



National Gallery of Canada Musée des beaux-arts du Canada

# **Annual Report**

## ***Privacy Act***

**April 1, 2018 to March 31, 2019**

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## **Introduction**

### ***Purpose of the Privacy Act***

The *Privacy Act* protects the privacy of all Canadian citizens and permanent residents regarding personal information held by a federal government institution. It also gives individuals, including those in Canada who are not permanent residents or citizens, the right to access their own personal information.

Section 72 of the *Privacy Act* requires that the head of every government institution submit an annual report to Parliament on the administration of the *Act* during the financial year. This report describes how the National Gallery of Canada administered the *Privacy Act* during the period of April 1, 2018 to March 31, 2019.

### ***NGC Background***

The National Gallery of Canada was founded in 1880 by the then-Governor General, the Marquess of Lorne, in concert with the Royal Canadian Academy of Arts. With the enactment of the 1913 *National Gallery of Canada Act*, the federal government assumed responsibility for the Gallery. The government continued its stewardship through successive Acts of Parliament, culminating with the *Museums Act* of July 1, 1990, which established the Gallery as a Crown corporation.

### ***NGC Mandate***

As per the *Museums Act*, 1990, c. 5, the National Gallery of Canada's mandate is *to develop, maintain, and make known, throughout Canada and internationally, a collection of works of art, both historic and contemporary, with special, but not exclusive, reference to Canada, and to further knowledge, understanding, and enjoyment of art in general among all Canadians.*

## **Organization and Monitoring of Access to Information and Privacy Activities**

Activities relating to the *Privacy Act* are managed on a part-time basis by the Director, Corporate Secretariat and Ministerial Liaison, who serves as the National Gallery of Canada's (hereafter called "the Gallery") Access to Information and Privacy (ATIP) Coordinator, and to whom the Director and CEO has delegated all the powers, functions and duties of administering the *Privacy Act*. A copy of the Delegation Order is attached as Appendix 1.

The ATIP Coordinator is assisted in these duties by the Executive Assistant and ATIP Administrative Officer, and by an external consultant who provides services on a project basis.

The ATIP Coordinator is responsible for the following activities:

- processing requests under the *Access to Information Act* and *Privacy Act*;

- responding to consultation requests from other government institutions;
- providing ongoing advice and guidance to senior management and Gallery staff on access to information and privacy legislation as well as other related matters;
- monitoring Gallery compliance with both *Acts*, regulations and relevant procedures and policies;
- acting on behalf of the Gallery in dealings with the Treasury Board Secretariat, the Offices of the Information and Privacy Commissioners, as well as other government institutions, regarding the application of the legislation as it relates to the Gallery;
- preparing annual reports to Parliament, in addition to other statutory reports and material that may be required by central agencies;
- coordinating the annual update of *Info Source* and advising the Treasury Board Secretariat annually of any updates to the NGC's Personal Information Banks (PIBs);
- creating a governance structure to ensure that both *Acts* are respected by Gallery staff;
- promoting awareness of both *Acts*, regulations and relevant procedures throughout the Gallery; and
- participating in forums for the ATIP community, such as the Treasury Board Secretariat's ATIP Community Meetings, as well as working groups and training sessions on specific topics.

## Interpretation of the Statistical Report on the *Privacy Act* for 2018-19

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

This section provides information about the processing of requests under the *Privacy Act*. Appendix 2 provides a statistical summary of the requests received and/or finalized under the *Privacy Act* in 2017-18.

Number of Requests	2018-19	2017-18	2016-17
Received during the reporting period	0	0	0
Outstanding from previous period	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

As was the case in 2016-17 and 2017-18, no privacy requests were received in 2018-19.

## Part 2: Requests Closed During the Reporting Period

### *Disposition of requests*

Not applicable, as no requests were received during the reporting period.

### *Completion time*

Not applicable, as no requests were received during the reporting period.

### *Exemptions*

The 2018-19 Statistical Report identifies the number of requests for which specific types of exemptions were invoked. If the Gallery applied two different exemptions to a request, one exemption under each relevant section is reported. If the same exemption was claimed several times in the same request, it is captured only once in the statistics.

<b>Exemptions invoked</b>	<b>2018-19</b>	<b>2017-18</b>	<b>2016-17</b>
Section 26	0	0	0
Section 27	0	0	0
<b>Total exemptions invoked</b>	<b>0</b>	<b>0</b>	<b>0</b>

As no requests were received in 2018-19 nor in 2017-18 and 2016-17, no exemptions were invoked in any of these fiscal years.

