



**Annual Report to Parliament on the
Administration of the *Privacy Act***

April 1, 2019 – March 31, 2020



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1. Introduction

The Department of Agriculture and Agri-Food Canada (AAFC) presents to Parliament its *Annual Report on the Administration of the Privacy Act* (the “Act”) for fiscal year 2019-2020 (April 1, 2019, to March 31, 2020). This report is prepared and tabled in accordance with section 72 of the Act.

The purpose of the Act is to protect the privacy of individuals with respect to personal information about themselves held by government institutions and to provide individuals with a right of access to that information.

In accordance with Treasury Board of Canada Secretariat requirements, this report provides an overview of the activities of AAFC in administering its responsibilities under the Act. This report should be considered along with AAFC’s 2019-2020 *Annual Report to Parliament on the Administration of the Access to Information Act*, which is tabled separately.

AAFC’s Access to Information and Privacy (ATIP) Office is the focal point for access to information and privacy matters within the Department. For fiscal year 2019-2020, AAFC responded to all formal privacy requests within the prescribed deadlines.

The Department is committed to protecting the personal information under its control and recognizes that this protection is an essential element in maintaining public and employee trust in government. AAFC continues to exercise proactive personal information management through frequent engagement with AAFC’s ATIP Office and effective risk assessment.

2. AAFC’s mandate

Our vision — Driving innovation and ingenuity to build a world-leading agricultural and food economy for the benefit of all Canadians.

Our mission — Agriculture and Agri-Food Canada provides leadership in the growth and development of a competitive, innovative and sustainable Canadian agriculture and agri-food sector.

Responsibilities — The Department’s activities extend from the farmer to the consumer, from the farm to global markets, through all phases of producing, processing and marketing of farm, food and bio-based products. Agriculture is also a shared jurisdiction in Canada, and the Department works closely with provincial and territorial governments in the development and delivery of policies and programs.

The Department is also responsible for making sure that policies and programs of the organizations within the Agriculture and Agri-Food portfolio are coordinated and work to serve the interests of the sector and Canadians. The portfolio partners and agencies consist of the Canadian Dairy Commission, the Canadian Grain Commission, Farm Credit Canada, the Canada Agricultural Review Tribunal and the Farm Products Council of Canada. AAFC also

includes the Canadian Pari-Mutuel Agency, a special operating agency that regulates and supervises pari-mutuel betting on horse racing at racetracks across Canada.

3. ATIP Office structure

The ATIP Office is the focal point for access to information and privacy matters within AAFC. Key responsibilities include:

- Developing, coordinating and implementing policies, guidelines and procedures to ensure departmental compliance with the *Access to Information Act* and the *Privacy Act*;
- Ensuring timely processing of all ATIP requests;
- Providing senior management and all departmental staff with advice and guidance on ATIP-related matters, including privacy best practices and risk mitigation strategies, and offering training and awareness sessions to promote consistent practices across the Department;
- Representing AAFC in its discussions and negotiations with external stakeholders, including other government departments (OGDs), third parties, the Treasury Board of Canada Secretariat (TBS), the Information and Privacy Commissioners of Canada, and the general public;
- Conducting Privacy Impact Assessment (PIA);
- Preparing annual reports to Parliament and maintaining the Department's *Info Source* chapter;
- Developing and updating personal information banks (PIBs); and
- Processing requests on behalf of the following portfolio organizations: the Canadian Dairy Commission, the Canadian Grain Commission and the Farm Products Council of Canada.

The ATIP Office reports to the Director General (DG), Communications Services, under the direction of the Assistant Deputy Minister (ADM) of the Public Affairs Branch (PAB). The ADM, PAB, provides senior management support and leadership.

