



Library and Archives Canada
Annual Report on the *Privacy Act*:
2022–23



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

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la *Loi sur la protection des renseignements personnels* (Bibliothèque et Archives Canada)

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1. Report on the Privacy Act

1.1 Introduction

The *Privacy Act* (the Act) provides all individuals, whether they are within or outside Canada, with the right to access and to correct 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 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 in accordance with section 72 of the Act. It covers the period from April 1, 2022, to March 31, 2023, 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 be 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 in Canada co-operation among 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) division, which became a branch in September 2022, 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 historical value are sent to LAC once they are no longer needed for operational purposes in the department that created them. 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 GC 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 personnel files on former Canadian Armed Forces (CAF) members and former federal public servants; many of these files 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 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 Branch's workload relates to its unique role in providing access to restricted records created by other GC departments in its care and custody, the Branch 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), and providing subject-matter expertise in response to Parliamentary Questions related to ATIP.

Formal and informal request processes

LAC processes requests by applying both formal and informal processes. This practice was put in place to provide requesters with access to the large volume of material that must be processed through the ATIP Branch 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*. A response is required within 30 calendar days of the date the request was received by LAC, unless LAC invokes a one-time 30-day extension (section 15 of the Act). Requesters 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 time frame for the completion of informal requests.

Clients may choose 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 more informal than formal privacy requests. In the 2022–23 fiscal year, LAC received a total of 4,618 privacy requests, 1,719 (37%) of which were formal privacy requests and 2,899 (63%) of which were informal privacy requests.

Of the 1,719 formal privacy requests received by LAC in 2022–23, 58% (996) pertained to former CAF and former FPS personnel files, 42% (719) pertained to archival government records, and less than 1% (4) pertained to its own operational records.

Of the 2,899 informal privacy requests received by LAC in 2022–23, over 99% (2,898) pertained to former CAF and former FPS personnel files, less than 1% (1) pertained to archival government records, and no (0) requests pertained to its own operational records.

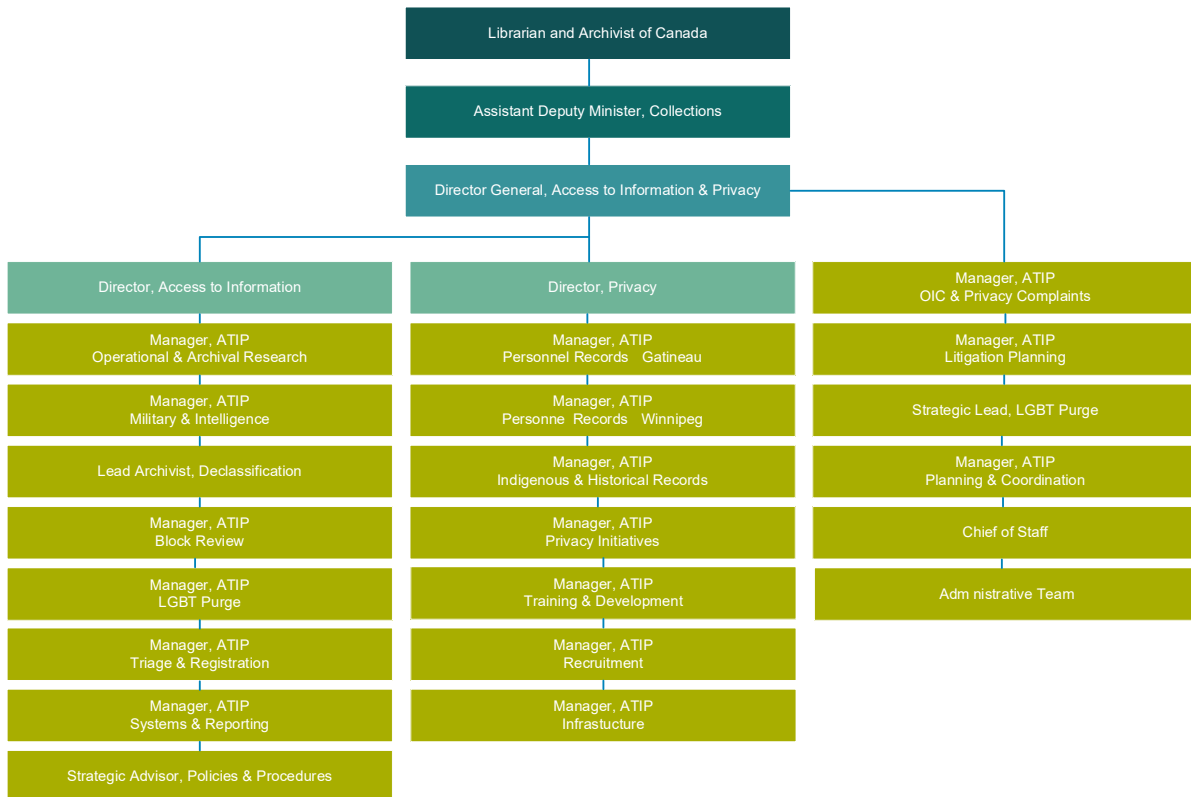
Table 1: Types of records requested under the *Privacy Act* in 2022–23

Type of record	Type of request	Requests received	Requests completed*
Personnel files of former CAF members and former FPS	Formal	996	968
	Informal	2,898	3,235
	Total	3,894	4,203
GC archival records	Formal	719	1,553
	Informal	1	1
	Total	720	1,554
LAC operational records	Formal	4	4
	Informal	0	0
	Total	4	4
Grand total (all types of records)	Formal	1,719	2,525
	Informal	2,899	3,236
	Total	4,618	5,761

1.4 Organizational structure

The organizational chart below outlines the reporting structure relating to the ATIP Branch at LAC in 2022–23.

Figure 1: ATIP Branch reporting structure



In 2022–23, LAC ATIP underwent a significant transformation. In addition to the creation of the new Office of the Director General, ATIP, the Branch comprised two divisions divided into the multiple business areas described below.

Office of the Director General, ATIP

OIC and Privacy Complaints

- Handles administrative tasks related to incoming complaints;
- Communicates with the Office of the Information Commissioner (OIC) and collaborates with LAC’s Legal Services to respond to complaints or settlements.

Litigation Planning

- Responds to immediate needs to meet and support LAC’s roles and responsibilities related to class actions such as the LGBT Purge Class Action and the CAF-DND Sexual Misconduct Class Action.

LGBT Purge

- Provides guidance and expertise to LAC’s newly created team and collaborates with other institutions that are part of the LGBT Purge Class Action.

Planning and Coordination

- Gathers necessary information from stakeholders for the efficient development of budgets and project information.

Chief of Staff

- Provides guidance and recommendations to executives and management for the integrated operations of the Branch.

Administrative Team

- Provides administrative support to the Branch and helps with coordination of ongoing tasks and projects (human resources, finances, etc.).

Access to Information Division

Operational and Archival Research

- Processes formal and informal access, and privacy requests, 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.

