

Health Canada

Annual Report on the
Access to Information Act and the *Privacy Act*

2021-2022



Health Canada is the federal department responsible for helping the people of Canada maintain and improve their health. Health Canada is committed to improving the lives of all of Canada's people and to making this country's population among the healthiest in the world as measured by longevity, lifestyle and effective use of the public health care system.

- Health Canada's mission statement

Également disponible en français sur le site Web de Santé Canada sous le titre :
Rapport annuel 2021-2022 sur la *Loi sur l'accès à l'information* et la *Loi sur la protection des renseignements personnels*

Health Canada

Access to Information and Privacy Operations Division
1600 Scott Street, Tower B, A.L. 3107A
7th Floor, Suite 700
Ottawa, Ontario K1A 0K9

Tel: 613-954-9165

Email: atip-aiprp@hc-sc.gc.ca

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Table of Contents

Introduction.....	6
About Health Canada.....	6
Purpose of the Acts.....	6
Organizational Structure.....	6
Shared Services Partnership Agreement.....	6
Access to Information and Privacy Operations Division	6
Privacy Management Division.....	7
Total Full-Time Equivalents supporting the ATIA and the <i>Privacy Act</i>	7
Governance	8
Delegation of Authority.....	8
Openness and Transparency	8
COVID-19.....	8
Access to Information and Privacy Operations Division	8
Privacy Management Division.....	9
Capacity to Receive and Process Records in 2021-2022.....	9
Performance for 2021-2022	9
<i>Access to Information Act</i>	10
<i>Privacy Act</i>	14
Reporting on Fees for the <i>Service Fees Act</i>	17
Costs for Administering the <i>Access to Information Act</i>	17
Costs for Administering the <i>Privacy Act</i>.....	17
Training and Awareness	18
Formal Training.....	18
Policies, Guidelines, Procedures and Initiatives	19
Treasury Board of Canada Secretariat: Access to Information Review	19
<i>Privacy Act</i> Modernization.....	19
Privacy Impact Assessments and COVID-19.....	19
Risk-Based Approach to Privacy Breaches	20
The COVID Alert Exposure Notification App Evaluation	20
ATIP Coordinators’ Working Group.....	20
ATIP Operations Division’s Professional Development Program	21
Post-Secondary Recruitment Campaign.....	21
Summary of Key Issues and Actions Taken on Complaints and Audits	22
Privacy Management Audit.....	22
Complaints Management.....	22

Federal Court Cases.....	23
Monitoring Compliance.....	24
Other Reporting Requirements Specific to the <i>Privacy Act</i>.....	24
Material Privacy Breaches.....	24
Privacy Compliance Evaluations.....	24
Privacy Impact Assessments.....	24
Public Interest Disclosures.....	24
Appendix A: <i>Access to Information Act</i> and <i>Privacy Act</i> – Delegation Order.....	25
Delegation of Authority Schedule.....	26
Appendix B: Statistical Report on the <i>Access to Information Act</i>.....	28
Section 1: Requests under the <i>Access to Information Act</i>	28
Section 2: Informal Requests.....	29
Section 3: Applications to the Information Commissioner on Declining to Act on Requests.....	30
Section 4: Requests Closed During the Reporting Period.....	30
Section 5: Extensions.....	35
Section 6: Fees.....	36
Section 7: Consultations Received From Other Institutions and Organizations.....	36
Section 8: Completion Time of Consultations on Cabinet Confidences.....	37
Section 9: Investigations and Reports of finding.....	38
Section 10: Court Action.....	38
Section 11: Resources Related to the <i>Access to Information Act</i>	39
Appendix C: Statistical Report on the <i>Privacy Act</i>.....	40
Section 1: Requests under the <i>Privacy Act</i>	40
Section 2: Informal Requests.....	40
Section 3: Requests Closed During the Reporting Period.....	41
Section 4: Disclosures under Subsections 8(2) and 8(5).....	45
Section 5: Requests for Correction of Personal Information and Notations.....	45
Section 6: Extensions.....	45
Section 7: Consultations Received From Other Institutions and Organizations.....	46
Section 8: Completion Time of Consultations on Cabinet Confidences.....	47
Section 9: Complaints and Investigation Notices Received.....	48
Section 10: Privacy Impact Assessments (PIA) and Personal Information Banks (PIB).....	48
Section 11: Privacy Breaches.....	48
Section 12: Resources Related to the <i>Privacy Act</i>	48
Appendix D: Supplemental Statistical Report on the <i>Access to Information Act</i> and <i>Privacy Act</i>.....	49
Section 1: Capacity to Receive Requests under the <i>Access to Information Act</i> and <i>Privacy Act</i>	49
Section 2: Capacity to Process Records under the <i>Access to Information Act</i> and <i>Privacy Act</i>	49

Section 3: Open Requests and Complaints under the *Access to Information Act*50
Section 4: Open Requests and Complaints under the *Privacy Act*.....50
Section 5: Social Insurance Number (SIN).....51
Appendix E: Federal Court Review 52

Introduction

Health Canada is pleased to present to Parliament its consolidated annual report on the administration of Access to Information and Privacy (ATIP) services, in accordance with section 94 of the *Access to Information Act* (ATIA), section 72 of the *Privacy Act* and section 20 of the *Service Fees Act*. The report describes activities that support compliance with these laws for the fiscal year beginning April 1, 2021 and ending March 31, 2022.

About Health Canada

Health Canada is the federal department responsible for helping Canadians maintain and improve their health, while respecting individual choices and circumstances. Health Canada has regional offices in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, and the Atlantic and Northern Regions.

For more information about Health Canada, please [visit our website](#).

Purpose of the Acts

The ATIA gives Canadian citizens and permanent residents of Canada the right to access information contained in federal government records, subject to certain specific and limited exceptions. The ATIA complements, but does not replace, other means of obtaining government information.

The *Privacy Act* protects an individual's privacy by setting out provisions related to the collection, retention, accuracy, disposal, use and disclosure of personal information. It also gives Canadian citizens and permanent residents of Canada the right of access to information about themselves held by the federal government, with certain specific and limited exceptions.

Organizational Structure

Shared Services Partnership Agreement

ATIP Operations Division and the Privacy Management Division provide services to both the Public Health Agency of Canada and Health Canada, and do so as part of the Shared Services Partnership Agreement. These divisions are housed under the Policy, Planning, and Management Strategies Directorate (PPMSD) of Health Canada's Corporate Services Branch (CSB). ATIP Operations Division manages the processing of requests under both the ATIA and the *Privacy Act*, while the Privacy Management Division is responsible for privacy policy and providing guidance to programs. Although ATIP services are provided to both institutions, the statistics and financial data provided in this report are only for Health Canada.

Access to Information and Privacy Operations Division

The primary function of the ATIP Operations Division is to ensure compliance of Health Canada's program delivery with the provisions of the ATIA and the *Privacy Act* along with the policies and directives of the Treasury Board of Canada Secretariat.

The ATIP Operations Division is responsible for responding to access to information and privacy requests. It reviews information to support various disclosures including the appropriate sharing of investigation reports, proactive publication under Part 2 of the ATIA, as well as supporting Parliamentary Affairs in responding to Parliamentary Motions to Produce Papers. In addition, ATIP

Operations Division promotes awareness of ATIP obligations and provides ATIP training to staff.

In 2021–2022, there were 85.98 full-time equivalents within ATIP Operations Division supporting Health Canada’s administration of both the ATIA and the *Privacy Act*. A breakdown of the different types of full-time equivalents is provided in the table below.

Privacy Management Division

The primary functions of the Privacy Management Division include supporting compliance of Health Canada's program delivery with the provisions of the *Privacy Act* and the policies and directives of the Treasury Board of Canada Secretariat. Responsibilities include:

- The development of privacy policies, procedures and practices;
- The delivery of privacy training and awareness programs to staff;
- Assessing and reporting on privacy breaches;
- Coordinating the Department’s input of InfoSource; and
- Providing privacy analysis and advice using a number of tools including Privacy Impact Assessments (PIA) and Privacy Protocols.

In 2021-2022, the Privacy Management Division comprised 11.30 full-time equivalents. A breakdown of the different types of full-time equivalents is provided in the table below.

Total Full-Time Equivalents supporting the ATIA and the *Privacy Act*

In 2021-2022, there were a total of 97.28 full-time equivalents supporting the administration of the ATIA and the *Privacy Act*. This comprised 77.87 full-time equivalents supporting the ATIA and 19.41 full-time equivalents supporting the *Privacy Act*.

For clarity and greater accountability, the following table illustrates the total resources from the ATIP Operations Division and the Privacy Management Division supporting the administration of the ATIA and the *Privacy Act*.

Total Full-Time Equivalents (FTE) supporting the ATIA and the *Privacy Act* by Division

Type of FTE	ATIA ATIP Operations	<i>Privacy Act</i> ATIP Operations	<i>Privacy Act</i> Privacy Management Division	Total
Full-time employees	64.82	6.75	8.25	79.82
Part-time and casual employees	2.30	0.24	1.58	4.12
Regional staff	0.00	0.00	0.00	0.00
Consultants and agency personnel	10.56	1.10	1.28	12.94
Students	0.19	0.02	0.19	0.40
Total FTEs ATIA and <i>Privacy Act</i>	77.87	8.11	11.30	97.28

Governance

Initiatives related to access to information and privacy are governed through the ATIP Executive Leaders Committee. This committee is made up of executive-level representatives from across the Department who provide leadership and strategic direction on key topics and communicate them within their respective branches. The Committee is chaired by the Director General, Policy, Planning and Management Strategies Directorate, Corporate Services Branch, who is responsible for the ATIP Operations Division and the Privacy Management Division.

ATI and privacy matters requiring a higher level of oversight are also brought forward to Health Canada's Executive Committee for strategic direction.

Delegation of Authority

In keeping with Treasury Board of Canada Secretariat recommendations on best practices, the Delegation Order extends authorities to multiple positions including the Deputy Minister, the Corporate Services Branch's Assistant Deputy Minister, the Director General of Policy, Planning and Management Strategies Directorate, and the ATIP Coordinator. As appropriate, certain administrative authorities are delegated to various senior levels within the ATIP Operations Division and the Privacy Management Division to support the effective and efficient administration of the ATIA and the *Privacy Act*. The most recent delegation order, signed by the Minister of Health, is included in this report ([Appendix A](#)).

Openness and Transparency

Health Canada is committed to being open and transparent and continues to make more information available to Canadians. The Department continues to publish information in accordance with Part 2 of the ATIA including briefing note titles, travel and hospitality expenses, reclassification of positions, and contracts over \$10,000. The Department is also committed to creating documents following accessibility guidelines and this document follows those guidelines.

COVID-19

As the pandemic progressed, Health Canada continued to play an integral role in leading a comprehensive and coordinated whole-of government response to COVID-19.

Access to Information and Privacy Operations Division

Throughout 2021-2022, the ATIP Operations Division had continuous access to the office while respecting public health measures and contact tracing requirements. Despite ongoing challenges stemming from the pandemic, the ATIP Operations Division achieved pre-pandemic production levels, and closed almost as many requests as were received in the fiscal year.

