



Library and Archives Canada
Annual Report on the *Privacy Act*:
2021–2022



Catalogue No.: SB1-15E-PDF

ISSN: 2562-444X

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

Également disponible en français sous le titre : *Rapport annuel concernant la Loi sur la protection des renseignements personnels (Bibliothèque et Archives Canada)*

Table of Contents

- 1. Report on the *Privacy Act* 1**
 - 1.1 Introduction 1
 - 1.2 Mandate of Library and Archives Canada 1
 - 1.3 Types of records requested under the *Privacy Act* 1
 - 1.4 Organization 4
 - 1.5 Delegation order 6
 - 1.6 Statistical report 7
 - 1.7 Impact of COVID-19-related measures 7
- 2. Interpretation of the Statistical Report for Requests Under the *Privacy Act* 8**
 - Part 1 – Requests under the *Privacy Act* 8**
 - 1.1 Number of formal requests 8
 - 1.2 Number of informal requests 12
 - 1.3 Requests submitted online 14
 - Part 2 – Formal requests closed during the reporting period 15**
 - 2.1 Disposition and completion time 15
 - 2.2 Exemptions 16
 - 2.3 Exclusions 16
 - 2.4 Format of information released for formal requests 16
 - 2.5 Complexity 17
 - 2.6 Deemed refusals 20
 - 2.7 Requests for translation 20
 - Part 3 – Disclosures under subsection 8(2) of the *Privacy Act* pertaining to privacy 20**
 - Part 4 – Requests for correction and personal information and notations 21**
 - Part 5 – Extensions 21**
 - 5.1 Reasons for extensions and disposition of requests 21
 - Part 6 – Consultations received from other institutions and organizations 21**
 - 6.1 Consultations received from other Government of Canada institutions and other organizations 21
 - 6.2 Recommendations and completion time for consultations received from other Government of Canada institutions 22
 - 6.3 Recommendations and completion time for consultations received from other organizations 22
 - Part 7 – Completion time of consultations on Cabinet confidences 22**

7.1 Requests with Legal Services..... 22

7.2 Requests with Privy Council Office 22

Part 8 – Complaints and investigation notices received 22

Part 9 – Privacy impact assessments..... 22

Part 10 – Resources related to the *Privacy Act*..... 22

10.1 Costs..... 22

10.2 Human resources..... 24

3. Miscellaneous24

3.1 Other requests..... 24

3.2 Education and training 24

3.3 Significant changes to organization, programs, operations or policy..... 24

3.4 Overview of new or revised *Privacy Act*–related policies and procedures implemented 27

3.5 Privacy breaches 27

3.6 Monitoring..... 27

3.7 Information holdings..... 28

4. Appendices29

Appendix A: Delegation Order – *Privacy Act* 29

Appendix B: Statistical Report on the *Privacy Act*..... 34

Appendix C: Supplemental Statistical Report on the *Privacy Act* 42

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, 2021 to March 31, 2022, 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’s Access to Information and Privacy (ATIP) and Litigation Response Division is unique within the Government of Canada (GC) as it supports LAC’s broad mandate to provide access to Canada’s documentary heritage and serve as the continuing documentary memory of the federal government.

Currently, over 99% of LAC’s ATIP requests are for records in its care and custody that were created by other GC departments. Less than 1% are requests relating to LAC’s own operational records. LAC’s collections of records are stored at its facilities in the National Capital Region, Winnipeg and Vancouver.

1.3 Types of records requested under the *Privacy Act*

Government Records

All government records deemed to have enduring value are sent to LAC once they are no longer needed for operational purposes in their creating department. This requires LAC to collect, preserve and provide access to historical records created by the various departments and agencies of the federal government, which amounts

to over 250 linear kilometres of textual, cartographic, photographic, audiovisual and digital records, dating back to 1867.

The majority of these records are restricted under ATIP because they have never been reviewed for access or because they contain sensitive or personal information that can only be released in accordance with ATIP legislation. The ATIP requests that LAC receives pertaining to Government of Canada archival records are typically voluminous, large in scope and complex.

Files of Former Canadian Armed Forces Members (and Former Federal Public Servants)

LAC also holds and preserves 4.85 million files on former CAF members and former federal public servants, many of which are semi-active and continue to be consulted for ongoing programs and benefits.

In 1971, the control and supervision of the War Records Division of Veterans Affairs Canada (VAC) and all of its records were transferred to LAC, in accordance with Order in Council *P.C. 1971-1989*. Most of the ATIP 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, LAC handles requests for the medical or dental records of 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.

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 include the storage of dormant records. As the personnel files of all CAF members are archival, LAC will continue to receive them in perpetuity.

LAC Operational Records

While the majority of the LAC ATIP and Litigation Response Division's workload relates to its very unique role in providing access to restricted records created by other GC departments in its care and custody, the division also has important responsibilities relating to LAC's own operations as an institution of the GC. This work includes processing requests for LAC's own operational records, ensuring that LAC is meeting all of its responsibilities under the Act (including Privacy regulations, policies and directives), providing subject matter expertise in response to Parliamentary Questions related to ATIP, and approving the responses to all Parliamentary Questions made to the institution.

Formal and Informal Request Processes

LAC processes requests by applying both formal and informal processes. This practice was put in place to provide Canadians with access to the large volume of material that must be processed through the ATIP Division in support of LAC's mandate to provide access to the millions of restricted records in its care and custody.

Formal requests are those officially made under the *Privacy Act*, and a response is required within 30 calendar days of the date the request was received by LAC. Requestors are also entitled to make a formal complaint regarding the processing of their request to the Privacy Commissioner after 30 days of its receipt by LAC.

Informal requests are not covered under any Act but are reviewed in the spirit of the Act. The number of requests received and the complexity of each request dictate the timeframe for the completion of informal requests.

Clients may choose between either process. Both formal and informal request processes require a page-by-page review of records or selected documents by an ATIP analyst.

LAC processes significantly more informal than formal Privacy requests. In the 2021–2022 fiscal year, LAC received a total of 5,176 Privacy requests, 1,934 (37%) of which were formal Privacy requests and 3,242 (63%) of which were informal Privacy requests.

Of the 1,934 formal Privacy requests received by LAC in 2021–2022, 52% (1,003) pertained to former CAF and former FPS personnel files, 48% (931) pertained to archival government records and no (0) requests pertained to its own operational records.

Of the 3,242 informal Privacy requests received by LAC in 2021–2022, over 99% (3,241) pertained to military and civilian personnel files, less than 1% (1) pertained to archival government records and no (0) requests pertained to its own operational records.

Table 1: Types of records requested under the *Privacy Act* in 2021–2022

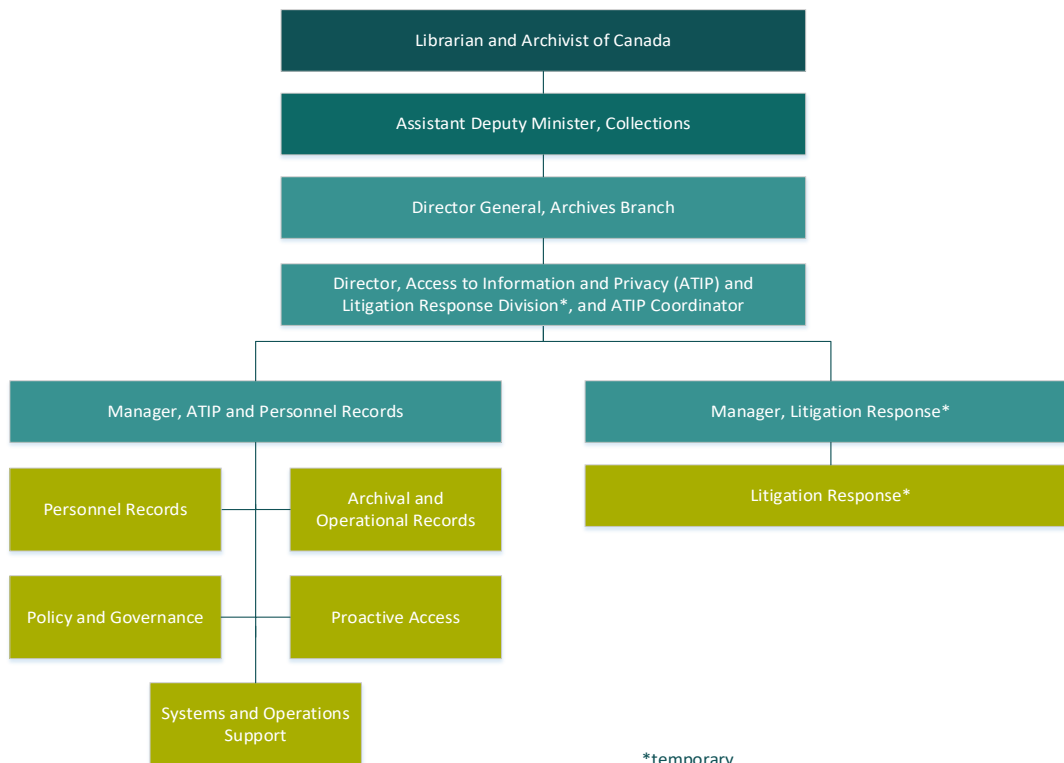
Type of Record	Type of Request	Requests Received	Requests Completed*
Personnel files of former CAF members and former FPS	Formal	1,003	995
	Informal	3,241	4,207
	Total	4,244	5,202
GC archival records	Formal	931	841
	Informal	1	1
	Total	932	842
LAC operational records	Formal	0	0
	Informal	0	0
	Total	0	0
Grand total (all types of records)	Formal	1,934	1,836
	Informal	3,242	4,208
	Total	5,176	6,044

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

1.4 Organization

The organizational chart below outlines the reporting structure relating to the ATIP and Litigation Response Division at LAC.

