the *Access to Information Act* and the *Privacy Act*. This initiative has reduced paperwork burden and eliminated reproduction fees and on-site visits from applicants, as well as improved timeliness and efficiency in managing the ATIP program and services. The Department does not charge for CDs.

Formal and Informal Practices

Consistent with the principle that the Act is intended to complement, rather than replace, existing procedures for access to personal information, informal requests may be addressed directly to branches within the Department. The IPRA routinely directs requestors to the relevant sectors. Formal requests are processed by IPRA.

ATIP Website

IPRA has its own Internet site (www.ic.gc.ca/cmb/welcomeic.nsf/ICPages/AccessToInformation). The site contains general information, points of contacts and links to other key departments and agencies, including the ATIP Offices for the Industry Portfolio.

Info Source

IPRA is responsible for providing a full accounting of the department's information holdings to the Treasury Board Secretariat, and it ensures that updates are provided on a timely basis for inclusion in Info Source. Info Source contains a description of program records held by Industry Canada. This information may be found in the latest publications:

- ▶ *2007–2008 Info Source — Sources of Federal Government Information*
- ▶ *2007–2008 Info Source — Sources of Federal Employee Information*

Info Source may be obtained through public and academic libraries, or may be viewed online at www.inforsource.gc.ca/index-eng.asp.

Reading Rooms

A reading room is available at Industry Canada headquarters and in all regional offices as required. Current departmental manuals are available for review upon request from the public or may be provided electronically.

Privacy Impact Assessment (PIA) Policy

The Department has implemented the Treasury Board Secretariat's PIA Policy by developing and implementing general guidelines. Given that Industry Canada's mandate revolves primarily around business and commercial information, there is little involvement with personal information. The guidelines established encourage program officials to complete a preliminary privacy impact assessment (PPIA). This tool allows program officials, when initiating a new initiative, program or service involving personal information, to define the type of personal information and the legal provision for its use and collection. Discussions are held with IPRA prior to finalizing the PPIA. If the conclusion is negative, no further action is required. If positive, then program officials may be required to complete a PIA and ensure that discussions are completed with IPRA, Legal and Chief Information Office officials, as required.

Information Management Policy

Retention and Disposal

The Corporate Integrated Records Services of Industry Canada develops, in association with program officials, the retention periods to correspond with business, legal and accountability requirements and will dispose of records in accordance with the record disposition authorities approved by Library and Archives Canada.

PRIVACY — TRENDS AND STATISTICS

Industry Canada's mandate is such that there are limited privacy requests and issues. IPRA, however, is responsible for providing advice and guidance on privacy issues, including the handling and protection of personal information gathered and held in departmental files, as required.

Significant Trends

Given the few official requests received during the reporting period, no significant trend was noted. The few privacy requests received most frequently involve Human Resources Branch or the Office of the Superintendent of Bankruptcy.

Statistical Report — Interpretation and Explanation

Appendix I provides a summarized statistical report on *Privacy Act* applications processed from April 1, 2007 to March 31, 2008. The following provides explanations and interpretations of information contained in this report.

I. Requests Under the *Privacy Act*

Of the seven privacy requests processed during this reporting period, six requests were new and one request was carried forward from the previous year.

II. Disposition of Requests Completed

Of the seven active requests, five requests were completed during the 2007–08 reporting period and two requests remained to be processed as of March 31, 2008. The completed requests are categorized as follows:

All Disclosed — In two cases, the requesters were granted full access.

Disclosed in Part — In two cases, the requesters were granted partial access.

Unable to Process — None of the requests were unable to be processed by the Department.

Abandoned by Applicant — None of the completed requests were abandoned by the applicant.

Transferred — One of the five requests processed was for information that was not under the control of the Department. With consent of the applicant, the request was transferred to the appropriate government institution for processing.

III. Exemptions Invoked

As noted in Appendix I, exemptions pursuant to sections 22, 25, 26 and 27 of the *Privacy Act* were invoked by the Department.

IV. Exclusions Cited

No exclusions were invoked by the Department.

V. and VI. Completion Time and Extensions

In four of the five cases processed, the Department was able to respond within legislated time periods. The Department was unable to respond within legal deadlines in one case as noted in Appendix I.

VII. Translations

No translations were undertaken in dealing with these requests.

VIII. Method of Access

Copies of the records were given or burned onto CDs in response to four requests (with one case being transferred), and no one sought the right of examination.

IX. Corrections and Notation

No requests for corrections or notation were received.