The ATIP Operations Division completed its transition to an almost exclusive paperless office. Paper records continue to be used in some situations, including handling certain classified information and to meet the needs of requestors and third parties. The Division continues to have a team dedicated to processing COVID-related files to best support the right of access of Canadians.

At times during the fiscal year, there were minor delays with the receipt and processing of paper records due primarily to short-term office restrictions stemming from local public health measures.

Privacy Management Division

The Privacy Management Division continued to provide advisory services for many initiatives aimed at responding to the COVID-19 pandemic in 2021-2022. This included privacy advice on matters such as contracts, digital solutions, the collection, use and disclosure of personal information, as well as research projects involving human subjects.

In order to meet tight timelines and high demands, in 2020-2021 the Privacy Management Division developed privacy assessments, tools and guidance documents specifically tailored to the COVID-19 response that were utilized throughout 2021-2022. The Privacy Management Division was consulted on a number of important issues, including Health Canada's implementation of the *Policy on COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police*, data collection for the rapid testing programs and implementation on new tools to increase efficiencies in staffing processes.

Capacity to Receive and Process Records in 2021-2022

Health Canada's capacity to retrieve and process paper and Secret/Top Secret electronic records operated at partial capacity throughout the fiscal year. While staff were able to search and retrieve electronic records in a timely manner, the impacts of local public health measures at times limited the ability for staff to retrieve records from offices and provide them to the ATIP Operations Division.

Detailed information about Health Canada's capacity to receive and process records can be found in the Supplemental Statistical Report on the *Access to Information Act* and *Privacy Act* ([Appendix D](#)).

Performance for 2021-2022

In 2021-2022, Health Canada received 2,740 requests (Access to Information, Access Informal and Privacy) and closed 2,469. When compared to the previous fiscal year, Health Canada received 14% more requests and closed 36% more requests. Health Canada closed almost as many Access to Information and Privacy requests as received, with productivity similar to pre-pandemic levels.

Type of Request	Received	Closed
Access to Information	2,153	2,036
Access Informal	368	221
Privacy	219	212
Total	2,740	2,469

The following section of the report includes an interpretation and explanation of the data contained in Health Canada's Statistical Report, which summarizes Access to Information and Privacy-related activity for the period between April 1, 2021 and March 31, 2022 ([Appendix B – ATI](#) and [Appendix C – Privacy](#))

Access to Information Act

Access Informal Requests

Requests can be made for records previously released under the ATIA, which are referred to as Access Informal Requests. Summaries of previously released ATI requests are posted monthly on the [Open Government](#) website where the public can make a request for the previously released records. This forms part of the Government of Canada's commitment to openness and transparency. Health Canada received 368 Access Informal Requests and processed 221 in 2021-2022. A total of 190 requests were carried over to the next reporting period.

Caseload, Carry Forward and Outstanding Active Requests

Throughout 2021-2022, Health Canada managed a total of 3,954 active ATI requests; 1,801 were outstanding requests from previous years while 2,153 were received during 2021-2022. Of the 1,801 requests, 1,078 were received in the 2020-2021 fiscal year while 723 were from previous years.

Health Canada closed 2,036 ATI requests and carried forward 1,918 to the 2022-2023 fiscal year. Of the 1,918 that are carried forward, 367 are within legislated timelines while 1,551 are beyond the legislated timelines. Further details of this breakdown can be found in section 3 of Appendix C.

The ATIP Operations Division is well positioned to deal with its accumulated inventory with a dedicated Backlog Team. This team has experience processing some of the oldest, largest and most complex requests.

Processing Times for Requests

Health Canada closed 842 requests (41.4%) within legislated timelines (30 days plus applicable extension) while 1,194 (58.6%) were closed past the legislated timelines. Of the 1,194 requests closed past legislated timelines (including any extensions taken):

- 119 were closed 1 to 15 days past legislated timelines;
- 100 were closed 16 to 30 days past legislated timelines;
- 162 were closed 31 to 60 days past legislated timelines;
- 160 were closed 61 to 120 days past legislated timelines;
- 121 were closed 121 to 180 days past legislated timelines;
- 221 were closed 181 to 365 days past legislated timelines; and
- 311 were closed more than 365 days past legislated timelines.

Requests are closed past the legislated timelines for a number of reasons:

- 546 were closed past the legislated timelines due to 'interference with operations/ workload';
- 106 were closed past the legislated timelines due to 'external consultations'; and
- 21 were closed past the legislated timelines due to 'internal consultations'.
- 521 were closed past the legislated timelines for reasons 'other' than those specified above;

Due to the impacts of the pandemic in the previous fiscal year, it was difficult to manage the incoming requests within the legislated timelines. As a result, extensions were not taken within the first 30 calendar days on many requests for which the conditions for taking extensions were met. This contributed to a higher than normal number of files closed well past their legislative timelines.

The breakdown of the time taken to process the 2,036 requests that were closed in the 2021-2022 fiscal year is as follows:

- 142 were closed within 1 to 15 days;
- 314 were closed within 16 to 30 days;
- 151 were closed within 31 to 60 days;
- 543 were closed within 61 to 120 days;
- 231 were closed within 121 to 180 days;
- 252 were closed within 181 to 365 days; and
- 403 took more than 365 days.

Data Quality

Please note that small data variances may exist from year to year, including in the previously reported number of outstanding requests carried forward into the current fiscal year. Several reasons contribute to inevitable shifts in data, including requests by the Office of the Information Commissioner to re-open requests in the context of complaint resolution, and requesters seeking to divide one incoming request into several files while retaining the initial date received.

Access to Information Requests Received & Completed

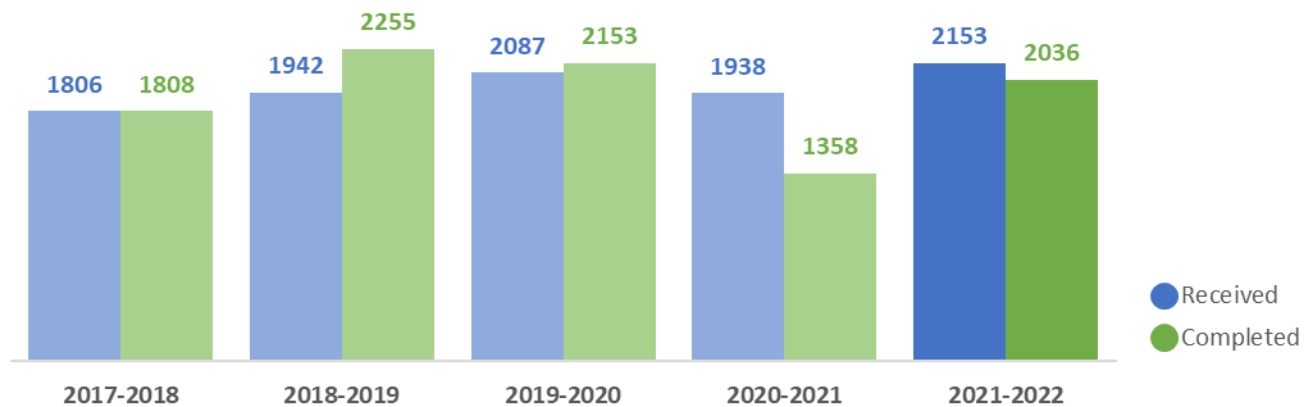


Figure 1: ATI Requests Received and Completed each fiscal year from 2017-2018 to 2021-2022

Key Statistics by Fiscal Year

Fiscal Year	Number of Requests Received	Number of Requests Carried Over	Total Caseload	Number of Requests Closed	# of Pages Reviewed for Closed Files
2017–2018	1,806	1,612	3,418	1,808	374,021
2018–2019	1,942	1,610	3,552	2,255	955,667*
2019–2020	2,087	1,289	3,376	2,153	320,066
2020-2021	1,938	1,221	3,159	1,358	225,307
2021-2022	2,153	1,801	3,954	2,036	364,151

*A high number of pages were reviewed for eight of the requests closed in 2018-2019. These eight closed requests represent 735,402 of the 955,667 pages reviewed.

Source of Requests under the *Access to Information Act*

The majority of Health Canada’s ATI requests come from private businesses, mostly in the health sector (pharmaceutical, medical devices, natural health products, etc.), requesting records related to their competitors and their own products. Fifty-six percent of requests received this year were from private businesses, a decrease of 4% from last year. There was a slight increase in the number of requests made by the public (+3.3%) and by the media (+2%).

A total of 6.9% of requests came from organizations, 1.6% from academia and 7.2% declined to identify which category they associate with.

Proportion of Requests among Sources

Source	Number of Requests	Proportion of Requests	Change from 2020-2021
Business (Private Sector)	1,206	56.0%	-4.0%
Public	329	15.3%	+3.3%
Media	280	13.0%	+2.0%
Decline to Identify	155	7.2%	-0.8%
Organizations (e.g. political party, association, union)	148	6.9%	-1.1%
Academia	35	1.6%	+0.6%
Total	2,153	100%	

Extensions

The majority of extensions 205 (51.6%) invoked under the ATIA were due to interference with operations for requests involving a large volume of records, while 192 (48.4%) were taken to conduct consultations with third parties and other government departments.

Completing third party consultations is a necessary step in the process, enabling Health Canada to release as much information as possible. Over the last several years, at the departmental level, Health Canada has made accessible increasingly more information, continuously reassessing the balance between its commitment to openness and transparency, with the need to safeguard confidential

business information. Health Canada’s commitment to transparency can be at odds with the views of third parties, who can challenge Health Canada’s proposed release of information, by seeking judicial review of Health Canada’s intended disclosure.

Consultations Completed From Other Institutions

In addition to processing its own requests, Health Canada also completes consultations received from other institutions and organizations. In 2021-2022, Health Canada managed 258 consultations from other Government of Canada institutions (36 active at the start of the 2021-2022 fiscal year and 222 received in 2021-2022) and 34 from other organizations (3 active at the start of the 2021-2022 fiscal year and 31 received in 2021-2022). Health Canada closed 267 consultations having reviewed 17,186 pages of records. Health Canada received 41% more consultations from other Government of Canada institutions and other organizations than the previous fiscal year and closed 62% more consultation requests. In the majority of cases, Health Canada consented to full disclosure of the records.