### *Exclusions*

As was the case in 2017-18 and 2016-17, since no requests were received in 2018-19, no exclusions were cited.

### *Format of Information Released*

Since no requests were received in 2018-19, no information was released in any format. This was a repeat of the last two reporting periods.

### *Complexity - Relevant Pages Processed and Disclosed*

Not applicable: as no requests were received in 2018-19 nor in 2017-18 and 2016-17, no pages were processed nor disclosed.

### **Part 3: Disclosures under Subsections 8(2) and 8(5) of the *Privacy Act***

As was the case for the four previous fiscal years, no personal information was disclosed pursuant to subsection 8(2) or 8(5) of the *Privacy Act* during the 2018-19 reporting period.

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

As was the case for the prior four fiscal years, there were no requests for correction of personal information and/or notations in 2018-19.

### **Part 5: Extensions**

Section 15 of the *Privacy Act* provides for the extension of the statutory time limits if processing the request within the original time limit would unreasonably interfere with the operations of the institution or if third party consultations are necessary.

There were no extensions required in 2018-19, 2017-18 or 2016-17, as no requests were received during those reporting periods.

### **Part 6: Consultations Received from Other Institutions and Organizations**

There were no requests for consultations from other government institutions and organizations during the reporting period. This has been the case for the last four fiscal years.

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

There were no consultations on Cabinet confidences. This has been the case for the last four fiscal years.

### **Part 8: Complaints and Investigation Notices Received**

No complaints relating to the Gallery were filed with the Office of the Privacy Commissioner during the reporting period. This has been the case for the last four fiscal years.

### **Part 9: Privacy Impact Assessments**

No Privacy Impact Assessments (PIAs) were undertaken during this reporting period.

However, during the reporting period, the Gallery developed a comprehensive privacy protocol risk-assessment tool for non-administrative uses of personal information. The privacy protocol tool provides the necessary framework to guide the Gallery in ensuring

that privacy risks are mitigated, so as to remain compliant with its obligations under the *Privacy Act* and the *TBS Policy on Privacy Protection*.

The protocol was used to risk-assess two specific situations involving the non-administrative use of personal information.

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

### ***Costs***

For 2018-19, the cost directly associated with the administration of the *Privacy Act* is estimated at \$38,659 for salaries, professional services contracts, and other administrative expenses. This represents an increase of 84.78% over the \$20,922 reported in 2017-18 and an increase of 1,693% over the \$2,156 reported for 2016-17.

### ***Human Resources***

For the reporting period, the number of person years dedicated to the administration of the *Privacy Act* is estimated at 0.22, an increase of 69.23% over the 0.13 person years reported for 2017-18, and an increase of 1,000 % over the 0.02 person years reported for 2016-17.

The 0.22 person years for 2018-19 consists of 0.12 for full-time employees and 0.09 for consultants and agency personnel.

## **Training**

There were no training activities provided to employees of the Gallery during the reporting period.

A specific briefing with select staff on the privacy protocol risk-assessment tool for non-administrative uses of personal information was conducted during the reporting period.

The Director, Corporate Secretariat and Ministerial Liaison, participated in several meetings of the Inter-Crown ATIP Coordinators.

The Executive Assistant and ATIP Administrative Officer attended a three day training session conducted by Yvon Gauthier Info-Training Inc. on privacy protection and the development of an effective Privacy Management Framework.

## **Policies**

No new or revised institution-specific policies or guidelines related to the *Privacy Act* were implemented during the reporting period. However, as noted under Part 9 above, a comprehensive privacy protocol risk-assessment tool for non-administrative uses of personal information was developed and implemented during the reporting period.

## **Monitoring of Time to Process Privacy Requests**

Requests are monitored through a tracking log, which records detailed information concerning the timeline of each request. As no requests or very few requests are received each year, the monitoring of time to process information requests is very accurate.

## **Material Privacy Breaches**

There were no material privacy breaches during the reporting period.

## **Disclosures Made Pursuant to Paragraph 8(2)(m) of the *Privacy Act***

As no requests were received during the reporting period, no information was disclosed pursuant to Paragraph 8(2)(m) of the *Privacy Act*. This was the case for the last five reporting periods.