Military and Intelligence Records

- Processes formal and informal access, and privacy requests, on restricted archival records related to military and intelligence and under LAC's control.

Declassification

- Represents LAC in ongoing discussions with the Treasury Board Secretariat (TBS) and the ATI Reform team on declassification;
- Engages with GC partners and international counterparts on declassification initiatives and projects.

Block Review (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 a set procedure, to determine if blocks of records can be proactively "opened" and made available to the public and researchers;
- Proactive development of strategic mechanisms for the opening of records in LAC's collection in collaboration with the efforts of other business areas at LAC.

LGBT Purge

- Responds to LAC's role in supporting the GC's response to the [LGBT Purge Class Action Final Settlement Agreement](#) and to prepare for upcoming class actions.

Triage and Registration

- Assesses and registers requests, and responds to inquiries regarding the status of requests;
- Provides clerical support to the Branch's incoming and outgoing requests;
- Ensures internal circulation of documents for ATIP requests;
- Sends communications and delivers release packages to requesters through different platforms.

Systems and Reporting

- Generates and analyzes statistical reports related to ATIP's work;
- Leads the development of a range of internal and external reports and dashboards;
- Manages the institution's use of ATIP-specific software.

Policies and Procedures

- Reviews the implications of changes to ATIP legislation on LAC's business;
- Reviews current, and develops new, policies and procedures;
- Develops new tools to improve workflows and user experience;
- Consults with internal and external partners regarding policy and procedure changes.

Privacy Division

Personnel Records – Gatineau

- Processes formal and informal access, and privacy requests, for restricted personnel files of former members of the CAF who served during the Second World War or in Korea.

Personnel Records – Winnipeg

- Processes formal and informal access, and privacy requests, for restricted personnel files of former FPS and former members of the CAF who did not serve during the Second World War or in Korea.

Indigenous and Historical Records

- Processes formal and informal access, and privacy requests, on restricted archival records related to Indigenous communities and historical records of other GC departments under LAC's control.

Privacy Initiatives

- Provides advice on the management and protection of personal information;
- Performs privacy impact assessments and guides business owners through the privacy breach management process;
- Develops policies to ensure that LAC ATIP meets the legislative and policy reporting requirements of the Office of the Privacy Commissioner (OPC) and TBS.

Training and Development

- Develops and implements training programs to facilitate the onboarding of new employees;
- Provides internal training within LAC on ATIP responsibilities;
- Supports management in identifying the training needs to help facilitate each team's work.

Recruitment

- Handles hiring processes across the ATIP Branch through job posters, interviews, evaluations, etc.;
- Represents LAC ATIP at various job fairs and events;
- Develops onboarding guides for new employees.

Infrastructure

- Supports the deployment of the Government of Canada Secret Infrastructure (GCSI) and Canada's Top Secret Network (CTSN) networks at LAC;
- Ensures that the physical office space and facilities meet the needs of the teams and allow the employees to perform their respective tasks in an efficient manner.

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, ATIP Branch;
- The Directors, Access to Information Division and Privacy Division;
- The Managers and Team Leads in the ATIP Branch; and
- The ATIP Analysts in the ATIP Branch.

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. LAC ATIP is currently revising its delegation order to better meet the specific needs of the organization and in response to the reports of the Information Commissioner issued in 2022.

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 2022–23 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 in 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

LAC's ATIP employees continued to work in a hybrid mode, based on operational needs and remaining in alignment with local and provincial health measures as required. The ATIP Branch remained at full capacity to process records under the *Privacy Act* throughout the 2022–23 fiscal year.

A supplemental statistical report on the capacity to process records for the 2022–23 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 privacy requests received

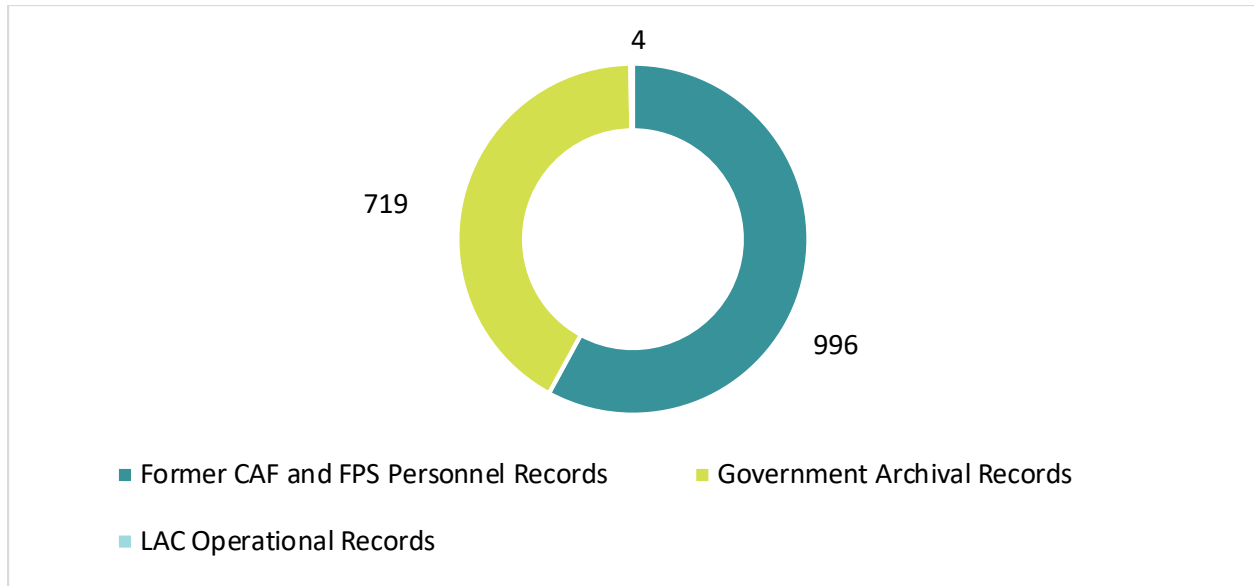
Each year, LAC receives a significant number of formal privacy requests from individuals seeking information about themselves in records held by LAC. As mentioned in Section 1.3 above, there are three groupings of records at LAC: personnel files (military service files of former CAF members and dormant records of former FPS), GC archival records (records deemed to have enduring historical value that have been transferred to LAC by government institutions when they are no longer required for ongoing operational purposes in the departments that created them), and LAC's own operational records.

In the 2022–23 fiscal year, LAC received a total of 1,719 formal privacy requests.

Specifically, 42% (719) formal privacy requests received by LAC in 2022–23 were related to GC archival records in support of claims related to the [Federal Indian Day School Class Action](#), 58% (996) related to personnel files, and less than 1% (4) related to LAC's own operational records.

Prior to 2022–23, LAC had seen a surge in privacy requests for documentation in its GC archival records due to the Federal Indian Day School Class Action, despite the fact that no records were required in order for claims to be submitted as evidence. From the 2019–20 fiscal year until the end of this reporting period, LAC received and completed 3,015 requests for records in support of claims related to the Federal Indian Day School Class Action.