Disposition of Completed Requests

Of the ATI requests completed in 2021-2022, 77% were either disclosed in part (62% of requests) or all disclosed (15% of requests). Eleven percent of ATI requests were abandoned, while no records existed for 11% of requests. The breakdown of the remaining 1% of ‘other’ completed files is as follows:

- 0.4% all exempted
- 0.1% all excluded
- 0.5% request transferred
- 0% neither confirmed nor denied
- 0% decline to act with the approval of the Information Commissioner

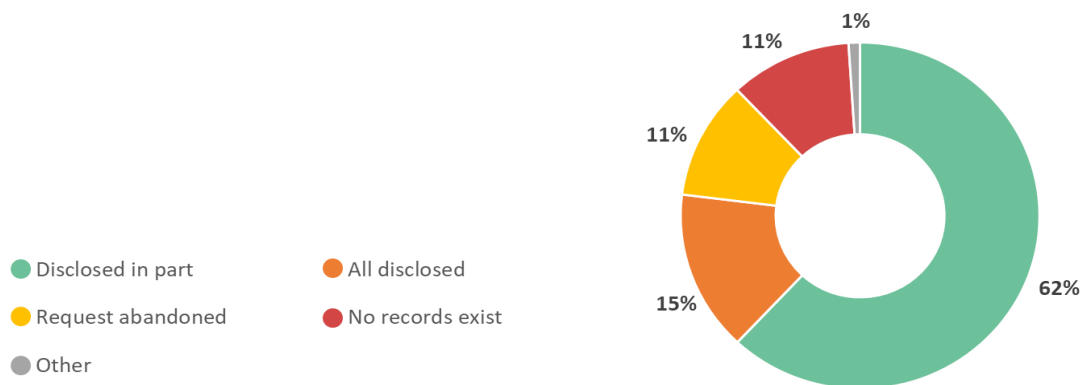


Figure 2: Disposition of Completed ATI Requests

Exemptions Invoked

Sections 13 to 24 of the ATIA provides specific legislated exemptions intended to protect information from disclosure, while section 26 provides a temporary exemption relating to information that will soon be published. In some instances, records may have multiple exemptions applied to them to appropriately safeguard information.

The majority (1,265) of exemptions applied were for section 19(1); this is a mandatory exemption that safeguards personal information. The application of section 20 (to protect third party information) in 275 requests required consultations to ensure that only proprietary and commercially sensitive information is protected. Section 21 (the protection of information related to government operations) was applied to 125 requests.

Exclusions Cited

The *Access to Information Act* does not apply to published material, material available to the public for purchase, or for public reference (section 68), nor does it apply to confidences of the Queen's Privy Council (section 69). Requests containing proposed exclusions under section 69 require consultation with the Department of Justice and, in some cases, the Privy Council Office.

In 2021-2022, 14 requests contained exclusions for publicly available material and nine requests had records pursuant to confidences of the Queen's Privy Council.

Translations

No translations were required to respond to requests in 2021-2022.

Format of Information Released

Of the requests that were fully or partially disclosed, 89 were released in paper format and 1,478 were released as electronic copies. Electronic copies are available through CD, Canada Post's Connect service or by e-mail where the attached records are small enough to support this form of distribution. Health Canada releases records in the preferred format of the requestor while encouraging the use of Canada Post's Connect Service as it provides timely and secure access to the records.

Privacy Act

Caseload and Carry forward and Outstanding Active Requests

In 2021-2022, Health Canada managed 268 active privacy requests. Of this, 219 were privacy requests received in 2021-2022 while 49 were outstanding requests from previous reporting periods.

A total of 212 privacy requests were closed and 56 privacy requests were carried forward to the 2022-2023 fiscal year. Of the 56 privacy requests carried forward to 2022-2023, 30 were carried forward within legislated timelines while 26 were carried over beyond the legislated timelines. For detailed information about outstanding requests from previous fiscal years, please see the section 1 of Appendix C.

Many of the requests received are for access to public servants' medical records, as the Public Service Occupational Health Program is operated by Health Canada. In addition, requests are received from current and former Health Canada employees who want to obtain their personal information, and from people who have applied for employment at Health Canada or the Public Health Agency of Canada, seeking the details of their applications.

Privacy Requests Received and Completed

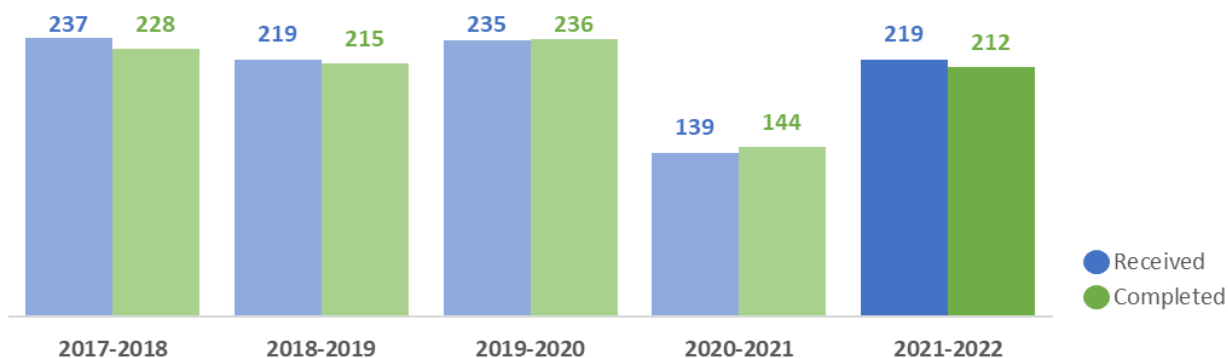


Figure 3: Privacy Requests Received and Completed each fiscal year from 2017-2018 to 2021-2022

Key Statistics by Fiscal Year

Fiscal Year	Number of Requests Received	Number of Requests Carried Over	Total Caseload	Number of Requests Closed	# of Pages Reviewed for Closed Files
2017-2018	237	40	277	228	8,608
2018-2019	219	49	268	215	21,612
2019-2020	235	54	289	236	19,008
2020-2021	139	54	193	144	9,630
2021-2022	219	56	268	212	15,762

Processing Time for Requests

Health Canada responded to 142 (67%) privacy requests within legislated timelines (30 days plus applicable extensions) while 70 were closed beyond legislated timelines. The majority of those requests closed past legislated timelines were due to interference with government operations (i.e. workload and voluminous records). Please refer to section 3.7.2 of Appendix C for a breakdown of requests closed beyond legislated timelines.

In accordance with the Treasury Board of Canada Secretariat Directive on Personal Information Requests and Correction of Personal Information, Health Canada continues to notify requesters in writing of anticipated delays.

Extensions

For the 18 requests where extensions were taken, 12 were due to the interference with operations for a large volume of requests, four were to allow for the review of a large volume of pages, while the remaining were for a document that was difficult to obtain and for an internal consultation. Under the *Privacy Act*, 30 days is the longest extension that can be taken.

Consultations Completed from Other Institutions

Health Canada also received five consultations from other Government of Canada institutions, totaling 19 pages. All five were completed in 2021-2022.

Disposition of Completed Requests

Approximately 41% of the privacy requests completed in 2021-2022 were either disclosed in part (29% of requests) or all disclosed (12% of requests). The breakdown of the remaining files is as follows:

- 40% request abandoned
- 19% no records exist
- 0% all exempted
- 0% all excluded
- 0% neither confirmed nor denied

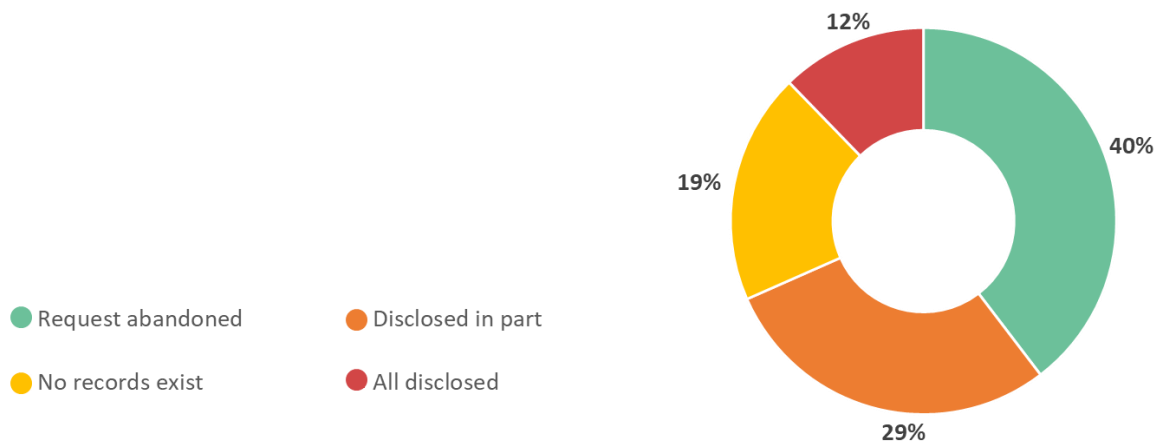


Figure 4: Disposition of Completed Privacy Requests

Exemptions Invoked

Of the 65 exemptions applied to privacy releases in 2021-2022, 59 (90.8%) were to protect the personal information of individuals other than the requester included in the records. The six remaining exemptions were related to investigations (6.2%) and solicitor-client privilege (3.0%).

Exclusions Cited

No exclusions were applied to privacy request releases made in 2021-2022.

Translations

No translations were required to respond to requests in 2021-2022.

Format of Information Released

Of the requests that were fully or partially disclosed, 12 were released in paper format, while the remaining 75 were released as electronic copies. Electronic copies are available through CD or Canada Post's Connect service. Connect is a service offered by Canada Post that provides an accessible platform through which personal information can be shared securely.

Privacy Management Division Advisory Services

During 2021-2022, the Privacy Management Division received 564 enquiries from Health Canada program clients. Requests related to COVID-19 initiatives represented 7.8% (44) of the Privacy Management Division's workload, while the majority of the analysis focused on initiatives that had been put on hold by programs due to the pandemic. Year after year, the complexity of files continues to increase, requiring in-depth privacy analysis, on an expanding range of topics.

The demand for the Privacy Management Division's services demonstrated Health Canada's commitment to appropriately handle the personal information under its control and ensuring that privacy requirements and risks were considered when new initiatives were developed and deployed.

Reporting on Fees for the *Service Fees Act*

The *Service Fees Act* requires a responsible authority to report annually to Parliament on the fees collected by the institution.

With respect to fees collected under the *Access to Information Act*, the information below is reported in accordance with the requirements of section 20 of the *Service Fees Act*.

Enabling authority: *Access to Information Act*

Fee amount: The \$5.00 application fee is the only fee charged for an ATI request.

Total Revenue: The total fee revenue for 2021-2022 was \$8,965.

Fees waived: In accordance with the changes to the *Access to Information Act* that came into force on June 21, 2019, Health Canada may only charge an application fee of \$5, as set out in paragraph 7(1)(a) of the Regulations. Pursuant to section 11 of the *Access to Information Act*, institutions can waive this application fee as deemed appropriate.

A total of \$1,765 was waived or refunded by Health Canada in 2021-2022.

Costs for Administering the *Access to Information Act*

Health Canada spent a total of \$7,827,324 on ATI functions in 2021-2022. Of this total, salaries and overtime costs represent \$5,304,146 and goods and services costs were \$2,523,178. Most of the goods and services costs (\$2,249,515) were used to retain temporary resources to address outstanding active requests.

Costs for Administering the *Privacy Act*

Health Canada spent a total of \$2,007,994 on privacy functions in 2021-2022. Of this total, salaries and overtime costs were \$1,509,999. Temporary resources to support the processing of privacy requests accounted for \$460,156 and other goods and services costs were \$37,839.