## Statistical Report on the *Privacy Act*

Name of institution: The National Gallery of Canada

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

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

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

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

#### 2.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	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
No records exist	0	0	0	0	0	0	0	0
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>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</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	0
19(1)(f)	0	22.1	0	27	0
20	0	22.2	0	28	0
21	0	22.3	0		

## 2.3 Exclusions

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

## 2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	0	0	0
Disclosed in part	0	0	0
<b>Total</b>	0	0	0

## 2.5 Complexity

### 2.5.1 Relevant pages processed and disclosed

Disposition of Requests	Number of Pages Processed	Number of Pages Disclosed	Number of Requests
All disclosed	0	0	0
Disclosed in part	0	0	0
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	0
Neither confirmed nor denied	0	0	0
<b>Total</b>	0	0	0

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

Disposition	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	0	0	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	0	0	0	0	0	0	0	0	0	0

## 2.5.3 Other complexities

Disposition	Consultation Required	Legal Advice Sought	Interwoven Information	Other	Total
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>	0	0	0	0	0

## 2.6 Deemed refusals

### 2.6.1 Reasons for not meeting statutory deadline

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

## 2.6.2 Number of days past deadline

Number of Days Past Deadline	Number of Requests Past Deadline Where No Extension Was Taken	Number of Requests Past Deadline Where An Extension Was Taken	Total
1 to 15 days	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

## 2.7 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

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

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

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

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

## Part 5: Extensions

### 5.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	15(a)(i) Interference With Operations	15(a)(ii) Consultation		15(b) Translation or Conversion
		Section 70	Other	
All disclosed	0	0	0	0
Disclosed in part	0	0	0	0
All exempted	0	0	0	0





181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	0	0	0	0	0	0	0	0	0	0

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

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

**Part 9: Privacy Impact Assessments (PIAs)**

Number of PIA(s) completed	0
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**Part 10: Resources Related to the *Privacy Act***

**10.1 Costs**

Expenditures	Amount
Salaries	\$16,944
Overtime	\$0
Goods and Services	\$21,715
• Professional services contracts	\$19,361
• Other	\$2,354
<b>Total</b>	<b>\$38,659</b>

**10.2 Human Resources**

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.13
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.09
Students	0.00
<b>Total</b>	<b>0.22</b>

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

The Director of the National Gallery of Canada, as designated head of the institution by virtue of Order-in-Council and pursuant to section 73 of the *Privacy Act* (the *Act*) hereby designates the persons holding the positions set out herein or the persons occupying those positions on an acting basis, to exercise the powers, duties or functions of the Director as the head of a government institution, under the section or sections of the *Act* set out hereunder opposite each position.

Position	<i>Privacy Act</i>	
Director, Corporate Secretariat and Ministerial Liaison	8(2)(j)	Disclose personal information for research purposes
Director, Corporate Secretariat and Ministerial Liaison	8(2)(m)	Disclose personal information in the public interest or in the interest of the individual
Director, Corporate Secretariat and Ministerial Liaison	8(4)	Retain copy of 8(2)(e) requests and disclosed records
Director, Corporate Secretariat and Ministerial Liaison	8(5)	Notify Privacy Commissioner of 8(2)(m) disclosures
Director, Corporate Secretariat and Ministerial Liaison	9(1)	Retain record of use
Director, Corporate Secretariat and Ministerial Liaison	9(4)	Notify Privacy Commissioner of consistent use and amend index
Director, Corporate Secretariat and Ministerial Liaison	10	Include personal information in personal information banks
Director, Corporate Secretariat and Ministerial Liaison	14	Respond to request for access within 30 days; give access or give notice
Director, Corporate Secretariat and Ministerial Liaison	15	Extend time limit for responding to request for access
Director, Corporate Secretariat and Ministerial Liaison	17(2)(b)	Decide whether to translate requested information
Director, Corporate Secretariat and Ministerial Liaison	17(3)(b)	Alternative format
Director, Corporate Secretariat and Ministerial Liaison	18(2)	May refuse to disclose information contained in an exempt bank




