



Library and Archives Canada  
Annual Report on the *Privacy Act*:  
2018–2019



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Annual Report on the Privacy Act (Library and Archives Canada)

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# 1. Report on the *Privacy Act*

## 1.1 Introduction

The *Privacy Act* (the Act) provides Canadian citizens and permanent residents with the right of access to and correction of personal information about themselves that is under the control of a government institution. The Act also provides the legal framework for the collection, retention, use, disclosure, disposition and validation of the accuracy of personal information in the administration of programs and activities by government institutions subject to the Act.

Under the Act, personal information is defined as “information about an identifiable individual that is recorded in any form”. Examples of personal information include data about the race, national or ethnic origin, colour, religion, age, or marital status of an individual; the education or the medical, criminal, financial, or employment history of an individual; the address, fingerprints or blood type of an individual; and/or any identifying number, symbol or other particular identifier assigned to an individual.

This report has been prepared and tabled in Parliament in accordance with section 72 of the Act. It covers the period from April 1, 2018, to March 31, 2019, for Library and Archives Canada (LAC).

## 1.2 Mandate of Library and Archives Canada

The mandate of LAC is:

- to preserve the documentary heritage of Canada for the benefit of present and future generations;
- to serve as a source of enduring knowledge accessible to all, contributing to the cultural, social and economic advancement of Canada as a free and democratic society;
- to facilitate co-operation among Canadian communities involved in the acquisition, preservation and diffusion of knowledge; and
- to serve as the continuing memory of the Government of Canada and its institutions.

Given LAC’s role as the continuing memory of the federal government, all archival records are sent to LAC once they are no longer needed for operational purposes in their creating department. LAC also holds the dormant records of former federal public servants (FPS) until a public servant becomes 80 years old, at which time that individual’s records are destroyed.

Furthermore, LAC manages military personnel records in accordance with Order in Council *P.C. 1971-1989* (September 21, 1971), which transferred the control and supervision of the War Records Division of Veterans Affairs Canada (VAC) and all of its records to LAC. Most of the requests received each year by LAC are to access the restricted military personnel files of former members of the Canadian Armed Forces (CAF). These include:

- Canadian Forces regular members (1919 to 1997);
- Canadian Forces reserve members (1919 to 2007); and
- Newfoundland Militia members who served in the Second World War.

In addition to receiving requests for these restricted records, LAC also handles requests for the medical or dental records of the CAF regular and reserve members who were released from service more than five years ago, or who died in service more than five years ago.

Since 1971, LAC has worked with the relevant departments (National Defence [DND], VAC, and Public Services and Procurement Canada [PSPC]) to deliver this unique program and provide the necessary services to Canadians.

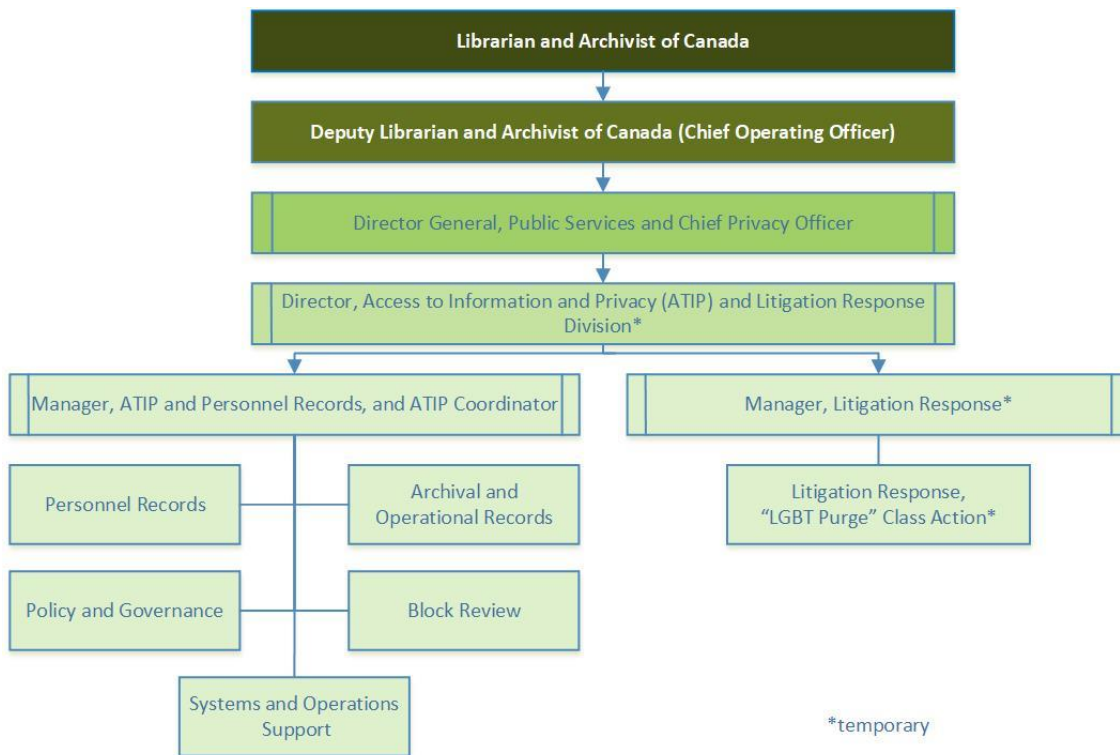
The archival government records and records of former CAF members and former FPS described above are stored in various locations, including in the National Capital Region, Winnipeg and Vancouver.

Lastly, in addition to the requests received on the above-mentioned collections, LAC also receives requests for its own operational records.

### 1.3 Organization

The organizational chart below outlines the reporting structure relating to Access to Information and Privacy (ATIP) at LAC.

**Figure 1: Access to Information and Privacy reporting structure**



Over the course of the past fiscal year, the division responsible for ATIP at LAC has temporarily changed its name from the *Regional Services and ATIP Division* to the *Access to Information and Privacy (ATIP) and Litigation Response Division*. This division has experienced ongoing growth and changes in its human resources and reporting structure to streamline and to effectively respond to the increasing number of requests received. Changes include the temporary addition of a Litigation Response team for the “LGBT Purge” Class Action (for more information, see Section 3.0) as well as the addition of human resources with diverse skill sets to support evolving business needs.

Currently, LAC’s ATIP and Litigation Response team comprises five core business areas: Personnel Records, Archival and Operational Records, Block Review, Policy and Governance, and Systems and Operations Support. Their functions are described below.

#### Personnel Records:

- Processes formal and informal access, and privacy requests, for restricted personnel files of former members of the CAF as well as former FPS.

#### Archival and Operational Records:

- Processes formal and informal access, and privacy requests, on LAC’s operational records, restricted archival records under LAC’s control, and consultation requests from other Government of Canada (GC) institutions;
- Reviews restricted finding aids concerning archival records transferred to LAC for permanent custody, and severs information that remains restricted; and
- Provides access to authorized current FPS to restricted archival records under LAC’s control.

#### Block Review:

- Performs a proactive risk-based review of archival records in LAC’s holdings in accordance with the *Access to Information Act* and the *Privacy Act*, following a set procedure, to determine if blocks of records can be proactively “opened” and made available to the public and researchers.

#### Policy and Governance:

- Reviews the implications of changes to ATIP legislation on LAC’s business;
- Develops policies and procedures; and
- Leads the development of a range of internal and external reports and analysis of statistics.

Systems and Operations Support (now a separate team, its functions were previously encompassed under Policy, Governance and Operations Support):

- Registers requests and responds to telephone inquiries regarding the status of requests;

- Provides clerical support to the Division’s incoming and outgoing requests;
- Manages the institution’s use of ATIP-specific software; and
- Generates statistical reports from this software for ATIP work completed on various classified networks.

In addition to these five business areas, the Division currently includes an additional team. The Litigation Response team was formed during the 2018–2019 fiscal year to meet LAC’s temporary needs related to its role in supporting the GC’s response to the settlement of the “LGBT Purge” Class Action (for more information, see Section 3.3) and to prepare for future upcoming class actions. Given the nature of the records held at LAC, this organization is typically involved in the GC’s response to class action lawsuits, whether in providing access to historical records documenting the policies of the GC or, more specifically, the personnel files of former CAF members, former FPS and some former members of the Royal Canadian Mounted Police (RCMP).

#### Litigation Response:

- Works collaboratively with DND, Treasury Board of Canada Secretariat (TBS), the RCMP and PSPC to ensure that LAC provides all relevant responsive records for the claims settlement process;
- Retrieves files, prepares files for digitization, and ensures quality control of digitized records of former FPS and former members of the CAF to provide these to the lead responsive department for the class action; and
- Performs informal privacy review on records of former members of the CAF from within LAC holdings prior to providing these records to DND.

During this reporting period, there were 36.2 full-time equivalents (FTEs) assigned to processing *Privacy Act* requests, which includes ATIP and Litigation Response Division staff, regional staff members and digitization staff.

## 1.4 Delegation order

For the purposes of the Act, the Minister of Canadian Heritage delegates his or her powers, authorities and responsibilities to the Librarian and Archivist of Canada. The Librarian and Archivist of Canada is accountable for developing, coordinating and implementing effective policies, guidelines, systems and procedures. This delegation order ensures that the Minister’s responsibilities under the Act are met and that information is processed and disclosed appropriately.

At LAC, the Librarian and Archivist of Canada delegates his or her powers, authorities and responsibilities to:

- The Director General, Public Services, and Chief Privacy Officer;
- The Director, ATIP and Litigation Response Division (temporary name change);



- The Manager, ATIP and Personnel Records, and ATIP Coordinator; and
- The ATIP Analysts in the Division.

The latest delegation order was issued by the Minister of Canadian Heritage to LAC in May 2016 and is available in Appendix A of this report.

## 1.5 Statistical report

Statistical reporting pertaining to the administration of the Act has been in place since 1983. The statistical reports prepared by government institutions provide aggregate data on the application of the Act. This information is made public on an annual basis and is included with the annual reports on ATIP tabled in Parliament by each institution. Because requests submitted via the formal route are subject to statutory timelines, the statistical report provides data related to compliance by institutions to the legislated time frames, subject to the Act. A comprehensive statistical report on the formal privacy requests processed by LAC in the 2018–2019 fiscal year is available in Appendix B of this report, and several segments are highlighted in the relevant sections.

