

# **Canada Development Investment Corporation**

*Privacy Act*

Annual Report to Parliament

April 1, 2019 – March 31, 2020

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## Introduction

The *Privacy Act* (Revised Statutes of Canada, Chapter A-1, 1985) was proclaimed on July 1, 1983. The *Privacy Act* extends to individuals the right of access to information about themselves held by federal institutions, again subject to specific and limited exceptions. The law also protects the individual's privacy by preventing others from having access to personal information and gives individuals substantial control over its collection and use.

Canada Development Investment Corporation ("CDEV" or the "Corporation") became subject to the *Privacy Act* on September 1, 2005.

This Annual Report to Parliament on the *Privacy Act* (the "*Act*") is prepared and tabled in Parliament in accordance with section 72 of the *Act* and covers the period from April 1, 2019 to March 31, 2020.

## Mandate and Organizational Structure

Canada Development Investment Corporation was incorporated in 1982 as a federal crown corporation to provide a commercial vehicle for Government equity investment and to manage commercial holdings of the Government in the best interests of Canada, operating in a commercial manner.

CDEV is currently responsible for three wholly-owned subsidiaries: Canada Hibernia Holding Corporation ("CHHC"), Canada Eldor Inc. ("CEI"), Canada TMP Finance Ltd. ("TMP Finance") and its subsidiary Trans Mountain Corporation ("TMC"). An Annual Report on the *Privacy Act* has been prepared for each subsidiary.

There are service agreements between CDEV and its subsidiaries, however the agreements do not specifically address section 73.1 of the *Privacy Act*. CDEV administers the *Act* on behalf of its subsidiaries, excluding TMC.

The Corporation reports to Parliament through the Minister of Finance.

Two full-time CDEV employees are dedicated part-time to ATIP activities for CDEV and its subsidiaries, excluding TMC. The ATIP department consists of the ATIP Coordinator and one analyst. CDEV retains advice from external legal counsel and independent consultants as needed.

## Delegation Order

The Delegation of Authority Order (Appendix A) is reviewed and approved annually by the head of the organization. The authority to approve or deny the release of departmental information requested under the *Act* is shared by the Executive Vice President and the ATIP Coordinator.

## Information Holdings

The Access to Information and Privacy Coordinator is responsible for providing a full accounting of the Corporation's information holdings to the Treasury Board Secretariat and ensures that updates are provided on a timely basis for inclusion in the *Info Source* publications.

The *Info Source* publications contain a description of the classes of corporate records held by the Canada Development Investment Corporation. The Corporation does not have any exempt banks. The Corporation publishes its *Info Source* chapter on its website at [www.cdev.gc.ca](http://www.cdev.gc.ca).

The Canada Development Investment Corporation maintains a public website: [www.cdev.gc.ca](http://www.cdev.gc.ca). The website provides information on ATIP matters for CDEV and its subsidiaries.

CDEV does not maintain a formal reading room as it occupies only minimal office space. However, in accordance with the *Privacy Act*, the Corporation will make arrangements to provide facilities for viewing material on an as required basis.

## Highlights of the 2019-2020 Statistical Report

Appendices B and C provide a summarized statistical report on the requests for personal information received under the *Privacy Act* from April 1, 2019 to March 31, 2020.

The Corporation received four formal requests in the reporting period. Three of the requests pertained to both CDEV and TMC.

One of the requests resulted in a small amount of responsive personal information. Two requests resulted in no responsive personal information.

Due to the interruption of normal business operations resulting from the COVID-19 pandemic, one formal request has been carried over to the 2020-2021 reporting period. The Corporation has put in place mitigation measures to rapidly address this situation, including using professional access and privacy consulting services to complete the formal request in a timely manner. A *Supplementary ATIP Statistical Report on the Impact of COVID-19 Measures* is included in this report.

During the reporting period, only one exemption was invoked under section 26 of the *Privacy Act*.

## Training and Awareness

CDEV management meet with ATIP administrators to discuss specific requests and consultations as required.

Management are briefed on the status of files and reporting requirements on a regular

basis. Summaries of formal and informal ATIP requests for CDEV and its subsidiaries are presented to the board of directors at least annually.

