

# *Privacy Act*

## **Annual Report 2018-2019**



## Table of Contents

1. Privacy Act - Annual Report 2018-2019 .....	1
1.1 Introduction .....	1
1.2 Organizational Structure .....	1
1.3 Delegation Order.....	1
1.4 Highlights of the Statistical Report, 2018-2019 .....	1
1.5 Training and Awareness.....	2
1.6 Policies, Guidelines, Procedures and Initiatives .....	3
1.7 Summary of Key Issues and Actions Taken on Complaints and Audits .....	3
1.8 Monitoring Compliance .....	3
1.9 Material Privacy Breaches.....	3
1.10 Privacy Impact Assessments .....	3
1.11 Disclosures Under Paragraph 8(2)(m) of the Privacy Act.....	4
Appendix A: Signed Delegation Order .....	5
Appendix B: Statistical Report on the <i>Privacy Act</i> .....	20



## 1. Privacy Act - Annual Report 2018-2019

### 1.1 Introduction

The *Privacy Act* gives Canadian citizens, permanent residents and all individuals and corporations present in Canada the right of access to records under the control of a government institution, subject to the payment of the applicable fees and the exemption and exclusion provisions contained in the *Act*. The *Privacy Act* complements, but does not replace, other means of obtaining government information.

Windsor-Detroit Bridge Authority (WDBA) is pleased to present Parliament with its annual report on the administration of the *Privacy Act* in accordance with section 72 of the *Act*. This report summarizes WDBA activities for Fiscal Year April 1, 2018, to March 31, 2019.

### 1.2 Organizational Structure

WDBA is led by a Chief Executive Officer (CEO) and governed by a board of directors who are responsible for overseeing the business activities and other affairs of WDBA. All Directors are approved by the Government of Canada with the Chair and CEO holding office for five years and the directors holding office for up to four years. WDBA is located in Windsor, Ontario.

The powers, duties and functions of the administration of the *Act* have been fully delegated by WDBA's CEO to WDBA's Vice President, Communications and Stakeholder Relations who also serves as the organization's ATIP Coordinator. A copy of WDBA's Delegation Order is provided in Appendix A.

WDBA's ATIP requirements are managed through the ATIP Coordinator and supported by an ATIP Analyst/Records Administrator. Additional ATIP resources are also contracted as needed.

### 1.3 Delegation Order

See Appendix A.

### 1.4 Highlights of the Statistical Report, 2018-2019

#### Access Requests

During Fiscal Year 2018-2019, WDBA did not receive any privacy requests.



## Completed Requests

Requests Under the Access to Information Act	
Number of requests (2018-2019)	
Type	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

WDBA's 2018-2019 statistical report on the *Privacy Act* is provided in Appendix B.

### 1.5 Training and Awareness

During Fiscal Year 2018-2019, WDBA promoted ATIP awareness throughout the organization by providing mandatory training sessions for employees held in March of 2018 and May of 2019. A third party ATIP Consultant delivered three-hour training sessions to staff who had not attended a previous training session within the last twelve months. The training course was also offered as an optional for staff if they had attended a session within the last 12 months.

The content of the training sessions included a high level review of legislation, WDBA processes, exemptions, personal information and complaints. Other topics covered included the treatment of records, privacy principles and privacy breaches. In the most recent training sessions, a total of 61 employees participated.

An ATIP briefing is incorporated into the orientation process for new WDBA hires. Each new employee received this one-hour training session within one week following their position's start date to provide a high-level overview of *Privacy Act* requirements. The mandatory training sessions then followed this briefing based on relevant start dates.

During Right to Know Week WDBA promoted Access to Information and Privacy internally. Communications were disseminated to employees that highlighted the roles and responsibilities of Access to Information and Privacy staff members. The messaging emphasized the work



undertaken to complete requests for information and acted as a reminder that anyone seeking advice on interpreting the legislation could approach either the ATIP Coordinator or ATIP Analyst.

## 1.6 Policies, Guidelines, Procedures and Initiatives

No new policies, guidelines, procedures or initiatives were implemented during 2018-2019.

## 1.7 Summary of Key Issues and Actions Taken on Complaints and Audits

No complaints were made against WDBA under the *Privacy Act* during Fiscal Year 2018-2019, and no investigations were conducted at WDBA by the Office of the Information Commissioner. There are no court actions to report in relation to the *Privacy Act*.