The team is comprised of access and privacy policy analysts who play a key compliance and risk mitigation role for the Department. Eleven positions are attributed to the Office:

- Director (1)
- ATIP Managers (2)
- Senior ATIP Policy Advisor (1)
- Senior ATI Analysts (3)
- Junior ATI Analyst (1)
- Senior Privacy Policy Analyst (1)
- Privacy Analyst (1)
- Administrative Support (1)

The cost of administering the ATIP Office (for both access to information and privacy matters) during the reporting period was \$1,128,633, which included 12.02 FTEs (or \$747,236 in salaries and \$237,187 for professional services).

The ATIP Office is supported by a designated network of 17 offices of primary interest (OPIs) - holders of the relevant information identified in an access request. OPIs are responsible for coordinating branch-specific request activities and providing guidance to colleagues on the administrative processes related to the Act.

OPIs and their DGs review and make recommendations regarding the relevant information to be released prior to ATIP review and final approval. The ATIP Office continuously searches for new ways to streamline the processing of requests.

4. Delegation of authority

Section 73 of the *Privacy Act* provides for the Minister of AAFC to delegate the powers, duties and functions designated by the *Act*.

The delegation of authority for the administration of the *Privacy Act* includes the Assistant Deputy Minister, PAB, the DG, Communications Services, and the ATIP Director, who have full delegated authority to approve exemptions under the *Access to Information Act* and the *Privacy Act*, in accordance with the delegation of authority instrument approved by the Minister in September 2020. The DG and the ATIP Director are also authorized to make decisions regarding other privacy matters, such as the disclosure of personal information without consent in accordance with subsection 8(2) of the Act and registering new personal information collections in accordance with section 10. Certain administrative functions are also delegated to the ATIP Managers to enhance efficiency in request processing.

The delegation of authority instrument for the administration of the *Privacy Act* is appended hereto at Annexes A and B.

5. Interpretation and trends of the *Privacy Act* Statistical Report

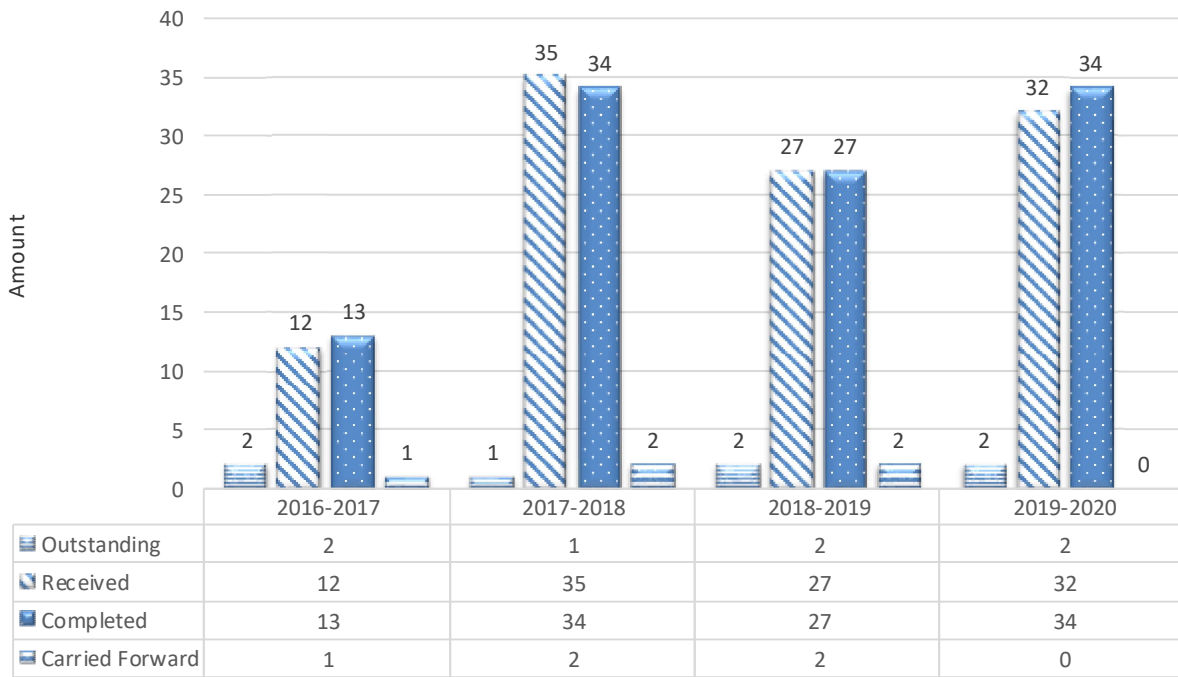
Annual statistical reporting on the administration of the Act was first conducted in 1983. Since 2011-2012, government institutions have completed more in-depth statistical reporting forms on the administration of the *Act* as prescribed by the TBS. The detailed statistical report on the *Privacy Act* for 2019-2020 is provided in Annex C.