Figure 2: Formal privacy requests received by type of record



Formal privacy requests completed

In 2022–23, LAC completed 2,525 formal privacy requests, 38% (968) of which were related to personnel files, 62% (1,553) related to GC archival records, and less than 1% (4) related to LAC’s own operational records.

This represents an increase of 38% in completed formal privacy requests over the previous fiscal year, in which LAC responded to 1,836 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.

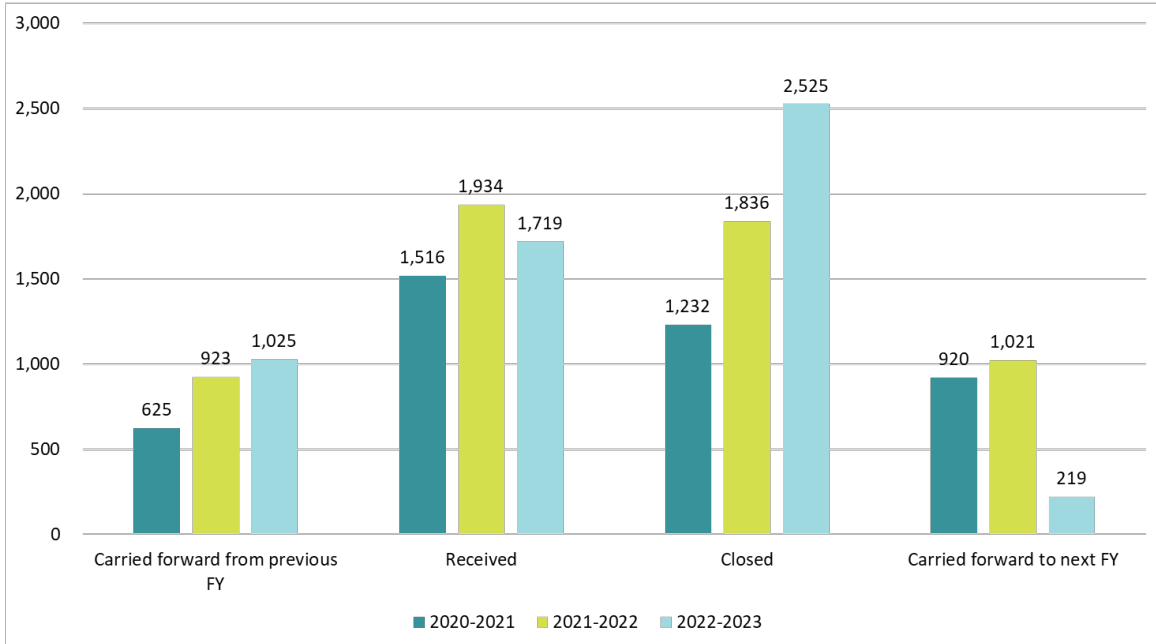
Formal privacy request trends

During the past five years, LAC has experienced significant growth in the number of formal privacy requests that it receives. During this reporting period (April 1, 2022, to March 31, 2023), LAC received 1,719 formal privacy requests, which is a decrease in the volume of formal privacy requests received in the 2021–22 fiscal year (1,934). However, in the previous fiscal years, LAC was seeing an ongoing upward trend of formal privacy requests received. This growth represents an increase of 328% over five years (from 2017–18 to 2022–23).

In conjunction with the increase in formal privacy requests completed, LAC is carrying forward a significantly lower number of formal requests into 2023–24. The volume of formal privacy requests carried forward into the next fiscal year decreased from 1,021 requests to 219 requests, which represents a decrease of 79%. Over the course of 2022–23, LAC received significant temporary funding to increase its staff complement responding to ATIP requests. This has ensured an improvement in the statistics on

the number of files closed in a given year and ultimately a reduction in the number of files carried forward into 2023–24. If this staff complement is maintained through permanent resourcing, it will ensure that LAC can meet its new increased level of volume demand.

Figure 3: Formal privacy requests



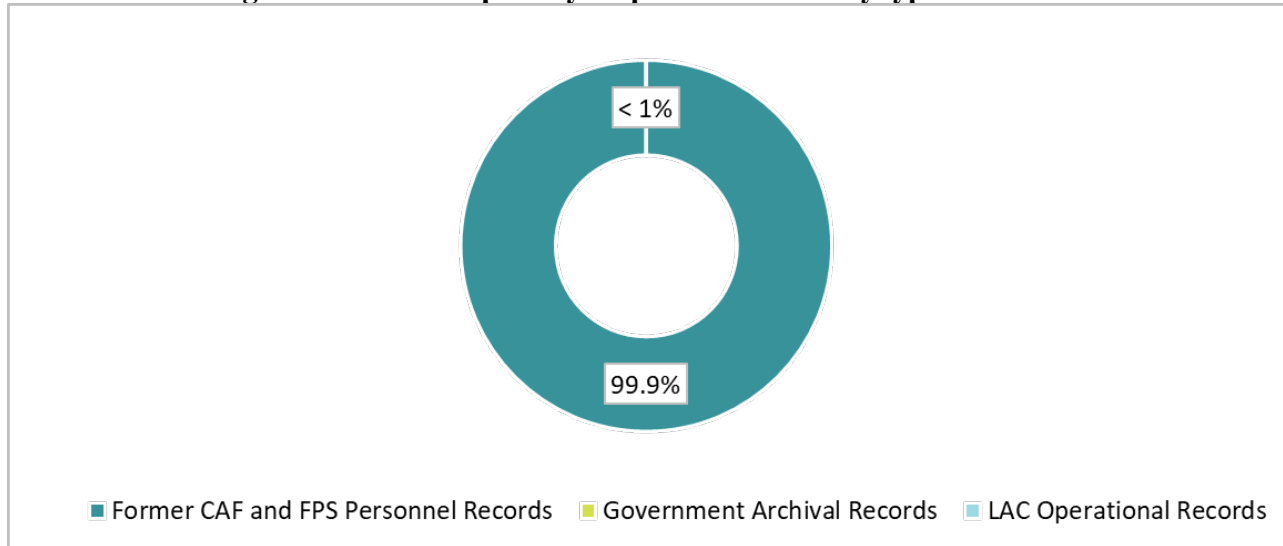
1.2 Number of informal requests

Informal privacy requests received

In the 2022–23 fiscal year, LAC received a total of 2,899 informal privacy requests.

