



Library and Archives Canada
Annual Report on the *Privacy Act*:
2019–2020



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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.

The Act defines “personal information” 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, 2019, to March 31, 2020, 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.

LAC has the role of serving as the continuing documentary memory of the federal government. All archival government records are sent to LAC once they are no longer needed for operational purposes in their creating department. The requests that LAC receives pertaining to Government of Canada archival records are typically voluminous, large in scope and complex. LAC also holds the dormant records of former federal public servants (FPS) that were transferred to LAC prior to April 1, 2018. These records are held until a public servant becomes 80 years old, at which time that individual’s records are destroyed. Due to a litigation hold currently in place on these records, no records are being destroyed at this time. LAC no longer accepts the personnel files of former FPS for long-term retention. This is aligned with LAC’s mandate, which is to acquire and preserve archival records but does not require the storage of dormant records.

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 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.

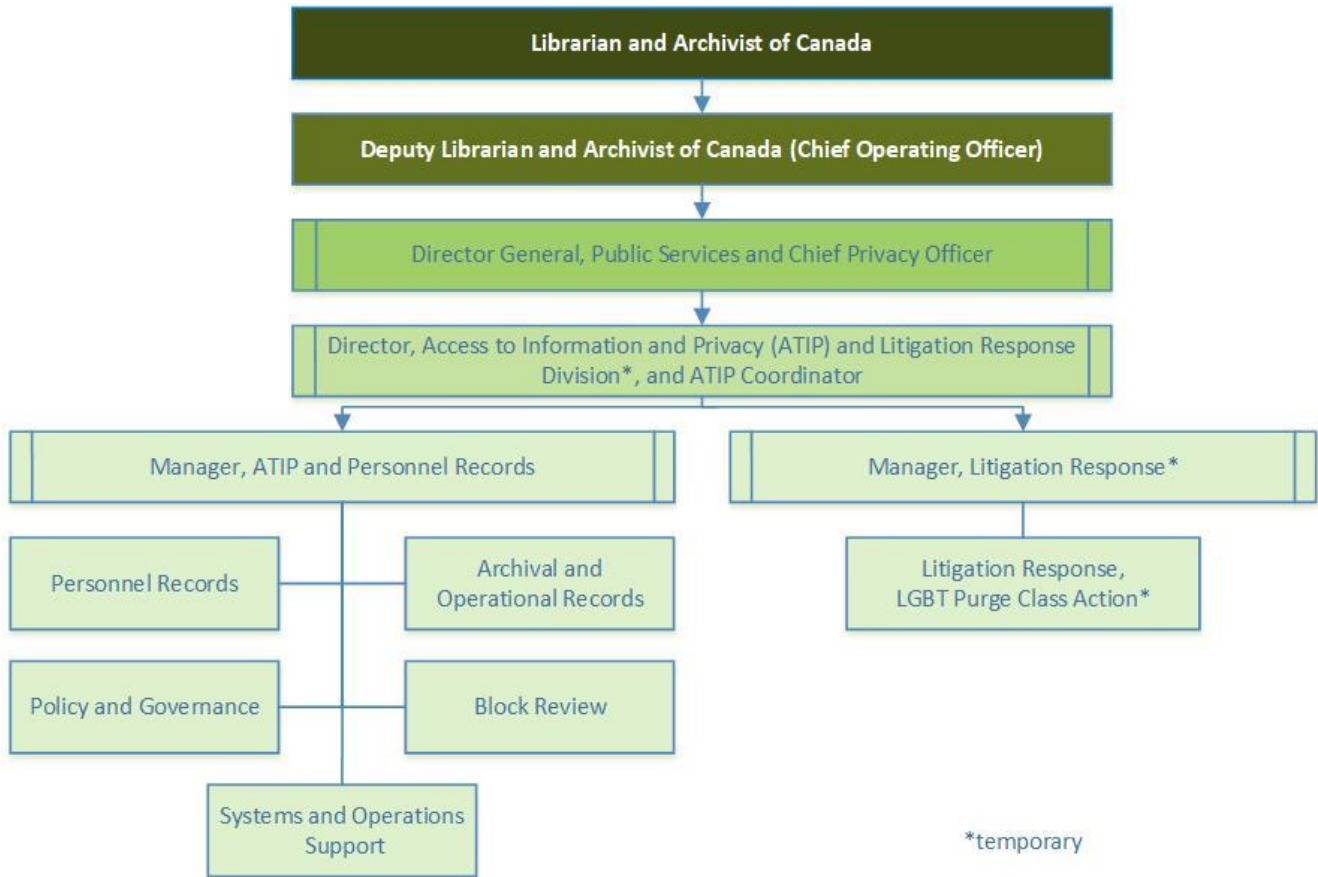
The archival government records and records of former CAF members and former FPS described above are stored in various locations, including in the National Capital Region, Winnipeg, and Vancouver.

Lastly, in addition to the requests received on the above-mentioned collections, LAC 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



In the 2018–2019 fiscal year, the division responsible for ATIP at LAC 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 as well as changes in its human resources and reporting structure to streamline and effectively respond to the increasing number of ATIP requests. Changes included the temporary addition of a Litigation Response Team in support of the Government of Canada’s (GC) response to the [LGBT Purge Class Action Final Settlement Agreement](#) (for more information, see Section 3.3: Significant changes to organization, programs, operations or policy) 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 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 procedures, 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 the temporary Litigation Response Team, which LAC formed in 2018–2019 to meet its temporary needs related to its role in supporting the GC's response to the [LGBT Purge Class Action Final Settlement Agreement](#) (for more information, see Section 3.3: Significant changes to organization, programs, operations or policy) 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, LAC's ATIP Division had 39.57 full-time equivalents (FTEs) assigned to processing *Privacy Act* requests.

Service agreements

LAC was not party to any service agreements under section 73.1 of the *Privacy Act* during the reporting period.