Privacy requests received and completed

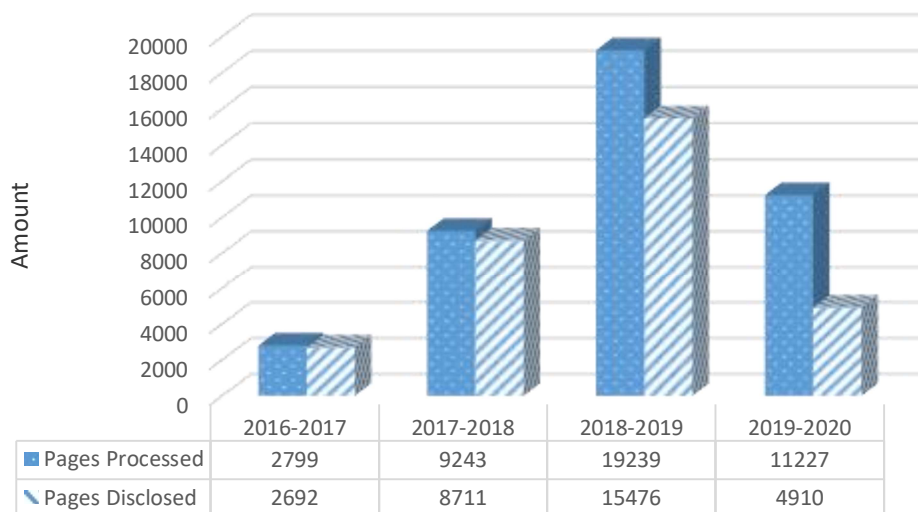
The ATIP Office received 32 new requests under the *Privacy Act* in 2019-2020, and processed 11,227 pages, of which 4,910 were released entirely or in part.

The following charts provide an overview of the trends related to the volume of requests processed by AAFC over the past four years.

Processing Trends for Privacy Requests



Pages Processed and Disclosed



Exemptions invoked

- The appended statistical report provides details regarding the types of exemptions applied to information contained in records for completed requests. The most common exemption used by AAFC during the reporting period was section 26 (personal information about individuals other than the requester).

Extensions

- The Act allows extensions beyond the 30-day statutory time frame for specific reasons, such as the volume of relevant records associated with a request or required consultations with OGDs.
- During the reporting period, four requests required time extensions of up to 30 days owing to the volume of relevant records requiring review, and two, for consultations with other government institutions.

Consultations

- AAFC must also respond to consultations pursuant to the Act from other government institutions in order to provide those institutions with recommendations regarding the release of information of interest to AAFC.
- One request for consultation was received during the reporting period.

Requests for correction of personal information and notations

- No requests were received from individuals seeking a correction or notation to their personal information pursuant to subsection 12(2) of the Act.

Impact of COVID-19-related measures on the administration of the *Privacy Act*

As a result of the exceptional circumstances brought on by the novel coronavirus, institutions are asked to identify the impact the COVID-19 measures have on their ability to fulfil obligations with respect to the Act.