LAC processes significantly more informal privacy requests (91.1% of requests received in 2018–2019) than formal requests. Information on the processing of informal privacy requests will also be described within the written report. The resources described in this report encompass the processing of both formal and informal privacy requests.

## 2. Interpretation of the Statistical Report for Requests Under the *Privacy Act*

### Part 1 – Requests under the *Privacy Act*

Each year, LAC receives a significant number of privacy requests from individuals seeking information about themselves in records held by LAC. There are three groupings of records within LAC: personnel files (military service files of former CAF members and dormant records of former FPS), GC archival records (archival records transferred to LAC by government institutions when they are no longer required for ongoing operational purposes), and LAC's own operational records that it has created.

LAC's management of the dormant military service files under its care and control, in accordance with Order in Council *P.C. 1971-1989* (September 21, 1971), represents a significant workload for the ATIP and Litigation Response Division. The majority (99.7%) of the privacy requests received by LAC are related to information found in the military personnel files of former members of the CAF. In recent years, there has been increased awareness of benefits and services offered to former CAF members, which may have contributed to the increasing volume of privacy requests on these records.

**Table 1: Types of records requested under the *Privacy Act***

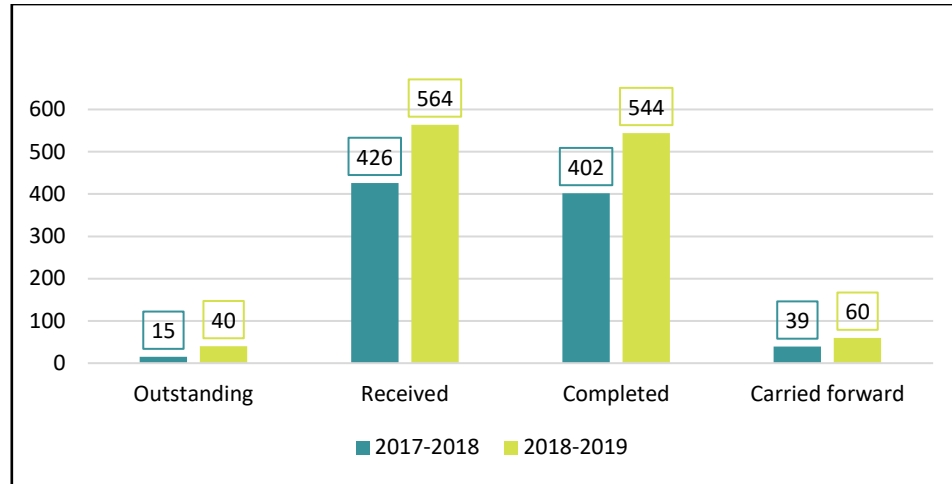
| Type of Record  | Type of Request | Requests Received | Requests Completed* |
|---|-----------------|-------------------|---------------------|
| Military and dormant records of federal public servants | Formal          | 547               | 525                 |
|   | Informal        | 5,796             | 5,706               |
|   | Total           | 6,343             | 6,231               |
| GC archival records                                     | Formal          | 10                | 11                  |
|   | Informal        | 1                 | 1                   |
|   | Total           | 11                | 12                  |
| LAC operational records                                 | Formal          | 7                 | 8                   |
|   | Informal        | 0                 | 0                   |
|   | Total           | 7                 | 8                   |
| Grand total (all types of records)                      | Formal          | 564               | 544                 |
|   | Informal        | 5,797             | 5,707               |
|   | Total           | 6,361             | 6,251               |

\*Some requests completed were carried over from the previous fiscal year.

### 1.1 Additional analysis of requests

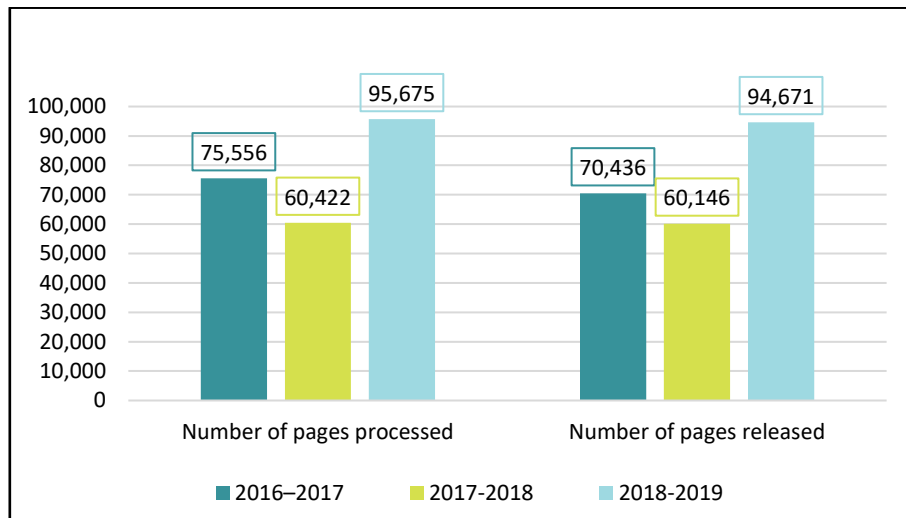
During this reporting period (April 1, 2018, to March 31, 2019), LAC received 564 new formal privacy requests. This represents a 32% increase over the previous fiscal year and continues the upward trend for formal privacy requests received by LAC in the last three years (427 received in 2017–2018, and 372 received in 2016–2017). The current 14 month response rate for new incoming non-urgent informal requests is a contributing factor in the increase in formal requests being received by LAC. During 2018–2019 LAC also completed 35% more formal privacy requests than in 2017–2018. The increase in output production has been achieved with LAC’s triage process improvements and an increase in FTEs assigned to processing *Privacy Act* requests. In 2018–2019 LAC had six (6) more FTEs (24 FTEs) than in 2017–2018 (18 FTEs).

**Figure 2: Formal privacy requests trends**



Due to the increase in formal privacy requests completed in 2018–2019, LAC processed 58% more pages and released 57% more pages than in 2017–2018.

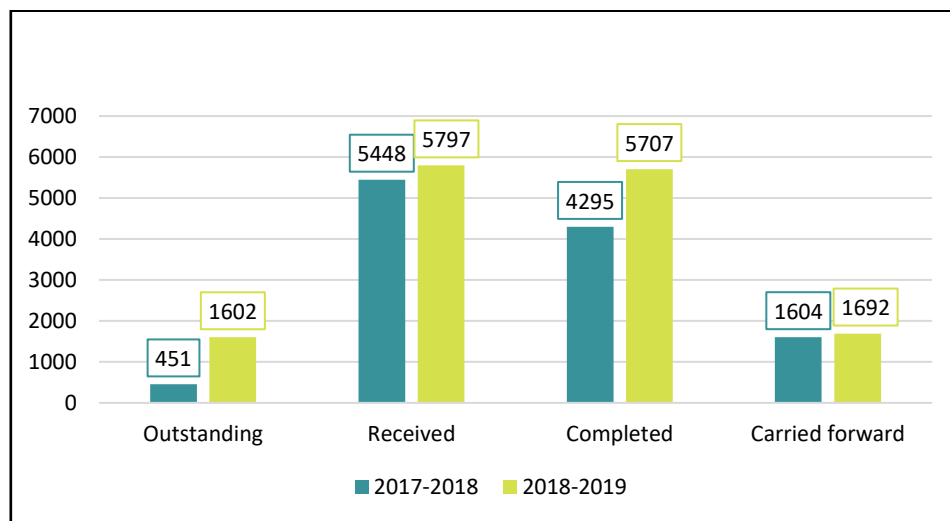
**Figure 3: Number of pages processed and released – formal privacy requests**



Formal privacy requests are processed within 30 calendar days from the receipt of the request, within the statutory requirements, unless an extension is required. Informal requests are not subject to the same statutory deadlines; however, LAC makes significant efforts to process informal privacy requests in a timely manner. All informal requests are reviewed at the time of registration and prioritized based on the clients’ needs. Urgent requests may include privacy requests for documentation to support CAF veterans’ medical or pension benefits, appointments with physicians, proof of service for employment, etc. In such urgent circumstances, LAC may implement an expedited process to respond to the requester as promptly as possible, and respond significantly faster than the legislated timelines for

formal requests while still maintaining the status of an informal request. Similar to the formal requests, there is also an increase in the number of new informal privacy requests received compared with last year.

**Figure 4: Informal privacy requests trends**



In 2018–2019, LAC responded to 5707 informal privacy requests (including the responses for the “LGBT Purge” Class Action), which represents 32.9% more requests completed than the previous year (4,295 informal privacy requests in 2017–2018). A significant portion of informal requests (61.8% or 3,863 requests) were completed in 1 to 60 days, and an additional 15.3% (959 requests) of informal requests were processed in 61 to 120 days. Fewer than 7.6% (472 requests) of informal requests were processed in 121 to 180 days, and 6.5% (409 requests) of informal requests took longer than 180 days to process. By comparison, in 2017–2018, LAC reported that less than 1% of informal requests were processed in between 121 and 180 days, and none took longer than 180 days to process. The increase in response time for informal privacy requests in 2018–2019 can be attributed to the increase in requests received by LAC (32% more formal privacy requests and 6.4% more informal privacy requests than in 2017–2018) as well as the increase in volume of pages being reviewed as a result (46,197 more pages reviewed than in 2017–2018).

Furthermore, class action lawsuits have contributed to the increased number of informal privacy requests received and processed. In 2018–2019, LAC received 38 requests through its regular request process where individuals self-identified as requiring records in preparation for the “LGBT Purge” class action lawsuit. As claimants for this class action are not required to self-identify, the exact number of requests received by LAC through its regular request process related to the class action cannot be confirmed.

As previously mentioned, LAC is responsible for undertaking the informal privacy review on the records of former CAF members in support of the GC’s response to the “LGBT Purge” Class Action. Between October 25, 2018, and March 31, 2019, LAC completed 167 requests, reviewing 49,053 pages as its part of the GC’s response. These figures are included in the section above, which encompasses all of the informal requests processed by LAC. This work continues into 2019–2020.