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), and ATIP Coordinator;
- The Managers, ATIP and Personnel Records, and Litigation Response; 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 2019–2020 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 (84% of requests received in 2019–2020) than formal requests. Information on the processing of informal privacy requests will also be described within this 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.

LAC's management of requests for 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 (92%) of the privacy requests received relate 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 for these records.

Table 1: Types of records requested under the *Privacy Act* in 2019-2020

Type of Record	Type of Request	Requests Received	Requests Completed*
Military and dormant records of federal public servants	Formal	928	839
	Informal	5,603	5,122
	Total	6,531	5,961
GC archival records	Formal	597	123
	Informal	1	1
	Total	598	124
LAC operational records	Formal	7	5
	Informal	1	1
	Total	8	6
Grand total (all types of records)	Formal	1,532	967
	Informal	5,605	5,124
	Total	7,137	6,091

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

1.1 Additional analysis of requests

During the past four years, LAC has experienced significant ongoing growth in the number of formal privacy requests that it receives. During this reporting period (April 1, 2019, to March 31, 2020), LAC received 1,532 formal privacy requests. This represents a 172% increase over the previous fiscal year and continues the upward trend for formal privacy requests in the previous three years (564 received in 2018–2019, 427 received in 2017–2018, and 372 received in 2016–2017).

A factor that may be contributing to the growing trend of formal requests received by LAC is its growing queue of informal requests. LAC is unable to complete the number of informal ATIP requests it receives in a year and carries forward an increasing number of requests from one year to the next. Between March 31, 2019, and March 31, 2020, the queue of ATIP requests almost doubled from 6,244 requests to 12,218 requests. The volume of requests in the queue now consists of almost as many ATIP requests as LAC currently completes in total over the course of one (1) year (13,391 ATIP requests were completed in 2019–2020). It can be inferred that more clients are choosing to submit formal requests in order to receive a release package within the legislated timeline from LAC.

Furthermore, class action lawsuits have contributed to the increased number of formal and informal privacy requests received by LAC over the past two (2) fiscal years specifically. In 2018–2019, LAC received 6,361 formal and informal privacy requests, an increase of 8% over 2017–2018 (5,876 requests). In 2019–2020, LAC received 7,137 formal and informal privacy requests, which represents an additional 12% increase since 2018–2019.

As clients are not required to self-identify when submitting a request to LAC, the exact number of requests received by LAC through its regular request process related to class actions cannot be confirmed. Where individuals did self-identify as requiring records in preparation for a class action

lawsuit, LAC can report the following number of formal privacy requests it received through its regular request process in 2019–2020:

- 2 requests related to the [LGBT Purge Class Action](#);
- 6 requests related to the [CAF-DND Sexual Misconduct Class Action](#); and
- 608 requests related to the [Federal Indian Day School Class Action](#).

As previously mentioned, LAC is also 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 Final Settlement Agreement](#). Between April 1, 2019, and March 31, 2020, LAC received 407 informal requests. These figures are included in the overall number of informal privacy requests received and completed by LAC in 2019–2020. For more information on the number of requests completed and pages reviewed by LAC in support of the GC’s response to the [LGBT Purge Class Action Final Settlement Agreement](#), see Section 2.1 below.

Part 2 – Requests closed during the reporting period

2.1 Disposition and completion time

In 2019–2020, LAC closed 967 formal privacy requests. This reflects a 78% increase compared to 2018–2019 (544 requests completed) and a continuing trend of increases (402 requests completed in 2017–2018, and 378 requests completed in 2016–2017).

To increase its output production within legislated timelines, LAC continues to make triage process improvements and increase the number of FTEs assigned to processing privacy requests. In 2019–2020, LAC had 15.57 more FTEs (39.57 FTEs) than in 2018–2019 (24 FTEs) processing formal and informal privacy requests.

Due to these changes, LAC was able to process 122%-more pages and released 102% more pages in 2019-2020 than in 2018–2019.

Figure 2: Formal privacy requests trends

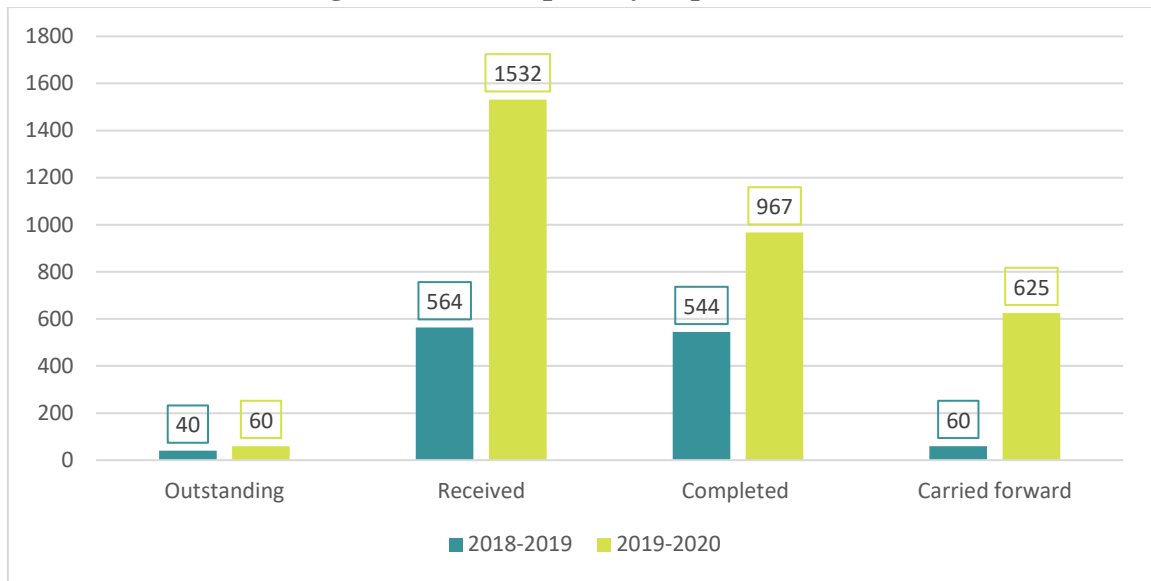
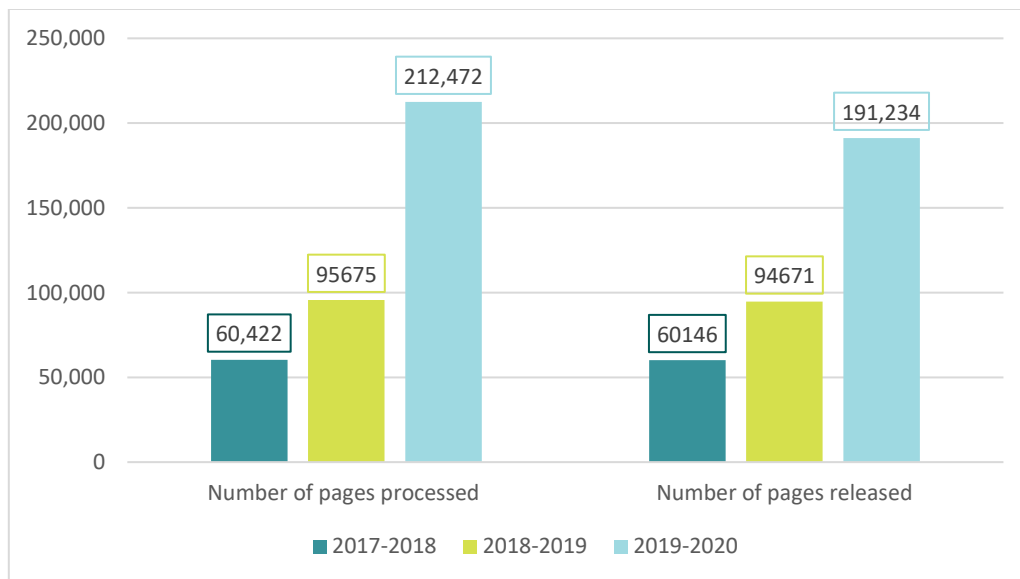