For our department, the most significant impediment of processing records has been that the ATIP Office can no longer send or receive paper records, a situation that has put a strain on the processing and approval of records. In order to mitigate its effect, and continue to process requests on time according to legislated requirements, the ATIP Office and, indeed, the whole of the Department have resorted to the use of VPN and teleworking. With this came the added challenge of limited network capacity, which was also an issue during the remainder of the reporting period (and ongoing) and required employees working remotely on a rotational basis. However, with COVID-19 came the opportunity to leverage these technologies in line with TBS's implementation notice 2020-01 and to move increasingly forward with our "Paperless ATIP" initiative. Another impact on the ATIP Office's operations has been that the Department was primarily in crisis management mode during the portion of the reporting period impacted by

COVID-19. Many AAFC employees were deployed to support our agricultural sector and ensure the security of the food supply chain as main priorities for Canadians. In addition, many of our consultations involving other organizations could not be processed, as several government departments, provincial governments institutions and third parties were not operational at this time.

From March 13, 2020 to March 31, 2020 – the affected timeframe within this reporting period – , AAFC has received no new files, and closed one requests, while none were carried over.

6. Privacy complaints, investigations and audits

One complaint was received under section 31, in relation to an extension that was taken in order to process the request. No investigations or audits were carried out.

7. Material privacy breaches

In May 2014, TBS launched the updated *Guidelines for Privacy Breaches* based on changes made to the *Directive on Privacy Practices*. The updated guidelines and directive establish a mandatory requirement for departments to report all material privacy breaches to the Office of the Privacy Commissioner and TBS. In accordance with the Guidelines, a breach is defined as “material” if the breach “involves sensitive personal information that could reasonably be expected to cause serious injury or harm to the individual, and/or involves a large number of affected individuals.”

No material privacy breaches occurred during the reporting period.

8. Privacy policies, guidelines, procedures and engagement

The ATIP Office updates its policies, guidelines and procedures as necessary to maintain and fulfill compliance requirements and to assist employees in their management of personal information.

During the reporting period, the ATIP Office continued to play an active role in assisting AAFC employees with the effective management of personal information under the Department’s control. Through defined processes, the ATIP Office was engaged, on an ongoing basis, by AAFC clients seeking advice on a variety of privacy related matters. The ATIP Office also participated in key working groups in order to proactively contribute to both departmental and community-wide initiatives. Highlights of work completed by the Office’s Privacy Unit during the reporting period include the following:

- Reviewed 26 statements of sensitivity in order to make recommendations regarding the development of privacy impact assessments or privacy protocols for new or modified technology initiatives.

- In accordance with the Treasury Board Secretariat's *Directive on Privacy Impact Assessment*, reviewed Treasury Board submissions for new programs to determine if a privacy impact assessment would be required.
- Developed and/or reviewed privacy notices for the Department.
- Advised clients on privacy related matters concerning sections 4 to 8 of the *Privacy Act* on an "as needed" basis.
- Reviewed written questions to Parliament and other documents for *Privacy Act* considerations prior to publication or disclosure.
- Participated as a member of AAFC's *Corporate Security Working Group*, whose meetings continued to provide a valuable opportunity for the two sectors to collaborate on issues with overlapping privacy and security concerns.
- ATIP has reviewed a total of 21 Privacy inquiries and investigations (P8).

9. ATIP training and education

The ATIP Office continues to offer ATIP-related training to ensure that staff and management understand their roles and responsibilities with respect to the Acts and information management so that AAFC's access to information obligations are fulfilled.

Courses are provided to new employees as well as to branch units when requested. The ATIP Office also offers specific training to key branches involved in the collection and handling of personal information required to support various departmental programs to ensure an understanding of their responsibilities as they relate to privacy protection. Moreover, additional sessions were developed in response to the Department's Administrative Recruitment and Development Program (ARDP), in order to provide a broad overview of administrative support staff responsibilities as they pertain to assisting senior managers in completing ATIP requests. General training was also provided to Senior Management with presentations on Bill C-58 implications delivered to Branches' Executive Committees.