**Table 2: informal requests related to “LGBT Purge” Class Action**

| Requests Received | Requests Completed* | Pages reviewed | Pages released | Files Digitized | Pages Quality Controlled |
|-------------------|---------------------|----------------|----------------|-----------------|--------------------------|
| 186               | 167                 | 49,053         | 49,037         | 224             | 139,601                  |

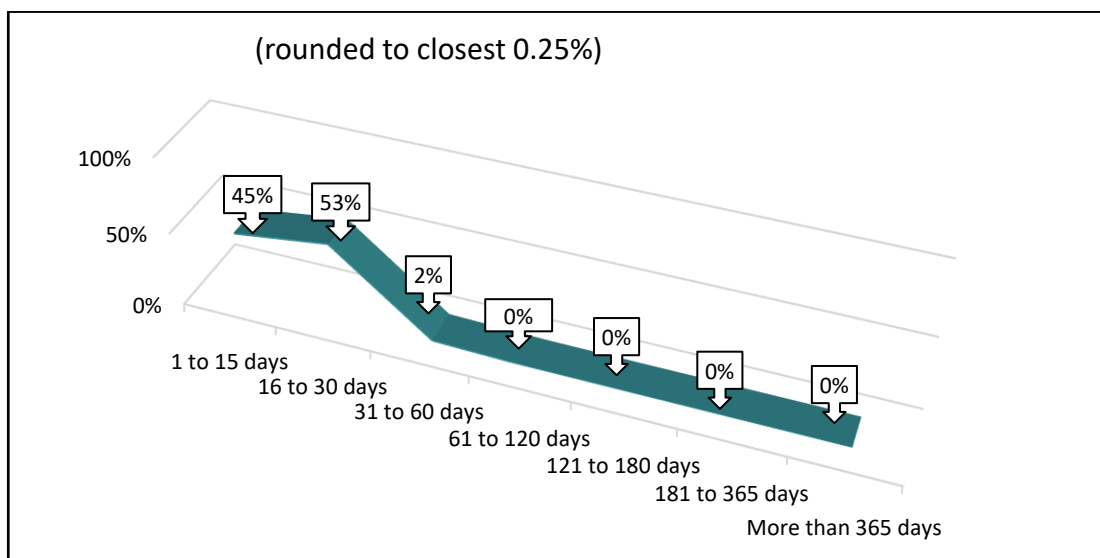
\*Note: 167 requests were completed for 117 claimants (due to the nature of the claims application process, there may be more than one request per person).

## Part 2 – Requests closed during the reporting period

### 2.1 Disposition and completion time

In 2018–2019, LAC closed 544 formal privacy requests. This reflects a 35.3% increase (402 formal requests completed in 2017–2018) and a continuing trend of increases (378 requests completed in 2016–2017).

**Figure 5: Formal privacy requests: number of days to complete**



Of the 544 formal requests completed in 2018–2019, LAC was able to disclose all or segments of the records in 84% (457 of 544) of requests. In the remaining 16% (87) of requests, the records did not exist, or the request was abandoned by the client prior to the preparation of the release package.

The following table provides an overview of the disposition of the completed requests.

**Table 3: Disclosure of records for completed formal requests**

| Formal Privacy Requests      | 2018-2019 | 2017-2018 | 2016-2017 |
|------------------------------|-----------|-----------|-----------|
| Fully disclosed              | 198 (36%) | 161 (40%) | 158 (42%) |
| Partially disclosed          | 259 (48%) | 191 (48%) | 166 (44%) |
| Exempted in entirety         | 0         | 0         | 0         |
| Excluded in entirety         | 0         | 0         | 0         |
| No existing records          | 33 (6%)   | 28 (7%)   | 31 (8%)   |
| Request abandoned            | 54 (10%)  | 22 (5%)   | 23 (6%)   |
| Neither confirmed nor denied | 0         | 0         | 0         |

Note: Percentages may not add up to 100 due to rounding.

## 2.2 Exemptions

During 2018–2019, LAC invoked exemptions under two sections of the Act (section 25 and section 26), and a total of 1,469 requests included exemptions. A significant portion of privacy requests completed by LAC pertain to personnel files of former CAF members, in which the records contain the personal information of other individuals (such as the social insurance numbers and dates of birth of family members), therefore section 26 (information about other individuals) applied in the majority of cases (1,468 requests). Section 25 (Safety of individual) applied in one case. Section 19 (personal information obtained in confidence), and section 21 (international affairs and defence) were applied in no instances.

## 2.3 Exclusions

The Act does not apply to personal information contained in certain materials (i.e., library material preserved for public reference purposes) and in Cabinet confidences. LAC has not invoked any exclusions for the last three fiscal years, including 2018–2019.

## 2.4 Format of information released for formal requests

LAC clients have the option of receiving records in either hard copy (paper) or digital format. In 290 cases, the response was provided in hard-copy format, and in 162 cases, applicants requested that it be provided in digital format (CD-ROM). In alignment with LAC’s priority to be at the forefront of new technologies, LAC will continue to modernize its services and increase the availability of digital content in the coming years. This will depend on possible investments in technology, infrastructure,

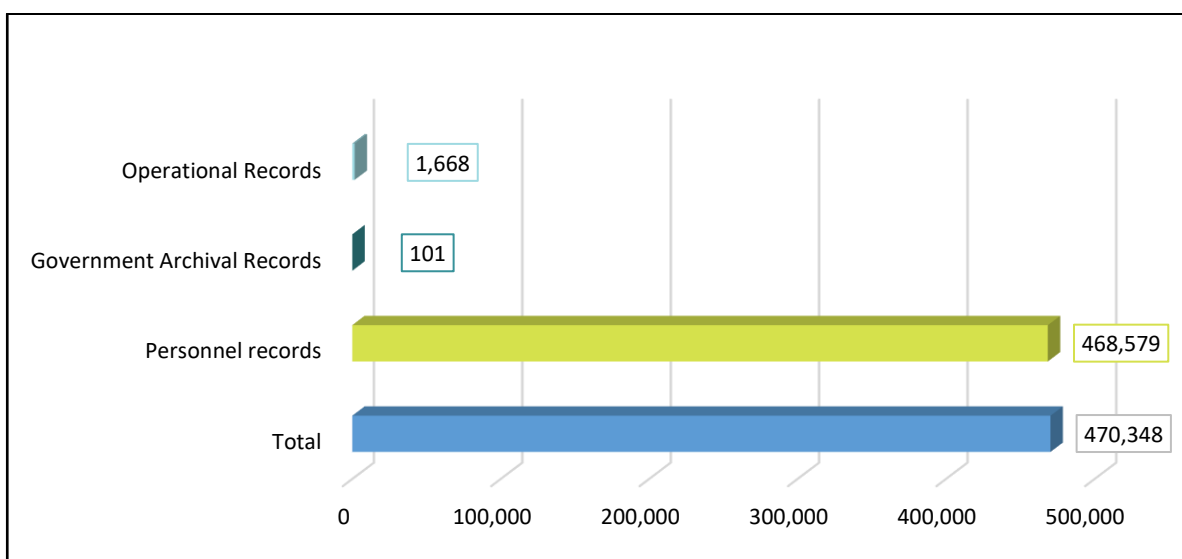
GC-wide initiatives (such as the ATIP online request portal), costs of service delivery and, ultimately, client preferences.

## 2.5 Complexity

### 2.5.1 Relevant pages processed and disclosed

In 2018–2019, LAC reviewed 470,348 pages of material in response to formal (95,675 pages) and informal (374,673 pages) privacy requests, which include the number of pages reviewed by the Litigation Response team. The majority (99.7%) of privacy requests received by LAC are for the military files of former members of the CAF. In general, the more recent military service files (post–Second World War) are more complex to review, as there are more pages within an individual’s file and they contain more detailed medical information. The following chart provides the total number of pages reviewed by type of record within LAC’s collections.

**Figure 6: Pages reviewed in 2018-2019 by type of record**



### 2.5.2 Relevant pages processed and disclosed by size of request

Of the 457 formal requests in which records were disclosed either partially or in full, a total of 94,671 pages were disclosed, of the 95,375 pages reviewed. In 59 of these requests, the disclosures ranged from 501 to 5,000 pages.

### 2.5.3 Other complexities

Complexities include requests in which:

- consultation is required (e.g., in the case of intelligence records where consultation with a foreign entity or country, or with multiple departments, may be required);
- legal advice must be sought; or
- information about more than one individual is found in the records (e.g., sometimes with medical or psychological records).

The number of complexities over the last three years was relatively consistent, based on the number of requests processed within the reporting period.

**Table 4: Number of other complexities identified per fiscal year**

| Fiscal year | Total number of complexities |
|-------------|------------------------------|
| 2018–2019   | 165                          |
| 2017–2018   | 182                          |
| 2016–2017   | 178                          |

## 2.6 Deemed refusals

### 2.6.1 Reasons for not meeting statutory deadline

Of the 544 formal requests completed this year, seven (7) requests were completed after the statutory deadline. An external consultation was required in no instances. The statutory deadline was missed because the files were with other departments for consistent use purposes, and therefore LAC did not have immediate access to the records.

## 2.7 Requests for translation

There were no requests for translations from English to French or from French to English in the 2018–2019 reporting year.

## **Part 3 – Disclosures under subsection 8(2) of the *Privacy Act* pertaining to privacy**

During 2018–2019, LAC disclosed information pertaining to privacy in accordance with subsection 8(2) of the Act in 307 instances. The most significant number of disclosures (187 disclosures) were in accordance with paragraph 8(2)(j), which provides access of information to any individual or body for the purposes of statistical or research purposes. 8(2)(j) may be invoked when an applicant requests records that contain personal information which would not normally be released under another type of request. With these types of releases, the researcher requires the personal information for their research however, agrees not to use that information in a manner that



would identify the individual to whom it relates. In order for disclosure to be provided under this section of the Act, the head of the institution must be satisfied that the research could not be completed without the disclosure, and the researcher must ensure that no subsequent disclosure would identify the individuals for whom information was collected.

LAC also released information in 66 instances in accordance with paragraph 8(2)(k) of the Act: information could be released to an individual or a body acting on behalf of an Indigenous community for the purpose of research and validating a land claim or grievance. What follows is a summary of all disclosures under subsection 8(2) of the Act.