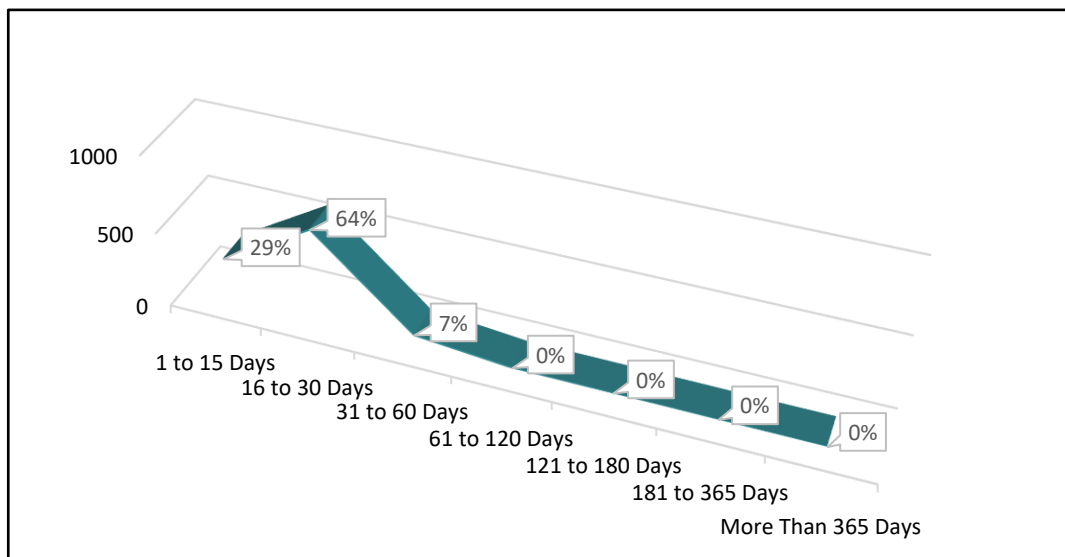
Figure 3: Number of pages processed and released – formal privacy requests



LAC processes formal privacy requests within 30 calendar days from the receipt, within the statutory requirements, unless it requires an extension. Informal requests are not subject to the same statutory deadlines; however, LAC makes significant efforts to process informal privacy requests in a timely manner. It reviews all informal requests at the time of registration and prioritizes them 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.

Figure 4: Formal privacy requests: number of days to complete



Of the 967 formal requests completed in 2019–2020, LAC was able to disclose all or segments of the records in 84% (811 of 967) of requests. In the remaining 16% (156) of requests, the records did not exist, or the client abandons their request prior to the preparation of the release package.

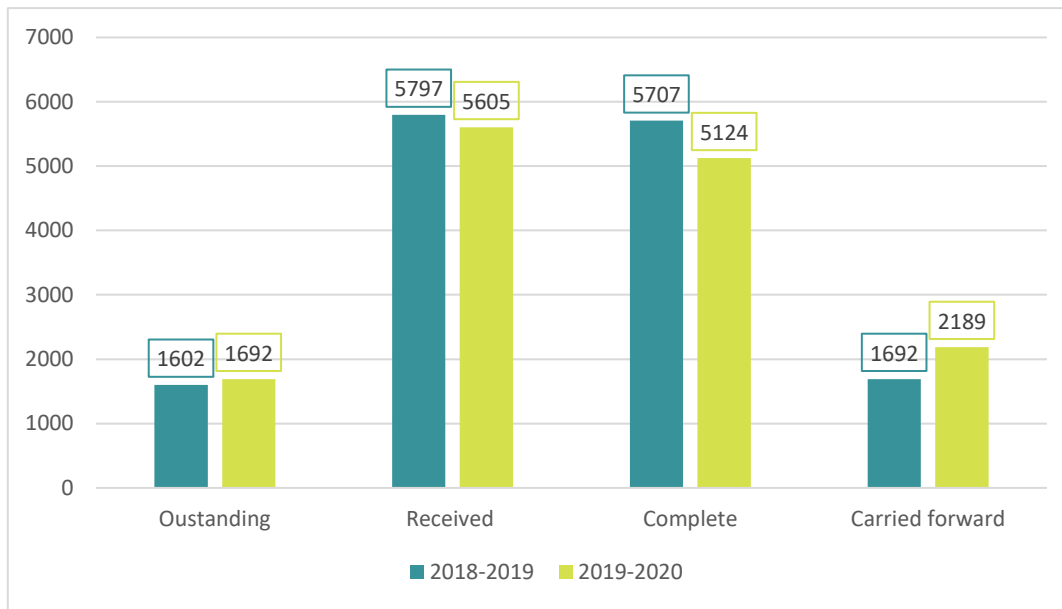
The following table provides an overview of the disposition of the completed requests.