Figure 1: ATIP and Litigation Response Division reporting structure



In the 2018–2019 fiscal year, the division responsible for ATIP at LAC changed its name from the *Regional Services and ATIP Division* to the *ATIP and Litigation Response Division*. This division has experienced changes in its human resources and reporting structure to respond to the increasing number of ATIP requests and add a project-funded Litigation Response team.

Currently, LAC's ATIP and Litigation Response team comprises five core business areas: Personnel Records, Archival and Operational Records, Proactive Access, 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 for restricted archival records under LAC's control, on LAC's operational records and on 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;
- Provides access to authorized current FPS to restricted archival records under LAC's control; and
- Processes informal access requests in support of Schedule L of the [LGBT Purge Class Action Final Settlement Agreement](#).

Proactive Access:

- 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 set procedures, to determine if blocks of records can be proactively "opened" and made available to the public and researchers; and
- Proactively develops strategic mechanisms for the opening of records in LAC's collection in collaboration with the efforts of other business areas at LAC.

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:

- 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 (LR) 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](#) and to prepare for future upcoming class actions.

Given the nature of the records held in its care and custody, LAC is typically involved in the GC’s response to class action lawsuits by 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).

Since the claims settlement period for the LGBT Purge Class Action ended in the 2019–2020 fiscal year, in the 2020–21 fiscal year the LR team started providing support as part of the GC’s response to the [CAF-DND Sexual Misconduct Class Action Settlement](#).

Litigation Response:

- Works collaboratively with DND 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 DND and former members of the CAF; and
- Performs informal Privacy review on records of former members of the CAF from within LAC holdings prior to providing these records to DND.

The Litigation Response team’s work in support of the [CAF-DND Sexual Misconduct Class Action Settlement Agreement](#) is a specifically funded activity.

In 2021–22, LAC ATIP also received a significant number of requests (898) for records related to the Federal Indian Day Schools class action claims process. This new workload was accomplished by bringing in employees from other areas of LAC and was managed under the Archival and Operational records team.

During this reporting period, LAC’s ATIP Division had 27.760 full-time equivalents (FTEs) assigned to processing *Privacy Act* requests. This includes the 12.28 FTE of the externally funded Litigation Response team.

Service Agreements

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

1.5 Delegation order

For the purposes of the Act, the Minister of Canadian Heritage delegates their 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 their powers, authorities and responsibilities to:

- The Assistant Deputy Minister, Collections;
- The Director General, Archives Branch;
- The Director, ATIP and Litigation Response Division, 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.

1.6 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 2021–2022 fiscal year is available in **Appendix B** of this report, and several segments are highlighted in the relevant sections.

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.

All statistics included in this report are representative of the most current data available to LAC at the time of writing this report.

1.7 Impact of COVID-19-related measures

Despite the ongoing extraordinary circumstances caused by the COVID-19 pandemic, LAC continued processing ATIP requests during the past fiscal year, albeit still at a limited capacity. LAC's facilities were reopened and closed again to the public at various times in alignment with applicable local and provincial public health orders. LAC's onsite presence remained limited due to a variety of factors: floor capacity limits that were instituted in light of new social-distancing requirements, provincial public health measures such as lockdowns and stay-at-home orders, and the use of shared equipment.

All of LAC's ATIP employees continued to work in a hybrid mode, partially onsite and partially working from home, remaining in alignment with local and provincial health measures. ATIP's work was also impacted by the limitations of all of the other teams at LAC. Over the course of the year, while there was generally an increased presence of LAC employees who circulate archival material, archivists who provide expertise on the search and content, the digitization staff who prepare the material for ATIP work, and the up-front guidance of the Reference Services team to LAC's public clients, all of these teams were also working in hybrid mode, and so the total volume workload was not yet at more normalized levels.

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.

Health and safety procedures were in place for staff to follow, such as mandatory mask wearing, social distancing, hand washing and hand sanitizing. These procedures, which were in place until fall 2021, also included the quarantining of paper records for a three-day period following their manipulation by a staff member. This safety precaution was implemented by LAC in accordance with guidelines from the Canadian Conservation Institute. For LAC's ATIP operations, this meant that each time an ATIP analyst looked through a box of records or a personnel file to identify the record required to respond to an ATIP request, the record needed to be quarantined for three days before a member of LAC's digitization team could scan it – slowing down LAC's response time to an ATIP request.

LAC's messaging to inform clients that it was now prioritizing urgent requests related to medical benefits, social services, class actions and legal proceedings, including requests to obtain documents in support of a claim related to the Federal Indian Day Schools Class Action, remained in effect.

As a result of the extraordinary circumstances of the past fiscal years, LAC's ability to fulfill its *Access to Information Act* responsibilities remained significantly impacted between April 1, 2021, and March 31, 2022. However, at all times throughout the 2021–2022 fiscal year, the continued operations of LAC's ATIP Division and its ability to process ATIP requests remained an institutional priority for LAC. Resources from across the institution were redirected to support the ATIP Division, particularly to support the response to requests for records for the Federal Indian Day Schools class action and to mitigate the impact of the COVID-19 pandemic as much as possible on the division's ability to fulfill LAC's responsibilities under the *Access to Information Act* and *Privacy Act*.

A supplemental statistical report on the impact of COVID-19 measures for the 2021–2022 fiscal year is available in **Appendix C** of this report.

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

Part 1 – Requests under the *Privacy Act*

1.1 Number of formal requests

Formal Requests Received

Each year, LAC receives a significant number of formal Privacy requests from individuals seeking information about themselves in records held by LAC. As mentioned in Section 1.3 above, 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 (records deemed to have enduring value transferred to

LAC by government institutions when they are no longer required for ongoing operational purposes) and LAC’s own operational records.

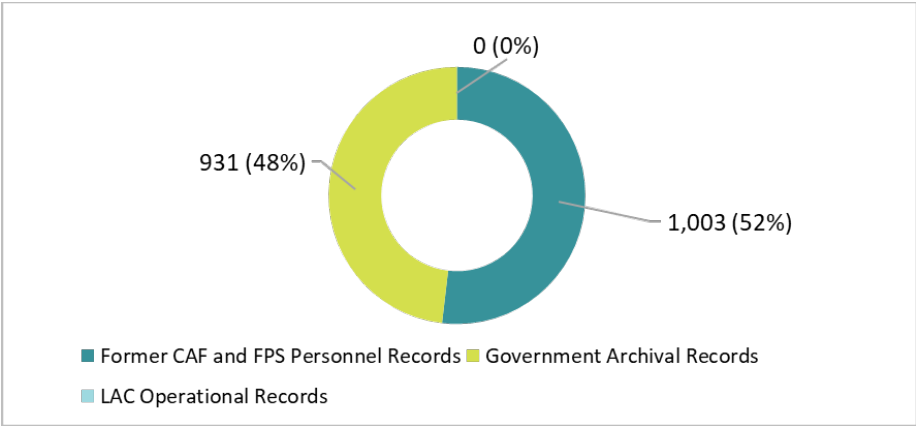
In the 2021–2022 fiscal year, LAC received a total of 1,934 formal Privacy requests.

Specifically, 48% (931) formal Privacy requests received by LAC in 2021–2022 were related to GC archival records in support of claims related to the [Federal Indian Day Schools Class Action](#); 52% (1,003) formal Privacy requests received by LAC in 2021–2022 were related to personnel files; and no (0) requests pertained to its own operational records.

During the past two fiscal years, LAC has seen a surge in Privacy requests for documentation in its GC archival records due to the [Federal Indian Day Schools Class Action](#). From the 2019–2020 fiscal year until the end of this reporting period, LAC has received approximately 2,301 Privacy requests for documentation in its GC archival records in support of claims related to the [Federal Indian Day Schools Class Action](#).