### **Policies, Guidelines, Procedures and Initiatives**

CDEV's privacy policy is reviewed by the board of directors regularly and amended as required. The privacy policy was last reviewed in October 2018.

Due to the increase in requests this period, CDEV implemented request processing and case management software. This has significantly reduced processing times, streamlined file management and advanced data collection capabilities.

There were no new and/or revised institution-specific privacy related policies, guidelines, procedures or initiatives implemented in the institution during the reporting period.

### **Summary of Key Issues and Actions Taken on Complaints or Audits**

No complaints were received and no audits were concluded during the reporting period.

### **Monitoring Compliance**

Outstanding requests are reviewed regularly to ensure the file is current and processing times are met.

As noted above, CDEV implemented request processing and case management software. The software provides data on time taken to process requests. This information is monitored continuously to ensure timely processing and compliance.

### **Material Privacy Breaches**

There were no material privacy breaches during the reporting period.

### **Privacy Impact Assessments**

At March 31, no required privacy impact assessments have been identified by the Corporation.

### **Public Interest Disclosures**

No public interest disclosure was made under paragraph 8 (2)(m) of the *Privacy Act* in this reporting period.

**Appendix A – *Privacy Act* Designation Order**

## **DESIGNATION/ DÉLÉGATION**

### *PRIVACY ACT / LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS*

#### **Privacy Act Designation Order**

By this order made pursuant to section 73 of the *Privacy Act*, I hereby authorize those officers and employees of the Canada Development Investment Corporation and subsidiaries (excluding Trans Mountain Corporation) occupying, on an acting basis or otherwise, the positions identified within the attached schedule to perform on my behalf any of the powers, duties, or functions specified therein.

This designation replaces and repeals all previous orders.

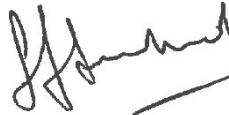
Dated in Vancouver on this 21<sup>st</sup> day of August 2020

#### **Arrêté sur la délégation en vertu de la Loi sur la protection des renseignements personnels**

Par le présent arrêté pris en vertu de l'article 73 de la *Loi sur la protection des renseignements personnels*, j'autorise les agents et les employés du Corporation de développement des investissements du Canada et les filiales (sauf la Corporation Trans Mountain) occupant, par intérim ou autrement, les postes identifiés dans l'annexe ci-jointe à exercer en mon nom, les attributions, les fonctions et les pouvoirs qui y sont spécifiés.

Le présent document remplace et annule tous les arrêtés antérieurs.

Fait à Vancouver en ce 21 jour en août 2020



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Stephen Swaffield

Chairperson - Canada Development Investments Corporation /  
Le Président - Corporation de développement des investissements du Canada

**Schedule 1**Designation Order- *Privacy Act*

<b>Powers, Duties or Functions</b>	<b>Section</b>	<b>Executive Vice President</b>
To disclose personal information to an investigative body specified in the regulations, on the written request of the body, 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	8(2)(e)	yes
To disclose personal information when public interest outweighs invasion of privacy or when disclosure benefits the individual	8(2)(m)	yes

**Schedule 2**Designation Order- *Privacy Act*

	<b>Section</b>	<b>Executive Vice President</b>	<b>ATIP Coordinator</b>
To disclose personal information when satisfied that the purpose for which the information is disclosed cannot reasonably be accomplished unless the information is provided in a form that identifies the person to whom it relates and to obtain a written undertaking that no subsequent disclosure of the information will be made in a form that could reasonably be expected to identify the individual to whom it relates	8(2)(j)	yes	yes
To keep copies of requests made under 8(2)(e), keep records of information disclosed pursuant to such requests and make those copies and records available to the Privacy Commissioner	8(4)	yes	yes
To notify the Privacy Commissioner in writing of disclosure under paragraph 8(2)(m)	8(5)	yes	yes
To retain a record of use of personal information	9(1)	yes	yes
To notify the Privacy Commissioner of consistent use of personal information and update index accordingly	9(4)	yes	yes
To include personal information in personal information banks	10	yes	yes
To give written notice as to whether or not access will be given	14(a)	yes	yes
To give access to requester	14(b)	yes	yes
To extend time limit and give notice of extension	15	yes	yes