Training and Awareness

Formal Training

Access to Information Training

An online 'Introduction to ATIP' course is available to all staff via the Canada School of Public Service and is recommended as a foundation for all departmental employees. A total of 202 employees completed this course in 2021-2022. In addition, in 2021-2022 Health Canada conducted virtual Access to Information and Privacy Request training for 2,005 employees (1,176 more employees when compared to the previous year). Training is available to groups by request and is tailored for each session to include examples that are relevant to the nature of work of the participants.

Privacy Training

During 2021-2022, the Privacy Management Division delivered a virtual privacy training session with the COVID-19 National Data Portal Workshop to support Health Canada's response to COVID-19. The Privacy Management Division also delivered a number of targeted privacy training sessions to specific groups within Health Canada about privacy, personal data and data sharing. These sessions included privacy training to programs within the Policy, Planning and Management Strategies Directorate and the Human Resources Service Directorate, as well as tailored privacy breach training to the Health Products and Food Branch. In total, approximately 628 Health Canada employees attended the Privacy Management Division's virtual training sessions.

Health Canada continues to offer privacy awareness training via its online learning tool, Privacy Basics and Privacy Impact Assessments. Approximately, 1,821 Health Canada employees completed the online training in 2021-2022. In addition, throughout the year, regular broadcast communications were sent to all employees on privacy-related matters, with the aim of supporting a culture of strong privacy awareness within Health Canada.

Right to Know Week

In 2021, Canada celebrated Right to Know Week from September 27th to October 3th. Health Canada kicked off the event with a message from the Deputy Minister, highlighting the importance of preserving the "public's right to access to government information as a fundamental pillar of our democracy". In addition, Health Canada published articles for employees on its website, outlining how to respond to an ATIP requests and promoting ATIP training.

Policies, Guidelines, Procedures and Initiatives

Treasury Board of Canada Secretariat: Access to Information Review

In June 2019, the Government of Canada passed Bill C-58, which brought forward significant amendments to the ATIA. Bill C-58 also required a full review of the ATIA within one year of the bill coming into force. In June 2020, the Treasury Board of Canada Secretariat notified Health Canada that it was conducting a review of Canada's access to information process. During Stage 1 of the review (January 2021), Health Canada consulted with all branch contacts, identified a number of issues and provided detailed feedback to the Treasury Board of Canada Secretariat. During Stage 2 of the review (August 2021), Health Canada validated key issues, provided specific input and proposed a number of potential solutions. Treasury Board of Canada Secretariat is expected to finalize the review in 2022.

Privacy Act Modernization

Health Canada has been engaged in *Privacy Act* Modernization efforts, led by the Department of Justice, helping to ensure that an eventual revised, modern *Privacy Act* addresses the realities of the Department. In particular, in March 2022 Health Canada provided a detailed submission to the Department of Justice in response to their discussion document about exemptions under a modernized *Privacy Act*. The response provided by Health Canada reflects the nature of its work and provided recommendations for a modernized law that would best protect important privacy interests while still facilitating Health Canada's work.

Privacy Impact Assessments and COVID-19

In 2020-2021, the Privacy Management Division worked with the Treasury Board of Canada Secretariat to implement interim privacy policies to enable a more nimble approach to assessing privacy risks for time-sensitive COVID initiatives. In accordance with the Treasury Board of Canada Secretariat interim policies, the Privacy Management Division developed a privacy checklist specifically for COVID-19 initiatives, which incorporated the privacy principles outlined in the Office of the Privacy Commissioner of Canada's April 2020 Framework for Privacy-Impactful Initiatives in Response to COVID-19. This checklist was an important tool to support Health Canada's ability to effectively assess the privacy risks of time-sensitive initiatives and programs that were deployed in response to the pandemic.

In 2021-2022, the interim policies expired; however, Health Canada received an exception to the requirements of undertaking Privacy Impact Assessments for urgent COVID-19 related initiatives. This exception was requested because of the volume of ongoing changes to Canada's border posture used to help manage the COVID pandemic.

Risk-Based Approach to Privacy Breaches

During 2020-2021, the Privacy Management Division successfully completed its pilot project to implement a risk-based approach to managing privacy breaches. The Privacy Management Division implemented this approach Department-wide during fiscal year 2021-2022. This new approach has allowed Health Canada to manage privacy breaches in a more streamlined manner where the level of effort is proportional and commensurate to the level of risk.

The COVID Alert Exposure Notification App Evaluation

In July 2020, Health Canada, in collaboration with the Canadian Digital Service, launched COVID Alert, a national COVID-19 exposure notification app, as a tool to help reduce the spread of COVID-19. The Privacy Management Division assessed the app, and new features, according to the privacy principles for contact tracing and similar apps outlined in the joint statement by Federal, Provincial and Territorial Privacy Commissioners and extensively engaged the Office of the Privacy Commissioner of Canada on the app.

In 2021-2022, as part of a commitment made in the response to the Office of the Privacy Commissioner of Canada's privacy review of the app, Health Canada undertook an evaluation to assess its activities related to the app, including adherence to the privacy principles outlined in the joint statement. An evaluation report and findings is expected to be published on Canada.ca in 2022-2023.

ATIP Coordinators' Working Group

The ATIP Coordinator's Working Group was launched in October 2018 and is comprised of ATIP Coordinators representing 30 institutions. Health Canada's ATIP Coordinator continued to co-chair the working group, which meets monthly to discuss common and emerging issues and share best practices, strategies and tools.

Notable discussions in 2021-2022 included Stage Two of the ATIA Review that is being conducted by the Treasury Board of Canada Secretariat, the creation of the Access to Information and Privacy Communities Development Office, the continued advancement of the ATIP Online Portal (Phase Three), updates to the Request Processing Software Solution Procurement, modernization efforts across ATIP Offices, and ATIP service fees.

ATIP Operations Division's Professional Development Program

The ATIP Operations Division's Professional Development Program was launched in January 2017. The ATIP Professional Development Program allows employees to progress based on performance, without the need of a competitive hiring process. In 2020, the ATIP Professional Development Program was reviewed to confirm that it was achieving its objectives and the recommendations from that review were implemented through 2021.

The ATIP Operations Division improved the ATIP Professional Development Program by:

- Updating the assessment tool to make it less repetitive
- Developing new tools to facilitate the application and review process
- Promoting regular discussions between participants and their Team Leaders
- Updating the *Access to Information and Privacy Professional Development Program Guide* to reflect current practises.

Post-Secondary Recruitment Campaign

Health Canada led an interdepartmental ATIP-specific post-secondary recruitment campaign as an intake mechanism for junior ATIP analyst positions (PM-01). Running a large-scale recruitment campaign involved a significant investment of resources within Health Canada, an effort that was supported by several other government institutions. This campaign resulted in a partially assessed pool of 62 candidates. Health Canada hired 16 new PM-01 employees and a pool of 46 candidates was opened to all other federal government institutions.

Summary of Key Issues and Actions Taken on Complaints and Audits

Privacy Management Audit

An internal privacy audit was concluded during fiscal year 2019-2020 on the management of privacy practices at the Public Health Agency of Canada and Health Canada. The audit made four recommendations to further strengthen the management of privacy practices.

A copy of the full audit report can be found at <https://www.canada.ca/en/public-health/corporate/transparency/corporate-management-reporting/internal-audits/reports/management-privacy-practices-2019.html>

Complaints Management

Complaints to the Information Commissioner

In 2021–2022, 46 complaints under the ATIA were filed with the Office of the Information Commissioner for Health Canada's requests, representing an increase of 44% from the 32 filed in 2020-2021. No orders were issued to Health Canada by the Information Commissioner in 2021-2022.

Areas of complaint include deemed refusal (late), time extensions taken, and exemptions applied, in particular related to personal information and third party information. Health Canada reviews the outcomes of all Office of the Information Commissioner investigations, and where appropriate, incorporates lessons learned into business processes.

Outstanding Number of ATIA Active Complaints

Individuals and Organizations who believe federal institutions have not respected their rights under the ATIA, may ask the Office of the Information Commissioner to investigate within 60 days of receiving a release package from a federal institution. The following table lists the number of open complaints with the Information Commissioner of Canada by year.

Number of Open Complaints with the Information Commissioner of Canada that are Outstanding from Previous Reporting Periods

Fiscal Year Open Complaints Were Received by Health Canada	Number of Open Complaints
Received in 2021-2022	38
Received in 2020-2021	6
Received in 2019-2020	12
Received in 2018-2019	7
Received in 2017-2018	7
Received in 2016-2017	2
Received in 2015-2016 or earlier	3
Total	75

Health Canada actively communicates and collaborates with the Office of the Information Commissioner to ensure the effective handling and resolution of complaints.

Complaints to the Privacy Commissioner

Health Canada received two complaints from the Office of the Privacy Commissioner of Canada related to the Health Canada's management of personal information. Two Letters of Findings on complaints related to the Health Canada's management of personal information were received from the Office of the Privacy Commissioner of Canada. Both complaints were determined to be not well-founded.

Outstanding Number of Active Complaints

Individuals have the right to make a complaint to the Privacy Commissioner of Canada. The following table lists the number of open complaints with the Privacy Commissioner of Canada by year.

Number of Open Complaints with the Privacy Commissioner of Canada that are outstanding from previous reporting periods

Fiscal Year Open Complaints Were Received by Health Canada	Number of Open Complaints
Received in 2021-2022	2
Received in 2020-2021	2
Received in 2019-2020	0
Received in 2018-2019	0
Received in 2017-2018	0
Received in 2016-2017	0
Received in 2015-2016 or earlier	0
Total	4

Health Canada actively communicates and collaborates with the Office of the Privacy Commissioner to ensure the effective handling and resolution of complaints.

Federal Court Cases

Applications & Appeals Submitted to the Federal Court

Access to Information Act

In 2021–2022, Health Canada was served with three notices of application for judicial review, all of which are ongoing as of March 2022. In total, eight court cases were active at the end of the year. These cases are summarized in [Appendix E](#).

Privacy Act

No applications or appeals were made to the Federal Court or the Federal Court of Appeal during the 2021–2022 fiscal year.

Monitoring Compliance

ATIP Operations Division produces weekly, monthly and quarterly reports to senior management in order to monitor performance within Health Canada. This includes incoming volume of requests, number of closed requests, and timelines of retrieval of records.

The Privacy Management Division produces quarterly reports to senior management on privacy breaches, training as well as requests for privacy analysis. The Privacy Management Division supports compliance by periodically reviewing its privacy policies, procedures and practices.

Other Reporting Requirements Specific to the *Privacy Act*

Material Privacy Breaches

At the close of 2021-2022, Health Canada handled one material privacy breach that will be reported to the Office of the Privacy Commissioner of Canada and the Treasury Board of Canada Secretariat in 2022-2023. The incident occurred when a report was sent to an incorrect recipient. Measures were taken to contain the breach and prevent the risk of recurrence.