**Table 5: Summary of disclosures under subsection 8(2) of the *Privacy Act***

| Subsection   | Number of Disclosures |
|--------------|-----------------------|
| s. 8(2)(a)   | 18                    |
| s. 8(2)(b)   | 0                     |
| s. 8(2)(c)   | 2                     |
| s. 8(2)(d)   | 14                    |
| s. 8(2)(e)   | 12                    |
| s. 8(2)(f)   | 6                     |
| s. 8(2)(g)   | 1                     |
| s. 8(2)(j)   | 188                   |
| s. 8(2)(k)   | 66                    |
| s. 8(2)(m)   | 0                     |
| <b>Total</b> | <b>307</b>            |

During the reporting period, LAC made no disclosures in accordance with paragraph 8(2)(m) of the Act, whereby the head of the institution is of the opinion that the disclosure of personal information is considered to be in the public interest.

## **Part 4 – Requests for correction and personal information and notations**

During 2018–2019, LAC received five (5) requests to correct personal information.

## **Part 5 – Extensions**

### **5.1 Reasons for extensions and disposition of requests**

In 2018–2019, zero (0) extensions were necessary as in no instances the request interfered with normal operations (i.e. contained a significant volume of records, and the volume exceeded the typical work of the unit).

## **Part 6 – Consultations received from other institutions and organizations**

### **6.1 Consultations received from other Government of Canada institutions and other organizations**

In 2018–2019, LAC received no requests for consultation from other institutions within the GC, nor from any other organizations.

### **6.2 Recommendations and completion time for consultations received from other Government of Canada institutions**

LAC received no requests for consultation from other Government of Canada institutions.

### **6.3 Recommendations and completion time for consultations received from other organizations**

Consistent with the figures from 2016–2017 and 2017–2018, LAC received no consultation requests from organizations outside the GC in 2018–2019.

## **Part 7 – Completion time of consultations on Cabinet confidences**

### **7.1 Requests with Legal Services**

LAC did not consult with Legal Services on Cabinet confidences in 2018–2019.

### **7.2 Requests with Privy Council Office**

LAC did not consult the Privy Council Office on Cabinet confidences in 2018–2019.

## **Part 8 – Complaints and investigation notices received**

In 2018–2019, the Office of the Privacy Commissioner undertook one (1) investigation concerning LAC release packages in accordance with section 31 of the Act.

One client submitted a complaint pursuant to a formal privacy request submitted to LAC. The request was refused by LAC, based on an exemption. LAC has made representations to the Office of the Privacy Commissioner. No actions have been taken as the investigation is ongoing.

## **Part 9 – Privacy impact assessments**

In 2018–2019, LAC developed formal templates and processes to assist with the development of privacy impact assessments (PIAs), and it continued its review and development of 12 PIAs on several new and revised programs. One (1) FTE in the Policy and Governance unit was dedicated to work on PIAs. During the fiscal year, LAC completed three new PIAs in accordance with TBS’s PIA requirements. In the coming fiscal year, LAC will publish the summaries on its website. The three PIAs are described below.

#### Documentary Heritage Communities Program (DHCP):

- In support of LAC’s mandate, the DHCP is a program that provides financial assistance to the Canadian documentary heritage community for activities that increase access to, and awareness of, Canada’s local documentary heritage institutions and their holdings; and to increase the capacity of local documentary heritage institutions to better sustain and preserve Canada’s documentary heritage.
- A Privacy Notice and personal information banks (PIBs) were developed for the program. The PIA concluded that the DHCP will fully comply with the GC’s privacy legislation and related policies upon implementation of the PIA’s recommendations.

#### Public events registration

- LAC’s public event registration process supports the management of events that connect the public with LAC’s collections, a key element of LAC’s mandate. LAC’s Marketing, Outreach and Promotion team develops and executes events, and it manages the attendee registration process through LAC’s events management tool.
- A Privacy Notice and PIBs were developed for the program. The PIA concluded that the public event registration process will fully comply with the GC’s privacy legislation and related policies upon implementation of the PIA’s recommendations.

#### Takedown policy

- The purpose of the Guideline on Administering Client-Initiated Takedown Requests is to outline the steps required for diligent and standardized receipt, assessment, and action in response to client-initiated takedown requests relating to content from LAC’s website or partner web channels.
- A Privacy Notice was revised, and PIBs were developed for the program. The PIA concluded that the guideline will fully comply with the GC’s privacy legislation and related policies upon implementation of the PIA’s recommendations.

## **Part 10 – Resources related to the *Privacy Act***

### **10.1 Costs**

During the past fiscal year, LAC’s costs related to the administration of the Act have grown in conjunction with its workload and in response to specifically funded initiatives.

The assumption of important initiatives that enable LAC to work in an increasingly digital environment have also added to these costs.

In 2018–2019, TBS approved \$6.2 million in funding for LAC’s work to support the GC settlement of the “LGBT Purge” Class Action and to fulfill its roles and responsibilities under Schedules “L” and “O” of the Final Settlement Agreement. This funding covers the expenses that LAC must incur for its response to this class action, such as the salary costs for the Litigation Response team and ATIP analyst reviewing the historical records, support services across LAC for this team, and other costs associated with the implementation of this initiative.

In addition to the work performed by staff in LAC’s ATIP and Litigation Response Division, it is important to highlight that staff from across the institution work to support the division.

Due to the significant increase in ATIP requests received by LAC in recent years, in 2017–2018, LAC undertook an extensive consultation to address and gain a better understanding of the impacts of this increase in volume across LAC’s various business areas.

In light of this information, LAC continues to identify efficiencies and make adjustments to respond to the maximum of requests with the resources it has, while also refining its mechanisms to accurately track and reflect the costs associated with the administration of the Act from across the institution.

In 2018–2019, LAC’s archivists, reference services, circulation, preservation, human resources, translation, web publishing, and security staff played key roles to ensure that:

- ATIP requests at LAC are responded to in a timely manner;
- Info Source and Annual Reports are translated and published; and
- Staffing was completed for the temporary Litigation Response Team.

In the 2017–2018 annual report, the costs reported by LAC included only those of the ATIP division and digitization associated with the administration of the Act. What follows are the comprehensive costs associated with the administration of the Act for 2018–2019.

**Table 6: Costs of administering the *Privacy Act*<sup>1</sup>**

| <b>Cost category</b>  | <b>Salary<sup>2</sup></b> | <b>Operations and maintenance</b> |
|---|---------------------------|-----------------------------------|
| ATIP and Litigation Response Division                             | \$1,083,794.79            | \$45,843.43                       |
| ATIP software licenses  |                           | \$45,088.30                       |
| ATIP Shipping   | \$27,882.26               | \$16,966.37                       |
| ATIP Transportation / travel                                      |                           | \$1,281.13                        |
| Litigation Response Team (National Capital Region and Winnipeg)   | \$708,384.13              | \$45,849.16                       |
| Digitization (internal or via PSPC for "LGBT Purge" Class Action) | \$228,380.00              | \$375,494.16                      |
| Regional staff  | \$21,709.37               |                                   |
| Other costs <sup>3</sup>  | \$130,188.27              | \$ 21,634.06                      |
| <b>Total<sup>4</sup></b>  | <b>\$2,200,338.82</b>     | <b>\$552,156.61</b>               |

- 1 The financial information presented in this table represents the most current data at the time of the production of this report.
- 2 The financial information presented in this table excludes costs for Employee Benefit Plans (EBPs) (20% of salary).
- 3 "Other costs" includes costs associated with the application of the Act related to services such as those provided by archivists, reference, circulation, preservation, security, translation and web publishing.
- 4 The variance in costs from those reported for 2017-2018 is mainly due to costs incurred by LAC in response to the "LGBT Purge" Class Action, including implementation costs.

## 10.2 Human resources

In 2018–2019, there were 36.2 FTEs in the ATIP and Litigation Response Division and across the institution performing work associated with the application of the Act, including 12.2 FTEs specifically dedicated to LAC's response to the "LGBT Purge" Class Action.

Over the course of the past fiscal year, LAC's ATIP and Litigation Response Division has experienced ongoing growth, implemented temporary organizational changes and adapted its human resources and reporting structure to diversify skill sets, streamline operations and effectively respond to its evolving business in ATIP. In the second quarter of 2018–2019, four (4) access archivists (HR-02) were added to assist the Division with work in Policy and Governance, Government and Archival Records, and Block Review. The Litigation Response team was formed in the third quarter of 2018–2019, which included ATIP analysts, clerical support, team leads and managers. Staff for this team are located in the National Capital Region and Winnipeg. In the fourth quarter of 2018–2019, the Division also added an access archivist (HR-03) to assist with projects being undertaken in Block Review.

Over the course of the fiscal year, LAC made a concerted effort to staff new and vacant positions at every level, including multiple positions in all of the following classifications: PM-06, PM-05, PM-04, PM-03, PM-01, AS-03, AS-02, AS-01, CR-04 and EC-04. As a result, LAC conducted large staffing processes, created pools of candidates, and used several hiring mechanisms, including the hiring of casual employees, a free agent, as well as determinate and indeterminate hiring. LAC's Human Resources team dedicated 0.6 FTEs to assist the ATIP and Litigation Response Division with these efforts. From April 1, 2018, to March 31, 2019, LAC's Human Resources team completed over 120 staffing actions, in a team where there are 54.3 FTEs.

## 3. Miscellaneous

### 3.1 Other requests

There were no other requests for the period from April 1, 2018, to March 31, 2019, relating to the Act.

### 3.2 Education and training

During the reporting period, several initiatives were undertaken to raise awareness of the roles and responsibilities of ATIP analysts and to train LAC employees on their specific responsibilities.

#### **Right to Know Day**

In September 2018, LAC participated in international [Right to Know Day](#), which aims to raise awareness of individuals' right to access government information, including personal information about themselves held by the government. For this event, LAC hosted an information booth at its public-oriented building at 395 Wellington Street in Ottawa to provide information to researchers and clients about access and privacy, and to share information on how to access LAC's vast collection of archival GC records. A second booth was set up at LAC's main offices in Gatineau, to provide LAC employees with more information about ATIP legislation. Internal messaging was sent to all LAC employees throughout Right to Know Week, and information about the event was shared with the public on LAC's website.

#### **Canadian Access and Privacy Association (CAPA) Conference 2018**

In November 2018, LAC's ATIP Coordinator gave a presentation on the Proactive Opening of Government of Canada Archival Records Under Block Review at the CAPA Conference, an annual conference on access and privacy issues in Canada held in Ottawa. There were also 18 staff members from LAC's ATIP and Litigation Response Division who attended the one-day conference.