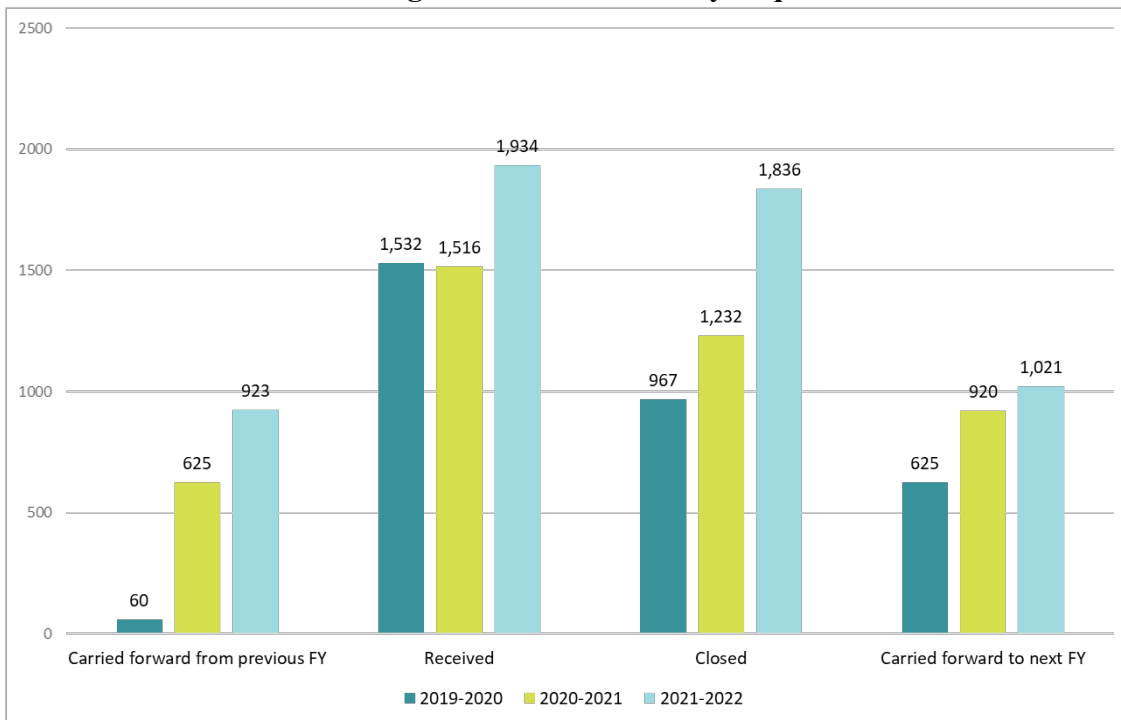
LAC’s management of requests for dormant military service files under its care and control, in accordance with Order in Council *P.C. 1971–1989* (September 21, 1971), also represents a significant workload for the ATIP and Litigation Response Division. In recent years, there has been increased awareness of benefits and services offered to former CAF members, in addition to requests from individuals preparing for claims submissions to various class actions, which may be contributing to the large volume of Privacy requests for these records.

Figure 2: Formal Privacy requests received by type of record



LAC saw an increase in the overall number of formal Privacy requests received in 2021–2022 (1,934 requests) compared with 2020–2021 (1,516 requests).

Figure 3: Formal Privacy requests



Formal Requests Completed

In 2021–2022, LAC completed 1,836 formal Privacy requests, 54% (995) of which were related to personnel files, 46% (841) related to GC archival records and no (0) requests related to its own operational records.

This represents an increase of 49% in completed formal Privacy requests over the previous fiscal year, in which LAC responded to 1,232 formal Privacy requests.

LAC’s ability to respond to Privacy requests can be affected by a number of factors, such as the number of requests received in a given year, their volume (number of pages to be reviewed), their complexity, the staff resources available for this workload, the availability of tools, and process improvements/changes. Furthermore, this past year a surge in requests for documentation in support of claims related to the [Federal Indian Day Schools Class Action](#) and the changing public health situation due to the COVID-19 pandemic have significantly impacted LAC’s ability to respond to Privacy requests (see 1.7 for more information on the impact of the COVID-19 pandemic on LAC’s operations in 2021–2022).

Recognizing the important role that LAC plays in supporting the health and wellbeing of Canadians, LAC has been prioritizing the processing of urgent requests related to medical benefits, social services, class actions and legal proceedings throughout the pandemic. This prioritization has resulted in a high volume of formal Privacy requests being completed.

Formal Privacy Request Trends

During the past five years, LAC has experienced significant ongoing growth in the number of formal Privacy requests that it receives. During this reporting period (April 1, 2021 to March 31, 2022), LAC

received 1,934 formal privacy requests, which is an increase to the volume of formal Privacy requests received in the 2020–2021 fiscal year (1,516). In the previous fiscal years, LAC was seeing an ongoing upward trend of formal Privacy requests received. Specifically, in 2017–2018 LAC received 427 formal Privacy requests; in 2018–2019 LAC received 564 formal Privacy requests; and in 2019–2020 LAC received 1,532 formal Privacy requests. This growth represents an increase of 243% over 5 years (from 2017–2018 to 2021–2022).

In conjunction with the growth in volume of formal Privacy requests received, LAC has been carrying forward a growing number of formal requests each year. Between March 31, 2021, and March 31, 2022, the volume of formal Privacy requests carried forward into the next fiscal year grew from 920 requests to 1,021 requests.

The growth in the number of requests carried over during the past years can be attributed to an insufficient number of resources to meet the growing interest and need for Canadians to access the records in LAC's care and custody. This past year, this issue was further compounded by the impact of the COVID-19 pandemic on LAC's ability to respond to requests and a surge in formal Privacy requests for government records in support of claims related to the [Federal Indian Day Schools Class Action](#). In the 2019–2020, 2020–2021 and 2021–2022 fiscal years, LAC received a combined total of 2,301 formal Privacy requests related to the [Federal Indian Day Schools Class Action](#). The deadline for claimants to submit a claim form in this class action is July 13, 2022. As such, LAC expects to continue receiving a significant volume of formal Privacy requests related to this class action into the next fiscal year.

As clients are not required to self-identify when submitting a Privacy 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 2021–2022:

- 898 requests related to the [Federal Indian Day School Class Action](#).

In addition to the high demand for both personnel files and government records, a factor that may be contributing to the growing trend of formal Privacy requests received by LAC is its growing queue of informal requests. For several years, LAC has been unable to complete the number of informal Privacy requests it receives in a year and carries forward a significant number of requests from one year to the next.

On March 31, 2022, LAC had a total of 877 uncompleted informal Privacy requests that it carried forward into the 2022–2023 fiscal year. The volume of informal Privacy requests in LAC's backlog represents 27% of the volume of informal Privacy requests that LAC received in the 2021–2022 fiscal year. Most significantly, this situation has resulted in client wait times of up to 2 years for responses to some informal Privacy requests made to LAC. We therefore infer that more clients are choosing to submit formal requests in order to receive faster service in accordance with legislated timelines and to gain the right to complain under the Act regarding delays in the processing of their request by LAC.

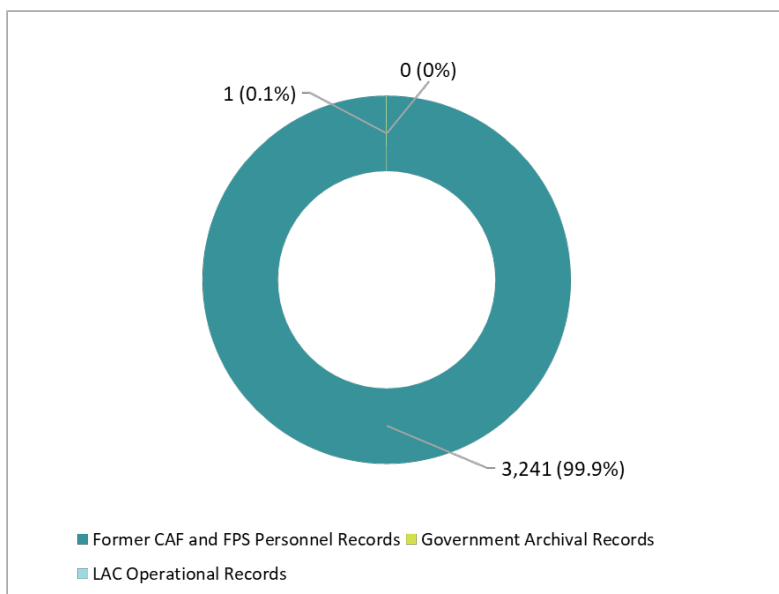
1.2 Number of informal requests

Informal Privacy Requests Received

In the 2021–2022 fiscal year, LAC received a total of 3,242 informal Privacy requests.