Privacy Compliance Evaluations

During 2021-2022, none of the COVID-19 initiatives undertaken by Health Canada resulted in the collection of personal information for an administrative purpose; therefore, no Privacy Compliance Evaluations were completed.

Privacy Impact Assessments

Two PIAs were completed during the 2021-2022 fiscal year.

1. Workplace Wellness Transformation Project

The Workplace Wellness Services Centre is a Health Canada program that provides services to Health Canada and Public Health Agency of Canada employees and managers across Canada, including Disability Management, Duty to Accommodate, and Occupational Health and Safety incident and accident reporting. The PIA assessed the WWSC's personal information handling practices. For more information, please refer to: [Workplace Wellness Service Centre - Canada.ca](https://www24.intelcom.gc.ca/WorkplaceWellnessServiceCentre)

2. Border Program: IM/IT Modernization Project

The Border Program is a national program that conducts compliance and enforcement activities for imported health products (drugs, natural health products and medical devices) to ensure that they meet the requirements of the *Food and Drugs Act* and its associated regulations before they are allowed into Canada. The Privacy Impact Assessment assessed the transmission of personal information from the Canada Border Services Agency Inspectors to the Health Canada Border Program, and the Border Program's handling of personal information.

Public Interest Disclosures

During 2021-2022, there were no disclosures made under section 8(2)(m) of the *Privacy Act* and no section 8(5) written notifications made to the Office of the Privacy Commissioner.

Appendix A: Access to Information Act and Privacy Act – Delegation Order

Minister of Health



Ministre de la Santé

Ottawa, Canada K1A 0K9

Delegation Order

L'ordonnance de délégation de pouvoirs

Access to Information Act and Privacy Act

Loi sur l'accès à l'information et Loi sur la protection des renseignements personnels

I, the Minister of Health, pursuant to section 95 of the *Access to Information Act* and section 73 of the *Privacy Act*, hereby delegate the persons holding the positions set out in the Delegation of Authority Schedule attached hereto, or the persons occupying on an acting basis those positions, to exercise the powers, duties and functions of the Minister as head of Health Canada, under the provisions of the Act and related regulations set out in the schedule opposite each position. This delegation supersedes all previous delegation orders.

En ma qualité de ministre de la Santé et en vertu de l'article 95 de la *Loi sur l'accès à l'information* et de l'article 73 de la *Loi sur la protection des renseignements personnels*, je délègue par la présente aux titulaires des postes énoncés à l'annexe de délégation de pouvoirs ci-après, ou aux personnes occupant les dits postes à titre intérimaire, les attributions dont je suis investie, à titre de ministre de Santé Canada, aux termes des dispositions des lois et des règlements connexes mentionnés en regard de chaque poste. Le présent document remplace toute ordonnance de délégation de pouvoirs antérieure.

Minister of Health
Ministre de la Santé

JAN 21 2022

Date

Canada

Delegation of Authority Schedule

Access to Information Act

Part 1 and 3

Provision	Description	DM	Assoc. DM	ADM CSB	DG PIMSD	Executive Dir, ATIP Ops Dir, ATIP Ops	
	All powers, duties and functions under the <i>Access to Information Act</i> , R.S.C. 1985, c. A-1 (prior to and following June 21, 2019) and related regulations (prior to and following June 21, 2019)	Full authority					

Provision	Description	Dir, PMD	Deputy Dir / Manager, ATIP Ops	Team Leader/ Senior Advisor	Senior Analyst	Analyst
4(2.1)	Responsibility of government institutions	No	Yes	Yes	Yes	Yes
6.1(1)	Reasons for declining to act on request	No	Yes	No	No	No
6.1(1.3), (1.4), (2)	Notice – suspension, end of suspension	No	Yes	Yes	Yes	No
7	Notice when access requested	No	Yes	Yes	Yes	Yes
8(1)	Transfer of request	No	Yes	Yes	No	No
9 (1)	Extension of time limits	No	Yes	Yes	No	No
9(2)	Notice of extension to Information Commissioner	No	Yes	Yes	Yes	Yes
10	Where access is refused	No	Yes	Yes	No	No
11(2)	Application Fee Waiver	No	Yes	Yes	No	No
12(2)(b)	Language of access	No	Yes	Yes	No	No
12(3)(b)	Access to record in alternative format	No	Yes	Yes	No	No
Exemption Provisions of the Access to Information Act						
13	Information obtained in confidence	No	Yes	No	No	No
14	Federal-provincial affairs	No	Yes	No	No	No
15	International affairs and defence	No	Yes	No	No	No
16	Law enforcement and investigations	No	Yes	Yes	No	No
16.5	<i>Public Servants Disclosure Protection Act</i>	No	Yes	No	No	No
17	Safety of individuals	No	Yes	No	No	No
18	Economic interests of Canada	No	Yes	No	No	No
18.1	Economic interest of certain government institutions	No	Yes	No	No	No
19	Personal information	No	Yes	Yes	No	No
20	Third party information	No	Yes	Yes	No	No
21	Advice, etc.	No	Yes	No	No	No
22	Testing procedures, tests and audits	No	Yes	No	No	No
22.1	Internal Audits	No	Yes	No	No	No
23	Protected information – solicitors, advocates and notaries	No	Yes	Yes	No	No
23.1	Protected information – patents and trade-marks	No	Yes	Yes	No	No
24	Statutory prohibitions against disclosure	No	Yes	Yes	No	No
Other Provisions of the Access to Information Act						
25	Severability	No	Yes	Yes	No	No
26	Refusal of access if information to be published	No	Yes	No	No	No
27(1), (4)	Notice to third parties	No	Yes	Yes	Yes	No
28(1)(b),	Representations of third party and decision	No	Yes	No	No	No
33	Notice to Information Commissioner of notices to third parties	No	Yes	Yes	Yes	No
35(2)(b)	Right to make representations	No	No	No	No	No
37(1)(c)	Notice of actions to implement recommendations of Commissioner	No	No	No	No	No
37(4)	Access to be given to complainant	No	Yes	No	No	No
41(2)	Review by Federal Court – government institution	No	No	No	No	No
43(2)	Service or notice of application to Federal Court for review	No	Yes	Yes	No	No
44(2)	Notice to person who requested record	No	Yes	Yes	No	No
52(2)(b), 52(3)	Special rules for hearings	No	No	No	No	No
94	Annual report – government institutions	No	No	No	No	No
96(3)	Notice of Provision of services related to access to information	No	No	No	No	No
96(5)	Spending authority	No	No	No	No	No
Access to Information Regulations						
6(1)	Transfer of request	No	Yes	No	No	No
8	Method of access	No	Yes	No	No	No
8.1	Limitations in respect of format	No	Yes	No	No	No

Privacy Act

Description	DM	Assoc. DM	ADM CSB	DG PIMSD
All powers, duties and functions under the Act and Regulations	Full authority			

Description	Executive Dir, ATIP Ops Dir, ATIP Ops	Dir, PMD
All powers, duties and functions under the Act and Regulations, with noted exceptions	Full authority except Sections 8(2)(j), 8(2)(m), 8(5), 9(1), 9(4), 10	Full authority except Sections 14-28 inclusively

Provision	Description	Deputy Dir / Manager ATIP Ops	Team Leader/ Senior Advisor	Senior Analyst	Analyst
8(2)(j)	Disclosure for research or statistical purposes	No	No	No	No
8(2)(m)	Disclosure in the public interest or in the interest of the individual	No	No	No	No
8(4)	Copies of requests under paragraph 8(2)(e)	No	No	No	No
8(5)	Notice of disclosure under paragraph 8(2)(m)	No	No	No	No
9(1)	Record of disclosures to be retained	No	No	No	No
9(4)	Consistent uses	No	No	No	No
10	Personal information to be included in personal information banks	No	No	No	No
14(a)	Notice where access requested	Yes	Yes	Yes	No
14(b)	Giving access to the record	Yes	Yes	No	No
15	Extension of time limits	Yes	Yes	Yes	No
16	Where access is refused	Yes	Yes	No	No
17(2)(b)	Language of access	Yes	Yes	No	No
17(3)(b)	Access in an alternative format	Yes	Yes	No	No
18(2)	Exempt banks	Yes	No	No	No
19	Information obtained in confidence	Yes	No	No	No
20	Federal-provincial affairs	Yes	No	No	No
21	International affairs and defence	Yes	No	No	No
22	Law enforcement and investigations	Yes	No	No	No
22.3	<i>Public Servants Disclosure Protection Act</i>	Yes	No	No	No
23	Security clearances	Yes	No	No	No
24	Individuals sentenced for an offence	Yes	No	No	No
25	Safety of individuals	Yes	No	No	No
26	Information about another individual	Yes	Yes	No	No
27	Protected information – solicitors, advocates and notaries	Yes	Yes	No	No
27.1	Protected information – patents and trade-marks	Yes	Yes	No	No
28	Medical records	Yes	No	No	No
33(2)	Right to make representations	No	No	No	No
35(1)(b)	Notice of actions to implement recommendations of Commissioner	Yes	No	No	No
35(4)	Access to be given to complainant	Yes	No	No	No
36(3)(b)	Notice of actions to implement recommendations of Commissioner	Yes	No	No	No
51(2)(b),(3)	Special rules for hearings	No	No	No	No
72	Annual report to Parliament	No	No	No	No
73.1(3)	Notice of Provision of services related to privacy	No	No	No	No
73.1(5)	Spending authority	No	No	No	No
Privacy Regulations					
7	Retention of personal information requested under paragraph	No	No	No	No
9	Examination of information	Yes	Yes	Yes	Yes
11(2),11(4)	Notification concerning corrections	Yes	Yes	Yes	Yes
13(1)	Disclosure of personal information relating to physical or mental	Yes	Yes	No	No
14	Examination in presence of medical practitioner or psychologist	Yes	Yes	No	No

Legend

Yes	Delegated
No	No Delegation

Appendix B: Statistical Report on the *Access to Information Act*

Reporting period: 2021-04-01 to 2022-03-31. Data extracted on June 7, 2021.