#### **Training for LAC's response to the "LGBT Purge" Class Action**

In conjunction with LAC's engagement in supporting the GC's settlement for the "LGBT Purge" Class Action lawsuit, LAC staff participated in a number of training and LGBTQ2+ awareness

activities this past fiscal year. Several training sessions were organized by DND for the Litigation Response team on ATIP processes, systems and vicarious trauma. There were 17 staff members who participated in this training, which was specifically organized to support them in understanding the tools and techniques available to them to deal with potentially disturbing images, reports and testimonies they could encounter during their day-to-day tasks in reviewing files, speaking with applicants and interacting within the team.

In addition to these training sessions, LAC held film screenings of *The Fruit Machine* and *Ti-Gars* in January 2019, with 25 ATIP and Litigation Response Division staff members in attendance. In March 2019, LAC hosted guest speaker Amanda Jetté Knox. Knox's talk entitled "Leading with Love: One Family's Journey through Transition" was attended by 75 LAC staff members.

### **Directed training and mentoring**

Internal training and mentoring efforts at LAC were significant this year because of the need to develop employees who were new at LAC as well as new to ATIP. The guidance provided by experienced LAC ATIP analysts is important in the successful processing of new incoming requests. A new peer-review process was introduced in ATIP this fiscal year to support new analysts.

In 2018–2019, new staff in the ATIP and Litigation Response Division completed the following training:

- CSPS Access to Information and Privacy Fundamentals (I015)—24 participants;
- CSPS Access to Information in the Government of Canada (I701)—24 participants; and
- CSPS Privacy in the Government of Canada (I702)—20 participants.

The Division also organized a series of "101" sessions for new employees, specifically about LAC and how the Division is an integral part of client access to restricted GC archival material. Topics included genealogy, references services, acquisition of GC archival records, preservation and conservation. These orientation sessions are repeated annually for new employees.

In 2018–2019, LAC's ATIP Division provided presentations to raise awareness about its work to 170 LAC staff members, more than 100 LAC managers and stakeholders, and more than 695 members of the public (including members of the ATIP and archival communities in Canada). These presentations covered topics such as proactive opening of GC records through Block Review, Indigenous claims research, working with classified digital archival records, and other projects currently being undertaken by the Division.

### 3.3 Significant changes to organization, programs, operations or policy

Over the course of the past fiscal year, LAC’s ATIP and Litigation Response Division has implemented temporary organizational changes, adapted its operations, and strengthened its policies and procedures to effectively respond to its evolving business, increased volume, and specifically funded activities such as LAC’s response to the “LGBT Purge” Class Action.

#### Temporary organizational changes

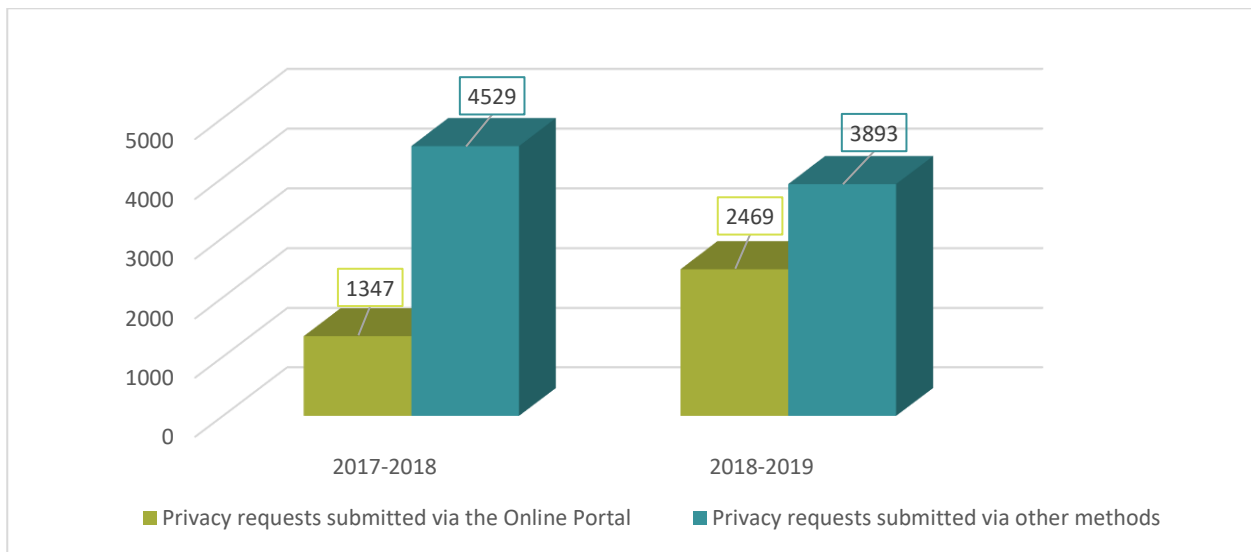
In the third quarter of the fiscal year, LAC temporarily added a Litigation Response team to its ATIP Division to respond to immediate needs, and to meet its roles and responsibilities related to the “LGBT Purge” Class Action. To continue to ensure the effective delivery of public services, LAC’s Regional Services team, which is part of the same Division, has temporarily joined the Reference Services Division. To reflect these changes, the Regional Services and ATIP Division has temporarily been renamed the ATIP and Litigation Response Division.

#### Operations

During the past fiscal year, LAC has continued its efforts to improve its business processes and increase public access in alignment with the GC’s initiative and directives on [Proactive Disclosure](#) and [Open Government](#) and in preparation for proposed changes introduced by Bill C-58.

The capacity to work in an increasingly digital environment is integral to LAC’s current business needs and ability to provide access. LAC encourages its clients to submit ATIP requests electronically through its [online portal](#). In 2018–2019, LAC received 5,304 informal requests and 1,231 formal requests through its online ATIP request portal, a total of 6,535 requests. Privacy requests made up approximately 37.8% (2,469) of requests received online.

**Figure 7: Privacy request submitted online**





During the fiscal year, LAC made changes to receive ATIP correspondence by email and improve its online request forms based on client feedback. Using the LAC ATIP Online Request service is a faster, easier and more convenient way for LAC's clients to submit privacy requests. LAC has also implemented a completely digital workflow for the work being undertaken by the Litigation Response team, which includes digitizing requested records at the beginning of the processing of a request. These efforts enable LAC to work more effectively, and they streamline the processing of requests.

While LAC is actively working to make its processes more streamlined and efficient, the number and complexity of the requests it receives continue to increase. Considering that formal and most urgent informal requests are given priority, the queue of outstanding non-urgent informal requests has increased from one year to the next. Any increase to the volume of requests received by LAC affects its ability to process requests, and it has an impact on all supporting business areas. In 2018–2019, LAC received 32% more formal privacy requests and 6.4% more informal privacy requests than in 2017–2018. On March 31, 2019, the response rate for new incoming non-urgent informal ATIP requests was 14 months, as approximately 6,244 of these requests were in the queue. In 2018–2019, one (1) FTE was dedicated to responding to status requests alone. Clients faced with a long waiting period for a response to their informal request may, as a result, choose to submit a formal request in order to receive their response in the legislated time frame. In 2017–2018, LAC reported that 0% (0) of informal requests received took longer than 180 days to process, whereas in 2018–2019, 6.5% (409) of informal requests took longer than 180 days to process. LAC is in the process of identifying various options and the resources needed to eliminate the outstanding queue of informal privacy requests and considerably reduce the current wait time. At the same time, LAC continues to process a growing number of formal privacy requests within the legislated time frame, and urgent informal privacy requests in the current expedited manner.

### **Policy**

The addition of a Policy and Governance unit to LAC's ATIP team at the end of March 2017 has enabled LAC to accomplish significant work to strengthen its policies and procedures, and to meet the requirements and directives of TBS and the Office of the Privacy Commissioner. During the past fiscal year, the Policy and Governance unit has revised LAC's *Info Source* chapter, and developed templates and processes for privacy notices, personal information banks, classes of records and privacy impact assessments. In addition, the Policy and Governance unit worked on ATIP workflows, drafted the annual reports to Parliament, and continued its oversight of LAC's reporting via the [Open Data](#) portal.

To comply with the new requirements under the Directive on Personal Information Requests and Correction of Personal Information effective October 1, 2018, LAC developed standardized responses explaining the reasons for delays to requesters when extensions are required. LAC will also make slight changes to its tracking and reporting methods to include the number of written explanations and reasons provided for the delays in its annual report to Parliament as required for the 2019–2020 reporting period.

### **ATIP legislation renewal process**

LAC is also an active member in a number of interdepartmental working groups focused on making recommendations on improving the *Access to Information Act* and *Privacy Act*. In the 2018–2019 fiscal year, this included participation in discussions led by the Department of Justice Canada to establish a new Privacy Framework for the GC.

## **3.4 Overview of new or revised *Privacy Act*–related policies and procedures implemented**

### **Human Resources Multi-Institutional Disposition Authority (MIDA) (98/005)**

Effective April 1, 2018, [MIDA \(98/005\)](#) was revoked, which ended the transfer of dormant records of FPS to LAC. New disposition authorizations have been issued, which provide GC institutions with the authority to dispose of their human resources records at the end of their respective retention periods. Files that are currently stored at LAC (in Winnipeg) are being managed until the end of their predetermined retention period. This change in policy is aligned with LAC’s mandate to only acquire, preserve and store archival records.

### **Privacy incidents and privacy breaches**

Effective April 1, 2018, LAC implemented Procedures for Responding to Privacy Incidents and Privacy Breaches. The updated procedures provide LAC staff, stakeholders, partners, contractors and other LAC representatives, with guidance regarding the differentiation, identification, remediation and reporting of privacy incidents, privacy breaches and material privacy breaches, and their respective roles and responsibilities. The procedures apply to all programs and activities of LAC involving the collection, retention, use, disclosure and disposition of personal information. They are in alignment with LAC’s Policy on Privacy Management and in accordance with the Act.

### **Triage procedures**

A revision of ATIP triage procedures in the third quarter of 2017–2018 has enabled LAC to more accurately identify the urgency of new incoming informal privacy requests to help prioritize them. If informed by the requester that their information is needed urgently or within a short time frame (e.g., needed very quickly to provide medical or social benefits), LAC may implement an expedited process to respond to the requester as promptly as possible, while still maintaining the status of an informal request.