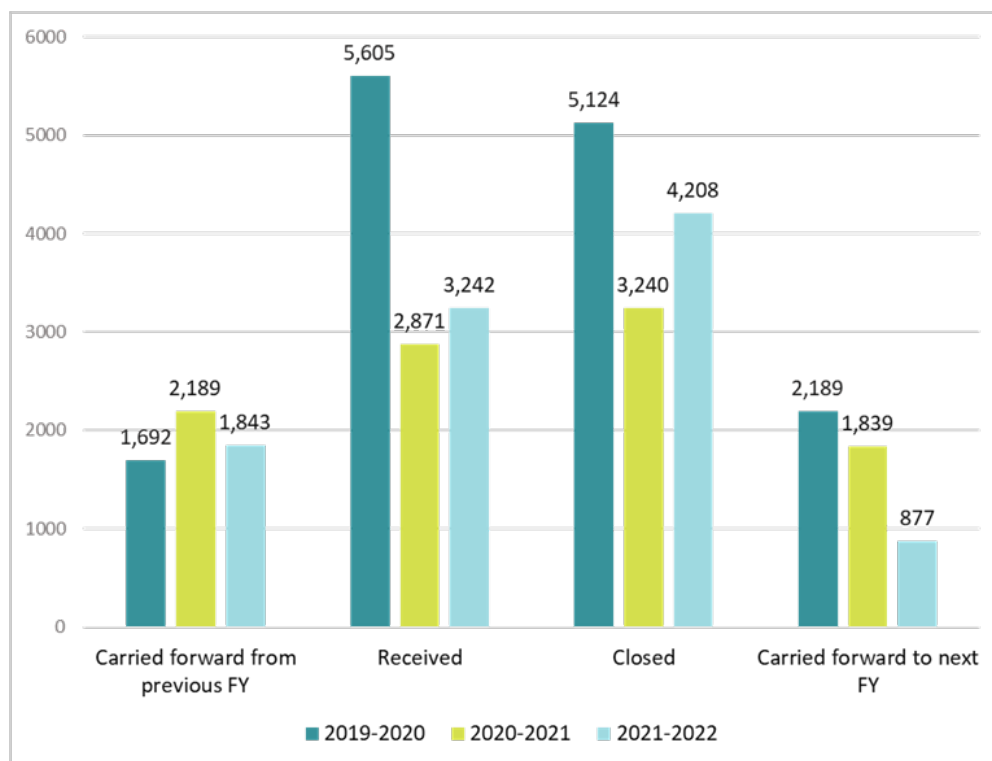
Like formal Privacy requests, informal Privacy requests are made to access three types of records within LAC’s holdings. These include GC archival records, former CAF and former FPS personnel records and LAC’s own operational records. Almost all (99.9%) of the informal Privacy requests made to LAC in 2021–2022 applied to former CAF members and former FPS personnel records.

Figure 4: Informal requests received by type of record



LAC saw an increase of 13% in the overall number of informal Privacy requests received in 2021–2022 (3,242 requests) compared with 2020–2021 (2,871 requests).

Figure 5: Informal Privacy requests



Informal Privacy Requests Completed

In 2021–2022, LAC responded to 4,208 informal Privacy requests (including responses related to the [CAF-DND Sexual Misconduct Class Action Settlement Agreement](#)), which represents 30% more requests completed than in 2020–2021 (3,240 requests). LAC’s ability to respond to Privacy requests can be affected by a number of factors, such as the number of requests received in a given year and their volume (number of pages to be reviewed), the staff resources available for this workload, consultation requirements, the availability of tools, and process improvements/changes. This past year, due to the high volume of formal Privacy requests for LAC to process and the continued impact of the COVID-19 pandemic on operations, it has become increasingly difficult for LAC to process informal Privacy requests made by clients in a timely manner (see Section 1.7 for more information on the impact of the COVID-19 pandemic on LAC’s operations). As mentioned in Section 1.1, this has resulted in client wait times of up to 2 years for responses to some informal Privacy requests made to LAC.

While informal requests are not subject to the same legislated time frames as formal requests made under the Act, LAC strives to limit the number of days that it takes to complete informal Privacy requests as much as possible. In the 2021–2022 fiscal year, LAC was able to complete 49% (2,074) of informal Privacy requests within 30 days.

Recognizing the important role that LAC plays in supporting the health and wellbeing of Canadians, LAC has been prioritizing the processing of urgent requests related to medical benefits, social services, class actions and legal proceedings throughout the pandemic.

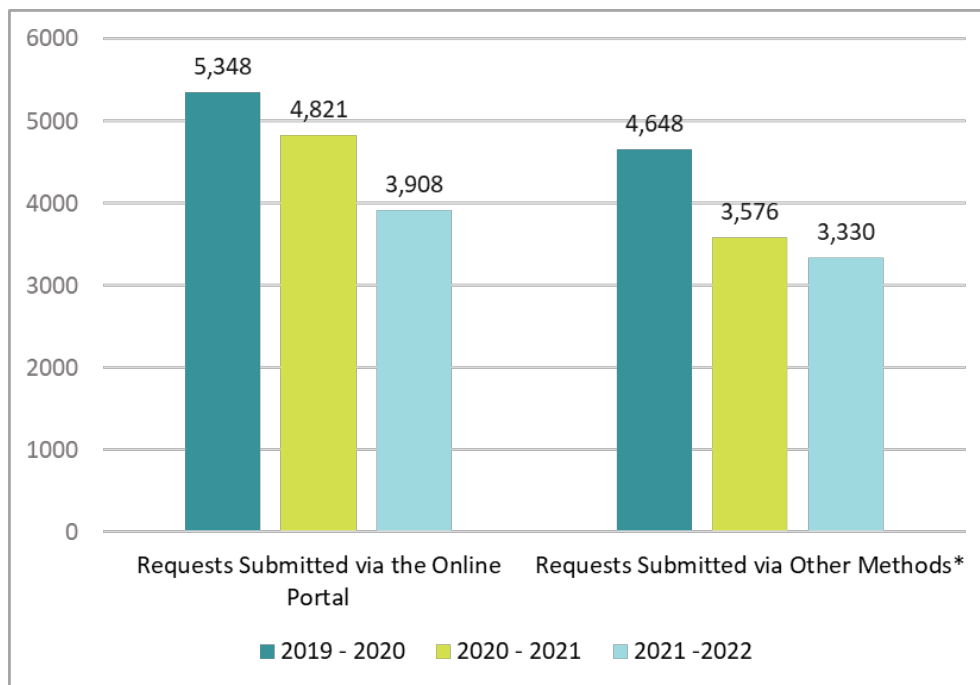
Table 2: Completion time of informal Privacy requests in 2021-2022

Number of Days	2021–2022	2020–2021	2019–2020
1 to 15 days	1,610 (38%)	642 (20%)	1,264 (25%)
16 to 30 days	464 (11%)	296 (9%)	662 (13%)
31 to 60 days	363 (9%)	222 (7%)	1,021 (20%)
61 to 120 days	500 (12%)	427 (13%)	1,159 (23%)
121 to 180 days	166 (4%)	501 (15%)	148 (3%)
181 to 365 days	447 (11%)	571 (18%)	825 (16%)
More than 365 days	658 (16)	581 (18%)	45 (1%)
Total # Requests completed	4,208	3,240	5,124

1.3 Requests submitted online

Since 2016, clients have had the ability to submit ATI and Privacy requests using online application forms directly on LAC’s website. Since that time, LAC has noted that its clients have used these forms more frequently with each passing year.

Figure 6: Number of requests submitted online



*Note: Other methods include by fax, email, regular mail and in person

Since 2016–2017, LAC has generally seen an increase in the use of its online request forms compared with other methods.

Part 2 – Formal requests closed during the reporting period

2.1 Disposition and completion time

In 2021–2022, LAC closed 1,836 formal Privacy requests.

This represents an increase of 49% in completed formal Privacy requests over the previous fiscal year, in which LAC responded to 1,232 formal Privacy requests, and a continuing trend of increases (967 requests completed in 2019–2020; 544 requests completed in 2018–2019 and 402 requests completed in 2017–2018).

To meet this growing volume, LAC continues to make triage process improvements and dedicate a significant number of its FTEs to processing Privacy requests.

Of the 1,836 formal Privacy requests completed in 2021–2022, LAC was able to disclose all or segments of the records in 82% (1,509 of 1,836) of requests. In the remaining 18% (325 of 1,836) of requests, the records did not exist or the client abandoned their request prior to the preparation of the release package.