Table 2: Disclosure of records for completed formal requests

Formal Privacy Requests	2019–2020	2018–2019	2017–2018
Fully disclosed	283 (29%)	198 (36%)	161 (40%)
Partially disclosed	528 (55%)	259 (48%)	191 (48%)
Exempted in entirety	0	0	0
Excluded in entirety	1 (0%)	0	0
No existing records	79 (8%)	33 (6%)	28 (7%)
Request abandoned	76 (8%)	54 (10%)	22 (5%)
Neither confirmed nor denied	0	0	0

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

Figure 5: Informal privacy requests trends



In 2019–2020, LAC responded to 5,124 informal privacy requests (including the responses related to the [LGBT Purge Class Action Final Settlement Agreement](#)), which represents 10% fewer requests completed than the previous year (5,707 informal privacy requests in 2018–2019), but nevertheless an increase of 19% over the number of informal requests completed in 2017–2018 (4,295 informal privacy requests in 2017–2018).

LAC completed a significant portion of informal requests (57% or 2,942 requests) in 1 to 60 days, and an additional 23% (1157 requests) of informal requests in 61 to 120 days. It processed fewer than 3% (147 requests) of informal requests in 121 to 180 days, and 17% (866 requests) of informal requests took longer than 180 days to process. In 2018–2019, 61.8% (3,863 requests) informal 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 the last two (2) years can be attributed to the increase in formal privacy requests received by LAC (172% more formal privacy requests in the past year alone), the growing queue of informal requests, as well as the increase in volume of pages being reviewed as a result (46,197 more pages reviewed in 2018–2019 than in 2017–2018, and 119,954 pages reviewed in 2019–2020 than in 2018–2019).

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 Final Settlement Agreement](#). Between April 1, 2019, and March 31, 2020, LAC completed 426

requests, reviewing 216,107 pages as its part of the GC’s response. These figures are included in the total number of informal requests processed by LAC in 2019–2020.

Table 3: Informal requests related to LGBT Purge Class Action

Requests Received	Requests Completed*	Pages Reviewed	Pages Released	Files Digitized	Pages Quality Controlled
407	426	216,107	213,251	418	110,519

*Note: There were 19 requests carried forward from 2018–2019 and completed in 2019–2020.

2.2 Exemptions

During 2019–2020, LAC invoked exemptions under two sections of the Act (section 26 and section 27) for a total of 528 formal requests. A significant portion of privacy requests completed by LAC pertained 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 (526 requests). Section 27 (solicitor-client privilege) applied in two (2) cases. LAC did not apply section 19 (personal information obtained in confidence) or section 21 (international affairs and defence) for any requests.

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 invoked one (1) exclusion under section 69(1)(a) during the 2019-2020 fiscal year.

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 440 cases, LAC provided response in hard-copy format and, in 371 cases 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.

In March 2020, LAC began trial testing of Canada Post’s *epost Connect™* service for digital release packages at the Protected B level as well as an in-house solution for open Access to Information (ATI) release packages. These new digital delivery methods are planned to become operational in

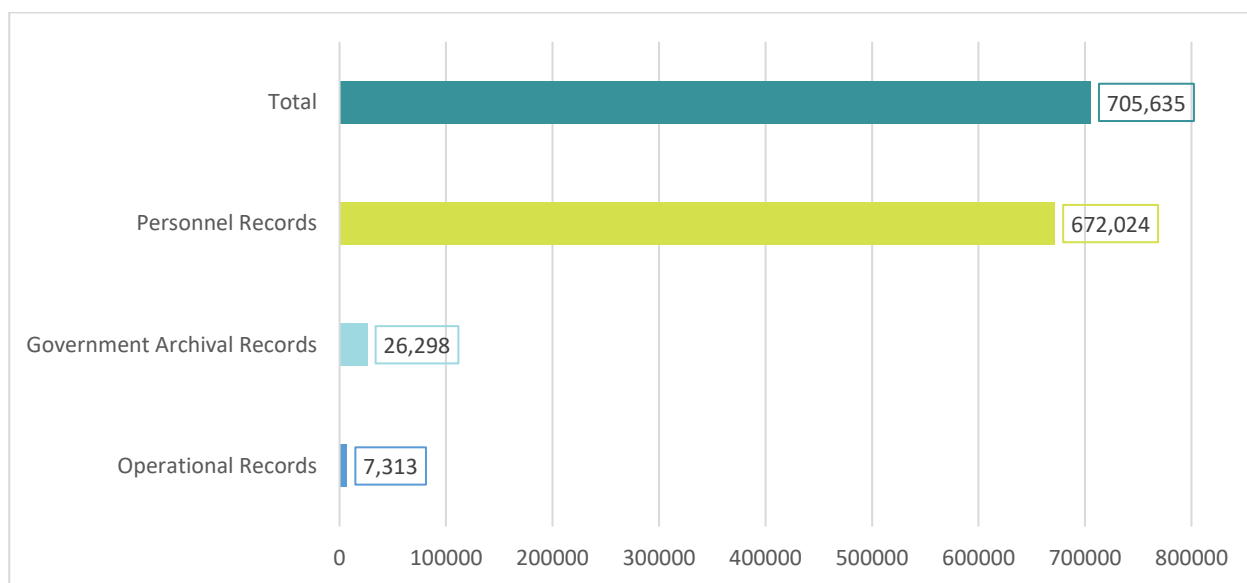
the 2020–2021 fiscal year and provide LAC’s clients with a modern alternative to receiving a CD-ROM in the mail.

