



**National Gallery
of Canada**

**Musée des beaux-arts
du Canada**

Annual Report

Privacy Act

April 1, 2019 to March 31, 2020

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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 provides individuals, including those present in Canada who are not permanent residents or citizens, the right of access to 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 (hereafter “the Gallery”) administered the *Privacy Act* during the period of April 1, 2019 to March 31, 2020. The Annual Report is prepared and tabled in Parliament in accordance with section 72 of the Act.

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.*

Organizational Structure

During the reporting period, activities relating to the *Privacy Act* were managed on a part-time basis by the Director, Corporate Secretariat and Ministerial Liaison, who serves as the Gallery’s Access to Information and Privacy (ATIP) Coordinator, and to whom the Director and CEO has delegated all powers, duties, and functions for the administration of the *Privacy Act*.

The ATIP Coordinator was 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 formal requests under the *Access to Information Act* and *Privacy Act*, as well as informal requests for information and consultation requests from other government institutions;
- providing ongoing advice and guidance to senior management and Gallery staff on access to information and privacy legislation and related policies, privacy risk management activities, and 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 of Canada Secretariat (TBS), the Offices of the Information Commissioner and Privacy Commissioner, as well as other government institutions, regarding the administration of the Act 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 TBS of any changes to the Gallery's Personal Information Banks (PIBs);
- promoting awareness of both Acts, regulations, and relevant procedures throughout the Gallery; and
- participating in government-wide forums for the ATIP community, including TBS community and ATIP Coordinator meetings, as well as ad-hoc working groups and training sessions.

Section 73.1(1) of the *Privacy Act* authorizes a government institution to provide services related to any power, duty or function conferred or imposed on the head of a government institution under the *Privacy Act* to another government institution that is presided over by the same Minister or that is under the responsibility of the same Minister. Such services may be provided only if the government institution enters into a written agreement with the other institution. During the reporting period, the Gallery was not party to any agreement pursuant to section 73.1.

Delegation Order

Delegation Orders set out what powers, duties, and functions for the administration of the *Privacy Act* have been delegated by the head of the institution and to whom. The signed and dated Delegation Order that was in effect at the end of the reporting period is attached to this Report as Appendix 1.

Performance 2019-2020

This section includes information about the processing of requests under the *Privacy Act* in 2019-20, and an interpretation of the 2019-20 Statistical Report attached to this Report as Appendix 2.

Section 1: Requests under the *Privacy Act*

Number of Requests	2019-20	2018-19	2017-18
Received during the reporting period	1	0	0
Outstanding from previous period	0	0	0
Total	1	0	0

Unlike the case in 2017-18 and 2018-19, one privacy request was received in 2019-20 representing an increase of 100%.

Section 2: Requests Closed During the Reporting Period

Requests Completed and Compliance Rate

One request was closed during the reporting period and was completed within the legislated timeframe. Accordingly, the Gallery achieved a 100% compliance rate for requests completed within the allowable timeframe under the Act.

Exemptions

For the one request identified in the 2019-20 Statistical Report, the Gallery invoked only one exemption (personal information about individuals other than the requester).

Exemptions invoked	2019-20	2018-19	2017-18
Section 26	1	0	0
Total exemptions invoked	1	0	0

Exclusions

As was the case in 2018-19 and 2017-18, no exclusions were invoked during the reporting period.

Disposition, Pages Processed and Format of Information Released

For the one completed request, 20 pages were disclosed in part and provided to the requester in an electronic format.

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

As was the case for the three previous fiscal years, no personal information was disclosed pursuant to subsection 8(2) or 8(5) of the *Privacy Act* during the 2019-20 reporting period.

Section 4: Requests for Correction of Personal Information and Notations

As was the case for the prior three fiscal years, there were no requests for correction of personal information and/or notations in 2019-20.

Section 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.

No extensions were required in 2019-20.

Section 6: Consultations Received from Other Institutions and Organizations

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

Section 7: Completion Time of Consultations on Cabinet Confidences

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

Section 8: Complaints, Audits, and Investigations

No complaints relating to the Gallery were filed with the Office of the Privacy Commissioner during the reporting period, and no audits or investigations were initiated or concluded.

Section 9: Privacy Impact Assessments

No Privacy Impact Assessments (PIAs) were completed during the reporting period.

One PIA is contemplated regarding the replacement of certain legacy systems that process personal information. The development of this PIA will continue in the next reporting period.

Section 10: Material Privacy Breaches

There were no material privacy breaches in 2019-20.

Section 11: Resources Related to the *Privacy Act*

Costs

For 2019-20, the cost directly associated with the administration of the *Privacy Act* is estimated at \$86,496 for salaries, professional services contracts, and other administrative expenses. This represents an increase of 124% over the \$38,659 reported in 2018-19 and an increase of 313% over the \$20,922 reported for 2017-18.