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

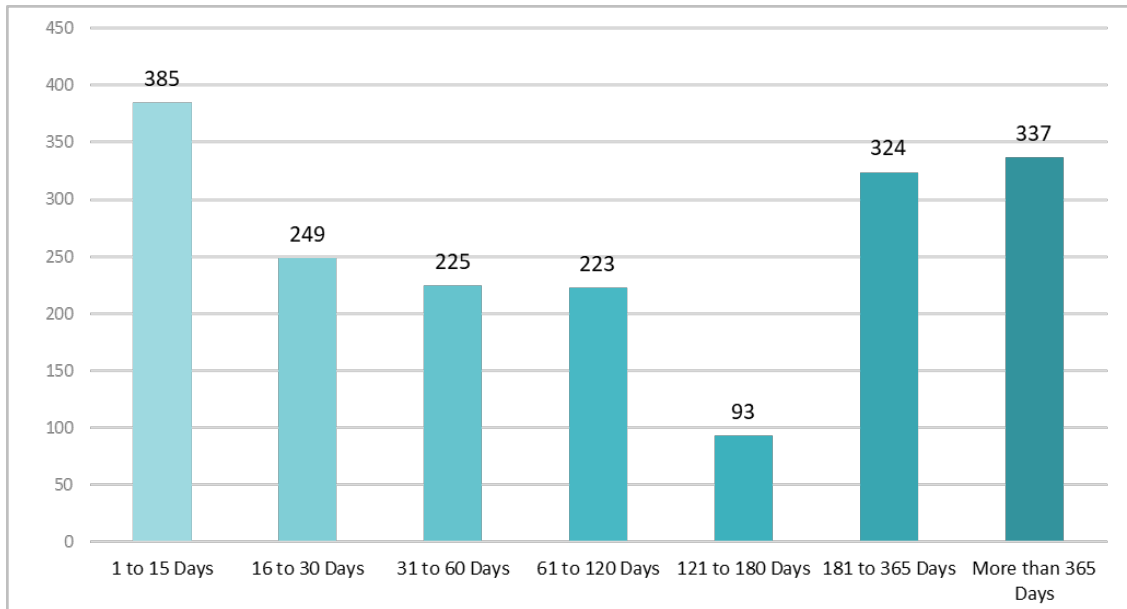
Table 4: Disclosure of records for completed formal requests

Formal Privacy Requests	2021–2022	2020–2021	2019–2020
All disclosed	322 (18%)	241 (20%)	283 (29%)
Disclosed in part	1,187 (65%)	749 (61%)	528 (55%)
All exempted	1	1	0
All excluded	0	1	1 (0%)
No records exist	213 (12%)	159 (13%)	79 (8%)
Request abandoned	112 (6%)	81 (7%)	76 (8%)
Neither confirmed nor denied	1	0	0

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

LAC processes formal Privacy requests within 30 calendar days from the receipt, within the statutory requirements, unless it requires an extension. In 2021–2022, 35% of requests completed were provided to the requester within 30 days. This is an increase from the 2020–2021 fiscal year, when 18% of requests were provided within 30 days.

Figure 7: Formal Privacy requests: number of days to complete



2.2 Exemptions

During 2021–2022, LAC invoked section 26 of the Act for a total of 1,191 formal requests. The majority of Privacy requests completed by LAC pertained to personnel files of former CAF members and government records in support of claims related to the [Federal Indian Day Schools Class Action](#), in which the records contain the personal information of other individuals (such as the names, dates of birth, social insurance numbers, or band numbers of other family members or individuals).

2.3 Exclusions

The Act does not apply to personal information contained in certain materials (e.g., library material preserved for public reference purposes) and in Cabinet confidences. LAC did not apply any exclusions during the 2021–2022 fiscal year.

2.4 Format of information released for formal requests

Prior to the COVID-19 pandemic, LAC prioritized formal requests, urgent requests and all elements involved in the processing of these requests (including digitization) to meet statutory deadlines. In the 2019–2020 fiscal year, LAC had begun working towards increasing its digital processes, including the ability to send electronic release packages up to the Protected B level.

Since the onset of the pandemic in mid-March 2020, LAC has shifted to prioritizing urgent requests (formal and informal) based on client needs requiring immediate access to documents for reasons such as failing health, medical purposes, housing, benefits, employment and litigation. In order to provide documentation quickly and efficiently to its clients, LAC began using Canada Post's *epost Connect™* service to send digital release packages up to the Protected B level. The ability to send electronic release packages greatly

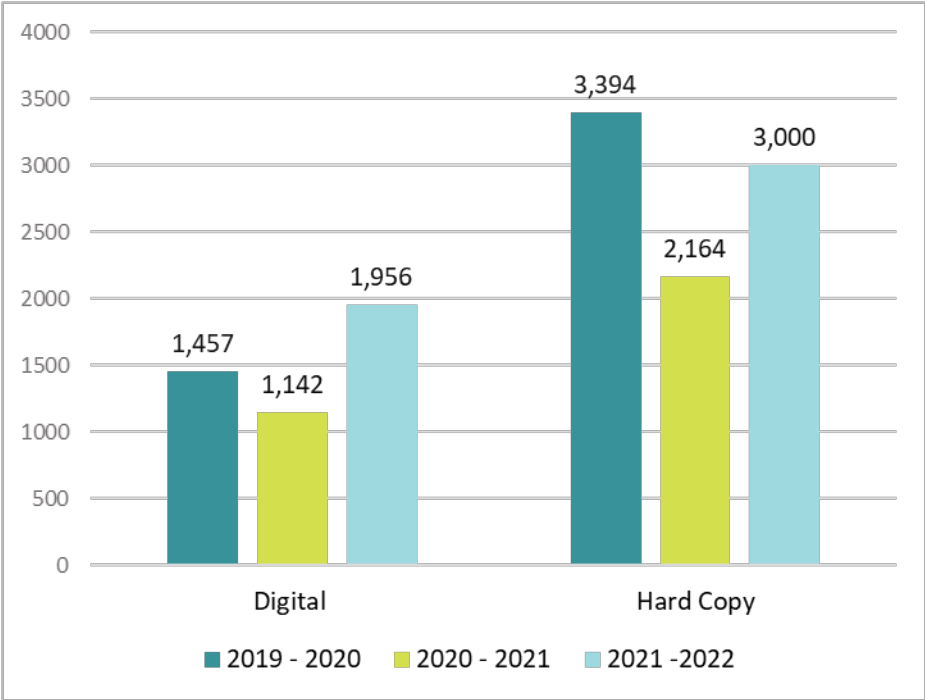
supported LAC’s operations during the past fiscal year, as staff access to LAC’s premises was limited or not possible at times, such as during lockdowns or the protests in downtown Ottawa.

LAC clients have the option of receiving records in either hard copy (paper) or digital format.

In 2021–2022, LAC saw a decrease of 71% (1,956) in the volume of digital (electronic) records released compared with the 2020–2021 fiscal year (1,142). In the 2021–2022 fiscal year, LAC also provided clients with 3,000 release packages for Privacy requests in paper format.

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.

Figure 8: Format of release packages



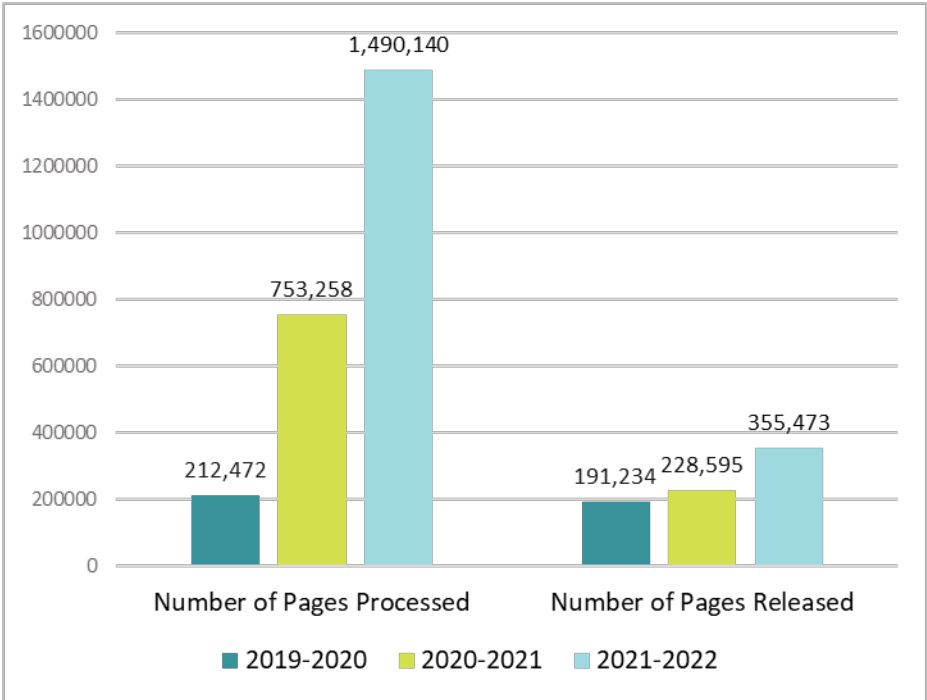
2.5 Complexity

2.5.1 Relevant pages processed and disclosed

LAC reviewed 1,490,140 pages pursuant to formal Privacy requests in 2021–2022. This represents an increase of 98% compared with the volume of pages reviewed in 2020–2021 (753,258 pages). This increase is due to the significant volume of formal Privacy requests processed in 2021–2022 and to the voluminous nature of the records being requested.