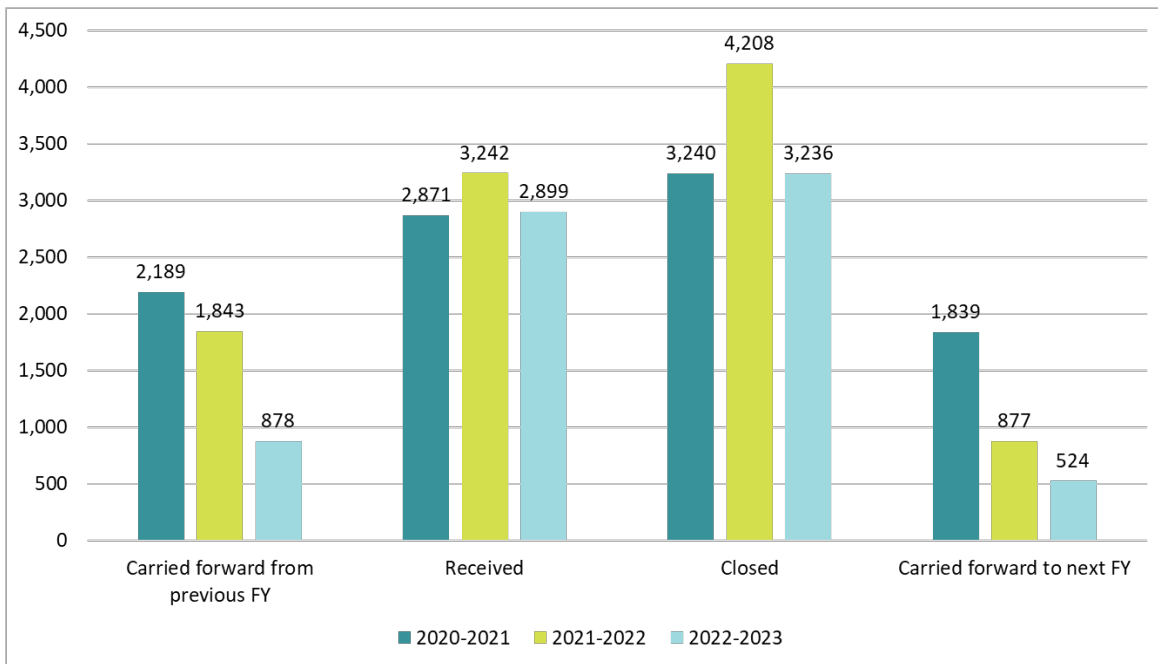
Like formal privacy requests, informal privacy requests are made to access three types of records in LAC’s holdings. These include GC archival records, former CAF and former FPS personnel records, and LAC’s own operational records. Almost all (99.9%) of the informal privacy requests made to LAC in 2022–23 were for the personnel files of former CAF members and former FPS.

Figure 4: Informal privacy requests received by type of record



LAC saw a decrease of 11% in the overall number of informal privacy requests received in 2022–23 (2,899 requests) compared with 2021–22 (3,242 requests).

Figure 5: Informal privacy requests



Informal privacy requests completed

In 2022–23, LAC responded to 3,236 informal privacy requests (including responses related to the [CAF-DND Sexual Misconduct Class Action Settlement](#)), which represents a decrease of 23% in the number of requests completed compared to 2021–22 (4,208 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.

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 2022–23 fiscal year, LAC was able to complete 53% (1,712) of informal privacy requests within 30 days.

Recognizing the importance of supporting the health and well-being of Canadians, LAC has prioritized the processing of urgent requests for records to ensure timely receipt of pensions and benefits, social services, appointments with doctors or medical practitioners, as well as class actions and legal proceedings, regardless of whether the requests submitted are formal or informal. This past year, LAC improved its overall performance in responding to informal requests in shorter time frames than in previous years.

Table 2: Number of days to complete informal privacy requests

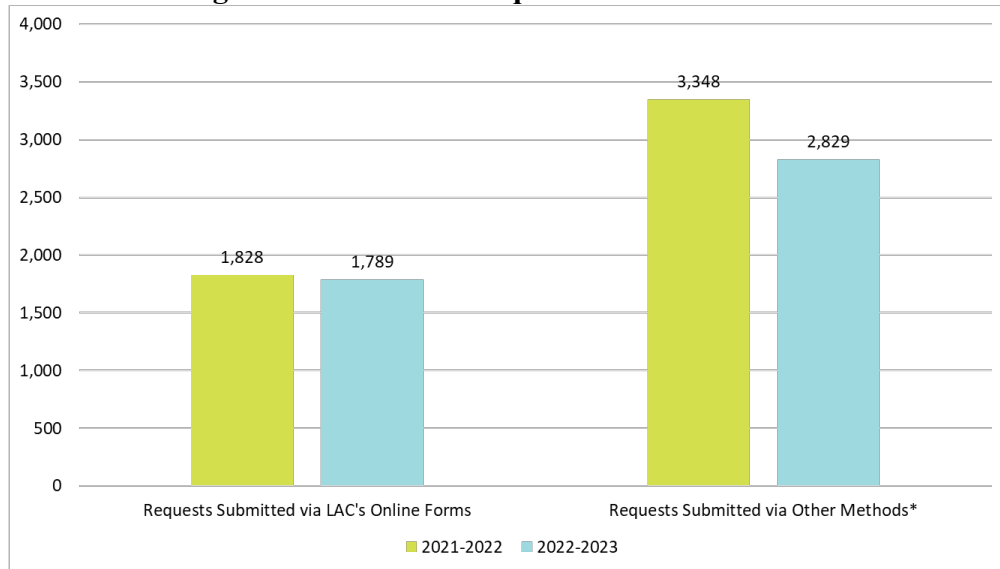
Number of days	2022–23	2021–22	2020–21
1 to 15 days	1,264 (39%)	1,610 (38%)	642 (20%)
16 to 30 days	448 (14%)	464 (11%)	296 (9%)
31 to 60 days	601 (19%)	363 (9%)	222 (7%)
61 to 120 days	413 (13%)	500 (12%)	427 (13%)
121 to 180 days	124 (4%)	166 (4%)	501 (15%)
181 to 365 days	124 (4%)	447 (11%)	571 (18%)
More than 365 days	262 (8%)	658 (16%)	581 (18%)
Total number of requests completed	3,236	4,208	3,240

Note: Percentages are based on the total number of requests completed in the referred fiscal year.

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 and has continued to encourage clients to submit their requests online, whenever feasible.

Figure 6: Number of requests submitted online



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

Part 2 – Formal requests closed during the reporting period

2.1 Disposition and completion time

In 2022–23, LAC closed 2,525 formal privacy requests.

This represents an increase of 38% in completed formal privacy requests over the previous fiscal year, in which LAC responded to 1,836 formal privacy requests. The number of formal privacy requests that LAC completed each year continues to increase (1,232 requests completed in 2020–21, 967 requests completed in 2019–20 and 544 requests completed in 2018–19).

To meet this growing volume, LAC continued to make triage process improvements, changes and updates to its procedures, and due to significant temporary funding, LAC was able to dedicate a larger number of resources to processing privacy requests this fiscal year.

Of the 2,525 formal privacy requests completed in 2022–23, LAC was able to disclose all or parts of the records in 75% (1,894 of 2,525) of requests. In the remaining 25% (631 of 2,525) 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.