Human Resources

For the reporting period, the number of full-time equivalents (FTE) dedicated to the administration of the *Privacy Act* is estimated at 0.54, an increase of 145% over the 0.22 FTE reported for 2018-19, and an increase of 315 % over the 0.13 FTE reported for 2017-18.

The 0.54 FTE for 2019-20 consists of 0.37 for full-time employees and 0.17 for consultants and agency personnel.

COVID-19 Impact

There was no impact of COVID-19 on the Gallery's privacy functions in 2019-20, as the one privacy request received that year was processed before the Gallery shutdown on March 14, 2020.

Training and Awareness

There were no training and awareness activities provided to employees in relation to privacy protection.

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

Policies, Guidelines, Procedures, and Initiatives

No new or revised corporate policies, guidelines or procedures related to the administration of the *Privacy Act* were implemented during the reporting period.

The ATIP Office continued to provide support and risk management advice concerning a variety of initiatives involving personal information. Such initiatives included advising on privacy best practices in photography and videography initiatives, surveys, contests, contracts provisions, consent forms, and the use of mobile apps.

During the reporting period, the ATIP Office initiated an overhaul to its corporate website privacy notice in consultation with internal stakeholders. The updated privacy notice will be published on gallery.ca in the next reporting period.

Summary of Key Issues and Actions Taken on Complaints or Audits

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

Monitoring Compliance

Requests are regularly 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 a straightforward exercise.

Material Privacy Breaches

No material privacy breaches occurred during the reporting period. Accordingly, no material privacy breaches were reported to the Office of the Privacy Commissioner and TBS.

Privacy Impact Assessments

No Privacy Impact Assessments (PIAs) were completed during the reporting period.

One PIA is contemplated regarding the replacement of certain legacy systems that process personal information. The development of this PIA will continue in the next reporting period.

Public Interest Disclosures

Section 8(2)(m) of the *Privacy Act* allows the head of the institution to exercise the discretion to disclose personal information, without the consent of the individual, if such disclosure is deemed to be in the public interest further to careful review of relevant factors.

During the reporting period, no disclosures of personal information were made pursuant to section 8(2)(m) of the Act.

Appendix 1 – Delegation Order on the *Privacy Act*

Appendix 2 – Statistical Report on the *Privacy Act*



Statistical Report on the *Privacy Act*

Name of institution: The National Gallery of Canada

Reporting period: 4/1/2019 to 3/31/2020

Section 1: Requests Under the *Privacy Act*

	Number of Requests
Received during reporting period	1
Outstanding from previous reporting period	0
Total	1
Closed during reporting period	1
Carried over to next reporting period	0

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	0	1	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	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
nor denied	0	0	0	0	0	0	0	0
Total	0	1	0	0	0	0	0	1

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
0	1	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
20	20	1

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	1	20	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
Total	1	20	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
Total	0	0	0	0	0

2.6 Closed requests

2.6.1 Number of requests closed within legislated timelines

	Requests closed within legislated timelines
Number of requests closed within legislated timelines	1
Percentage of requests closed within legislated timelines (%)	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
Total	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
Total	0	0	0

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

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

Section 5: Extensions

5.1 Reasons for extensions and disposition of requests

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

5.2 Length of extensions

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

Part 6: Consultations Received From Other Institutions and Organizations

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

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

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
365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

7.2 Requests with Privy Council Office

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

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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 (PIAs)

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

Personal Information Banks	Active	Created	Terminated	Modified
	53	0	0	1

Section 10: Material Privacy Breaches

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

Section 11: Resources Related to the *Privacy Act*

11.1 Costs

Expenditures		Amount
Salaries		\$51,585
Overtime		\$0
Goods and Services		\$34,911
• Professional services contracts	\$34,911	
• Other	\$0	
Total		\$86,496

11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.37
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.17
Students	0.00
Total	0.54

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	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
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

Position	<i>Privacy Act</i>	
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>	
Director, Corporate Secretariat and Ministerial Liaison	9	Reasonable facilities and time provided to examine personal information
Director, Corporate Secretariat and Ministerial Liaison	11(2)	Notification that correction to personal information has been made
Director, Corporate Secretariat and Ministerial Liaison	11(4)	Notification that correction to personal information has been refused
Director, Corporate Secretariat and Ministerial Liaison	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

Position	<i>Privacy Regulations</i>	
Director, Corporate Secretariat and Ministerial Liaison	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 August 4, 2020



A handwritten signature in black ink, appearing to read 'Sasha Suda', is written over a horizontal line. The signature is fluid and cursive.

Sasha Suda
Director and CEO, National Gallery of Canada