In 2021–2022, LAC also reviewed a total of 352,492 pages of material in response to informal Privacy requests, including the number of pages reviewed by the Litigation Response team. In total, LAC reviewed 1,842,632 pages for formal and informal Privacy requests in 2021–2022.

Figure 9: Number of pages processed and released – formal Privacy requests

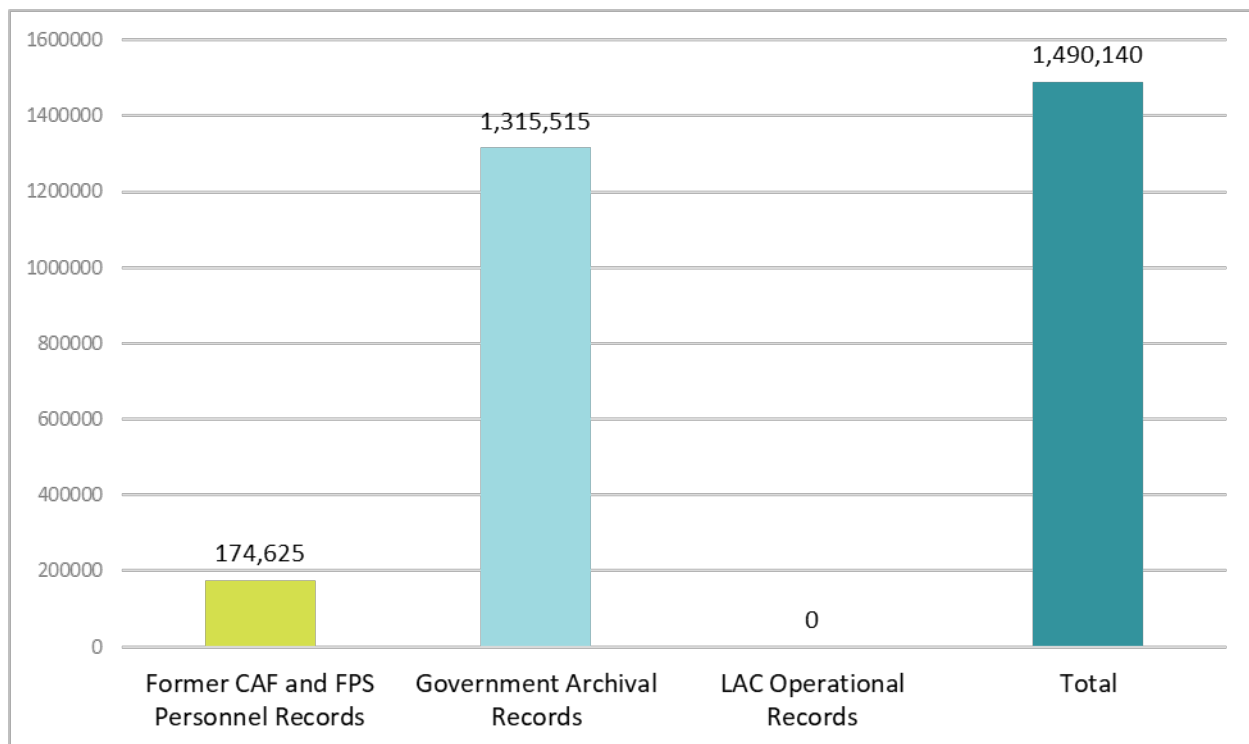


In 2021–2022, 54% of formal Privacy requests completed were for information in personnel files. In general, the more recent CAF personnel files (post–Second World War) are more complex to review, as there are more pages within an individual’s file and they contain more detailed medical information. In 2021–2022, the average number of pages reviewed for a formal Privacy request pertaining to personnel records was 194 pages.

In 2021–2022, 46% of formal Privacy requests completed were for information in government records, specifically records from the former department of Indian and Northern Affairs Canada (INAC) regarding the Federal Indian Day Schools. These records are time consuming to review, as they are voluminous and contain a significant amount of personal information related to other individuals that requires severing. In 2021–2022, the average number of pages reviewed for a formal Privacy request pertaining to government records was 1,817 pages.

The following chart provides the total number of pages reviewed by type of record within LAC’s collections.

Figure 10: Pages reviewed in 2021–2022 by type of record



2.5.2 Relevant pages processed and disclosed by size of request

LAC disclosed records either partially or in full for 1,509 formal Privacy requests in 2021–2022, disclosing a total of 355,473 pages of a total of 1,490,140 pages reviewed. For 648 of these requests, LAC reviewed between 501 and 5,000 pages, and for 36 of these requests more than 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;
- information about more than one individual is found in the records (e.g. sometimes with medical or psychological records); or
- the request could not be completed as it normally would be due to the COVID-19 pandemic.

The number of complexities over the last three years was relatively consistent, based on the number of requests processed within the reporting period. However, unlike in past years, in 2021–2022 the complexities were all related to the impact of the COVID-19 pandemic on LAC’s operations (for more information see Section 1.7).

Table 5: Number of other complexities identified per fiscal year

Fiscal Year	Total Number of Complexities
2021–2022	468
2020–2021	286
2019–2020	230

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Of the 1,836 formal Privacy requests completed this year, 633 (34%) requests were completed within legislated timeframes, and 1,203 were completed past the statutory deadline. The reason the statutory deadline was missed was because of the impact of the COVID-19 pandemic on LAC’s operations.

2.7 Requests for translation

There were no requests for translations from English to French or from French to English in the 2021–2022 reporting year.

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

During 2021–2022, LAC completed 147 Privacy requests for disclosures under subsection 8(2) of the Act. Out of these requests, 74 requests were disclosed in part or fully disclosed, and 73 requests were abandoned by the applicant or did not exist.

LAC released information in seven instances 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, they agree 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.

During the reporting period, 31 disclosures were in accordance with paragraph 8(2)(e), which provides access of information to an investigative body specified for the purpose of enforcing any law of Canada or a province or carrying out a lawful investigation, if the request specifies the purpose and describes the information to be disclosed.

LAC also released information in two 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 6: Summary of disclosures under subsection 8(2) of the *Privacy Act*

Subsection	Number of Disclosures
s. 8(2)(a)	19
s. 8(2)(b)	0
s. 8(2)(c)	1
s. 8(2)(d)	13
s. 8(2)(e)	31
s. 8(2)(f)	1
s. 8(2)(g)	0
s. 8(2)(j)	7
s. 8(2)(k)	2
s. 8(2)(m)	0
Total	74

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 2021–2022, LAC received one request to correct personal information.

Part 5 – Extensions

5.1 Reasons for extensions and disposition of requests

In 2021–2022, 11 extensions were necessary; in all (11) instances, the request interfered with normal operations (e.g., 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 2021–2022, 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 2021–2022, 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 last three fiscal years, LAC received no consultation requests from organizations outside the GC in 2021–2022.

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 2021–2022.

7.2 Requests with Privy Council Office

LAC did not consult the Privy Council Office on Cabinet confidences in 2021–2022.

Part 8 – Complaints and investigation notices received

In 2021–2022, LAC received three Notices of Intention to Investigate from the Office of the Privacy Commissioner.

Part 9 – Privacy impact assessments

In 2021–2022, LAC did not complete or modify any privacy impact assessments (PIAs). LAC continues to work on processes to improve the efficiency of the development of PIAs and continues to use formal templates established in previous fiscal years.

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 the assumption of important initiatives that enable LAC to work in an increasingly digital environment.

Furthermore, LAC’s costs have grown with the addition of the Litigation Response team’s work in support of the [CAF-DND Sexual Misconduct Class Action Settlement Agreement](#) in 2021–2022. This activity is funded by DND for the provision of records support by LAC to DND for the purpose of the [CAF-DND Sexual Misconduct Class Action](#) Final Settlement Agreement Claims Process, through a Memorandum of Understanding between DND and LAC.

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.

In 2021–2022, LAC’s archivists, reference services, circulation, preservation, digitization, 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.

Adhering to the same reporting methodology used in its 2019–2020 and 2020–2021 annual reports, what follows are LAC’s comprehensive costs associated with the administration of the Act for 2021–2022; however, it should be noted it does not include all of the staff costs mentioned above.