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

In 2019–2020, LAC reviewed 705,635 pages of material in response to formal (211,008 pages) and informal (494,627 pages) privacy requests, which include the number of pages reviewed by the Litigation Response team. The majority (92%) 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 2019–2020 by type of record



2.5.2 Relevant pages processed and disclosed by size of request

The 967 formal requests which LAC disclosed records either partially or in full comprised a total of 191,234 pages, of a total of 211,008 pages reviewed. In 145 of these requests, LAC’s 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
2019–2020	230
2018–2019	165
2017–2018	182

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Of the 967 formal requests completed this year, ten (10) requests were completed after the statutory deadline. An external consultation was required in no instances. The statutory deadline was missed for three (3) requests because the files were with other departments for consistent use purposes, and therefore LAC did not have immediate access to the records. The statutory deadline was missed for seven (7) requests because their review interfered with operations and/or workload.

2.7 Requests for translation

There were no requests for translations from English to French or from French to English in the 2019–2020 reporting year.

2.8 Impact of COVID-19-related measures

Despite the extraordinary circumstances caused by the COVID-19 pandemic, LAC continued processing ATIP requests, albeit at limited capacity. In response to the COVID-19 pandemic, LAC closed all of its public service points and consultation rooms (located in Ottawa, Vancouver, Winnipeg and Halifax) starting on March 14, 2020, and these remained closed for the remainder of the fiscal year. Furthermore, all of LAC’s ATIP employees began working from home on March 18, 2020.

As a result, LAC's ability to fulfill its *Privacy Act* responsibilities was impacted between March 14, 2020, and March 31, 2020. New requests submitted by clients through online forms or fax continued to be registered, but requests received by mail could not be registered during this period. From March 18, 2020, to March 31, 2020, LAC's ATIP analysts could only review material up to the Protected B level which had already been digitized. As a result, other critical functions performed by LAC's ATIP division, including the review of pages for active requests where material had not been digitized or had a security designation above the Protected B level, were suspended for the remainder of the fiscal year. Between March 18, 2020, and March 31, 2020, LAC was not able to mail any outgoing release packages for completed requests.

To mitigate the impact of the COVID-19 pandemic on LAC's ability to fulfill its *Privacy Act* responsibilities, LAC actively communicated with its clients to inform of its limited operations and increased its use of digital delivery applications that it had previously begun testing to provide release packages up to the Protected B level. Specifically, LAC posted messages on its website and emailed clients where possible to inform them that LAC would continue to make reasonable efforts to respond to requests but that, in this exceptional context, LAC might not be able to respond to requests as it would during normal operating circumstances and that clients should expect delays. Furthermore, LAC advised clients that it was prioritizing urgent requests for information for veterans requiring access to critical medical care. Clients who had made an ATIP request to obtain documents to support a claim related to the [Federal Indian Day Schools Class Action](#) were advised that LAC would not be able to process their requests during this time. These requests will be processed once LAC is able to resume normal operations and were carried forward into the next fiscal year.

In response to the extraordinary circumstances, on May 11, 2020, Leslie Weir, Librarian and Archivist of Canada, decided to dedicate LAC's reduced resources to urgent requests for information for veterans requiring access to critical medical care and place new requests and current active requests on hold effective March 18, 2020, until further notice. LAC continued to inform its clients of its reduced capacity while actively processing those requests that were already digitized up to the Protected B level. Furthermore, LAC made a concerted effort to develop new workflows to continue providing urgent services to VAC and the [Last Post Fund](#) in support of Canadian veterans throughout the pandemic.

A supplemental statistical report on the impact of COVID-19 measures for the 2019–2020 fiscal year is available in **Appendix C** of this report.

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

During 2019–2020, LAC disclosed information pertaining to privacy in accordance with subsection 8(2) of the Act in 327 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. Paragraph 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 research; however, he or she 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 61 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)	33
s. 8(2)(b)	0
s. 8(2)(c)	0
s. 8(2)(d)	15
s. 8(2)(e)	25
s. 8(2)(f)	6
s. 8(2)(g)	0
s. 8(2)(j)	187
s. 8(2)(k)	61
s. 8(2)(m)	0
Total	327

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 2019–2020, LAC received no requests to correct personal information.

Part 5 – Extensions

5.1 Reasons for extensions and disposition of requests

In 2019–2020, sixteen (16) extensions were necessary; in sixteen (16) instances, the request interfered with normal operations (i.e. it contained a significant volume of records, or the volume of requests received 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 2019–2020, 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

In 2019–2020, 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 2017–2018 and 2018–2019, LAC received no consultation requests from organizations outside the GC in 2019–2020.

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 2019–2020.

7.2 Requests with Privy Council Office

LAC did not consult the Privy Council Office on Cabinet confidences in 2019–2020.

Part 8 – Complaints and investigation notices received

In 2019–2020, the Office of the Privacy Commissioner undertook one (1) investigation concerning LAC release packages in accordance with section 35 of the Act.

One client submitted a complaint pursuant to a formal privacy request submitted to LAC. LAC refused the request 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 2019–2020, LAC implemented the use of new formal templates and processes, which were developed during the previous fiscal year, to assist with the development of privacy impact assessments (PIAs). One (1) FTE in the Policy and Governance unit was dedicated to work on PIAs. During the fiscal year, LAC completed no new PIAs in accordance with TBS PIA requirements. However, during the reporting period, four (4) PIAs were submitted to the Office of the Privacy Commissioner for review. In accordance with TBS PIA requirements, these PIAs must also be submitted to TBS in order to be considered completed. The following four (4) PIAs will be submitted to TBS in the 2020–2021 fiscal year:

- Documentary Heritage Communities Program
- Public events registration
- Takedown policy
- Implementation of OCLC WorldShare Management Services

In the coming fiscal year, LAC will publish the executive summaries for these PIAs on its website. Furthermore, in the 2019–2020 fiscal year, LAC began the development of five (5) additional PIAs for new or significantly modified programs, and it is anticipated that they will be completed in the 2020–2021 fiscal year.