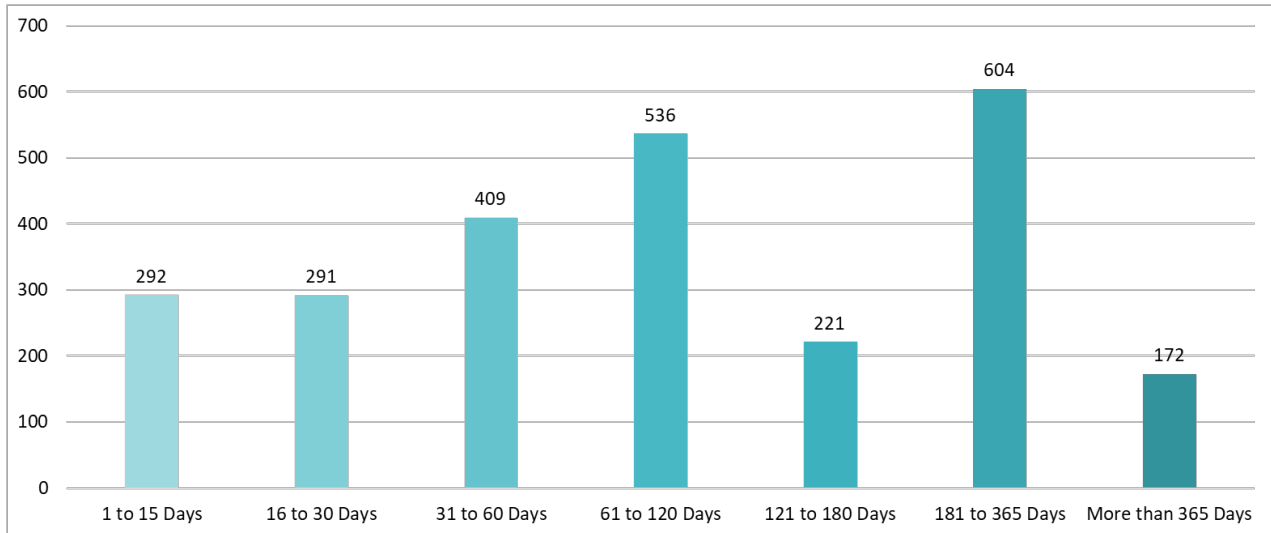
Table 3: Disclosure of records for completed requests

Formal Privacy Requests	2022–23	2021–22	2020–21
All disclosed	232 (9%)	322 (18%)	241 (20%)
Disclosed in part	1,662 (66%)	1,187 (65%)	749 (61%)
All exempted	0	1	1
All excluded	0	0	1
No records exist	454 (18%)	213 (12%)	159 (13%)
Request abandoned	177 (7%)	112 (6%)	81 (7%)
Neither confirmed nor denied	0	1	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 required a one-time 30-day extension. In 2022–23, 23% of requests completed were provided to the requester within 30 days. This represents a decrease from the 2021–22 fiscal year, when 35% of requests were provided within 30 days. This can be attributed to a number of resources being focused on clearing the backlog of overdue requests.

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



2.2 Exemptions

During 2022–23, LAC invoked section 26 of the Act for a total of 1,665 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 School Class Action, in which the records contain the personal information of other individuals (such as the names, dates of birth, social insurance numbers, or Indian 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 2022–23 fiscal year.

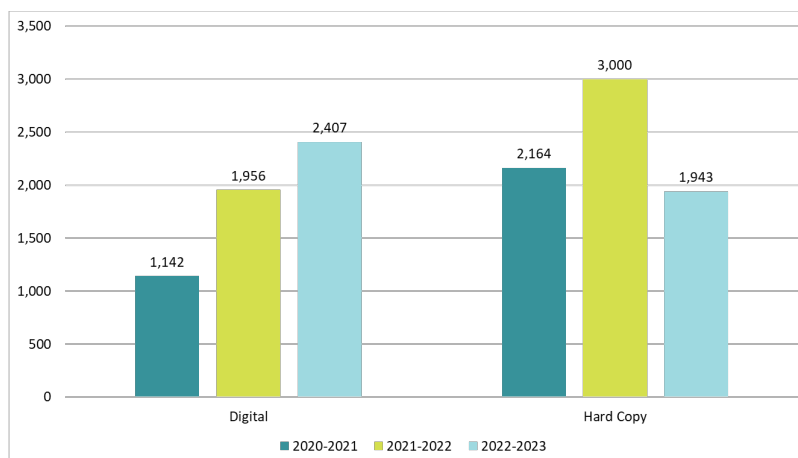
2.4 Format of information released for formal requests

In the 2022–23 fiscal year, LAC transitioned from Canada Post’s Connect™ service to its newly implemented solution that enables the delivery of digital response packages of Protected B materials. This secure mail transfer solution provides documentation quickly and efficiently to clients.

While LAC is strongly promoting access through digital delivery, clients still have the option of receiving records in hard copy (paper). In 2022–23, LAC saw an increase of 23% (2,407) in the volume of digital (electronic) records released compared with the 2021–22 fiscal year (1,956), while providing clients with 1,943 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

In 2022–23, LAC reviewed a significant number of pages pursuant to formal (498,745) and informal (302,725) privacy requests for a total of 801,470 pages. Of the total number of pages reviewed, LAC released 80% or 644,513 pages.

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

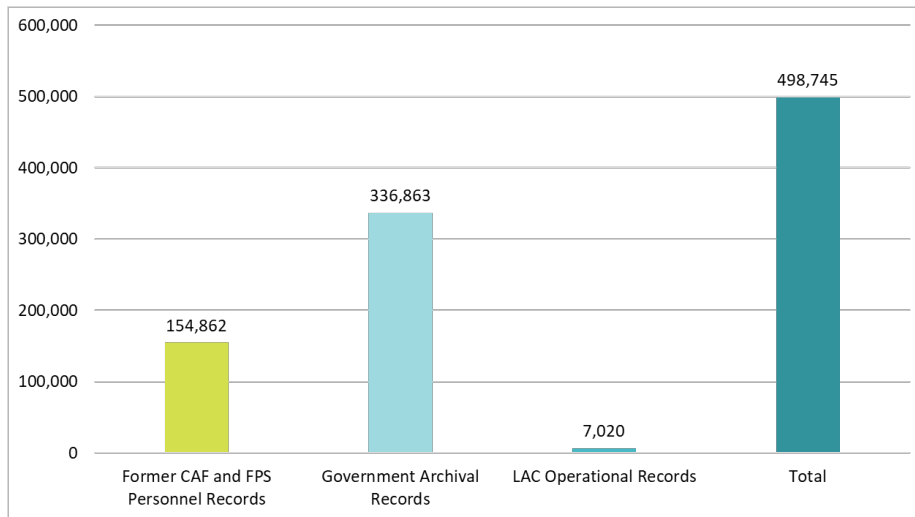


In general, the more recent CAF personnel files (post–Second World War) are more complex to review, as there are more pages within an individual’s file containing more detailed medical information than older CAF personnel files. In 2022–23, 38% of formal privacy requests completed were for information in personnel files of former CAF members. In 2022–23, the average number of pages reviewed for a formal privacy request pertaining to personnel records was 200 pages.