To determine the necessity for a translation or interpretation of a record	17(2)(b)	yes	yes
To determine whether a record should be provided in an alternative format	17(3)	yes	yes
To refuse to disclose personal information referred to in that section	18(2)	yes	yes
To refuse to disclose personal information referred to in that section	19(1)	yes	yes
To disclose, with consent, personal information referred to in that subsection	19(2)	yes	yes
To refuse to disclose personal information referred to in that section	20	yes	yes
To refuse to disclose personal information referred to in that section	21	yes	yes
To refuse to disclose personal information referred to in that section	22	yes	yes
To refuse to disclose personal information referred to in that section	22.3	yes	yes
To refuse to disclose personal information referred to in that section	23	yes	yes
To refuse to disclose personal information under that section	24	yes	yes
To refuse to disclose personal information under that section	25	yes	yes
To refuse to disclose personal information under that section	26	yes	yes
To refuse to disclose personal information under that section	27	yes	yes
To refuse to disclose personal information under that section	27.1	yes	yes
To refuse to disclose personal information under that section	28	yes	yes
To receive notice of investigation by the Privacy Commissioner	31	yes	yes
To make representations to the Privacy Commissioner	33(2)	yes	yes
To receive the report of findings of the investigation	35(1)	yes	yes

and give notice of action taken or proposed to be taken or reasons why no action has been or is proposed to be taken			
To provide access to personal information	35(4)	yes	yes
To receive the report of findings of the investigation of files in exempt banks	36(3)	yes	yes
To receive the report of findings after investigation in respect of personal information	37(3)	yes	yes
To request that the matter be heard and determined in the National Capital Region	51(2)(b)	yes	yes
To request the opportunity to make representations <i>ex parte</i>	51(3)	yes	yes
To prepare annual report for submission to Parliament	72	yes	yes
Provision of privacy services	73.1	yes	yes
To carry out responsibilities conferred on the head of the institution by regulations made under section 77, not included above	77	yes	yes

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



## Statistical Report on the *Privacy Act*

Name of institution: Canada Development Investment Corporation

Reporting period: 2019-04-01 to 2020-03-31

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

#### 1.1 Number of requests

	Number of Requests
Received during reporting period	4
Outstanding from previous reporting period	0
<b>Total</b>	<b>4</b>
Closed during reporting period	3
Carried over to next reporting period	1

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

#### 2.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	more Than 365 Days	
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	1	0	0	0	0	0	0	1
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	2	0	0	0	0	0	0	2
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
<b>Total</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>

## 2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
18(2)	0	22(1)(a)(i)	0	23(a)	0
19(1)(a)	0	22(1)(a)(ii)	0	23(b)	0
19(1)(b)	0	22(1)(a)(iii)	0	24(a)	0
19(1)(c)	0	22(1)(b)	0	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	1
19(1)(f)	0	22.1	0	27	0
20	0	22.2	0	27.1	0
21	0	22.3	0	28	0
		22.4	0		

## 2.3 Exclusions

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

## 2.4 Format of information released

Paper	Electronic	Other
1	0	0



### 2.5.3 Other complexities

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

### 2.6 Closed requests

#### 2.6.1 Number of requests closed within legislated timelines

	<b>Requests closed within legislated timelines</b>
<b>Number of requests closed within legislated timelines</b>	3
<b>Percentage of requests closed within legislated timelines (%)</b>	100

## 2.7 Deemed refusals

### 2.7.1 Reasons for not meeting legislated timelines

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

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

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

## 2.8 Requests for translation

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

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

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

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

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







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

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

**Section 7: Completion Time of Consultations on Cabinet Confidences**

**7.1 Requests with Legal Services**

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

**7.2 Requests with Privy Council Office**

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

**Section 8: Complaints and Investigations Notices Received**

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

**Section 9: Privacy Impact Assessments (PIA) and Personal Information Banks (PIB)****9.1 Privacy Impact Assessments**

<b>Number of PIA(s) completed</b>	0
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**9.2 Personal Information Banks**

<b>Personal Information Banks</b>	<b>Active</b>	<b>Created</b>	<b>Terminated</b>	<b>Modified</b>
	0	0	0	0