During this reporting period, 21 formal awareness sessions were held, with 254 employees in attendance, including 16 sessions offered in Winnipeg to 94 participants.

Training highlights include:

- An overview of the access to information administrative processes;
- A definition of employee roles and responsibilities in relation to fulfilling AAFC's responsibilities under the Act;
- The principles of the duty to assist;
- Responsibilities surrounding the collection, retention, use and disposition of personal information;
- Privacy Impact Assessment and Protocol guidelines;
- An overview of exemptions and exclusions; and
- Information management practices.

10. Monitoring timelines

AAFC uses an automated system to monitor the timely processing of privacy requests. The workflow case management tool tracks all actions and due dates, stores relevant records requiring review, maintains audit logs, promotes the use of standard templates, allows extensive search capability to facilitate analysis, and generates progress and statistical reports.

The ATIP Office kept senior management apprised of the status of privacy request processing on a strict need-to-know basis only.

11. Privacy impact assessments

AAFC uses PIAs and privacy protocols to determine whether privacy risks may be present in new or existing AAFC programs or initiatives that manage personal information for administrative purposes.

No PIA updates were undertaken during the reporting period. One PIA was undertaken during the reporting period. Approvals are pending.

Summaries of AAFC's completed PIAs are published on the Department's [Access to Information and Privacy Services pages](#).

12. Disclosures pursuant to paragraph 8(2)(m)

Paragraph 8(2)(m) of the Act allows for the disclosure of personal information without the consent of the individual in specific circumstances. During the reporting period, no such disclosures were made under that paragraph.

13. Closing

In closing, AAFC is fully committed to the requirements and spirit of the Act. The Department will continue to work proactively to protect the personal information of its employees and the Canadian public that is under its control.

Privacy Act Designation Order
Agriculture and Agri-Food Canada

The Minister of Agriculture and Agri-Food Canada, pursuant to section 73 of the *Privacy Act*, hereby designates the persons of the Department holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers and perform the duties and functions of the Minister as the head of a government institution under the sections of the *Act* set out in the schedule opposite each position. This Designation Order supersedes all previous Designation Orders.

October 5, 2020

Date

A handwritten signature in blue ink, appearing to read "M. Bibeau", is written above a horizontal line.

Name

Minister of Agriculture and Agri-Food Canada

Delegation of authority instrument for the administration of the *Privacy Act*

Sections of the <i>Privacy Act</i>	Powers, Duties or Functions	Assistant Deputy Minister Public Affairs Branch	Director General Communications Services	Director ATIP and Translation Services	Privacy Manager
8(2)(j)	Disclosure of personal information for research of statistical purposes.	X	X	X	-
8(2)(m)	Disclosure of personal information in the public interest or in the interest of the individual.	X	X	X	-
8(4)	Copies of requests under paragraph 8(2)(e).	X	X	X	-
8(5)	Notice of disclosure under paragraph 8(2)(m).	X	X	X	-
9(1)	Record for disclosure.	X	X	X	-
9(4)	Consistent uses.	X	X	X	-
10	Personal information banks.	X	X	X	-
14	To notify applicant and to give access to the record.	X	X	X	X
15	To extend time limit and notify applicant.	X	X	X	X
16	Where access is refused	X	X	X	X
17(2)(b)	To determine the necessity for translation or interpretation of record.	X	X	X	X
17(3)(b)	Access to personal information in alternative format	X	X	X	X
18(2)	To refuse to disclose information contained in an exempt bank.	X	X	X	-