## 1.8 Monitoring Compliance

WDBA's timeliness and compliance are monitored through internal tracking procedures. WDBA has now procured the Access Pro Case Management software to ensure documentation tracking has become more efficient. In addition, the status of each current privacy request is reported to the ATIP Coordinator on a weekly basis and to senior management on a monthly basis.

## 1.9 Material Privacy Breaches

WDBA does not have any privacy breaches to report for Fiscal Year 2018-2019.

## 1.10 Privacy Impact Assessments

The Privacy Impact Assessment (PIA) is the component of risk management that aims to ensure compliance with the requirements of the *Act* and that the privacy rights of individuals are adequately protected by:

- the application of sound risk management principles
- the implementation of cost-effective security measures
- ensuring that all activities involving the creation, collection, use, disclosure/sharing, retention, protection and disposition of personal information are properly assessed and that the potential risks associated with those activities are properly addressed or mitigated.

WDBA did not conduct any privacy impact assessments during the 2018-2019 reporting period.



## 1.11 Disclosures Under Paragraph 8(2)(m) of the Privacy Act

Paragraph 8(2)(m) allows for disclosure of personal information under the control of a government institution when the disclosure would benefit public interest and outweigh any invasion of privacy that could result or if disclosure would clearly benefit the individual to whom the personal information relates. During Fiscal Year 2018-2019, there were no disclosures pursuant to paragraph 8(2)(m).



## Appendix A: Signed Delegation Order

---

### Delegation of Authority Access to Information Act And Privacy Act

I, the undersigned André Juneau, pursuant to Section 73 of the Access to Information Act and Section 73 of the Privacy Act, hereby authorize those officers and employees of the Windsor-Detroit Bridge Authority occupying the positions identified within the attached schedules to exercise signing authorities or perform any of the CEO's powers, duties or functions specified therein.

Dated at Windsor, ON on the 9<sup>th</sup> day of April, 2018.



(Interim) Chief Executive Officer



Delegation of Authority Under the Access to Information Act						
Provision	Task/Function	Position / Title				
		VP, Communications & Stakeholder Relations	ATIP Officer	Program Director s	All	N/A
4(2.1)	Responsibility of government institutions	X				
7(a)	Notice when access requested	X				
7(b)	Giving access to record	X				
8(1)	Transfer of request to another government institution	X				
9	Extension of time limits	X				
11(2), (3), (4), (5), (6)	Additional fees	X				





Delegation of Authority Under the Access to Information Act						
Provision	Task/Function	Position / Title				
		VP, Communications & Stakeholder Relations	ATIP Officer	Program Director s	All	N/A
12(2)(b)	Language of access	X				
12(3)(b)	Access in an alternative format	X				
13	Exemption - Information obtained in confidence	X				
14	Exemption - Federal-provincial affairs	X				
15	Exemption - International affairs and defense	X				
16	Exemption - Law enforcement and investigations	X				



Delegation of Authority Under the Access to Information Act						
Provision	Task/Function	Position / Title				
		VP, Communications & Stakeholder Relations	ATIP Officer	Program Director s	All	N/A
16.5	Exemption - <i>Public Servants Disclosure Protection Act</i>	X				
17	Exemption - Safety of individuals	X				
18	Exemption - Economic interests of Canada	X				
18.1	Exemption - Economic interest of the Canada Post Corporation, Export Development Canada, the Public Sector Pension Investment Board and VIA Rail Canada Inc.					X
19	Exemption - Personal information	X				



Delegation of Authority Under the Access to Information Act						
Provision	Task/Function	Position / Title				
		VP, Communications & Stakeholder Relations	ATIP Officer	Program Director s	All	N/A
20	Exemption - Third-party information	X				
21	Exemption - Operations of Government	X				
22	Exemption - Testing procedures, tests and audits	X				
22.1	Exemption - Audit working papers and draft audit reports	X				
23	Exemption - Solicitor-client privilege	X				
24	Exemption - Statutory prohibitions	X				
25	Severability	X				