Section 1: Requests under the *Access to Information Act*

1.1 Number of Requests

Category		Number of requests
Received during reporting period		2,153
Outstanding from previous reporting periods		1,801
• Outstanding from previous reporting period	1,078	
• Outstanding from more than one reporting period	723	
Total		3,954
Closed during reporting period		2,036
Carried over to next reporting period		1,918
• Carried over within legislated timeline	367	
• Carried over beyond legislated timeline	1,551	

1.2 Sources of Requests

Source	Number of requests
Media	280
Academia	35
Business (private sector)	1,206
Organization	148
Public	329
Decline to Identify	155
Total	2,153

1.3 Channels of requests

Source	Number of requests
Online	2,126
E-mail	9
Mail	16
In person	0
Phone	0
Fax	2
Total	2,153

Section 2: Informal Requests

2.1 Number of informal requests

Category		Number of requests
Received during reporting period		368
Outstanding from previous reporting periods		43
• Outstanding from previous reporting period	30	
• Outstanding from more than one reporting period	13	
Total		411
Closed during reporting period		221
Carried over to next reporting period		190

2.2 Channels of informal requests

Source	Number of requests
Online	368
E-mail	0
Mail	0
In person	0
Phone	0
Fax	0
Total	368

2.3 Completion time of informal requests

Completion Time							
1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
32	7	23	11	13	135	0	221

2.4 Pages released informally

Less Than 100 Pages Released		100 to 500 Pages Released		501 to 1,000 Pages Released		1,001 to 5,000 Pages Released		More Than 5,000 Pages Released	
Number of Requests	Pages Released	Number of Requests	Pages Released	Number of Requests	Pages Released	Number of Requests	Pages Released	Number of Requests	Pages Released
80	2,056	45	10,717	11	7,393	6	12,051	1	23,918

2.5 Pages re-released informally

Less Than 100 Pages Re-released		100 to 500 Pages Re-released		501 to 1,000 Pages Re-released		1,001 to 5,000 Pages Re-released		More Than 5,000 Pages Re-released	
Number of Requests	Pages Re-released	Number of Requests	Pages Re-released	Number of Requests	Pages Re-released	Number of Requests	Pages Re-released	Number of Requests	Pages Re-released
52	1,856	19	5,427	3	2,075	3	5,785	1	23,918

Section 3: Applications to the Information Commissioner on Declining to Act on Requests

Category	Number of requests
Outstanding from previous reporting period	0
Sent during reporting period	0
Total	0
Approved by the Information Commissioner during reporting period	0
Declined by the Information Commissioner during reporting period	0
Withdrawn during reporting period	0
Carried over to next reporting period	0

Section 4: Requests Closed During the Reporting Period

4.1 Disposition and completion time

Disposition of requests	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
All disclosed	5	35	31	128	27	35	44	305
Disclosed in part	20	144	61	363	191	208	275	1,262
All exempted	0	1	0	8	0	0	0	9
All excluded	0	0	0	0	1	0	0	1
No records exist	46	92	43	25	9	4	5	224
Request transferred	8	1	1	0	0	0	0	10
Request abandoned	63	41	14	19	3	5	79	224
Neither confirmed nor denied	0	0	1	0	0	0	0	1
Decline to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0
Total	142	314	151	543	231	252	403	2,036

4.2 Exemptions

Section	Number of requests
13(1)(a)	11
13(1)(b)	2
13(1)(c)	13
13(1)(d)	2
13(1)(e)	0
14	9
14(a)	15
14(b)	12
15(1)	3
15(1) - International Affairs	6
15(1) - Defence of Canada	1
15(1) - Subversive Activities	1
16(1)(a)(i)	0
16(1)(a)(ii)	0

Section	Number of requests
16(1)(a)(iii)	0
16(1)(b)	1
16(1)(c)	8
16(1)(d)	1
16(2)	16
16(2)(a)	0
16(2)(b)	0
16(2)(c)	42
16(3)	0
16.1(1)(a)	0
16.1(1)(b)	0
16.1(1)(c)	1
16.1(1)(d)	0
16.2(1)	0
16.3	0
16.4(1)(a)	0
16.4(1)(b)	0
16.5	0
16.6	0
17	6
18(a)	3
18(b)	0
18(c)	1
18(d)	1
18.1(1)(a)	0
18.1(1)(b)	0
18.1(1)(c)	0
18.1(1)(d)	1
19(1)	1,265
20(1)(a)	7
20(1)(b)	171
20(1)(b.1)	2
20(1)(c)	85
20(1)(d)	17
20.1	0
20.2	0
20.4	0
21(1)(a)	52
21(1)(b)	61
21(1)(c)	12
21(1)(d)	0
22	7
22.1(1)	0
23	49

Section	Number of requests
23.1	0
24(1)	4
26	0

4.3 Exclusions

Section	Number of requests
68(a)	14
68(b)	0
68(c)	0
68.1	0
68.2(a)	0
68.2(b)	0
69(1)	6
69(1)(a)	1
69(1)(b)	0
69(1)(c)	0
69(1)(d)	0
69(1)(e)	2
69(1)(f)	1
69(1)(g) re(a)	16
69(1)(g) re(b)	0
69(1)(g) re(c)	11
69(1)(g) re(d)	1
69(1)(g) re(e)	11
69(1)(g) re(f)	13
69.1(1)	0

4.4 Format of Information Released

Paper	Electronic: e-record	Electronic: Data set	Electronic: Video	Electronic: Audio	Other
89	1,478	0	0	0	0

4.5 Complexity

4.5.1 Relevant pages processed and disclosed for paper and e-record formats

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
364,151	297,533	1,802

4.5.2 Relevant pages processed per request disposition for paper and e-record formats by size of requests

Disposition	Less than 100 pages processed		100 to 500 pages processed		501 to 1,000 pages processed		1,001 to 5,000 pages processed		More than 5,000 pages processed	
	Number of requests	Pages processed	Number of requests	Pages processed	Number of requests	Pages processed	Number of requests	Pages processed	Number of requests	Pages processed
All disclosed	268	6,317	31	7,023	1	962	4	12,840	1	5,755
Disclosed in part	664	18,461	473	129,166	83	52,896	38	61,763	4	29,831
All exempted	7	61	1	117	0	0	1	1,426	0	0
All excluded	1	0	0	0	0	0	0	0	0	0
Request abandoned	212	301	6	1,076	2	1,821	3	8,639	1	25,696
Neither confirmed nor denied	1	0	0	0	0	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0	0	0
Total	1,153	25,140	511	137,382	86	55,679	46	84,668	6	61,282

4.5.3 Relevant minutes processed and disclosed for audio formats

Number of Minutes Processed	Number of Minutes Disclosed	Number of Requests
0	0	0

4.5.4 Relevant minutes processed per request disposition for audio formats by size of requests

Disposition	Less than 60 minutes processed		60 to 120 minutes processed		More than 120 minutes processed	
	Number of requests	Minutes processed	Number of requests	Minutes processed	Number of requests	Minutes processed
All disclosed	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0
All exempted	0	0	0	0	0	0
All excluded	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0
Total	0	0	0	0	0	0

4.5.5 Relevant minutes processed and disclosed for video formats

Number of Minutes Processed	Number of Minutes Disclosed	Number of Requests
0	0	0

4.5.6 Relevant minutes processed per request disposition for video formats by size of requests

Disposition	Less than 60 minutes processed		60 to 120 minutes processed		More than 120 minutes processed	
	Number of requests	Minutes processed	Number of requests	Minutes processed	Number of requests	Minutes processed
All disclosed	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0
All exempted	0	0	0	0	0	0
All excluded	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0
Total	0	0	0	0	0	0

4.5.7 Other Complexities

Disposition	Consultation Required	Legal Advice Sought	Other	Total
All disclosed	147	2	23	172
Disclosed in part	769	28	132	929
All exempted	6	0	3	9
All excluded	1	1	0	2
Request abandoned	0	0	0	0
Neither confirmed nor denied	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0
Total	923	31	158	1,112

4.6 Closed Requests

4.6.1 Requests Closed Within Legislated Timelines

Category	Requests Closed Within Legislated Timelines
Number of requests closed within legislated timelines	842
Percentage of requests closed within legislated timelines (%)	41.4%

4.7 Deemed Refusals

4.7.1 Principal reasons for Not Meeting Legislated Timelines

Total Number of requests closed past the legislated timelines	Interference with Operations / Workload	External Consultation	Internal Consultation	Other
1,194	546	106	21	521

4.7.2 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 timeline where an extension was taken	Total
1 to 15 days	61	58	119
16 to 30 days	44	56	100
31 to 60 days	66	96	162
61 to 120 days	86	74	160
121 to 180 days	56	65	121
181 to 365 days	89	132	221
More than 365 days	131	180	311
Total	533	661	1,194

4.8 Requests for Translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Section 5: Extensions

5.1 Reasons for Extensions and Disposition of Requests

Disposition of Requests Where an Extension was Taken	9(1)(a) Interference with Operations / Workload	9(1)(b) Consultation: Section 69	9(1)(b) Consultation: Other	9(1)(c) Third Party Notice
All disclosed	13	0	11	166
Disclosed in part	206	14	66	755
All exempted	0	0	1	5
All excluded	0	0	1	0
Request abandoned	29	2	14	41
No records exist	3	1	3	3
Decline to act with the approval of the Information Commissioner	0	0	0	0
Total	251	17	96	970

5.2 Length of Extensions

Length of Extensions	9(1)(a) Interference with Operations / Workload	9(1)(b) Consultation: Section 69	9(1)(b) Consultation: Other	9(1)(c) Third Party Notice
30 days or less	164	2	18	3
31 to 60 days	43	2	44	936
61 to 120 days	24	12	23	28
121 to 180 days	9	1	3	3
181 to 365 days	8	0	8	0
365 days or more	3	0	0	0
Total	251	17	96	970

Section 6: Fees

Fee type	Fee collected		Fee waived		Fee refunded	
	Number of requests	Amount	Number of requests	Amount	Number of requests	Amount
Application	1,793	\$8,965.00	353	\$1,765.00	7	\$35.00
Other fees	0	\$0.00	0	\$0.00	0	\$0.00
Total	1,793	\$8,965.00	353	\$1,765.00	7	\$35.00

Section 7: Consultations Received From Other Institutions and Organizations

7.1 Consultations Received from Other Government of Canada Institutions and Organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during the reporting period	222	15,495	31	1,952
Outstanding from the previous reporting period	36	2,497	3	257
Total	258	17,992	34	2,209
Closed during the reporting period	235	15,717	32	1,469
Carried over within negotiated timelines	7	379	2	740
Carried over beyond negotiated timelines	16	1,896	0	0

7.2 Recommendations and Completion Time for Consultations Received from Other Government of Canada Institutions

Recommendation	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
Disclose entirely	35	60	52	26	3	3	3	182
Disclose in part	1	2	2	6	3	1	0	15
Exempt entirely	0	0	1	0	0	0	0	1
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	3	3	7	1	0	1	0	15
Other	8	6	5	0	0	2	1	22
Total	47	71	67	33	6	7	4	235

7.3 Recommendations and Completion Time for Consultations Received from Other Organizations outside the Government of Canada

Recommendation	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
Disclose entirely	8	8	4	4	1	0	0	25
Disclose in part	0	1	1	2	0	1	0	5
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	1	1	0	0	0	0	0	2
Other	0	0	0	0	0	0	0	0
Total	9	10	5	6	1	1	0	32

Section 8: Completion Time of Consultations on Cabinet Confidences

8.1 Requests with Legal Services

Number of days	Fewer than 100 pages processed		100 to 500 pages processed		501 to 1,000 pages processed		1,001 to 5,000 pages processed		More than 5,000 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	7	164	0	0	0	0	0	0	0	0
16 to 30	10	79	0	0	0	0	0	0	0	0
31 to 60	2	18	1	86	0	0	0	0	0	0
61 to 120	4	25	1	3	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	2	0	0	0	0	0	0	0	0	0
More than 365	6	9	0	0	0	0	0	0	0	0
Total	31	295	2	89	0	0	0	0	0	0