In 2022–23, 60% 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 School Class Action. 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.

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

Figure 10: Pages reviewed in 2022–23 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 1,894 formal privacy requests in 2022–23, a total of 409,486 pages of 498,745 pages reviewed. For 306 of these requests, LAC reviewed between 501 and 5,000 pages, and for 5 of these requests, more than 5,000 pages.

2.5.3 Other complexities

Complexities include requests in which:

- 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 remained 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
2022–23	391
2021–22	468
2020–21	286

2.6 Deemed refusals

2.6.1 Reasons for not meeting the statutory deadline

Of the 2,525 formal privacy requests that LAC completed this year, 584 (23%) requests were completed within legislated time frames and 1,941 (77%) past the statutory deadline.

Refer to **Appendix B** for additional information on the reasons for not meeting the statutory deadlines in 2022–23.

2.7 Requests for translation

LAC ATIP received one request for translation from English to French during the 2022–23 reporting year; however, it refused to proceed. LAC ATIP did not receive any requests for translation from French to English in the 2022–23 reporting year.

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

During 2022–23, LAC completed 136 privacy requests for disclosures under subsection 8(2) of the Act. Of these requests, 78 were disclosed either fully or in part, and 58 were either abandoned by the applicant or no records existed.

LAC released personal information in four 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 that 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, LAC disclosed personal information in 20 disclosures 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 personal information in 37 instances in accordance with paragraph 8(2)(k) of the Act, which stipulates that 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 of LAC's disclosures of personal information under subsection 8(2) of the Act.

Table 5: Disclosures of personal information under subsection 8(2) of the *Privacy Act*

Subsection	Number of disclosures
s.8(2)(a)	6
s.8(2)(b)	0
s.8(2)(c)	1
s.8(2)(d)	5
s.8(2)(e)	20
s.8(2)(f)	3
s.8(2)(g)	0
s.8(2)(j)	4
s.8(2)(k)	37
s.8(2)(m)	2
Total	78

During the reporting period, LAC disclosed personal information twice in response to requests 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. In both instances, the disclosures were to help identify the heirs of deceased individuals. After conducting related reviews, LAC concluded that it should disclose the personal information (name, address and contact information of family members) because the disclosure outweighed any invasion of privacy and the potential heirs would benefit from the release of their personal information. In both cases, the OPC was notified prior to the disclosure of the information.

Part 4 – Requests for correction and personal information and notations

During 2022–23, LAC received no (0) requests to correct personal information.

Part 5 – Extensions

5.1 Reasons for extensions and disposition of requests

In 2022–23, four extensions were necessary; in three instances, the requests interfered with normal operations (e.g. it contained a significant volume of records, or the volume of requests received exceeded the normal work of the unit), and in one instance, the request required an external consultation.

Part 6 – Consultations received from other institutions and organizations

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

In 2022–23, LAC received no (0) 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 2022–23, LAC received no (0) requests for consultation from other GC institutions.

6.3 Recommendations and completion time for consultations received from other organizations

In 2022–23, LAC received no (0) requests for consultation from organizations outside the GC.

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 2022–23.

7.2 Requests with Privy Council Office

LAC did not consult the Privy Council Office on Cabinet confidences in 2022–23.

Part 8 – Complaints and investigation notices received

In 2022–23, LAC received five Notices of Intention to Investigate from the OPC.

Part 9 – Privacy impact assessments

In 2022–23, 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.

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 relation to its workload, following the launch of important initiatives that enabled LAC to work in an increasingly digital environment.

LAC received significant temporary funding to increase its ATIP capacity in response to the Information Commissioner’s two reports published in 2022. As a result, the staff complement in the ATIP Branch grew significantly in 2022–23, including the creation of a Privacy Initiatives team to ensure that LAC is fulfilling its obligations in accordance with the *Privacy Act* and its regulations.

Furthermore, LAC’s costs increased with the addition of the Litigation Response team’s work in support of the [CAF-DND Sexual Misconduct Class Action Settlement](#) in 2022–23. DND funded this activity in exchange for LAC’s provision of records support for the purpose of the CAF-DND Sexual Misconduct Class Action Final Settlement claims process, as per a Memorandum of Understanding between the two organizations.

In addition to the work performed by the staff in LAC’s ATIP Branch, it is important to highlight that staff from across the institution worked to support the ATIP function. In 2022–23, archivists and staff in reference services, circulation, preservation, digitization, translation and web publishing played key roles to ensure that LAC responded to ATIP requests in a timely manner and fulfilled new reporting requirements for ATIP. What follows are LAC’s comprehensive costs associated with the administration of the Act for 2022–23.

Table 6: Costs of administering the *Privacy Act*

Expenditures ¹		Amount
Salaries ²		\$3,860,282
Overtime		\$0
Goods and services		\$823,357
• Professional services contracts	\$70,987	
• Other costs ³	\$752,370	
Total		\$4,683,639

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, web publishing, etc.

10.2 Human resources

In 2022–23, there were 52,62 full-time equivalents (FTEs) in the ATIP Branch and across the institution performing work associated with the application of the Act.

Over the course of the past fiscal year, LAC's ATIP Branch implemented organizational changes and adapted its human resources and reporting structure to diversify skill sets, streamline operations and more effectively respond to its evolving business. At the end of the reporting year, the ATIP Branch consisted of 153,55 FTEs, compared to 55.95 FTEs at the end of 2021–22. Additional employees were hired or redeployed across LAC to ensure that all of LAC's business areas supporting responses to ATIP requests were properly equipped to handle the increased volume and new ways of working.

3. Miscellaneous

3.1 Other requests

There were no other requests for the period from April 1, 2022, to March 31, 2023, relating to the Act.

3.2 Training and awareness

During the 2022–23 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 Branch, particularly employees not from the ATIP community. The guidance provided by experienced LAC ATIP analysts and employees is 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.

The ATIP Branch developed an onboarding program for new employees that includes mandatory training for new LAC employees and ATIP professionals (LAC orientation program, care and handling of archival documents, Canada School of Public service courses related to ATIP, TBS onboarding sessions for new ATIP professionals, information management training, etc.). These training opportunities are offered along with specific presentations by internal experts on ATIP legislation, with the goal of helping employees to understand their responsibilities and exercise their roles more efficiently. These mandatory training sessions provide an excellent overview of ATIP and LAC; they help new recruits to absorb important knowledge and understanding of the ATIP world before they tackled the actual tasks within their specific teams. Managers also strongly encourage employees to take part in sessions offered by TBS on specific topics and legislation. In addition, 37 experienced employees across the Branch took part in development training offered by the Association of Access to Information and Privacy Professionals through the Université de Montréal. The Branch has also organized multiple training sessions on vicarious trauma and compassion fatigue, to help support employees who are frequently exposed to disturbing information, stories or experiences through their work with archival material. A total of 29 ATIP employees and 116 other LAC employees participated in this training.