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 in support of the GC’s response to the [LGBT Purge Class Action Final Settlement Agreement](#) 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 in recent years, LAC undertook an extensive consultation in 2017–2018 to address and gain a better understanding of the impacts of this increase in volume across its 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 2019–2020, LAC’s archivists, reference services, circulation, preservation, translation and web publishing staff played key roles to ensure that:

- ATIP requests at LAC are responded to in a timely manner; and
- *Info Source* and annual reports are translated and published.

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. Adhering to the same reporting methodology used in its 2018–2019 annual report, what follows are LAC’s comprehensive costs associated with the administration of the Act for 2019–2020.

Table 6: Costs of administering the *Privacy Act*¹

Cost category	Salary²	Operations and maintenance
ATIP Division (National Capital Region), including Director	\$1,155,940.40	\$10,190.03
ATIP software licenses		\$36,354.14
ATIP Shipping	\$29,971.22	\$16,715.67
ATIP Transportation / travel		\$3,226.48
Litigation Response Team (National Capital Region and Winnipeg)	\$1,491,013.85	\$145,290.56
Digitization	\$167,648.40	
Digitization for LGBT Purge Class Action	\$55,709.95	
Regional staff	\$31,875.89	
Other costs ³	\$263,389.04	\$16,924.13
Total	\$3,195,548.74	\$228,701.01

Notes:

- 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.

10.2 Human resources

In 2019–2020, there were 39.57 FTEs in the ATIP and Litigation Response Division and 13.8 FTEs across the institution performing work associated with the application of the Act.

Over the course of the past fiscal year, LAC’s ATIP and Litigation Response Division has 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. The Litigation Response team was formed in the third quarter of 2018–2019, which includes ATIP analysts, clerical support, team leads and managers. Staff for this team are located in the National Capital Region and Winnipeg. In 2019–2020, this team worked to complete the digitization and informal privacy review of former CAF, RCMP and FPS records in support of the GC’s response to the [LGBT Purge Class Action Final Settlement Agreement](#) and undertook planning and preparations to support the [CAF-DND Sexual Misconduct Class Action Settlement](#) in 2020–2021.

To respond to the high degree of movement across departments in the ATIP community and high rates of employee turnover, LAC made a concerted effort to retain staff hired in 2018–2019 for the Litigation Response team and staff vacant positions at every level. LAC conducted large staffing processes, created pools of candidates, and used several hiring mechanisms, including the hiring of casual employees, 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, 2019, to March 31, 2020, LAC’s Human Resources team completed approximately 110 staffing actions for a team with 63.97 FTEs.

3. Miscellaneous

3.1 Other requests

There were no other requests for the period from April 1, 2019, to March 31, 2020, 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.

Archives Association of Ontario Conference 2019

In May 2019, 40 LAC staff attended the annual conference; its theme was access to collections, outreach and engagement to Canadians. Six staff members from LAC's ATIP Division were in attendance and delivered a presentation entitled "Unlocking the Vaults: Archivists and Access." The presentation centred on imposed legislation governing access to archives and the role that archivists can play in improving access to archival collections. More specifically, the presentation detailed LAC's decision to engage archivists in 2018 to work alongside ATIP analysts in its ATIP division, and shared their experiences.

Association of Canadian Archivists Conference 2019

In May 2019, four (4) LAC staff, including the ATIP Director, gave a presentation entitled "Legislated Impediments to Access: Is a Way Forward Possible? Solicitor-client privilege in Government of Canada archival records at LAC." The presentation specifically discussed the effects of solicitor-client privilege on access to historical records, including the suppression of history, and the frustration expressed by archivists and members of the public when access to records is not granted.

Right to Know Day

In September 2019, 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 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.

National Claims Research Workshop Conference 2019

In October 2019, LAC's ATIP Director participated in an Access to Information Policy Panel, which discussed the implementation of Bill C-58, review of the *Privacy Act*, and an update on accessing claims research material at LAC.

Canadian Access and Privacy Association Conference 2019

In November 2019, 14 LAC staff attended the annual one-day conference on access and privacy issues in Canada, held in Ottawa. Presentations were held on a variety of topics, including discussion of Bill C-58 and its implications on the ATIP community. In addition, presenters discussed concerns regarding the lengthy time period that it takes for ATIP requests to be processed, and the impact that this has on the rights of Canadians and the transparency of the GC.

ARMA NCR Conference 2019

There were 75 LAC staff, including 2 from the ATIP division, in attendance at this annual conference aimed at the Information and Records Management community in the National Capital Region. LAC staff gave a presentation on the Block Review initiative at the conference.

Training for LAC's staff related to the LGBT Purge Class Action Final Settlement Agreement

In conjunction with LAC's engagement in supporting the GC's response to the [LGBT Purge Class Action Final Settlement Agreement](#), LAC staff continued to participate in and organize training and LGBTQ2+ awareness activities this past fiscal year. In November 2019, special guest speaker Michelle Douglas spoke to 65 LAC staff on the LGBTQ Class Action Litigation Team about her experience in being discharged from the CAF due to her sexual orientation during the LGBTQ purge. Throughout the year, LAC promoted screenings of *The Fruit Machine* and *Ti-Gars* to its staff, including the Canada School of Public Service (CSPS) event "From Purge to Pride – LGBTQ2 in the Federal Public Service," which featured a screening of *The Fruit Machine* with a panel discussion in November 2019.