8.2 Requests with Privy Council Office

Number of days	Fewer than 100 pages processed		100 to 500 pages processed		501 to 1,000 pages processed		1,001 to 5,000 pages processed		More than 5,000 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	1	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	1	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	2	0	0	0	0	0	0	0	0	0

Section 9: Investigations and Reports of finding

9.1 Investigations

Section 32 Notice of intention to investigate	Subsection 30(5) Ceased to investigate	Section 35 Formal representations
46	1	8

9.2 Investigations and Reports of finding

Section 37(1) Initial Reports: Received	Section 37(1) Initial reports: Containing recommendations issues by the Information Commissioner	Section 37(1) Initial reports: Containing orders issued by the Information Commissioner	Section 37(2) Final Reports: Received	Section 37(2) Final reports: Containing recommendations issued by the Information Commissioner	Section 37(2) Final reports: Containing orders issued by the Information Commissioner
14	14	0	43	14	0

Section 10: Court Action

10.1 Court actions on complaints

Section 41: Complainant (1)	Section 41: Institution (2)	Section 41: Third Party (3)	Section 41: Privacy Commissioner (4)	Total
0	1	0	0	1

10.2 Court actions on third party notifications under paragraph 28(1)(b)

Section 44 - under paragraph 28(1)(b)
11

Section 11: Resources Related to the *Access to Information Act*

11.1 Allocated Costs

Expenditures	Amount
Salaries	\$5,222,200
Overtime	\$81,946
Goods and Services	\$2,523,178
Professional services contracts	\$2,249,515
Other	\$273,663
Total	\$7,827,324

11.2 Human resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	64.818
Part-time and casual employees	2.304
Regional staff	0.000
Consultants and agency personnel	10.560
Students	0.192
Total	77.874

Appendix C: Statistical Report on the *Privacy Act*

Reporting period: 2021-04-01 to 2022-03-31. Data extracted on June 7, 2021.

Section 1: Requests under the *Privacy Act*

1.1 Number of Requests

Category		Number of requests
Received during reporting period		219
Outstanding from previous reporting periods		49
• Outstanding from previous reporting period	34	
• Outstanding from more than one reporting period	15	
Total		268
Closed during reporting period		212
Carried over to next reporting period		56
• Carried over within legislated timeline	30	
• Carried over beyond legislated timeline	26	

1.2 Channels of Requests

Source	Number of requests
Online	212
E-mail	1
Mail	5
In person	0
Phone	0
Fax	1
Total	219

Section 2: Informal Requests

2.1 Number of informal requests

Category		Number of requests
Received during reporting period		0
Outstanding from previous reporting periods		0
• Outstanding from previous reporting period	0	
• Outstanding from more than one reporting period	0	
Total		0
Closed during reporting period		0
Carried over to next reporting period		0

2.2 Channels of informal requests

Source	Number of requests
Online	0
E-mail	0
Mail	0
In person	0
Phone	0
Fax	0
Total	0

2.3 Completion time of informal requests

Completion Time							
1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
0	0	0	0	0	0	0	0

2.4 Pages released informally

Less Than 100 Pages Released		100 to 500 Pages Released		501 to 1,000 Pages Released		1,001 to 5,000 Pages Released		More Than 5,000 Pages Released	
Number of Requests	Pages Released	Number of Requests	Pages Released	Number of Requests	Pages Released	Number of Requests	Pages Released	Number of Requests	Pages Released
0	0	0	0	0	0	0	0	0	0

Section 3: Requests Closed During the Reporting Period

3.1 Disposition and completion time

Disposition of requests	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
All disclosed	6	6	6	5	1	1	1	26
Disclosed in part	2	14	17	7	8	8	5	61
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	23	11	5	1	1	0	0	41
Request abandoned	61	8	9	3	1	1	1	84
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	92	39	37	16	11	10	7	212

3.2 Exemptions

Section	Number of requests
18(2)	0
19(1)(a)	0
19(1)(b)	0
19(1)(c)	0
19(1)(d)	0
19(1)(e)	0
19(1)(f)	0
20	0
21	0
22(1)(a)(i)	0
22(1)(a)(ii)	0
22(1)(a)(iii)	0
22(1)(b)	4
22(1)(c)	0
22(2)	0
22.1	0
22.2	0
22.3	0

Section	Number of requests
22.4	0
23(a)	0
23(b)	0
24(a)	0
24(b)	0
25	0
26	59
27	2
27.1	0
28	0

3.3 Exclusions

Section	Number of requests
69(1)(a)	0
69(1)(b)	0
69.1	0
70(1)	0
70(1)(a)	0
70(1)(b)	0
70(1)(c)	0
70(1)(d)	0
70(1)(e)	0
70(1)(f)	0
70.1	0

3.4 Format of Information Released

Paper	Electronic: e-record	Electronic: Data set	Electronic: Video	Electronic: Audio	Other
12	75	0	0	0	0

3.5 Complexity

3.5.1 Relevant Pages Processed and Disclosed for paper and e-record formats

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
15,762	13,309	171

3.5.2 Relevant Pages Processed by Request Disposition for paper and e-record formats by Size of Requests

Disposition	Less than 100 pages processed		100 to 500 pages processed		501 to 1,000 pages processed		1,001 to 5,000 pages processed		More than 5,000 pages processed	
	Number of requests	Pages processed	Number of requests	Pages processed	Number of requests	Pages processed	Number of requests	Pages processed	Number of requests	Pages processed
All disclosed	26	310	0	0	0	0	0	0	0	0
Disclosed in part	33	1,002	19	4,265	4	2,446	5	7,739	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	84	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	143	1,312	19	4,265	4	2,446	5	7,739	0	0

3.5.3 Relevant minutes processed and disclosed for audio formats

Number of Minutes Processed	Number of Minutes Disclosed	Number of Requests
0	0	0

3.5.4 Relevant minutes processed per request disposition for audio formats by size of requests

Disposition	Less than 60 minutes processed		60 to 120 minutes processed		More than 120 minutes processed	
	Number of requests	Minutes processed	Number of requests	Minutes processed	Number of requests	Minutes processed
All disclosed	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0
All exempted	0	0	0	0	0	0
All excluded	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0
Total	0	0	0	0	0	0

3.5.5 Relevant minutes processed and disclosed for video formats

Number of Minutes Processed	Number of Minutes Disclosed	Number of Requests
0	0	0

3.5.6 Relevant minutes processed per request disposition for video formats by size of requests

Disposition	Less than 60 minutes processed		60 to 120 minutes processed		More than 120 minutes processed	
	Number of requests	Minutes processed	Number of requests	Minutes processed	Number of requests	Minutes processed
All disclosed	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0
All exempted	0	0	0	0	0	0
All excluded	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0
Total	0	0	0	0	0	0

3.5.7 Other Complexities

Disposition	Consultation Required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	0	0	0	2	2
Disclosed in part	2	1	1	6	10
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	2	1	1	8	12

3.6 Closed Requests

3.6.1 Number of Requests Closed Within Legislated Timelines

Category	Requests Closed Within Legislated Timelines
Number of requests closed within legislated timelines	142
Percentage of requests closed within legislated timelines (%)	67.0%

3.7 Deemed Refusals

3.7.1 Reasons for Not Meeting Legislated Timelines

Total Number of requests closed past the statutory deadline	Interference with Operations / Workload	External Consultation	Internal Consultation	Other
70	53	0	0	17

3.7.2 Requests Closed Beyond Legislated Timelines (including any extension taken)

Number of days past deadline	Number of Requests Past Legislated Timeline Where No Extension was Taken	Number of Requests Past Legislated Timeline Where an Extension was Taken	Total
1 to 15 days	17	1	18
16 to 30 days	9	0	9
31 to 60 days	9	1	10
61 to 120 days	11	1	12
121 to 180 days	7	1	8
181 to 365 days	7	0	7
More than 365 days	3	3	6
Total	63	7	70

3.8 Requests for Translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Section 4: Disclosures under Subsections 8(2) and 8(5)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Subsection 8(5)	Total
6	0	0	6

Section 5: Requests for Correction of Personal Information and Notations

Disposition for Correction Requests Received	Number
Notations attached	0
Requests for correction accepted	0
Total	0

Section 6: Extensions

6.1 Reasons for Extensions and Disposition of Requests

Reason for Extension	Number of Requests Where an Extension was Taken
15(a)(i) Interference with Operations: Further Review Required to Determine Exemptions	0
15(a)(i) Interference with Operations: Large Volume of Pages	4
15(a)(i) Interference with Operations: Large Volume of Requests	12
15(a)(i) Interference with Operations: Documents are Difficult to Obtain	1
15(a)(ii) Consultation: Cabinet Confidence (Section 70)	0
15(a)(ii) Consultation: External	0
15(a)(ii) Consultation: Internal	1
15(b) Translation Purposes or Conversion	0
Total	18

6.2 Length of Extensions

Reason for Extension	1 to 15 days	16 to 30 days	31 days or greater	Total
15(a)(i) Interference with Operations: Further Review Required to Determine Exemptions	0	0		0
15(a)(i) Interference with Operations: Large Volume of Pages	0	4		4
15(a)(i) Interference with Operations: Large Volume of Requests	0	12		12
15(a)(i) Interference with Operations: Documents are Difficult to Obtain	0	1		1
15(a)(ii) Consultation: Cabinet Confidence (Section 70)	0	0		0
15(a)(ii) Consultation: External	0	0		0
15(a)(ii) Consultation: Internal	0	1		1
15(b) Translation Purposes or Conversion	0	0	0	0

Section 7: Consultations Received From Other Institutions and Organizations

7.1 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 reporting period	5	19	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	5	19	0	0
Closed during the reporting period	5	19	0	0
Carried over within negotiated timelines	0	0	0	0
Carried over beyond negotiated timelines	0	0	0	0

7.2 Recommendations and Completion Time for Consultations Received from Other Government of Canada Institutions

Recommendation	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
Disclose entirely	2	1	1	0	0	0	0	4
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	1	0	0	0	0	1
Other	0	0	0	0	0	0	0	0
Total	2	1	2	0	0	0	0	5

7.3 Recommendations and Completion Time for Consultations Received from Other Organizations outside the Government of Canada

Recommendation	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
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

Section 8: Completion Time of Consultations on Cabinet Confidences

8.1 Requests with Legal Services

Number of days	Fewer than 100 pages processed		100 to 500 pages processed		501 to 1,000 pages processed		1,001 to 5,000 pages processed		More than 5,000 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

8.2 Requests with Privy Council Office

Number of days	Fewer than 100 pages processed		100 to 500 pages processed		501 to 1,000 pages processed		1,001 to 5,000 pages processed		More than 5,000 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

Section 9: Complaints and Investigation Notices Received

Section 31	Section 33	Section 35	Court Action	Total
4	2	2	0	8

Section 10: Privacy Impact Assessments (PIA) and Personal Information Banks (PIB)

10.1 Privacy Impact Assessments

Number of PIA(s) Completed	2
Number of PIA(s) Modified	0

10.2 Institution-Specific and Central Personal Information Banks

Personal Information Banks	Active	Created	Terminated	Modified
Institution-specific	52	8	2	0
Central	0	0	0	0
Total	52	8	2	0

Section 11: Privacy Breaches

11.1 Material Privacy Breaches Reported

Number of material privacy breaches reported to TBS	0
Number of material privacy breaches reported to OPC	0

11.2 Non-Material Privacy Breaches

Number of non-material privacy breaches	78
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Section 12: Resources Related to the *Privacy Act*

12.1 Allocated Costs

Expenditures	Amount
Salaries	\$1,488,649
Overtime	\$21,350
Goods and Services	\$497,995
Professional services contracts	\$460,156
Other	\$37,839
Total	\$2,007,994

12.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	14.999
Part-time and casual employees	1.825
Regional staff	0.000
Consultants and agency personnel	2.378
Students	0.207
Total	19.409

Appendix D: Supplemental Statistical Report on the *Access to Information Act* and *Privacy Act*

In addition to completing the forms for the Statistical Reports on the ATIA and *Privacy Act* for 2021-2022, institutions were asked to complete this Supplemental Report to help identify the institutional capacity during COVID-19. The data requirements are set out in the tables below.