Sections of the <i>Privacy Act</i>	Powers, Duties or Functions	Assistant Deputy Minister Public Affairs Branch	Director General Communications Services	Director ATIP and Translation Services	Manager Privacy
19(1)	To exempt personal information obtained in confidence from another government.	X	X	X	X
19(2)	To disclose with consent of the other government.	X	X	X	X
20	To exempt personal information re: federal-provincial affairs.	X	X	X	X
21	To exempt information re: international affairs and defense.	X	X	X	X
22	To exempt information re: law enforcement and investigation.	X	X	X	X
22.3	To exempt information re: <i>Public Servants Disclosure Protection Act</i>	X	X	X	X
23	To exempt information re: security clearances.	X	X	X	X
24	To exempt personal information re: individuals sentenced for an offense.	X	X	X	X
25	To exempt personal information re: safety of individuals.	X	X	X	X
26	To exempt personal information about another individual.	X	X	X	X
27	Protected information – solicitors and notaries.	X	X	X	X
28	To exempt personal information re: medical records.	X	X	X	X
33(2)	To make representations to the Privacy Commissioner during an investigation.	X	X	X	-
35(1)(b)	Notice of actions to implement recommendations of Commissioner.	X	X	X	-
35(4)	To provide access to applicant pursuant to Privacy Commissioner's recommendation.	X	X	X	-

Sections of the <i>Privacy Act</i>	Powers, Duties or Functions	Assistant Deputy Minister Public Affairs Branch	Director General Communications Services	Director ATIP and Translation Services	Manager Privacy
36(3)(b)	Notice of actions to implement recommendations of Commissioner concerning exempt banks.	X	X	X	-
37(3)	To receive report of Privacy Commissioner's findings after compliance investigation.	X	X	X	-
51(2)(b), 51(3)	Special rules for hearings. Special rules for hearings	X	X	X	-
72	Annual Report to Parliament	X	X	X	-
73.1(4)	To charge fees for services.	X	X	X	-
73.1(3)	Notice of provision of services related to privacy.	X	X	X	-
73.1(5)	Spending authority.	X	X	X	-

Section of the Privacy Regulations	Powers, Duties or Functions	Assistant Deputy Minister Public Affairs Branch	Director General Communications Services	Director ATIP and Translation Services	Manager Privacy
9	Examination of 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	-
13(1)	Disclosure of personal information relating to physical or mental health may be disclosed to a duly qualified medical practitioner or psychologist in order to provide an opinion as to whether disclosure of the information	X	X	X	-

	would be contrary to the best interests of the individual				
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	-



Statistical Report on the *Privacy Act*

Name of institution: Agriculture and Agri-Food Canada

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	32
Outstanding from previous reporting period	2
Total	34
Closed during reporting period	34
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	3	1	0	0	0	0	4
Disclosed in part	1	3	5	1	0	0	0	10
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	9	2	0	0	0	0	0	11
Request abandoned	9	0	0	0	0	0	0	9
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	19	8	6	1	0	0	0	34



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)	1	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	11
19(1)(f)	0	22.1	0	27	2
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
4	10	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
11227	4910	23

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	3	85	1	380	0	0	0	0	0	0
Disclosed in part	2	45	3	305	2	1152	2	2528	1	415
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	9	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	14	130	4	685	2	1152	2	2528	1	415

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	1	0	0	1
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	1	0	0	1

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	34
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			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	
6	0	4	0	0	0	2	0	0

5.2 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	4	0	0	0	2	0	0
31 days or greater								0
Total	0	4	0	0	0	2	0	0

Section 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	1	312	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	1	312	0	0
Closed during the reporting period	1	312	0	0
Carried over to the next reporting period	0	0	0	0

Section 8: Complaints and Investigations Notices Received

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

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

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

Personal Information Banks	Active	Created	Terminated	Modified
	0	0	0	0

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	\$315,936
Overtime	\$0
Goods and Services	\$55,732
• Professional services contracts	\$34,078
• Other	\$21,654
Total	\$371,668

11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	3.88
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.11
Students	0.00
Total	3.99

Note: Enter values to two decimal places.