Directed training and mentoring

Internal training and mentoring efforts at LAC were significant this year because of the need to develop employees who had taken on new roles or were new to LAC's ATIP division. The guidance provided by experienced LAC ATIP analysts and members of the ATIP Policy and Governance unit is important in the successful processing of new incoming requests. In addition, LAC's peer-review process was continued in ATIP this fiscal year, to support new analysts in their work.

In 2019–2020, staff in the ATIP and Litigation Response Division completed the following courses:

- CSPS: Access to Information and Privacy Fundamentals (I015): 6 participants;
- CSPS: Access to Information in the Government of Canada (I701): 9 participants;
- CSPS: Privacy in the Government of Canada (I702): 10 participants;
- University of Alberta: Information Access in a Liberal Democracy: 1 participant; and
- University of Alberta: Information Access and Protection of Privacy Foundations: 2 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 privacy breaches and incidents, genealogy, references services, acquisition of GC archival records, preservation, and conservation. These orientation sessions are repeated annually for new employees.

Throughout the 2019–2020 fiscal year, LAC's ATIP division provided presentations to raise awareness about its work to 171 LAC staff members (including managers and stakeholders), and more than 120 members of the public (including members of the ATIP and archival communities in Canada). These presentations covered topics such as how to make an ATIP request, 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 continue responding to its evolving business, increased volume and specifically funded activities (such as LAC's work in support of Health Canada's Tobacco Litigation Response and LAC's work in support of the [LGBT Purge Class Action Final Settlement Agreement](#)).

Temporary organizational changes

In 2018–2019, 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 Final Settlement Agreement. To continue to ensure the effective delivery of public services, LAC's Regional Services team, which was part of the same Division, temporarily joined the Reference Services Division. To reflect these changes, the Regional Services and ATIP Division was temporarily renamed the ATIP and Litigation Response Division. This structure will continue to be maintained into the 2020–2021 fiscal year, enabling LAC to support its roles and responsibilities in future class actions, such as for the [CAF-DND Sexual Misconduct Class Action Settlement Agreement](#).

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 response to 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 2019–2020, LAC received 5,876 informal and 2,481 formal ATIP requests through its online ATIP request portal, a total of 8,357 ATIP requests. Privacy requests made up approximately 46% (3,009) of requests received online. Using the LAC ATIP Online Request service is a faster, easier and more convenient way for LAC's clients to submit privacy requests.

To expedite the delivery of ATIP release packages to its clients, LAC began trial testing of Canada Post's *epost Connect*TM service for digital release packages at the Protected B level as well as an in-house solution for open ATI release packages in 2019–2020. These new digital delivery methods are planned to become operational in the 2020–2021 fiscal year and will provide LAC's clients with a modern alternative to receiving a CD-ROM in the mail. Furthermore, LAC is working toward providing online access to open ATI release packages through digital download, which is planned to be operational in 2020–2021. Clients will have the ability to browse previously released ATI packages and download them in PDF format without needing to request a copy from LAC's ATIP division.

In 2019–2020, LAC improved its network capacity and onboarded to a new system and classified network infrastructure. This required the relocation of the ATIP division's Archival and Operational

Records Team from Ottawa, Ontario, to LAC's main office in Gatineau, Quebec. These efforts have enabled LAC to work more effectively, and they streamline the processing of requests.

LAC is also collaborating with other organizations involved in the processing of requests for access to records containing security and intelligence information on the development of more efficient and shared practices. LAC's onboarding to secure technology infrastructure platforms has optimized communication while ensuring that the appropriate cybersecurity and privacy protection mechanisms are in place.

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. 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 2019–2020, LAC received 172% more formal privacy requests than in 2018–2019. On March 31, 2019, a total of 6,244 ATIP requests were in LAC's queue. As of March 31, 2020, a total of 12,218 ATIP requests are in LAC's queue. This represents an increase of 96%. Of these, 2,815 requests are privacy requests (626 formal requests and 2,189 informal requests). On March 31, 2020, the oldest formal privacy request in this queue was 8 months old and the oldest informal privacy request in this queue was 21 months old.

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. LAC continues to identify various options and the resources needed to reduce the outstanding queue of informal privacy requests and considerably reduce the current wait time. Despite the growing queue of requests, LAC continues to make significant efforts to process an increasing number of formal privacy requests within the legislated time frame, and urgent informal privacy requests in an 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 incidents and breaches, 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. In the 2019–2020 fiscal year, LAC implemented changes to its tracking and reporting methods to include the number of written explanations and reasons provided for delays required for the 2019–2020 reporting period.

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

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. In January 2020, LAC’s ATIP staff were provided with additional training regarding these updated procedures. The procedures apply to all programs and activities involving the collection, retention, use, disclosure and disposition of personal information by LAC. They are in alignment with LAC’s Policy on Privacy Management and in accordance with the Act.

ATIP legislation renewal process

LAC is an active member in a number of interdepartmental working groups focused on making recommendations for improving the *Access to Information Act* and the *Privacy Act*.

3.5 Privacy breaches

There were no material privacy breaches during the 2019–2020 reporting period.

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 and infographics 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 GC. 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*](#).

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.



The Honourable Mélanie Joly
Minister of Canadian Heritage
MAY 26 2016

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
<i>Access to Information Act</i>							
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
<i>Privacy Act</i>							
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: 2019-04-01 to 2020-03-31

Section 1: Requests Under the *Privacy Act*

1.1 Number of requests

	Number of Requests
Received during reporting period	1532
Outstanding from previous reporting period	60
Total	1592
Closed during reporting period	967
Carried over to next reporting period	625

Section 2: Requests Closed During the Reporting Period

2.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	124	152	6	1	0	0	0	283
Disclosed in part	50	424	50	2	2	0	0	528
All exempted	0	0	0	0	0	0	0	0
All excluded	0	1	0	0	0	0	0	1
No records exist	36	36	7	0	0	0	0	79
Request abandoned	66	10	0	0	0	0	0	76
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	276	623	63	3	2	0	0	967