X. Costs

Total salary costs associated with administering the *Privacy Act* activities were estimated at \$18 410 for this reporting period. Non-salary costs were estimated at \$3607, for a total cost of \$22 017. The associated human resources (includes both IPRA and departmental officials) required to fulfill this function were estimated at 0.30, less than one full-time employee.

Complaints, Investigations and Appeals

The Department did not receive any new complaints for this reporting period. Four complaints were carried forward from previous reporting periods since the investigations are still ongoing.

There were no appeals to the Federal Court of Canada during this reporting period.

Changes Resulting from Issues Raised by Officers of Parliament

Office of the Privacy Commissioner of Canada

Except for the few outstanding complaints noted above, there is nothing to report under this item for this reporting period.

Office of the Auditor General of Canada

There is nothing to report under this item for this reporting period.

OTHER PRIVACY ACTIVITIES

The intent and requirements of the *Privacy Act* and Treasury Board guidelines regarding the collection, use, disclosure, retention and disposal of personal information are outlined in departmental directives. Departmental employees are made aware of their responsibilities for the proper management of personal information holdings. Responsible sectors are also required to consult with IPRA before collecting any personal information.

Furthermore, IPRA must be notified where personal information in a personal information bank is used or disclosed for a use consistent with the purpose for which the information was obtained or compiled, but was not identified in the statement of consistent uses published in Info Source.

Privacy Impact Assessments and Preliminary Privacy Impact Assessments

There were no PIAs or PPIAs initiated or completed during this reporting period. Therefore, no PIAs were forwarded to the Office of the Privacy Commissioner.

Disclosures Made Pursuant to Paragraph 8(2) — Permissible Disclosures

Section 8(2)(e) — disclosure made to an investigative body (as described in the Regulations)

One request was received from an investigative body, and the information was released pursuant to subsection 8(2)(e) of the Act during this reporting period.

Section 8(2)(f) — disclosure under agreement or arrangement between the Government of Canada and a provincial or foreign government

No disclosure was made pursuant to 8(2)(f) of the Act during this reporting period.

Section 8(2)(g) — disclosure to a Member of Parliament

No disclosure was made pursuant to 8(2)(g) of the Act during this reporting period.

Section 8(2)(m) — disclosure in the public interest

No disclosure was made pursuant to 8(2)(m) of the Act during this reporting period.

Data-Matching and Data-Sharing Activities

This Department is not active in any data-matching or data-sharing activities and, as such, there are none to report and describe for the period of 2007–08.

**Privacy Impact of any Legislative, Policy and Service Delivery Initiatives
(Including Data-Matching and Data-Sharing Agreements)**

There is nothing to report on this item for the period of 2007-08.

Improvements to Privacy Protection

A Departmental Security Policy was introduced on October 1, 2006. The Security Policy is designed to protect employees; preserve the confidentiality, integrity, availability and value of Industry Canada's departmental assets; and assure the continued delivery of services.

APPENDIX I — STATISTICAL REPORT ON THE
PRIVACY ACT



Government
of Canada

Gouvernement
du Canada

REPORT ON THE PRIVACY ACT

RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution	INDUSTRY CANADA INDUSTRIE CANADA	Reporting period Période visée par le rapport 4/1/2007 to/à 3/31/2008
-------------	-------------------------------------	--

I Requests under the Privacy Act Demandes en vertu de la Loi sur la protection

Received during reporting period Reçues pendant la période visée par le rapport	6
Outstanding from previous period En suspens depuis la période antérieure	1
TOTAL	7
Completed during reporting period Traitées pendant la période visée par le	5
Carried forward Reportées	2

IV Exclusions cited Exclusions citées

S. Art. 69(1)(a)	0
(b)	0
S. Art. 70(1)(a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

VII Translations Traductions

Translations requested Traductions demandées	0
Translations prepared Traductions préparées	0
English to French De l'anglais au français	0
French to English Du français à l'anglais	0

VIII Method of access Méthode de consultation

Copies given Copies de l'original	4
Examination Examen de l'original	0
Copies and examination Copies et examen	0

V Completion time Délai de traitement

30 days or under 30 jours ou moins	2
31 to 60 days De 31 à 60 jours	2
61 to 120 days De 61 à 120 jours	0
121 days or over 121 jours ou plus	1

IX Corrections and notation Corrections et mention

Corrections requested Corrections demandées	0
Corrections made Corrections effectuées	0
Notation attached Mention annexée	0

II Disposition of requests completed Disposition à l'égard des demandes traitées

1. All disclosed Communication totale	2
2. Disclosed in part Communication partielle	2
3. Nothing disclosed (excluded) Aucune communication (exclusion)	0
4. Nothing disclosed (exempt) Aucune communication (exemption)	0
5. Unable to process Traitement impossible	0
6. Abandoned by applicant Abandon de la demande	0
7. Transferred Transmission	1
TOTAL	5