### **Digitization**

In the fourth quarter of 2017–2018, LAC began a pilot project to test different methods and processes for digitizing military service files stored in Winnipeg in order to gauge capacity, infrastructure and processes, to inform future opportunities for efficiencies. Through this project, LAC piloted a one-touch approach for retrieving and digitizing files, which reduced the number of staff required to handle the files to process the requests. The procedures developed through this project now provide LAC with the ability to respond more effectively to extremely time-sensitive urgent requests (e.g., burial/funeral requests, medical appointments). While LAC does not currently have the capacity in

staff and equipment resources to digitize the military services files on site in Winnipeg for all urgent requests, the information gathered through this pilot project will inform future planning for infrastructure needs and workflows around requests for personnel records.

During the past fiscal year, these two initiatives have positively impacted ATIP personnel record processes. They have enabled staff to deal with urgent requests within a timely fashion, which enables LAC to better serve Canadians. They have also helped with the implementation of the Litigation Response team's digital workflow, which includes scanning files in Winnipeg and being able to identify and prioritize requests so they are completed within the prescribed time frames of the "LGBT Purge" Class Action Final Settlement Agreement.

### **Service standards and procedures for Litigation Response team**

To respond to the "LGBT Purge" in accordance with the timelines established in the Final Settlement Agreement, LAC had to establish an entirely new workflow and processes, analogue and digital, end-to-end. LAC worked in concert with its partners at DND to develop service standards that would allow files to be processed and returned to the litigators (Deloitte) within the established time frame of the "LGBT Purge" Class Action settlement. LAC worked closely with DND and TBS to establish and implement standard operating procedures for the systems being used by the Litigation Response team, and to ensure the effective transfer of files between institutions in a timely manner across multiple platforms. LAC also established a workload with PSPC digitization services in Winnipeg for the digitization of files.

## **3.5 Privacy breaches**

In 2018–2019, LAC had no privacy breaches.

## **3.6 Monitoring**

LAC monitors the time invested in processing privacy requests through the specialized ATIP software Access Pro Case Management from CSDS Systems Inc. This software enables LAC to track all request-related activities (e.g., time management, correspondence, consultations and fees) and allows each activity to be reported with specific timelines. A system feature called the "Dashboard" also provides system users, supervisors and managers with information about various data fields. The Dashboard is reviewed monthly by the Systems Specialist in the ATIP and Litigation Response Division to ensure accuracy of reporting, including monthly, quarterly and annual statistical reports. The Systems Specialist also produces a number of ad hoc reports throughout the year to help keep LAC's management informed.

The "dashboard" is one tool pertaining to monitoring and compliance; however, LAC has designed several tools and reporting mechanisms to review progress and level of completion of requests. Data fields available for review include the number of requests and request actions that are due within a

specific period. Other features, such as system-designed reports and search-builders, allow users, managers and the system administrator to track all active and closed requests for accuracy, completeness and compliance with regard to regulations, policies and procedures.

If an irregularity is identified in the data reported, this will be brought to the attention of section supervisors. Depending on the severity of the irregularity identified, the case may be brought to the attention of the ATIP Coordinator, Director, Chief Privacy Officer, other senior executives, or the Librarian and Archivist of Canada.

### 3.7 Information holdings

*Sources of Federal Government and Employee Information (Info Source)* is a series of bulletins containing information about, and collected by, the Government of Canada. The primary purpose of *Info Source* is to assist individuals in exercising their rights under the Act. *Info Source* also supports the federal government's commitment to facilitate access to information regarding its activities.

A description of LAC's functions, programs, activities and related information holdings can be found in [\*Sources of Federal Government and Employee Information 2018\*](#).

To improve service delivery and reduce the technical burdens for the requesters who chose to submit their request online, the Public Services Branch at LAC has updated its program-related information available online, including *Info Source*. All *Info Source* publications are available online free of charge.

Additional copies of this report are available upon request:

**Access to Information and Privacy Coordinator**

Library and Archives Canada  
395 Wellington Street  
Ottawa, Ontario K1A 0N4

## 4. Appendices

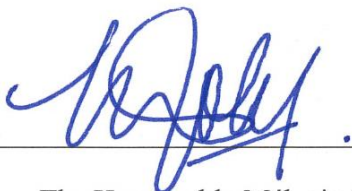
### Appendix A: Delegation Order – *Privacy Act*

#### DELEGATION ORDER

##### Access to Information Act and Privacy Act

Pursuant to Section 73 of the *Access to Information Act* and the *Privacy Act*, I, as head of Library and Archives Canada, hereby designate the persons holding the positions set out in the schedule hereto, or persons occupying on an acting basis those positions, to exercise my powers and functions under these Acts specified opposite each position.

This Delegation Order supersedes all previous  
*Access to Information Act* and *Privacy Act* Delegation Orders.



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The Honourable Mélanie Joly  
Minister of Canadian Heritage  
MAY 26 2016

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Date

**Powers and functions delegated pursuant to Section 73 of the *Access to Information Act* and the *Access to Information Regulations***

| Delegation                              |   | Position |     |     |     |    |    |
|---|---|----------|-----|-----|-----|----|----|
|   |   | LAC      | DGS | DIR | MAI | A1 | A2 |
| Section                                 | Description   | 1        | 2   | 3   | 4   | 5  | 6  |
| <b><i>Access to Information Act</i></b> |   |          |     |     |     |    |    |
| 4(2.1)                                  | Responsibility of government institutions   | x        | x   | x   | x   | x  | x  |
| 7(a)                                    | Notice where access requested   | x        | x   | x   | x   | x  | x  |
| 7(b)                                    | Giving access to record   | x        | x   | x   | x   | x  | x  |
| 8(1)                                    | Transfer of request to another government institution   | x        | x   | x   | x   | x  | x  |
| 9                                       | Extension of time limits  | x        | x   | x   | x   | x  | x  |
| 11(2), (3), (4), (5), (6)               | Additional fees   | x        | x   |     | x   | x  | x  |
| 12(2)(b)                                | Language of access  | x        | x   | x   | x   |    |    |
| 12(3)(b)                                | Access in an alternative format   | x        | x   | x   | x   |    |    |
| 13                                      | Exemption - Information obtained in confidence  | x        | x   | x   | x   | x  | x  |
| 14                                      | Exemption - Federal-provincial affairs  | x        | x   | x   | x   | x  | x  |
| 15                                      | Exemption - International affairs and defence   | x        | x   | x   | x   | x  | x  |
| 16                                      | Exemption - Law enforcement and investigation   | x        | x   | x   | x   | x  | x  |
| 16.5                                    | Exemption - <i>Public Servants Disclosure Protection Act</i>  | x        | x   | x   | x   | x  | x  |
| 17                                      | Exemption - Safety of individuals   | x        | x   | x   | x   | x  | x  |
| 18                                      | Exemption - Economic interests of Canada  | x        | x   | x   | x   | x  | x  |
| 18.1                                    | Exemption - Economic interests of the Canada Post Corporation, Export Development Canada, the Public Sector Pension Investment Board and VIA Rail Canada Inc. | x        | x   | x   | x   | x  | x  |
| 19                                      | Exemption - Personal information  | x        | x   | x   | x   | x  | x  |
| 20                                      | Exemption - Third party information   | x        | x   | x   | x   | x  | x  |
| 21                                      | Exemption - Operations of Government  | x        | x   | x   | x   | x  | x  |
| 22                                      | Exemption - Testing procedures, tests and audits  | x        | x   | x   | x   | x  | x  |
| 22.1                                    | Exemption - Audit working papers and draft audit reports  | x        | x   | x   | x   | x  | x  |
| 23                                      | Exemption - Solicitor-client privilege  | x        | x   | x   | x   | x  | x  |
| 24                                      | Exemption - Statutory prohibitions  | x        | x   | x   | x   | x  | x  |



| Delegation                       |   | Position |     |     |     |    |    |
|----------------------------------|---|----------|-----|-----|-----|----|----|
|                                  |   | LAC      | DGS | DIR | MAI | A1 | A2 |
| Section                          | Description   | 1        | 2   | 3   | 4   | 5  | 6  |
| <i>Access to Information Act</i> |   |          |     |     |     |    |    |
| 25                               | Severability  | x        | x   | x   | x   | x  | x  |
| 26                               | Exemption - Information to be published                           | x        | x   | x   | x   | x  | x  |
| 27(1), (4)                       | Third-party notification  | x        | x   | x   | x   | x  | x  |
| 28(1)(b), (2), (4)               | Third-party notification  | x        | x   | x   | x   | x  | x  |
| 29(1)                            | Where the Information Commissioner recommends disclosure          | x        | x   | x   | x   | x  | x  |
| 33                               | Advising Information Commissioner of third-party involvement      | x        | x   | x   | x   | x  | x  |
| 35(2)(b)                         | Right to make representations                                     | x        | x   | x   | x   | x  | x  |
| 37(4)                            | Access to be given to complainant                                 | x        | x   | x   | x   | x  | x  |
| 43(1)                            | Notice to third-party (application to Federal Court for review)   | x        | x   | x   | x   | x  | x  |
| 44(2)                            | Notice to applicant (application to Federal Court by third-party) | x        | x   | x   | x   | x  | x  |
| 52(2)(b), (3)                    | Special rules for hearings  | x        | x   | x   | x   | x  | x  |
| 71(1)                            | Facilities for inspection of manuals                              | x        | x   | x   | x   | x  | x  |
| 72                               | Annual report to Parliament                                       | x        | x   | x   | x   | x  | x  |

| Delegation                               |                                  | Position |     |     |     |    |    |
|--|----------------------------------|----------|-----|-----|-----|----|----|
|  |                                  | LAC      | DGS | DIR | MAI | A1 | A2 |
| Section                                  | Description                      | 1        | 2   | 3   | 4   | 5  | 6  |
| <i>Access to Information Regulations</i> |                                  |          |     |     |     |    |    |
| 6(1)                                     | Transfer of request              | x        | x   | x   | x   |    |    |
| 7(2)                                     | Search and preparation fees      | x        | x   | x   | x   |    |    |
| 7(3)                                     | Production and programming fees  | x        | x   | x   | x   |    |    |
| 8  | Providing access to record(s)    | x        | x   | x   | x   |    |    |
| 8.1                                      | Limitations in respect of format | x        | x   | x   | x   |    |    |