**Section 10: Material Privacy Breaches**

<b>Number of material privacy breaches reported to TBS</b>	0
<b>Number of material privacy breaches reported to OPC</b>	0

**Section 11: Resources Related to the *Privacy Act*****11.1 Costs**

<b>Expenditures</b>	<b>Amount</b>
Salaries	\$0
Overtime	\$0
Goods and Services	\$0
• Professional services contracts	\$0
• Other	\$0
<b>Total</b>	<b>\$0</b>

**11.2 Human Resources**

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

**Note:** Enter values to two decimal places.

**Appendix C – Supplementary ATIP Statistical Report on the Impact of COVID-19 Measures**

## 2019-2020 Supplemental Statistical Report – Requests affected by COVID-19 measures

In addition to completing the forms for the Statistical Reports on the ATIA and Privacy Act for 2019-20, institutions are asked to complete this Supplemental Report to help identify the impact of COVID-19 measures on institutional performance for 2019-20 and going forward. The data requirements are set out in the tables below.

### Supplemental Statistical Report on the *Access to Information Act*

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

**Table 1 – Requests Received**

		Column (Col.) 1
		Number of requests
<b>Row 1</b>	Received from 2019-04-01 to 2020-03-13	20
<b>Row 2</b>	Received from 2020-03-14 to 2020-03-31	0
<b>Row 3</b>	<b>Total<sup>1</sup></b>	20

<sup>1</sup> – Total for Row 3 should equal the total in the ATI Statistical Report section 1.1 Row 1

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

**Table 2 – Requests Closed**

		Col. 1	Col. 2
		Number of requests closed within the legislated timelines	Number of requests closed past the legislated timelines
<b>Row 1</b>	Received from 2019-04-01 to 2020-03-13 and outstanding from previous reporting periods	12	1
<b>Row 2</b>	Received from 2020-03-14 to 2020-03-31	0	0
<b>Row 3</b>	<b>Total<sup>2</sup></b>	12	1

<sup>2</sup> – Total for Row 3 Col. 1 should equal the total in the ATI Statistical Report section 3.6.1 Row 1 -- Total for Row 3 Col. 2 should equal the total in the ATI Statistical Report section 3.7.1. Col. 1 Row 1

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

**Table 3 – Requests Carried Over**

		Col. 1
		Number of requests
<b>Row 1</b>	Requests received from 2019-04-01 to 2020-03-13 and outstanding from previous reporting period that were carried over to the 2020-2021 reporting period	7
<b>Row 2</b>	Requests received from 2020-03-14 to 2020-03-31 that were carried over to the 2020-2021 reporting period	0
<b>Row 3</b>	<b>Total<sup>3</sup></b>	7

<sup>3</sup> – Total for Row 3 should equal the total in the ATI Statistical Report section 1.1 Row 5

### Supplemental Statistical Report on the *Privacy Act*

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

**Table 4 – Requests Received**

		Column (Col.) 1
		Number of requests
<b>Row 1</b>	Received from 2019-04-01 to 2020-03-13	4
<b>Row 2</b>	Received from 2020-03-14 to 2020-03-31	0
<b>Row 3</b>	<b>Total<sup>1</sup></b>	4

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

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

**Table 5 – Requests Closed**

		Col. 1	Col. 2
		Number of requests closed within the legislated timelines	Number of requests closed past the legislated timelines
<b>Row 1</b>	Received from 2019-04-01 to 2020-03-13 and outstanding from previous reporting periods	3	0
<b>Row 2</b>	Received from 2020-03-14 to 2020-03-31	0	0
<b>Row 3</b>	<b>Total<sup>2</sup></b>	3	0

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

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

**Table 6– Requests Carried Over**

		Col. 1
		Number of requests
<b>Row 1</b>	Requests from 2019-04-01 to 2020-03-13 and outstanding from previous reporting period that were carried over to the 2020-2021 reporting period	1
<b>Row 2</b>	Requests from 2020-03-14 to 2020-03-31 that were carried over to the 2020-2021 reporting period	0
<b>Row 3</b>	<b>Total<sup>3</sup></b>	1

<sup>3</sup> – Total for Row 3 should equal the total in the Privacy Statistical Report Section 1.1 Row 5