III Exemptions invoked Exceptions invoquées

S. Art. 18(2)	0
S. Art. 19(1)(a)	0
(b)	0
(c)	0
(d)	0
S. Art. 20	0
S. Art. 21	0
S. Art. 22(1)(a)	1
(b)	1
(c)	0
S. Art. 22(2)	0
S. Art. 23(a)	0
(b)	0
S. Art. 24	0
S. Art. 25	1
S. Art. 26	2
S. Art. 27	1
S. Art. 28	0

VI Extensions Prorogations des délais

	30 days or under 30 jours ou moins	31 days or over 31 jours ou plus
Interference with operations Interruption des opérations	0	0
Consultation	2	0
Translation Traduction	0	0
TOTAL	2	0

X Costs Coûts

Financial (all reasons) Financiers (raisons)	(\$000)
Salary Traitement	18,410.0
Administration (O and M) Administration (fonctionnement et maintien)	3,607.0
TOTAL	22,017.0
Person year utilization (all reasons) Années-personnes utilisées (raisons)	
Person year (decimal format) Années-personnes (nombre décimal)	0.30

Industry Canada

Supplemental Reporting Requirements for 2007-2008

Privacy Act

Treasury Board Secretariat is monitoring compliance with the Privacy Impact Assessment (PIA) Policy (which came into effect on May 2, 2002) through a variety of means. Institutions are therefore required to report the following information for the 2007-2008 reporting period.

Indicate the number of:

Preliminary Privacy Impact Assessments initiated: 0

Preliminary Privacy Impact Assessments completed: 0

Privacy Impact Assessments initiated: 0

Privacy Impact Assessments completed: 0

Privacy Impact Assessments forwarded to the Office of the Privacy Commissioner (OPC): 0

NB: Given the mandate of Industry Canada, PIAs are limited.

If your institution did not undertake any of the activities noted above during the reporting period, this must be stated explicitly.

Industrie Canada

Exigences en matière d'établissement de rapports pour 2007-2008

Loi sur la protection des renseignements personnels

Le Secrétariat du Conseil du Trésor surveille la conformité à la Politique sur l'Évaluation des facteurs relatifs à la vie privée (EFVP) (qui est entrée en vigueur le 2 mai 2002) par divers moyens. Les institutions sont donc tenues de déclarer les renseignements suivants pour la période de déclaration 2007-2008.

Prière d'indiquer le nombre :

d'évaluations préliminaires des facteurs relatifs à la vie privée amorcées : 0

d'évaluations préliminaires des facteurs relatifs à la vie privée achevées : 0

d'évaluations des facteurs relatifs à la vie privée amorcées : 0

d'évaluations des facteurs relatifs à la vie privée achevées : 0

d'évaluations des facteurs relatifs à la vie privée acheminées au Commissariat à la protection de la vie privée (CPVP) : 0

NOTA : Le mandat d'Industrie Canada limite le nombre d'EFVP.