**Legend:**

LAC Librarian and Archivist of Canada

DGS Director General, Services

DIR Director, Regional Services and ATIP

MAI Manager, Access to Information and Privacy Division, PM-06

A1 Senior Analyst, Access to Information and Privacy Division, PM-05, PM-04

A2 Personnel Records Analyst, Access to Information and Privacy Division, PM-03



**Powers and functions delegated pursuant to Section 73 of the *Privacy Act* and *Privacy Regulations***

| Delegation                |  | Position |     |     |     |    |    |
|---------------------------|--|----------|-----|-----|-----|----|----|
|                           |  | LAC      | DGS | DIR | MAI | A1 | A2 |
| Section                   | Description  | 1        | 2   | 3   | 4   | 5  | 6  |
| <b><i>Privacy Act</i></b> |  |          |     |     |     |    |    |
| 8(2)(j)                   | Disclosure for research purposes                                       | x        | x   | x   | x   |    |    |
| 8(2)(m)                   | Disclosure in the public interest or in the interest of the individual | x        | x   | x   | x   |    |    |
| 8(4)                      | Copies of requests under 8(2)(e) to be retained                        | x        | x   | x   | x   | x  | x  |
| 8(5)                      | Notice of disclosure under 8(2)(m)                                     | x        | x   | x   | x   | x  | x  |
| 9(1)                      | Record of disclosures to be retained                                   | x        | x   | x   | x   | x  | x  |
| 9(4)                      | Consistent uses  | x        | x   | x   | x   | x  | x  |
| 10                        | Personal information to be included in personal information banks      | x        | x   | x   | x   | x  | x  |
| 14                        | Notice where access requested  | x        | x   | x   | x   | x  | x  |
| 15                        | Extension of time limits   | x        | x   | x   | x   | x  | x  |
| 17(2)(b)                  | Language of access   | x        | x   | x   | x   |    |    |
| 17(3)(b)                  | Access to personal information in alternative format                   | x        | x   | x   | x   | x  | x  |
| 18(2)                     | Exemption (exempt bank) - Disclosure may be refused                    | x        | x   | x   | x   | x  | x  |
| 19(1)                     | Exemption - Personal information obtained in confidence                | x        | x   | x   | x   | x  | x  |
| 19(2)                     | Exemption - Where authorized to disclose                               | x        | x   | x   | x   | x  | x  |
| 20                        | Exemption - Federal-provincial affairs                                 | x        | x   | x   | x   | x  | x  |
| 21                        | Exemption - International affairs and defence                          | x        | x   | x   | x   | x  | x  |
| 22                        | Exemption - Law enforcement and investigation                          | x        | x   | x   | x   | x  | x  |
| 22.3                      | Exemption - <i>Public Servants Disclosure Protection Act</i>           | x        | x   | x   | x   | x  | x  |
| 23                        | Exemption - Security clearances  | x        | x   | x   | x   | x  | x  |
| 24                        | Exemption - Individuals sentenced for an offence                       | x        | x   | x   | x   | x  | x  |
| 25                        | Exemption - Safety of individuals                                      | x        | x   | x   | x   | x  | x  |
| 26                        | Exemption - Information about another individual                       | x        | x   | x   | x   | x  | x  |
| 27                        | Exemption - Solicitor-client privilege                                 | x        | x   | x   | x   | x  | x  |
| 28                        | Exemption - Medical record   | x        | x   | x   | x   | x  | x  |
| 31                        | Notice of intention to investigate                                     | x        | x   | x   | x   | x  | x  |

| Delegation         |   | Position |     |     |     |    |    |
|--------------------|---|----------|-----|-----|-----|----|----|
|                    |   | LAC      | DGS | DIR | MAI | A1 | A2 |
| Section            | Description   | 1        | 2   | 3   | 4   | 5  | 6  |
| <i>Privacy Act</i> |   |          |     |     |     |    |    |
| 33(2)              | Right to make representation                                      | x        | x   | x   | x   | x  | x  |
| 35(1)              | Findings and recommendations of Privacy Commissioner (complaints) | x        | x   | x   | x   | x  | x  |
| 35(4)              | Access to be given  | x        | x   | x   | x   | x  | x  |
| 36(3)              | Report of findings and recommendations (exempt banks)             | x        | x   | x   | x   | x  | x  |
| 37(3)              | Report of findings and recommendations (compliance review)        | x        | x   | x   | x   | x  | x  |
| 51(2)(b)           | Special rules for hearings  | x        | x   | x   | x   |    |    |
| 51(3)              | Ex parte representations  | x        | x   | x   | x   |    |    |
| 72(1)              | Report to Parliament  | x        | x   | x   | x   | x  | x  |

| Delegation                 |  | Position |     |     |     |    |    |
|----------------------------|--|----------|-----|-----|-----|----|----|
|                            |  | LAC      | DGS | DIR | MAI | A1 | A2 |
| Section                    | Description  | 1        | 2   | 3   | 4   | 5  | 6  |
| <i>Privacy Regulations</i> |  |          |     |     |     |    |    |
| 9                          | Reasonable facilities and time provided to examine personal information  | x        | x   | x   | x   |    |    |
| 11(2)                      | Notification that correction to personal information has been made   | x        | x   | x   | x   |    |    |
| 11(4)                      | Notification that correction to personal information has been refused  | x        | x   | x   | x   |    |    |
| 13(1)                      | Disclosure of personal information relating to physical or mental health may be made to a qualified medical practitioner or psychologist for an opinion on whether to release information to the requestor | x        | x   | x   | x   |    |    |
| 14                         | Disclosure of personal information relating to physical or mental health may be made to a requestor in the presence of a qualified medical practitioner or psychologist                                    | x        | x   | x   | x   |    |    |

**Legend:**

- LAC Librarian and Archivist of Canada
- DGS Director General of Services
- DIR Director
- MAI Manager, Access to Information and Privacy Division, PM-06
- A1 Senior Analyst, Access to Information and Privacy Division, PM-05, PM-04
- A2 Analyst, Access to Information and Privacy Division, PM-03

## Appendix B: Statistical Report on the *Privacy Act*



Government of Canada / Gouvernement du Canada

### Statistical Report on the *Privacy Act*

Name of institution: Library and Archives Canada

Reporting period: 2018-04-01 to 2019-03-31

#### Part 1: Requests Under the *Privacy Act*

|  | Number of Requests |
|--|--------------------|
| Received during reporting period           | 564                |
| Outstanding from previous reporting period | 40                 |
| <b>Total</b>                               | <b>604</b>         |
| Closed during reporting period             | 544                |
| Carried over to next reporting period      | 60                 |

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

##### 2.1 Disposition and completion time

| Disposition of Requests      | Completion Time |               |               |                |                 |                 |                    | Total      |
|------------------------------|-----------------|---------------|---------------|----------------|-----------------|-----------------|--------------------|------------|
|                              | 1 to 15 Days    | 16 to 30 Days | 31 to 60 Days | 61 to 120 Days | 121 to 180 Days | 181 to 365 Days | More Than 365 Days |            |
| All disclosed                | 121             | 76            | 1             | 0              | 0               | 0               | 0                  | 198        |
| Disclosed in part            | 56              | 196           | 7             | 0              | 0               | 0               | 0                  | 259        |
| All exempted                 | 0               | 0             | 0             | 0              | 0               | 0               | 0                  | 0          |
| All excluded                 | 0               | 0             | 0             | 0              | 0               | 0               | 0                  | 0          |
| No records exist             | 26              | 6             | 1             | 0              | 0               | 0               | 0                  | 33         |
| Request abandoned            | 41              | 11            | 1             | 1              | 0               | 0               | 0                  | 54         |
| Neither confirmed nor denied | 0               | 0             | 0             | 0              | 0               | 0               | 0                  | 0          |
| <b>Total</b>                 | <b>244</b>      | <b>289</b>    | <b>10</b>     | <b>1</b>       | <b>0</b>        | <b>0</b>        | <b>0</b>           | <b>544</b> |

## 2.2 Exemptions

| Section  | Number of Requests | Section       | Number of Requests | Section | Number of Requests |
|----------|--------------------|---------------|--------------------|---------|--------------------|
| 18(2)    | 0                  | 22(1)(a)(i)   | 0                  | 23(a)   | 0                  |
| 19(1)(a) | 0                  | 22(1)(a)(ii)  | 0                  | 23(b)   | 0                  |
| 19(1)(b) | 0                  | 22(1)(a)(iii) | 0                  | 24(a)   | 0                  |
| 19(1)(c) | 0                  | 22(1)(b)      | 0                  | 24(b)   | 0                  |
| 19(1)(d) | 0                  | 22(1)(c)      | 0                  | 25      | 0                  |
| 19(1)(e) | 0                  | 22(2)         | 0                  | 26      | 263                |
| 19(1)(f) | 0                  | 22.1          | 0                  | 27      | 0                  |
| 20       | 0                  | 22.2          | 0                  | 28      | 0                  |
| 21       | 0                  | 22.3          | 0                  |         |                    |

## 2.3 Exclusions

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

## 2.4 Format of information released

| Disposition       | Paper      | Electronic | Other formats |
|-------------------|------------|------------|---------------|
| All disclosed     | 181        | 16         | 1             |
| Disclosed in part | 109        | 150        | 0             |
| <b>Total</b>      | <b>290</b> | <b>166</b> | <b>1</b>      |

## 2.5 Complexity

### 2.5.1 Relevant pages processed and disclosed

| Disposition of Requests      | Number of Pages Processed | Number of Pages Disclosed | Number of Requests |
|------------------------------|---------------------------|---------------------------|--------------------|
| All disclosed                | 4,774                     | 4,774                     | 198                |
| Disclosed in part            | 90,601                    | 89,897                    | 259                |
| All exempted                 | 0                         | 0                         | 0                  |
| All excluded                 | 0                         | 0                         | 0                  |
| Request abandoned            | 300                       | 0                         | 54                 |
| Neither confirmed nor denied | 0                         | 0                         | 0                  |
| <b>Total</b>                 | <b>95675</b>              | <b>94671</b>              | <b>511</b>         |