Table 7: Costs of administering the *Privacy Act*¹

Cost category	Salary ²	Operations and maintenance
ATIP Division (National Capital Region), including Director	\$2,541,718	\$11,874
ATIP software licenses	\$0	\$38,806
ATIP shipping	\$0	\$12,259
ATIP transportation/ travel	\$0	\$0
Digitization	\$403,649	\$0
Regional staff	\$71,044	\$0
Other costs ³	\$218,568	\$16,135
Total	\$3,234,979	\$79,074

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) (27% 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 2021–2022, there were 35.053 FTEs in the ATIP and Litigation Response Division and 1.73 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 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 included ATIP analysts, clerical support, team leads and managers. Staff for this team are located in the National Capital Region and Winnipeg. In 2021–2022, this team performed the digitization and informal privacy review of former CAF records in support of the GC's response to [CAF-DND Sexual Misconduct Class Action Settlement](#).

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 its existing staff in 2021–2022 and began working towards the development of a Career Management Program for ATIP specialists at LAC.

However, due to significant budget challenges experienced by LAC, many vacant positions were left unfilled across LAC throughout the past fiscal year, including positions in the core ATIP team. To mitigate the impact of this situation on the ATIP Division, an institution-wide internal Call for Interest was issued to seek LAC staff interested in providing short-term help to the ATIP Division. The additional staff assistance was sought to support the division in its aim to continue providing critical information to the Canadian public and assist with certain priority requests that have a direct impact on the lives, rights, health and wellbeing of Canadians, such as those related to the Federal Indian Day Schools Settlement. The ATIP Division called upon interested LAC staff for full-time and part-time opportunities at various levels.

3. Miscellaneous

3.1 Other requests

There were no other requests for the period from April 1, 2021 to March 31, 2022, relating to the Act.

3.2 Education and training

During the 2021–2022 fiscal year, the focus was on providing internal training and mentoring because of the need to develop employees who had taken on new roles or were new to LAC's ATIP Division, particularly employees not from the ATIP community who stepped in to assist in responding to requests for records related to the Federal Indian Day School Class Action. The guidance provided by experienced LAC ATIP analysts and members of the ATIP Policy and Governance unit was important in the successful processing of new incoming requests. In addition, LAC's peer review process continued in ATIP this fiscal year to support new analysts in their work.

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 adapted its operations and strengthened its policies and procedures in response to:

- its evolving business;
- specifically funded activities (the [CAF-DND Sexual Misconduct Class Action Settlement Agreement](#));
- a surge of requests for information in support of claims related to the [Federal Indian Day Schools Class Action](#); and
- changing circumstances and challenges caused by the COVID-19 pandemic.

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, especially in light of the COVID-19 pandemic. In the 2021–2022 fiscal year, LAC's ATIP Division continued to work in a hybrid work environment, as many of its administrative processes were already digital.

LAC's clients are able to submit ATIP requests electronically through its [online portal](#). In 2021–2022, LAC received 3,223 informal and 2,513 formal ATIP requests through its online ATIP request portal, a total of 5,736 ATIP requests. Privacy requests made up approximately 32% (1,828) 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 ATIP requests. Furthermore, it enables LAC to continue registering requests in a remote work environment.

To expedite the delivery of ATIP release packages to its clients, LAC implemented the use of Canada Post's *epost Connect™* service for digital release packages up to the Protected B level. This new digital delivery method provides LAC's clients with a modern alternative to receiving a CD-ROM in the mail. It also enables LAC to send digital release packages in a remote work environment.

This past fiscal year, LAC also made efforts to continue researching and investigating a variety of solutions to increase its capacity to work in a digital environment and improve its services for clients, including the ability to provide online access to open ATIP release packages through digital download. This particular solution will enable clients to have the ability to browse previously released ATIP packages and download them in PDF format without needing to request a copy from LAC's ATIP Division.

To improve its processes, 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 in recent years 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 of requests it receives continues to be greater than the volume it can complete. Any increase to the volume of requests received by LAC affects its ability to process requests and has an impact on all supporting business areas. Over the past six fiscal years, LAC’s backlog of uncompleted ATIP requests has grown significantly as a result. On March 31, 2016, LAC had a backlog of 2,885 uncompleted ATIP requests. By March 31, 2022, this backlog had grown to 18,212 requests, which represents an overall increase of 531%.

Table 8: Volume of ATIP requests received and backlog of uncompleted requests over 5 years

Requests	2017–2018	2018–2019	2019–2020	2020–2021	2021–2022
Total number of ATIP requests received	14,331	15,619	17,190	12,801	12,414
Total number of ATIP requests completed	11,434	13,508	13,391	8,130	11,094
Total number of ATIP requests carried forward (backlog of uncompleted requests)	6,310	8,409	12,218	16,922	18,212
Total # FTEs working in LAC’s ATIP Division on the Administration of the Acts	44,26	74,49*	63,97*	56,97*	55.95

Out of the 18,212 ATIP requests in LAC’s backlog on March 31, 2022, 1,898 are Privacy requests (1,021 formal Privacy requests and 877 informal Privacy requests).

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 formal ATIP requests within the legislated timeframe and urgent requests in an expedited manner.

OIC Systemic Investigation

The growing volume of ATIP requests over recent years and the COVID-19 pandemic have impacted LAC’s ability to fulfill its responsibilities under both the *Privacy Act* and the *Access to Information Act* in 2021–2022. However, LAC prioritized the processing of urgent requests related to medical benefits, social services, class actions and legal proceedings throughout the pandemic.

On January 20, 2021, LAC received a Notice of Intention to Investigate and Summary of Complaint (under s.32 of the *Access to Information Act*) from the Information Commissioner of Canada. The Information

Commissioner initiated a complaint against LAC pursuant to subsection 30(3) of the *Access to Information Act*. The complaint concerned LAC's ongoing failure to provide timely access to information and was based on reports that LAC was unable to process records under its control during the timeframe of April 1, 2020, to February 4, 2021.

On February 4, 2021, LAC received the request for documentation from the OIC, which included information and statistics about requests received and completed by LAC, information on LAC's ATIP processes and copies of its procedures, and information and correspondence provided by LAC to clients. The request also included questions asking LAC to explain its challenges, including the impact of the COVID-19 pandemic, and its plans to address the situation.

On March 18, 2021, LAC provided its response to the OIC with all requested documentation. An official report by the Information Commissioner of Canada regarding the investigation was tabled in Parliament on April 26, 2022. In fiscal year 2022–2023, LAC has committed to putting in place a Task Force which will be responsible for renewing LAC's ATI policies and procedures and charged with [developing an Action Plan](#) and reporting on progress.

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

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 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 2021–2022 fiscal year, this unit was responsible for all additional reporting to TBS related to the COVID-19 pandemic, including the completion of the Weekly Questionnaire on the Status of ATIP Offices and the Monthly Questionnaire on Consultation Capacity for ATIP Offices.

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 reported during the 2021–2022 fiscal year.

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 quarterly 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
Access to Information Act							
4(2.1)	Responsibility of government institutions	X	X	X	X	X	X
7(a)	Notice where access is 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	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
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 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
Access to Information Delegation							
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
Privacy Act							
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 disclosure 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
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
Privacy Regulations							
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, 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

Appendix B: Statistical Report on the *Privacy Act*



Statistical Report on the *Privacy Act*

Name of institution: Library and Archives Canada
 Reporting period: 2021-04-01 to 2022-03-31

Section 1: Requests Under the *Privacy Act*

1.1 Number of requests received

		Number of Requests
Received during reporting period		1934
Outstanding from previous reporting periods		923
• Outstanding from previous reporting period	816	
• Outstanding from more than one reporting period	107	
Total		2857
Closed during reporting period		1836
Carried over to next reporting period		1021
• Carried over within legislated timeline	238	
• Carried over beyond legislated timeline	783	

1.2 Channels of requests

Source	Number of Requests
Online	697
E-mail	852
Mail	281
In person	1
Phone	0
Fax	103
Total	1934

Section 2: Informal requests

2.1 Number of informal requests

		Number of Requests
Received during reporting period		3242
Outstanding from previous reporting periods		1843
• Outstanding from previous reporting period	789	
• Outstanding from more than one reporting period	1054	
Total		5085
Closed during reporting period		4208
Carried over to next reporting period		877

2.2 Channels of informal requests

Source	Number of Requests
Online	1131
E-mail	1215
Mail	618
In person	2
Phone	0
Fax	276
Total	3242

2.3 Completion time of informal requests

Completion Time							
1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
1610	464	363	500	166	447	658	4208

2.4 Pages released informally

Less Than 100 Pages Released		100-500 Pages Released		501-1000 Pages Released		1001-5000 Pages Released		More Than 5000 Pages Released	
Number of Requests	Pages Released	Number of Requests	Pages Released	Number of Requests	Pages Released	Number of Requests	Pages Released	Number of Requests	Pages Released
3636	30668	344	86234	164	114442	64	82692	0	0