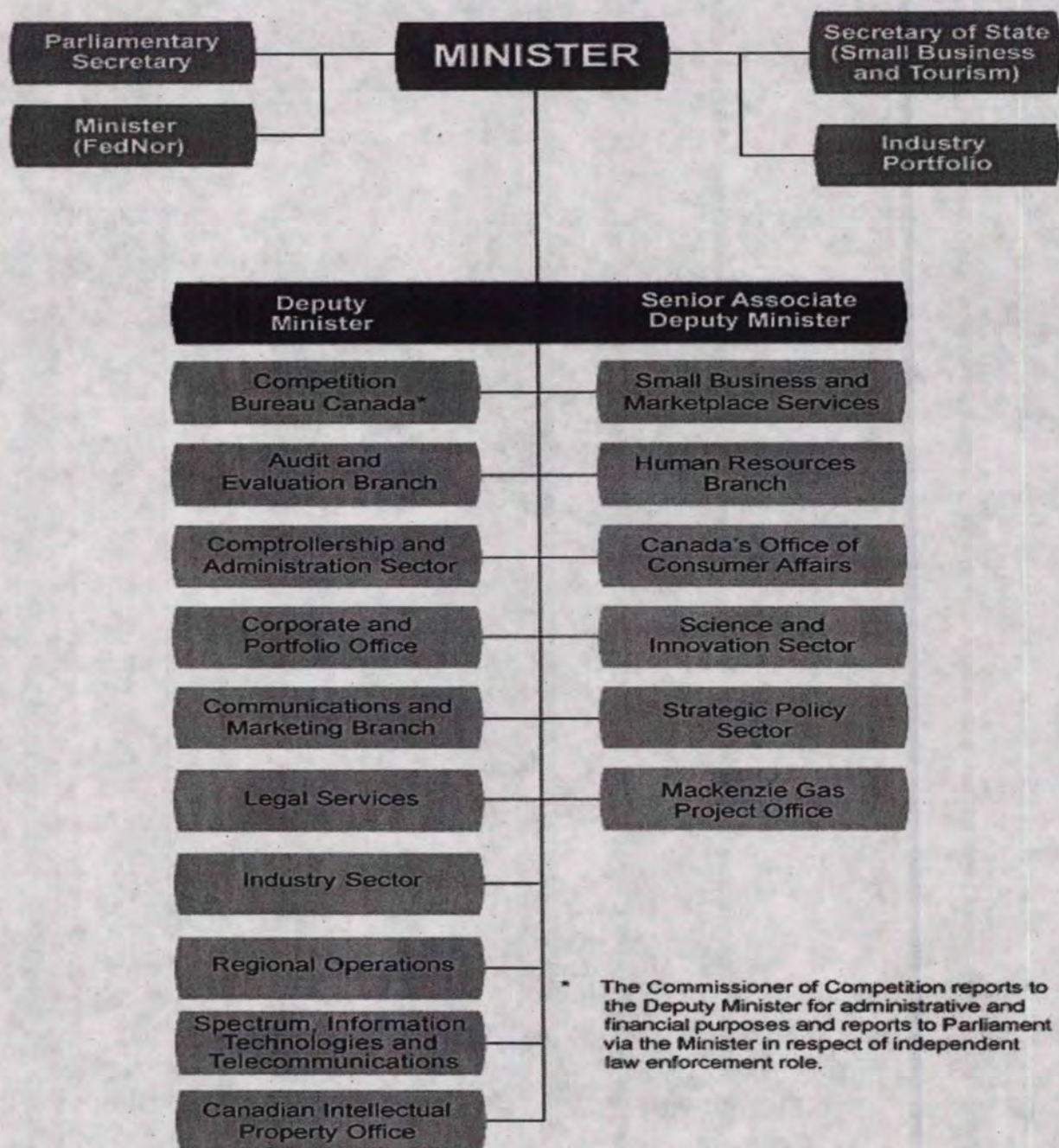
Si votre institution n'a pas entrepris l'une ou l'autre des activités susmentionnées durant la période de rapport, cela doit être mentionné de façon explicite.