Position	<i>Privacy Act</i>	
Director, Corporate Secretariat and Ministerial Liaison	19(1)	Shall refuse to disclose information obtained in confidence from another government
Director, Corporate Secretariat and Ministerial Liaison	19(2)	May disclose any information referred to in 19(1) if the other government consents to the disclosure or makes the information public
Director, Corporate Secretariat and Ministerial Liaison	20	May refuse to disclose information injurious to the conduct of federal-provincial affairs
Director, Corporate Secretariat and Ministerial Liaison	21	May refuse to disclose information injurious to international affairs or defence
Director, Corporate Secretariat and Ministerial Liaison	22	May refuse to disclose information prepared by an investigative body, information injurious to the enforcement of a law, or information injurious to the security of penal institutions
Director, Corporate Secretariat and Ministerial Liaison	22.3	Shall refuse to disclose personal information that was created for the purpose of making a disclosure under the <i>Public Servants Disclosure Protection Act</i> or in the course of an investigation into a disclosure under that Act.
Director, Corporate Secretariat and Ministerial Liaison	22.4	Shall refuse to disclose personal information requested under subsection 12(1) that was obtained or created by it or on its behalf in the course of assisting the National Security and Intelligence Committee of Parliamentarians in fulfilling its mandate.
Director, Corporate Secretariat and Ministerial Liaison	23	May refuse to disclose information prepared by an investigative body for security clearances
Director, Corporate Secretariat and Ministerial Liaison	24	May refuse to disclose information collected by the Canadian Penitentiary Service, the National Parole Service or the National Parole Board while individual was under sentence if conditions in section are met
Director, Corporate Secretariat and Ministerial Liaison	25	May refuse to disclose information which could threaten the safety of individuals
Director, Corporate Secretariat and Ministerial Liaison	26	May refuse to disclose information about another individual, and shall refuse to disclose such information where disclosure is prohibited under Section 8
Director, Corporate Secretariat and Ministerial Liaison	27	May refuse to disclose information subject to solicitor-client privilege

Position	<i>Privacy Act</i>	
Director, Corporate Secretariat and Ministerial Liaison	27.1	May refuse to disclose any personal information requested under subsection 12(1) that is subject to the privilege set out in section 16.1 of the <i>Patent Act</i> or section 51.13 of the <i>Trade-marks Act</i> .
Director, Corporate Secretariat and Ministerial Liaison	28	May refuse to disclose information relating to the individual's physical or mental health where disclosure is contrary to the best interests of the individual
Director, Corporate Secretariat and Ministerial Liaison	31	Receive notice of investigation by the Privacy Commissioner
Director, Corporate Secretariat and Ministerial Liaison	33(2)	Right to make representations to the Privacy Commissioner during an investigation
Director, Corporate Secretariat and Ministerial Liaison	35(1)	Receive Privacy Commissioner's report of findings of the investigation and give notice of action taken
Director, Corporate Secretariat and Ministerial Liaison	35(4)	Give complainant access to information after 35(1)(b) notice
Director, Corporate Secretariat and Ministerial Liaison	36(3)	Receive Privacy Commissioner's report of findings of investigation of exempt bank
Director, Corporate Secretariat and Ministerial Liaison	37(3)	Receive report of Privacy Commissioner's findings after compliance investigation
Director, Corporate Secretariat and Ministerial Liaison	51(2)(b)	Request that Section 51 hearing be held in the National Capital Region
Director, Corporate Secretariat and Ministerial Liaison	51(3)	Request and be given right to make representations in Section 51 hearings
Director, Corporate Secretariat and Ministerial Liaison	72(1)	Prepare annual report to Parliament
Director, Corporate Secretariat and Ministerial Liaison	77	Responsibilities conferred on the head of the institution by the regulations made under section 77 which are not included above

Position	<i>Privacy Regulations</i>	
Deputy Director, Administration and Chief Financial Officer	9	Reasonable facilities and time provided to examine personal information
Deputy Director, Administration and Chief Financial Officer	11(2)	Notification that correction to personal information has been made
Deputy Director, Administration and Chief Financial Officer	11(4)	Notification that correction to personal information has been refused
Deputy Director, Administration and Chief Financial Officer	13(1)	Disclosure of personal information relating to physical or mental health may be made to qualified medical practitioner or psychologist for an opinion on whether to release information to requestor
Deputy Director, Administration and Chief Financial Officer	14	Disclosure of personal information relating to physical or mental health may be made to requestor in presence of qualified medical practitioner or psychologist

Dated at Ottawa on         JUN 05 2019        , 2019

  
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 Sasha Suda, PhD  
 Director and CEO, National Gallery of Canada