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	526
19(1)(f)	0	22,1	0	27	2
20	0	22,2	0	27,1	0
21	0	22,3	0	28	0
		22,4	0		

2.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
69(1)(a)	1	70(1)	0	70(1)(d)	0
69(1)(b)	0	70(1)(a)	0	70(1)(e)	0
69,1	0	70(1)(b)	0	70(1)(f)	0
		70(1)(c)	0	70,1	0

2.4 Format of information released

Paper	Electronic	Other
440	371	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
211008	191234	888

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	266	2728	14	2122	2	1418	1	1073	0	0
Disclosed in part	161	5997	224	58836	97	66231	45	50230	1	2599
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	1	0	0	0	0	0	0	0	0	0
Request abandoned	76	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	504	8725	238	60958	99	67649	46	51303	1	2599

2.5.3 Other complexities

Disposition	Consultation Required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	0	0	0	172	172
Disclosed in part	0	0	0	55	55
All exempted	0	0	0	0	0
All excluded	0	0	0	1	1
Request abandoned	0	0	0	2	2
Neither confirmed nor denied	0	0	0	0	0
Total	0	0	0	230	230

2.6 Closed requests

2.6.1 Number of requests closed within legislated timelines

Number of requests closed within legislated timelines	Requests closed within legislated timelines
	957

Percentage of requests closed within legislated timelines (%)	99
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2.7 Deemed refusals

2.7.1 Reasons for not meeting legislated timelines

Number of Requests Closed Past the Legislated Timelines	Principal Reason			
	Interference with Operations / Workload	External Consultation	Internal Consultation	Other
10	7	0	0	3

2.7.2 Requests closed beyond legislated timelines (including any extension taken)

Number of Days Past Legislated Timelines	Number of Requests Past Legislated Timeline Where No Extension Was Taken	Number of Requests Past Legislated Timelines Where an Extension Was Taken	Total
1 to 15 days	6	0	6
16 to 30 days	2	0	2
31 to 60 days	0	0	0
61 to 120 days	0	2	2
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	8	2	10

2.8 Requests for translation

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

Section 3: Disclosures Under Subsections 8(2) and 8(5)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Subsection 8(5)	Total
26	0	0	26

Section 4: Requests for Correction of Personal Information and Notations

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

Section 5: Extensions

5.1 Reasons for extensions and disposition of requests

	15(a)(i) Interference with operations				15 (a)(ii) Consultation
	Further review required to determine exemptions	Large volume of pages	Large volume of requests	Documents are difficult to obtain	Cabinet Confidence Section (Section 70)
Number of requests where an extension was taken					
16	0	9	7	0	0

5.2 Length of extensions

	15(a)(i) Interference with operations				15 (a)(ii) Consultation
	Further review required to determine exemptions	Large volume of pages	Large volume of requests	Documents are difficult to obtain	Cabinet Confidence Section (Section 70)
Length of Extensions					
1 to 15 days	0	0	0	0	0
16 to 30 days	0	9	7	0	0
31 days or greater					
Total	0	9	7	0	0

Section 6: Consultations Received From Other Institutions and Organizations

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

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during the reporting period	0	0	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	0	0	0	0
Closed during the reporting period	0	0	0	0
Carried over to the next reporting period	0	0	0	0

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

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

6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	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
Total	0	0	0	0	0	0	0	0

Section 7: Completion Time of Consultations on Cabinet Confidences

7.1 Requests with Legal Services

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

7.2 Requests with Privy Council Office

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

Section 8: Complaints and Investigations Notices Received

Section 31	Section 33	Section 35	Court action	Total
0	0	1	0	1

Section 9: Privacy Impact Assessments (PIA) and Personal Information Banks (PIB)

9.1 Privacy Impact Assessments

Number of PIA(s) completed	0
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9.2 Personal Information Banks

Personal Information Banks	Active	Created	Terminated	Modified
	73	0	1	0

Section 10: Material Privacy Breaches

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

Section 11: Resources Related to the *Privacy Act*

11.1 Costs

Expenditures	Amount
Salaries	\$2 631 991
Overtime	\$14 963
Goods and Services	\$0
• Professional services contracts	\$0
• Other	\$0
Total	\$2 646 954

11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	38,16
Part-time and casual employees	0,35

Regional staff	0,00
Consultants and agency personnel	0,00
Students	1,06
Total	39,57

Appendix C: Supplemental Statistical Report on the *Privacy Act*

The following table reports the total number of formal requests received during two periods; 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 4 – Requests Received

		Column (Col.) 1
		Number of requests
Row 1	Received from 2019-04-01 to 2020-03-13	1488
Row 2	Received from 2020-03-14 to 2020-03-31	44
Row 3	Total¹	1532

¹ – Total for Row 3 should equal the total in the Privacy Statistical Report Section 1.1 Row 1

The following table reports the total number of requests closed within the legislated timelines and the number of closed requests that were deemed refusals during two periods 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 5 – Requests Closed

		Col. 1	Col. 2
		Number of requests closed within the legislated timelines	Number of requests closed past the legislated timelines
Row 1	Received from 2019-04-01 to 2020-03-13 and outstanding from previous reporting periods	942	10
Row 2	Received from 2020-03-14 to 2020-03-31	15	0
Row 3	Total²	957	10

² – Total for Row 3 Col. 1 should equal the total in the Privacy Statistical Report Section 2.6.1 Row 1 -- Total for Row 3 Col. 2 should equal the total in the Privacy Statistical Report Section 2.7.1. Col. 1 Row 1

The following table reports the total number of requests carried over during two periods; 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 6– Requests Carried Over

		Col. 1
		Number of requests
Row 1	Requests from 2019-04-01 to 2020-03-13 and outstanding from previous reporting period that were carried over to the 2020-2021 reporting period	596

Row 2	Requests from 2020-03-14 to 2020-03-31 that were carried over to the 2020-2021 reporting period	29	
Row 3	Total³	625	
³ – Total for Row 3 should equal the total in the Privacy Statistical Report Section 1.1 Row 5			