Delegation of Authority Under the Access to Information Act						
Provision	Task/Function	Position / Title				
		VP, Communications & Stakeholder Relations	ATIP Officer	Program Director s	All	N/A
26	Exception - Information to be published	X				
27(1), (4)	Third-party notification	X				
28(1)(b), (2), (4)	Third-party notification	X				
29(1)	Where the Information Commissioner recommends disclosure	X				
33	Advising Information Commissioner of third-party involvement	X				
35(2)(b)	Right to make representations	X				
37(4)	Access to be given to complainant	X				



Delegation of Authority Under the Access to Information Act						
Provision	Task/Function	Position / Title				
		VP, Communications & Stakeholder Relations	ATIP Officer	Program Director s	All	N/A
43(1)	Notice to third party (application to Federal Court for review)	X				
44(2)	Notice to applicant (application to Federal Court by third party)	X				
52(2)(b), (3)	Special rules for hearings	X				
71(1)	Facilities for inspection of manuals	X				
72	Annual report to Parliament	X				



Delegation of Authority Under the Access to Information Regulations						
Provision	Task/Function	Position / Title				
		VP, Communications and Stakeholder Relations	ATIP Officer	Program Directors	All	N/A
6(1)	Transfer of request	X				
7(2)	Search and preparation fees	X				
7(3)	Production and programming fees	X				
8	Providing access to record(s)	X				
8.1	Limitations in respect of format	X				



Delegation of Authority Under the Privacy Act						
Provision	Task/Function	Position / Title				
		ATIP Coordinator	ATIP Officer	Program Directors	All	N/A
8(2)(j)	Disclosure for research purposes	X				
8(2)(m)	Disclosure in the public interest or in the interest of the individual	X				
8(4)	Copies of requests under 8(2)(e) to be retained	X				
8(5)	Notice of disclosure under 8(2)(m)	X				
9(1)	Record of disclosures to be retained	X				
9(4)	Consistent uses	X				
10	Personal information to be included in personal information banks	X				



Delegation of Authority Under the Privacy Act						
Provision	Task/Function	Position / Title				
		ATIP Coordinator	ATIP Officer	Program Directors	All	N/A
14	Notice where access requested	X				
15	Extension of time limits	X				
17(2)(b)	Language of access	X				
17(3)(b)	Access to personal information in alternative format	X				
18(2)	Exemption (exempt bank) - Disclosure may be refused	X				
19(1)	Exemption - Personal information obtained in confidence	X				
19(2)	Exemption - Where authorized to disclose	X				





Delegation of Authority Under the Privacy Act						
Provision	Task/Function	Position / Title				
		ATIP Coordinator	ATIP Officer	Program Directors	All	N/A
20	Exemption - Federal-provincial affairs	X				
21	Exemption - International affairs and defense	X				
22	Exemption - Law enforcement and investigation	X				
22.3	Exemption - Public Servants Disclosure Protection Act	X				
23	Exemption - Security clearances	X				
24	Exemption - Individuals sentenced for an offence	X				X
25	Exemption - Safety of individuals	X				



Delegation of Authority Under the Privacy Act						
Provision	Task/Function	Position / Title				
		ATIP Coordinator	ATIP Officer	Program Directors	All	N/A
26	Exemption - Information about another individual	X				
27	Exemption - Solicitor-client privilege	X				
28	Exemption - Medical record	X				
31	Notice of intention to investigate	X				
33(2)	Right to make representation	X				
35(1)	Findings and recommendations of Privacy Commissioner (complaints)	X				
35(4)	Access to be given	X				



Delegation of Authority Under the Privacy Act						
Provision	Task/Function	Position / Title				
		ATIP Coordinator	ATIP Officer	Program Directors	All	N/A
36(3)	Report of findings and recommendations (exempt banks)	X				
37(3)	Report of findings and recommendations (compliance review)	X				
51(2)(b)	Special rules for hearings	X				
51(3)	Ex parte representations	X				
72(1)	Report to Parliament	X				



Delegation of Authority Under the Privacy Regulations						
Provision	Task/Function	Position / Title				
		ATIP Coordinator	ATIP Officer	Program Directors	All	N/A
9	Reasonable facilities and time provided to examine personal information	X				
11(2)	Notification that correction to personal information has been made	X				
11(4)	Notification that correction to personal information has been refused	X				
13(1)	Disclosure of personal information relating to physical or mental health may be made to a qualified medical practitioner or psychologist for an opinion on whether to	X				



	release information to the requestor					
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				



---

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

---