Industry Canada

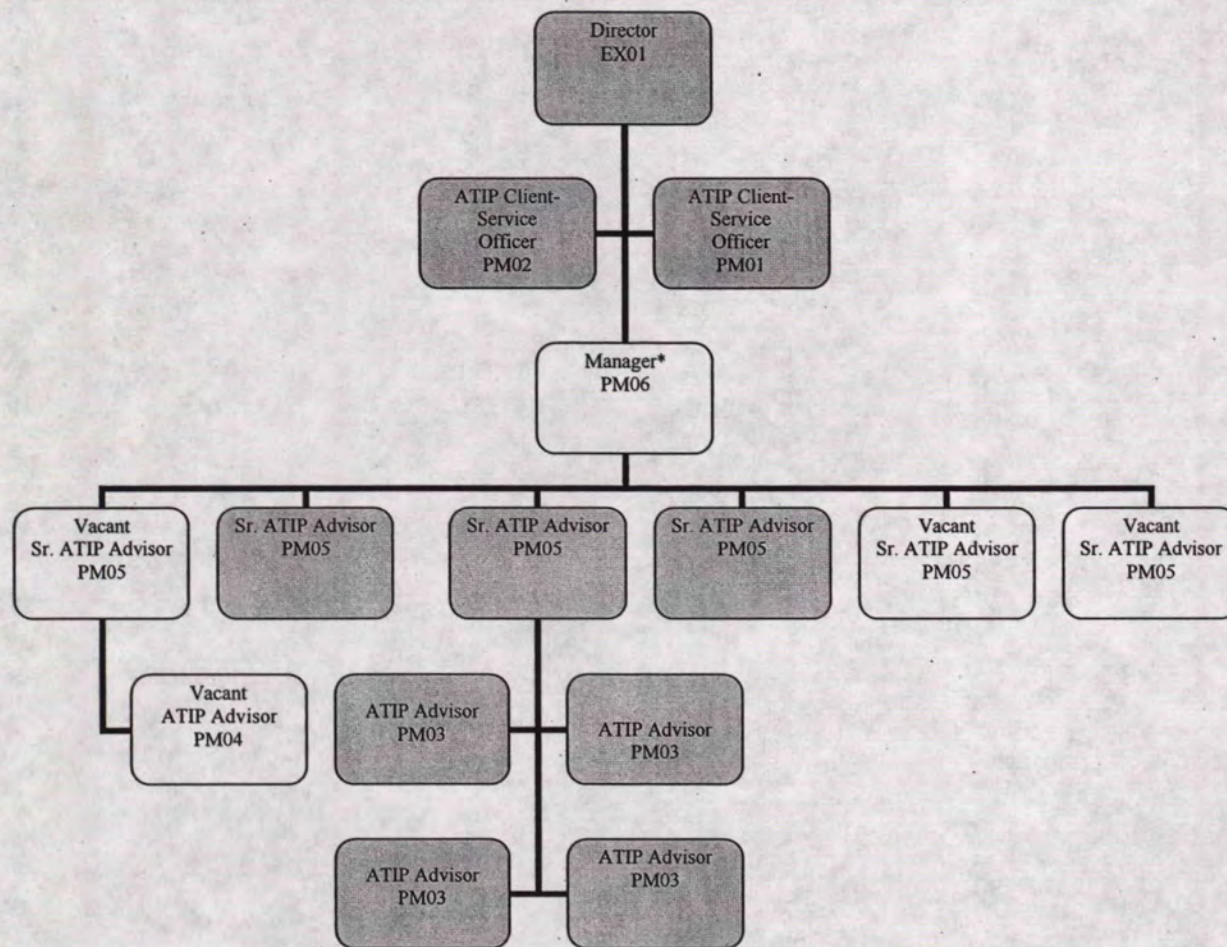
Industrie Canada

Discrepancies	Divergences
No discrepancies to report	Aucune divergence à rapporter

APPENDIX II — INDUSTRY CANADA DEPARTMENT STRUCTURE



APPENDIX III — IPRA ORGANIZATIONAL STRUCTURE



* The manager's position was temporarily filled via a departmental secondment process as part of a developmental initiative.

APPENDIX IV — DELEGATION OF AUTHORITY

Industry Canada / Industrie Canada

Access to Information Act and Privacy Act Delegation Order

Arrêté sur la délégation en vertu de la Loi sur l'accès à l'information et de la Loi sur protection des renseignements personnels

The Minister of Industry Canada, pursuant to section 73 of the *Access to Information Act* and the *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers and functions of the Minister as the head of a government institution, under the section of the Acts set out in the schedule opposite each position. This Delegation Order supersedes all previous Delegation Orders.

En vertu de l'article 73 de la *Loi sur l'accès à l'information* et la *Loi sur la protection des renseignements personnels*, le Ministre d'Industrie Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire les-dits postes, les attributions dont il est, en qualité de responsable d'une institution fédérale, investie par les articles des lois mentionnées en regard de chaque poste. Le présent décret de délégation remplace et annule tout décret 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

Assistant Deputy Minister,
Small Business and
Marketplace Services /
Sous-ministre adjoint(e),
Services axés sur le marché
et les petites entreprises

Full authority / Autorité
absolue

Full authority / Autorité
absolue

Director, Information and
Privacy Rights
Administration (IPRA),
Information Management
Branch / Directeur (trice),
Administration des droits à
l'information et à la
protection des
renseignements personnels
(ADIPRP), Gestion de
l'information

Full authority / Autorité
absolue

Full authority / Autorité
absolue

Deputy Director, IPRA-
IMB / Directeur (trice)
Adjoint(e), ADIPRP-DGI

Full authority / Autorité
absolue

Full authority / Autorité
absolue

and

Senior Advisor IPRA, IMB
/ Conseiller (ère)
principal(e), ADIPRP -
DGI

Sections / Articles: 7, 8(1),
9, 11, 13, 14, 15, 16, 17,
18, 19, 20, 21, 22, 23, 24,
25, 26, 27(1), 68, 69

Sections / Articles : 8, 14,
15, 19, 20, 21, 22, 23, 24,
25, 26, 27, 28, 69, 70

Dated, at the City of Ottawa
this *23* day of *OCTOBER*, 2007

Daté, en la ville d'Ottawa
ce *23* jour de *Octobre* 2007

THE HONOURABLE JIM PRENTICE
MINISTER OF INDUSTRY CANADA



MINISTRE D'INDUSTRIE CANADA
L'HONORABLE JIM PRENTICE