In the Privacy Division, LAC put in place a strategic workflow to leverage the expertise of the most experienced employees and allow new analysts to learn and receive constructive feedback from their peers. The coaching provided by senior members of the team allowed many of the newest team members to grow in their specific roles over the past year.

The Privacy Initiatives Unit raised awareness through advice provided to clients on the management of personal information. This unit developed and delivered four privacy onboarding training sessions in February and March; 26 individuals attended these sessions. Moreover, the Unit developed awareness material and has begun to collaborate with Communications for the publication of this material on LAC platforms.

3.3 Significant changes to organization, programs, operations or policy

Over the course of the past fiscal year, LAC's ATIP Branch significantly changed its organizational structure and welcomed new employees. LAC ATIP also adapted its operations and strengthened its policies and procedures in response to:

- the reports issued by the Information Commissioner of Canada following their systemic investigation;
- its evolving business;
- specifically funded activities (the [CAF-DND Sexual Misconduct Class Action Settlement](#)); and
- a surge of requests for information in support of claims related to the [Federal Indian Day School Class Action](#).

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. In the 2022–23 fiscal year, LAC's ATIP Branch continued to work in a hybrid work environment, as many of its administrative processes are digital.

Clients are able to submit ATIP requests electronically through LAC's online forms. In 2022–23, LAC received 2,822 informal and 2,834 formal ATIP requests through its online forms, a total of 5,656 ATIP requests. Privacy requests made up 32% (1,789) of the requests received online. Using the LAC online forms 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.

Table 7: Volume of ATIP requests received and backlog of uncompleted requests over five years

Requests	2022–23	2021–22	2020–21	2019–20	2018–19
Total number of ATIP requests received	11,215	12,414	12,801	17,190	15,619
Total number of ATIP requests completed	11,161	11,094	8,130	13,391	13,508
Total number of ATIP requests carried forward (backlog of uncompleted requests)	18,130	18,212	16,922	12,218	8,409
Total number of FTEs working in LAC’s ATIP Branch on the administration of the Acts	153.55	55.95	56.97	63.97	74.49

Of the 18,130 ATIP requests in LAC’s backlog on March 31, 2023, 760 are privacy requests; 219 are formal privacy requests and 541 are 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. Over the course of 2022–23, LAC received temporary funding and was able to make significant investments in new personnel to respond to ATIP requests. This has allowed LAC to build a new structure able to respond to the total volume of incoming requests each year. During the past fiscal years and because of limited resources, LAC ATIP has been carrying forward requests each year, which explains the backlog of 18,130 requests as of March 31, 2023.

Initiatives and projects

The Privacy Initiatives Unit has been reviewing its program framework in order to provide LAC colleagues with more robust, sustainable and efficient services. The Unit has been modernizing its internal policies, processes, tools and templates while ensuring that they adhere to the *Privacy Act* as well as Treasury Board policies and directives. The Unit also collaborated with LAC programs to identify and reduce the impact of their activities on privacy as well as mitigate the privacy risks.

The ATIP Branch has put efforts into technological improvements and enhanced its secure infrastructure, to more efficiently process requests that require access to secret, top secret or sensitive records. A total of 42 workstations are now available for the processing of material classified as secret, along with 2 stations for top-secret material. The Branch has also moved away from Epost for digital file delivery and has developed its own secure file transfer software, which is a simpler and more convenient tool for clients.

New teams were created across the Branch, workflows and procedures were reviewed to ensure a more logical division of the work, and new procedures were put in place to ensure more efficiency. In the team responsible for processing requests related to the Federal Indian Day School Class Action, a workflow was put in place to ensure a clear division of the tasks between each employee. This process

enabled the team to process the requests in a faster and more efficient way, therefore enabling the team to eliminate the backlog in a short period of time.

OIC systemic investigation

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 time frame of April 1, 2020, to February 4, 2021.

On February 4, 2021, LAC received the request for documentation from 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 OIC with all requested documentation. An official report by the Information Commissioner regarding the investigation was tabled in Parliament on April 26, 2022, which highlights GC-wide issues with the declassification and consultation processes:

- [Library and Archives Canada \(Re\), 2022 OIC 17](#)
- [Access at issue: The challenge of accessing our collective memory](#)

Following the tabling of these reports, LAC ATIP received significant temporary funding to reduce the backlog and support litigation planning and response. An [ATIP Action Plan](#) was implemented to address LAC ATIP internal systemic issues. It provides the foundation for initiating important changes and LAC has committed to providing two progress reports each year. The first [update for December 2022](#) has been published on LAC's website.

While a significant number of requests (18,130) is being carried forward into 2023–24, the total number of ATIP request received (11,215) versus the number of ATIP requests completed (11,161) demonstrates LAC's efforts in improving its capacity, and its ability to meet the annual volume of incoming requests.

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

Policy

In the fall of 2022, LAC created the Privacy Initiatives Unit to centralize its privacy management functions. The Unit's primary purpose is to ensure that LAC meets the many TBS policy and legislative privacy requirements. As a new team, the Unit has been developing its framework, while

providing services to LAC colleagues through its advisory services, risk management services, breach management services as well as through training and awareness, therefore improving LAC's ability to protect personal information under its control. Since its inception in October 2022 to March 2023, the Unit completed 56 advisory files, compliance verifications and preliminary risk assessments.

In 2022–23, LAC also implemented TBS's identity verification requirements by developing and bringing into effect a new procedure. This reduced the level of effort for both the Triage and Registration team and analysts, as the requirements for accepted proof of identity are now clearer. The ATIP Branch also created a team dedicated to the review and oversight of all procedures related to ATIP. This team has assessed and reviewed policies and workflows to ensure that they are up to date, to identify any gaps, and to ensure consistency and efficiency across the ATIP Branch in how the procedures are implemented and used for training purposes. As a result, there has been a decrease in the duplication of work and an increase in efficiency in the processing of requests.

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

During 2022–23, LAC reported one privacy breach to TBS and OPC. The breach occurred during the month of June 2022. An employee of LAC uploaded 366 unredacted ATIP release packages in Epost. Upon further inspection, LAC determined that 70 packages contained personal information of third parties. The cause of the breach was due to a configuration error in LAC's case management system. LAC retrieved 86% of the packages from clients or confirmed their destruction and replacement with the properly redacted versions of the release packages. The remaining 14% are pending imminent confirmation of containment. While LAC reported this breach in light of the volume of files released, it does not expect the incident to cause serious harm to the affected individuals.

3.6 Monitoring compliance

LAC monitors the time invested in processing privacy requests through the specialized ATIP software Access Pro Case Management . This software enables LAC to track all request-related activities (e.g. time management, correspondence, consultations and application 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 Branch 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.