Section 1: Capacity to Receive Requests under the *Access to Information Act* and *Privacy Act*

1.1 The following table reports the number of weeks Health Canada was able to receive ATIP requests through different channels.

Time period	Number of Weeks
Able to receive requests by mail	52
Able to receive requests by email	52
Able to receive requests through the digital request service	52

Section 2: Capacity to Process Records under the *Access to Information Act* and *Privacy Act*

2.1 The following table reports the number of weeks Health Canada was able to process paper records in different classification levels.

Type of Paper Record	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Paper Records	0	52	0	52
Protected B Paper Records	0	52	0	52
Secret and Top Secret Paper Records	0	52	0	52

2.2 The following table reports the total number weeks Health Canada was able to process electronic records in different classification levels.

Type of Electronic Record	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Electronic Record	0	0	52	52
Protected B Electronic Record	0	0	52	52
Secret and Top Secret Electronic Record	0	52	0	52

Section 3: Open Requests and Complaints under the *Access to Information Act*

3.1 The following table reports the number of open requests that are outstanding from previous reporting periods.

Fiscal Year Open Requests Were Received	Open Requests that are <i>Within</i> Legislated Timelines as of March 31, 2022	Open Requests that are <i>Beyond</i> Legislated Timelines as of March 31, 2022	Total
Received in 2021-2022	343	581	924
Received in 2020-2021	9	508	517
Received in 2019-2020	8	213	221
Received in 2018-2019	6	135	141
Received in 2017-2018	0	76	76
Received in 2016-2017	0	27	27
Received in 2015-2016 or earlier	1	11	12
Total	367	1,551	1,918

3.2 The following table reports the number of open complaints with the Information Commissioner of Canada that are outstanding from previous reporting periods.

Fiscal Year Open Complaints were Received by Institution	Number of Open Complaints
Received in 2021-2022	38
Received in 2020-2021	6
Received in 2019-2020	12
Received in 2018-2019	7
Received in 2017-2018	7
Received in 2016-2017	2
Received in 2015-2016 or earlier	3
Total	75

Section 4: Open Requests and Complaints under the *Privacy Act*

4.1 The following table reports the number of open requests that are outstanding from previous reporting periods.

Fiscal Year Open Requests Were Received	Open Requests that are <i>Within</i> Legislated Timelines as of March 31, 2022	Open Requests that are <i>Beyond</i> Legislated Timelines as of March 31, 2022	Total
Received in 2021-2022	28	13	41
Received in 2020-2021	1	3	4
Received in 2019-2020	1	7	8
Received in 2018-2019	0	0	0
Received in 2017-2018	0	0	0
Received in 2016-2017	0	0	0
Received in 2015-2016 or earlier	0	3	3
Total	30	26	56

4.2 The following table reports the number of open complaints with the Privacy Commissioner of Canada that are outstanding from previous reporting periods.

Fiscal Year Open Complaints were Received by Institution	Number of Open Complaints
Received in 2021-2022	2

Fiscal Year Open Complaints were Received by Institution	Number of Open Complaints
Received in 2020-2021	2
Received in 2019-2020	0
Received in 2018-2019	0
Received in 2017-2018	0
Received in 2016-2017	0
Received in 2015-2016 or earlier	0
Total	4

Section 5: Social Insurance Number (SIN)

Health Canada did not receive authority for a new collection or new consistent use of the SIN.

Appendix E: Federal Court Review

Actial Farmaceuticall S.R.L. v. Minister of Health

In January 2020, Actial Farmaceuticall filed for judicial review of a Health Canada decision issued to Ferring Inc. to partially release records related to the natural health products VSL#3®. This application raises the issues of whether Actial has standing to bring the application given the decision was issued to Ferring Inc. and whether the disputed information is exempt from disclosure.

Apotex Inc. v. Minister of Health and Attorney General of Canada

In August 2019, Apotex filed for judicial review of the decision to release records related to a drug product that had been withdrawn from assessment. The fact that it was withdrawn impacts the records that may already publicly exist.

A motion for an Order for production of documents under Rules 317 and 318 of the *Federal Courts Rules*, S.O.R./98-106 was scheduled to be heard on December 18, 2020, however the Court adjourned the motion and ordered this matter to be held in abeyance pending a decision being rendered in another case concerning a similar request.

Apotex Inc. V. Minister of Health and Attorney General of Canada

On December 9, 2021, the Applicant filed for judicial review challenging the decision of the Minister of Health dated November 19, 2021 to release records with respect to certain drug products in response to an ATI request. The Applicant opposes the disclosure of information alleging confidentiality and that the information is not responsive to the request and is therefore out of scope.

On December 29, 2021, the Applicant filed a second application for judicial review challenging the decision of the Minister of Health dated December 10, 2021 on similar records and for similar reasons.

On January 17, 2022, the Court ordered that the files be jointly case managed. A motion for an Order for production of documents under Rules 317 and 318 of the *Federal Courts Rules*, S.O.R./98-106 was filed. This motion is currently being held in abeyance pending a decision being rendered in another case.

Apotex Inc. v. Minister of Health and Attorney General of Canada

On January 25, 2022, the Applicant filed for judicial review in the Federal Court. The Applicant is challenging the decision of the Minister of Health dated January 6, 2022 to release records and documents with respect to certain drug products in response to an ATI request.

The Applicant opposes the disclosure of information it considers confidential and alleged that the Minister lacked procedural fairness in rendering the decision.

A motion for an Order for production of documents under Rules 317 and 318 of the *Federal Courts Rules*, S.O.R./98-106 was filed. This motion is currently being held in abeyance pending a decision being rendered in another case.

Bayer Inc. V. Minister of Health and Attorney General of Canada

On December 15, 2021, the Applicant filed for judicial review challenging the decision of the Minister of Health dated November 25, 2021 to release records in response to an ATI request. The Applicant opposes the disclosure of information it considers confidential and alleges the disclosure could harm its competitive position. A motion for an Order for production of documents under Rules 317 and 318 of the *Federal Courts Rules*, S.O.R./98-106 was filed. This motion is currently being held in abeyance pending a decision being rendered in another case.

Elanco Canada Limited v. Canada (Minister of Health)

Elanco sought review of a decision by the Minister of Health, to disclose information related to Fortekor Flavour Tabs, that Elanco considered to be confidential. On November 19, 2019, the Federal Court found the Minister of Health's decision to disclose the records was invalid and costs were awarded against Canada. Canada appealed the decision, and the Federal Court of Appeal has set aside the original judgement, which it found was worded too broadly, contrary to section 25 of the *Access to Information Act*. The matter has been remitted back to the Federal Court, which has not yet issued its new decision.

Information Commissioner of Canada (Molly Haynes and Patrick Cain) v. Minister of Health

Three complainants filed individual applications for judicial review on June 15, 2020, which the Federal Court consolidated. In all three requests, Health Canada refused to disclose the first three characters of postal codes (Forward Sortation Area or FSA) of producers and users of medical cannabis on the grounds that the FSA constitutes personal information because of the serious risk of re-identifying the individuals to whom the FSA relates. The Information Commissioner, representing the complainants, takes the position that the FSAs should have been disclosed where individuals could not be identified. An independent expert was retained by Health Canada to opine on the risk of re-identification and his report was served on March 24, 2021.

The Office of the Privacy Commissioner (OPC) was granted intervener status. Canada's position is that the additional characters of the postal codes in all three requests also cannot reasonably be severed further under section 25. The severance proposed by the OIC could give rise to a serious possibility of re-identification if the FSA is used in combination with other available information. Severing the remaining characters would not only risk re-identification of these individuals, but would prove too onerous and beyond the requirements of section 25. Further, the public interest in obtaining this information does not outweigh any invasion of privacy that could result from the disclosure. The hearing took place on February 7, 2022 and the Court reserved its judgment.

Clayton McCann v. the Attorney General of Canada (Dismissed)

On March 10, 2021, the Applicant filed for judicial review concerning the Office of the Information of Canada's Final Report, wherein Health Canada missed the deadline to respond to a request under the *Access to Information Act* and failed to disclose the requested information. The Office of the Information Commissioner's Final Report concluded the complaint as "Well Founded". In November 2021, the Federal Court dismissed the application for judicial review.

Novo Nordisk Canada Inc. v. Minister of Health and Attorney General of Canada (Discontinued)

Filed on June 9, 2020, this application for judicial review relates to the release of records pertaining to the removal of the Canadian patent *No. 2,601,784* from the Patent Register. Novo Nordisk challenged the disclosure on records stating they contain personal information or that they fall outside the scope of the request. On June 8, 2021, the Applicant filed a discontinuance without costs on consent.

Provital Health v. Canada (Minister of Health), Preventous Collaborative Health v. Canada (Minister of Health), Copeman Healthcare v. Canada (Minister of Health)

In January 2019, three (3) private medical clinics (the Applicants) filed individual applications for judicial review of the federal Minister of Health's decision to release part of their audit reports to a requester under the *Access to Information Act* (ATIA). Health Canada obtained the audit reports from Alberta Health, which did not request that the audit reports be kept confidential. The audit reports relate to the annual enrollment and membership fees charged by the Applicants.

Following an appeal, the Federal Court granted the Applicants' request for documents held by Health

Canada under Rule 317 of the *Federal Court Rules*. In April 2021, Canada appealed this decision.

Samsung Electronics Canada Inc. v. Minister of Health (Discontinued)

In September 2018, Samsung filed an application for a judicial review of Health Canada's intention to partially release records related to potential safety issues concerning certain top load, high efficiency washing machines, as they believed them to be confidential commercial information that could impact its competitive and financial position. The Federal Court dismissed the application and noted that Parliament did not intend to exempt the type of information at issue and that this information relates to public safety and is not commercial information.

Samsung initially appealed the Federal Court's conclusion but ultimately discontinued the appeal on November 23, 2021.