## 2.5.2 Relevant pages processed and disclosed by size of requests

| Disposition                  | Less Than 100 Pages Processed |                 | 101-500 Pages Processed |                 | 501-1,000 Pages Processed |                 | 1,001-5,000 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 |
| All disclosed                | 191                           | 3,146           | 6                       | 1,006           | 1                         | 622             | 0                           | 0               | 0                               | 0               |
| Disclosed in part            | 79                            | 3,051           | 122                     | 33,743          | 37                        | 27,453          | 21                          | 25,650          | 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            | 53                            | 0               | 1                       | 0               | 0                         | 0               | 0                           | 0               | 0                               | 0               |
| Neither confirmed nor denied | 0                             | 0               | 0                       | 0               | 0                         | 0               | 0                           | 0               | 0                               | 0               |
| <b>Total</b>                 | <b>323</b>                    | <b>6,197</b>    | <b>129</b>              | <b>34,749</b>   | <b>38</b>                 | <b>28,075</b>   | <b>21</b>                   | <b>25,650</b>   | <b>0</b>                        | <b>0</b>        |

## 2.5.3 Other complexities

| Disposition                  | Consultation Required | Legal Advice Sought | Interwoven Information | Other      | Total      |
|------------------------------|-----------------------|---------------------|------------------------|------------|------------|
| All disclosed                | 0                     | 0                   | 0                      | 120        | 120        |
| Disclosed in part            | 0                     | 0                   | 0                      | 43         | 43         |
| All exempted                 | 0                     | 0                   | 0                      | 0          | 0          |
| All excluded                 | 0                     | 0                   | 0                      | 0          | 0          |
| Request abandoned            | 0                     | 0                   | 0                      | 2          | 2          |
| Neither confirmed nor denied | 0                     | 0                   | 0                      | 0          | 0          |
| <b>Total</b>                 | <b>0</b>              | <b>0</b>            | <b>0</b>               | <b>165</b> | <b>165</b> |

## 2.6 Deemed refusals

### 2.6.1 Reasons for not meeting statutory deadline

| Number of Requests Closed Past the Statutory Deadline | Principal Reason |                       |                       |       |
|---|------------------|-----------------------|-----------------------|-------|
|   | Workload         | External Consultation | Internal Consultation | Other |
| 7   | 0                | 0                     | 0                     | 7     |

## 2.6.2 Number of days past deadline

| Number of Days Past Deadline | Number of Requests Past Deadline Where No Extension Was Taken | Number of Requests Past Deadline Where An Extension Was Taken | Total    |
|------------------------------|---|---|----------|
| 1 to 15 days                 | 6   | 0   | 6        |
| 16 to 30 days                | 0   | 0   | 0        |
| 31 to 60 days                | 1   | 0   | 1        |
| 61 to 120 days               | 0   | 0   | 0        |
| 121 to 180 days              | 0   | 0   | 0        |
| 181 to 365 days              | 0   | 0   | 0        |
| More than 365 days           | 0   | 0   | 0        |
| <b>Total</b>                 | <b>7</b>  | <b>0</b>  | <b>7</b> |

## 2.7 Requests for translation

| Translation Requests | Accepted | Refused  | Total    |
|----------------------|----------|----------|----------|
| English to French    | 0        | 0        | 0        |
| French to English    | 0        | 0        | 0        |
| <b>Total</b>         | <b>0</b> | <b>0</b> | <b>0</b> |

## Part 3: Disclosures Under Subsections 8(2) and 8(5)

| Paragraph 8(2)(e) | Paragraph 8(2)(m) | Subsection 8(5) | Total |
|-------------------|-------------------|-----------------|-------|
| 0                 | 0                 | 0               | 0     |

## Part 4: Requests for Correction of Personal Information and Notations

| Disposition for Correction Requests Received | Number   |
|--|----------|
| Notations attached                           | 0        |
| Requests for correction accepted             | 3        |
| <b>Total</b>                                 | <b>3</b> |

## Part 5: Extensions

### 5.1 Reasons for extensions and disposition of requests

| Disposition of Requests Where an Extension Was Taken | 15(a)(i)<br>Interference<br>With<br>Operations | 15(a)(ii)<br>Consultation |          | 15(b)<br>Translation or<br>Conversion |
|--|--|---------------------------|----------|---------------------------------------|
|  |  | Section 70                | Other    |                                       |
| All disclosed  | 0  | 0                         | 0        | 0                                     |
| Disclosed in part                                    | 2  | 0                         | 0        | 0                                     |
| All exempted   | 0  | 0                         | 0        | 0                                     |
| All excluded   | 0  | 0                         | 0        | 0                                     |
| No records exist                                     | 1  | 0                         | 0        | 0                                     |
| Request abandoned                                    | 1  | 0                         | 0        | 0                                     |
| <b>Total</b>   | <b>4</b>                                       | <b>0</b>                  | <b>0</b> | <b>0</b>                              |

### 5.2 Length of extensions

| Length of Extensions | 15(a)(i)<br>Interference<br>with operations | 15(a)(ii)<br>Consultation |          | 15(b)<br>Translation<br>purposes |
|----------------------|---|---------------------------|----------|----------------------------------|
|                      |   | Section 70                | Other    |                                  |
| 1 to 15 days         | 0   | 0                         | 0        | 0                                |
| 16 to 30 days        | 4   | 0                         | 0        | 0                                |
| <b>Total</b>         | <b>4</b>                                    | <b>0</b>                  | <b>0</b> | <b>0</b>                         |

## Part 6: Consultations Received From Other Institutions and Organizations

### 6.1 Consultations received from other Government of Canada institutions and other organizations

| Consultations                                  | Other<br>Government of<br>Canada<br>Institutions | Number of<br>Pages to<br>Review | Other<br>Organizations | Number of<br>Pages to<br>Review |
|--|--|---------------------------------|------------------------|---------------------------------|
| Received during the reporting period           | 0  | 0                               | 0                      | 0                               |
| Outstanding from the previous reporting period | 0  | 0                               | 0                      | 0                               |
| <b>Total</b>                                   | <b>0</b>   | <b>0</b>                        | <b>0</b>               | <b>0</b>                        |
| Closed during the reporting period             | 0  | 0                               | 0                      | 0                               |
| Pending at the end of the reporting period     | 0  | 0                               | 0                      | 0                               |



**6.2 Recommendations and completion time for consultations received from other Government of Canada institutions**

| Recommendation            | Number of Days Required to Complete Consultation Requests |               |               |                |                 |                 |                    | Total |
|---------------------------|---|---------------|---------------|----------------|-----------------|-----------------|--------------------|-------|
|                           | 1 to 15 Days  | 16 to 30 Days | 31 to 60 Days | 61 to 120 Days | 121 to 180 Days | 181 to 365 Days | More Than 365 Days |       |
| All disclosed             | 0   | 0             | 0             | 0              | 0               | 0               | 0                  | 0     |
| Disclosed in part         | 0   | 0             | 0             | 0              | 0               | 0               | 0                  | 0     |
| All exempted              | 0   | 0             | 0             | 0              | 0               | 0               | 0                  | 0     |
| All excluded              | 0   | 0             | 0             | 0              | 0               | 0               | 0                  | 0     |
| Consult other institution | 0   | 0             | 0             | 0              | 0               | 0               | 0                  | 0     |
| Other                     | 0   | 0             | 0             | 0              | 0               | 0               | 0                  | 0     |
| <b>Total</b>              | 0   | 0             | 0             | 0              | 0               | 0               | 0                  | 0     |

**6.3 Recommendations and completion time for consultations received from other organizations**

| Recommendation            | Number of days required to complete consultation requests |               |               |                |                 |                 |                    | Total |
|---------------------------|---|---------------|---------------|----------------|-----------------|-----------------|--------------------|-------|
|                           | 1 to 15 Days  | 16 to 30 Days | 31 to 60 Days | 61 to 120 Days | 121 to 180 Days | 181 to 365 Days | More Than 365 Days |       |
| All disclosed             | 0   | 0             | 0             | 0              | 0               | 0               | 0                  | 0     |
| Disclosed in part         | 0   | 0             | 0             | 0              | 0               | 0               | 0                  | 0     |
| All exempted              | 0   | 0             | 0             | 0              | 0               | 0               | 0                  | 0     |
| All excluded              | 0   | 0             | 0             | 0              | 0               | 0               | 0                  | 0     |
| Consult other institution | 0   | 0             | 0             | 0              | 0               | 0               | 0                  | 0     |
| Other                     | 0   | 0             | 0             | 0              | 0               | 0               | 0                  | 0     |
| <b>Total</b>              | 0   | 0             | 0             | 0              | 0               | 0               | 0                  | 0     |

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

### 7.1 Requests with Legal Services

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

### 7.2 Requests with Privy Council Office

| Number of Days | Fewer Than 100 Pages Processed |                 | 101-500 Pages Processed |                 | 501-1,000 Pages Processed |                 | 1,001-5,000 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               |
| <b>Total</b>   | 0                              | 0               | 0                       | 0               | 0                         | 0               | 0                           | 0               | 0                               | 0               |

## Part 8: Complaints and Investigations Notices Received

| Section 31 | Section 33 | Section 35 | Court action | Total |
|------------|------------|------------|--------------|-------|
| 2          | 0          | 1          | 0            | 3     |

## Part 9: Privacy Impact Assessments (PIAs)

|                            |   |
|----------------------------|---|
| Number of PIA(s) completed | 3 |
|----------------------------|---|

## Part 10: Resources Related to the *Privacy Act*

### 10.1 Costs

| Expenditures                      |     | Amount             |
|-----------------------------------|-----|--------------------|
| Salaries                          |     | \$2,199,825        |
| Overtime                          |     | \$514              |
| Goods and Services                |     | \$0                |
| • Professional services contracts | \$0 |                    |
| • Other                           | \$0 |                    |
| <b>Total</b>                      |     | <b>\$2,200,339</b> |

### 10.2 Human Resources

| Resources                        | Person Years Dedicated to Privacy Activities |
|----------------------------------|--|
| Full-time employees              | 34.25  |
| Part-time and casual employees   | 0.57   |
| Regional staff                   | 0.31   |
| Consultants and agency personnel | 0.00   |
| Students                         | 1.02   |
| <b>Total</b>                     | <b>36.15</b>                                 |