Section 3: Requests Closed During the Reporting Period

3.1 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	185	92	33	9	1	2	0	322
Disclosed in part	130	123	155	181	78	268	252	1187
All exempted	0	1	0	0	0	0	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	36	28	31	29	13	40	36	213
Request abandoned	34	5	6	3	1	14	49	112
Neither confirmed nor denied	0	0	0	1	0	0	0	1
Total	385	249	225	223	93	324	337	1836

3.2 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	1191
19(1)(f)	0	22.1	0	27	0
20	0	22.2	0	27.1	1
21	0	22.3	0	28	1
		22.4	0		

3.3 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

3.4 Format of information released

Paper	Electronic				Other
	E-record	Data set	Video	Audio	
654	853	0	0	0	2

3.5 Complexity

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

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
1490140	355473	1623

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

Disposition	Less Than 100 Pages Processed		100-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Processed	Number of Requests	Pages Processed	Number of Requests	Pages Processed	Number of Requests	Pages Processed	Number of Requests	Pages Processed
All disclosed	309	2929	12	1855	0	0	1	1378	0	0
Disclosed in part	212	7079	294	85524	226	158992	419	1003383	36	225252
All exempted	0	0	1	148	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	107	40	3	806	1	648	1	2106	0	0
Neither confirmed nor denied	1	0	0	0	0	0	0	0	0	0
Total	629	10048	310	88333	227	159640	421	1006867	36	225252

3.5.3 Relevant minutes processed and disclosed for audio formats

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

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

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

3.5.5 Relevant minutes processed and disclosed for video formats

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

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

Disposition	Less than 60 Minutes processed		60-120 Minutes processed		More than 120 Minutes processed	
	Number of requests	Minutes Processed	Number of requests	Minutes Processed	Number of requests	Minutes Processed
All disclosed	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0
All exempted	0	0	0	0	0	0
All excluded	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0

3.5.7 Other complexities

Disposition	Consultation Required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	0	0	0	233	233
Disclosed in part	0	0	0	232	232
All exempted	0	0	0	1	1
All excluded	0	0	0	0	0
Request abandoned	0	0	0	2	2
Neither confirmed nor denied	0	0	0	0	0
Total	0	0	0	468	468

3.6 Closed requests

3.6.1 Number of requests closed within legislated timelines

Number of requests closed within legislated timelines	633
Percentage of requests closed within legislated timelines (%)	34.47712418

3.7 Deemed refusals

3.7.1 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
1203	0	0	0	1203

3.7.2 Request closed beyond legislated timelines (including any extension taken)

Number of days past legislated timelines	Number of requests past legislated timeline where no extension was taken	Number of requests past legislated timeline where an extension was taken	Total
1 to 15 days	125	0	125
16 to 30 days	99	0	99
31 to 60 days	138	0	138
61 to 120 days	146	0	146
121 to 180 days	62	1	63
181 to 365 days	369	0	369
More than 365 days	253	10	263
Total	1192	11	1203

3.8 Requests for translation

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

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

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Subsection 8(5)	Total
31	0	0	31

Section 5: Requests for Correction of Personal Information and Notations

Disposition for Correction Requests Received	Number
Notations attached	0
Requests for correction accepted	1
Total	1

Section 6: Extensions

6.1 Reasons for extensions

Number of requests where an extension was taken	15(a)(i) Interference with operations				15 (a)(ii) Consultation			15(b) Translation purposes or conversion
	Further review required to determine exemptions	Large volume of pages	Large volume of requests	Documents are difficult to obtain	Cabinet Confidence Section (Section 70)	External	Internal	
11	0	11	0	0	0	0	0	0

6.2 Length of extensions

Length of Extensions	15(a)(i) Interference with operations				15 (a)(ii) Consultation			15(b) Translation purposes or conversion
	Further review required to determine exemptions	Large volume of pages	Large volume of requests	Documents are difficult to obtain	Cabinet Confidence Section (Section 70)	External	Internal	
1 to 15 days	0	0	0	0	0	0	0	0
16 to 30 days	0	11	0	0	0	0	0	0
31 days or greater								0
Total	0	11	0	0	0	0	0	0

Section 7: Consultations Received From Other Institutions and Organizations

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

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during 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 within negotiated timelines	0	0	0	0
Carried over beyond negotiated timelines	0	0	0	0

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

Recommendation	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	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

7.3 Recommendations and completion time for consultations received from other organizations outside the Government of Canada

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	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

Section 8: Completion Time of Consultations on Cabinet Confidences

8.1 Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		100-500 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

8.2 Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		100-500 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 9: Complaints and Investigations Notices Received

Section 31	Section 33	Section 35	Court action	Total
3	0	1	0	4

Section 10: Privacy Impact Assessments (PIAs) and Personal Information Banks (PIBs)

10.1 Privacy Impact Assessments

Number of PIAs completed	0
Number of PIAs modified	0

10.2 Institution-specific and Central Personal Information Banks

Personal Information Banks	Active	Created	Terminated	Modified
Institution-specific	24	0	0	0
Central	58	0	0	0
Total	82	0	0	0

Section 11: Privacy Breaches

11.1 Material Privacy Breaches reported

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

11.2 Non-Material Privacy Breaches

Number of non-material privacy breaches	0
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Section 12: Resources Related to the Privacy Act

12.1 Allocated Costs

Expenditures	Amount
Salaries	\$3,234,980
Overtime	\$0
Goods and Services	\$79,074
• Professional services contracts	\$0
• Other	\$79,074
Total	\$3,314,054

12.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	27.760
Part-time and casual employees	6.070
Regional staff	0.860
Consultants and agency personnel	0.000
Students	0.363
Total	35.053

Note: Enter values to three decimal places.

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



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

Name of institution: Library and Archives Canada

Reporting period: 2021-04-01 to 2022-03-31

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

Enter the number of weeks your institution was able to receive ATIP requests through the different channels.

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

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

2.1 Enter the number of weeks your institution was able to process paper records in different classification levels.

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

2.2 Enter the number of weeks your institution was able to process electronic records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Electronic Records	0	52	0	52
Protected B Electronic Records	0	52	0	52
Secret and Top Secret Electronic Records	0	52	0	52



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

3.1 Enter the number of open requests that are outstanding from previous reporting periods.

Fiscal Year Open Requests Were Received	Open Requests that are <i>Within</i> Legislated Timelines as of March 31, 2022	Open Requests that are <i>Beyond</i> Legislated Timelines as of March 31, 2022	Total
Received in 2021-2022	377	695	1072
Received in 2020-2021	5	476	481
Received in 2019-2020	68	503	571
Received in 2018-2019	17	127	144
Received in 2017-2018	4	143	147
Received in 2016-2017	0	44	44
Received in 2015-2016 or earlier	0	9	9
Total	471	1997	2468

Row 8, Col. 3 of Section 3.1 must equal Row 7, Col. 1 of Section 1.1 2021-2022 Statistical Report on the *Access to Information Act*

3.2 Enter the number of open complaints with the Information Commissioner of Canada that are outstanding from previous reporting periods.

Fiscal Year Open Complaints Were Received by Institution	Number of Open Complaints
Received in 2021-2022	68
Received in 2020-2021	38
Received in 2019-2020	67
Received in 2018-2019	84
Received in 2017-2018	3
Received in 2016-2017	3
Received in 2015-2016 or earlier	9
Total	272

Section 4: Open Requests and Complaints Under the Privacy Act

4.1 Enter the number of open requests that are outstanding from previous reporting periods.

Fiscal Year Open Requests Were Received	Open Requests that are <i>Within</i> Legislated Timelines as of March 31, 2022	Open Requests that are <i>Beyond</i> Legislated Timelines as of March 31, 2022	Total
Received in 2021-2022	236	698	934
Received in 2020-2021	4	71	75
Received in 2019-2020	2	10	12
Received in 2018-2019	0	0	0
Received in 2017-2018	0	0	0
Received in 2016-2017	0	0	0
Received in 2015-2016 or earlier	0	0	0
Total	242	779	1021

Row 8, Col. 3 of Section 4.1 must equal Row 7, Col. 1 of Section 1.1 2021-2022 Statistical Report on the *Privacy Act*

4.2 Enter the number of open complaints with the Privacy Commissioner of Canada that are outstanding from previous reporting periods.

Fiscal Year Open Complaints Were Received by Institution	Number of Open Complaints
Received in 2021-2022	1
Received in 2020-2021	1
Received in 2019-2020	0
Received in 2018-2019	0
Received in 2017-2018	0
Received in 2016-2017	0
Received in 2015-2016 or earlier	0
Total	2

Section 5: Social Insurance Number (SIN)

Did your institution receive authority for a new collection or new consistent use of the SIN in 2021-2022?

No