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
550 de la Cité Boulevard
Gatineau, Quebec J8T 0A7

4. Appendices

Appendix A: Delegation Order – *Privacy Act*

**NB – LAC will be revising its delegation instrument in 2023-2024 to align with its new ATIP Branch structure and to ensure effective delegation for its ATIP functions and requirements. In the interim, the delegation instrument is implemented in accordance with the levels of the associated positions and LAC's overall Organizational Structure.*

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
<i>Access to Information Delegation</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, Access to Information and Privacy
- DIR Directors, Access to information and Privacy Division
- MAI Managers, Access to Information and Privacy Division
- A1 Team Leads, Access to Information and Privacy Division
- A2 ATIP Analysts, Access to Information and Privacy Division

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
<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, Access to Information and Privacy
- DIR Directors, Access to information and Privacy Division
- MAI Managers, Access to Information and Privacy Division
- A1 Team Leads, Access to Information and Privacy Division
- A2 ATIP Analysts, Access to Information and Privacy Division

Appendix B: Statistical Report on the *Privacy Act*



Statistical Report on the *Privacy Act*

Name of institution: Library and Archives Canada

Reporting period: 2022-04-01 to 2023-03-31

Section 1: Requests Under the *Privacy Act*

1.1 Number of requests received

		Number of Requests
Received during reporting period		1719
Outstanding from previous reporting periods		1025
• Outstanding from previous reporting period	89	
• Outstanding from more than one reporting period	936	
Total		2744
Closed during reporting period		2525
Carried over to next reporting period		219
• Carried over within legislated timeline	32	
• Carried over beyond legislated timeline	187	

1.2 Channels of requests

Source	Number of Requests
Online	795
E-mail	574
Mail	215
In person	2
Phone	0
Fax	133
Total	1719

Section 2: Informal requests

2.1 Number of informal requests

		Number of Requests
Received during reporting period		2899
Outstanding from previous reporting periods		878
• Outstanding from previous reporting period	634	
• Outstanding from more than one reporting period	244	
Total		3777
Closed during reporting period		3236
Carried over to next reporting period		541

2.2 Channels of informal requests

Source	Number of Requests
Online	994
E-mail	1017
Mail	618
In person	1
Phone	0
Fax	269
Total	2899

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
1264	448	601	413	124	124	262	3236

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
2820	31163	270	72511	98	68166	48	63219	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	66	93	49	21	0	2	1	232
Disclosed in part	78	148	270	395	170	484	117	1662
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	59	45	73	99	40	96	42	454
Request abandoned	89	5	17	21	11	22	12	177
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	292	291	409	536	221	604	172	2525

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)	1	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	1665
19(1)(f)	0	22.1	0	27	1
20	0	22.2	0	27.1	0
21	0	22.3	0	28	0
		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	
507	1387	0	0	0	0

3.5 Complexity

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

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
498745	409486	2071

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	201	1983	26	6670	4	2609	1	1506	0	0
Disclosed in part	753	20702	605	169276	255	166697	44	90437	5	36711
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	173	21	2	611	2	1522	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	1127	22706	633	176557	261	170828	45	91943	5	36711

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
Neither confirmed nor denied	0	0	0	0	0	0
Total	0	0	0	0	0	0

3.5.7 Other complexities

Disposition	Consultation Required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	0	0	0	181	181
Disclosed in part	1	0	0	205	206
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	1	0	3	4
Neither confirmed nor denied	0	0	0	0	0
Total	1	1	0	389	391

3.6 Closed requests

3.6.1 Number of requests closed within legislated timelines

Number of requests closed within legislated timelines	584
Percentage of requests closed within legislated timelines (%)	23.12871287

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
1941	1940	1	0	0

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	189	0	189
16 to 30 days	208	0	208
31 to 60 days	348	1	349
61 to 120 days	321	0	321
121 to 180 days	190	0	190
181 to 365 days	550	0	550
More than 365 days	133	1	134
Total	1939	2	1941

3.8 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	1	1
French to English	0	0	0
Total	0	1	1

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

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Subsection 8(5)	Total
20	2	2	24

Section 5: Requests for Correction of Personal Information and Notations

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

Section 6: Extensions

6.1 Reasons for extensions

Number of extensions 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	
4	0	3	0	0	0	1	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	3	0	0	0	1	0	0
31 days or greater								0
Total	0	3	0	0	0	1	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
5	0	0	0	5

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	1
Number of material privacy breaches reported to OPC	1

11.2 Non-Material Privacy Breaches

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

12.1 Allocated Costs

Expenditures	Amount
Salaries	\$3,860,282
Overtime	\$0
Goods and Services	\$823,357
• Professional services contracts	\$70,987
• Other	\$752,370
Total	\$4,683,639

12.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	37.531
Part-time and casual employees	12.222
Regional staff	1.112
Consultants and agency personnel	0.000
Students	1.758
Total	52.623

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: 2022-04-01 to 2023-03-31

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	0	52	52
Protected B Paper Records	0	0	52	52
Secret and Top Secret Paper Records	0	0	52	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	0	52	52
Protected B Electronic Records	0	0	52	52
Secret and Top Secret Electronic Records	0	0	52	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, 2023	Open Requests that are <i>Beyond</i> Legislated Timelines as of March 31, 2023	Total
Received in 2022-2023	185	1185	1370
Received in 2021-2022	1	507	508
Received in 2020-2021	4	424	428
Received in 2019-2020	11	502	513
Received in 2018-2019	2	119	121
Received in 2017-2018	4	130	134
Received in 2016-2017	0	30	30
Received in 2015-2016	0	5	5
Received in 2014-2015	0	1	1
Received in 2013-2014 or earlier	0	3	3
Total	207	2906	3113

Row 11, Col. 3 of Section 3.1 must equal Row 7, Col. 1 of Section 1.1 of the 2022-2023 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 2022-2023	92
Received in 2021-2022	52
Received in 2020-2021	33
Received in 2019-2020	53
Received in 2018-2019	3
Received in 2017-2018	1
Received in 2016-2017	1
Received in 2015-2016	3
Received in 2014-2015	0
Received in 2013-2014 or earlier	0
Total	238

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, 2023	Open Requests that are <i>Beyond</i> Legislated Timelines as of March 31, 2023	Total
Received in 2022-2023	29	151	180
Received in 2021-2022	2	16	18
Received in 2020-2021	0	18	18
Received in 2019-2020	1	2	3
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	0	0	0
Received in 2014-2015	0	0	0
Received in 2013-2014 or earlier	0	0	0
Total	32	187	219

Row 11, Col. 3 of Section 4.1 must equal Row 7, Col. 1 of Section 1.1 of the 2022-2023 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 2022-2023	0
Received in 2021-2022	1
Received in 2020-2021	0
Received in 2019-2020	0
Received in 2018-2019	0
Received in 2017-2018	0
Received in 2016-2017	0
Received in 2015-2016	0
Received in 2014-2015	0
Received in 2013-2014 or earlier	0
Total	1

Section 5: Social Insurance Number

Has your institution begun a new collection or a new consistent use of the SIN in 2022-2023?	No
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Section 6: Universal Access under the Privacy Act

How many requests were received from confirmed foreign nationals outside of Canada in 2022-2023?	31
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Row 1, Col. 1 of Section 6 must be equal to or less than Row 1, Col. 1 of Section 1.1 of the 2022-2023 Statistical Report on the *Privacy Act*