

Public Health Agency of Canada Agence de la santé publique du Canada

Public Health Agency of Canada *Privacy Act* Annual Report

2016-2017



2016-2017 Annual Report on the *Privacy Act* is available on the Public Health Agency of Canada web site.

Également disponible en français sur le site Web de l'Agence de la santé publique du Canada sous le titre : Rapport annuel 2016-2017 sur la *Loi sur la protection des renseignements personnels.*

> To obtain additional copies, please contact: Access to Information and Privacy Division Public Health Agency of Canada 1600 Scott Street, Tower B, A.L. 3107A 7th Floor, Suite 700 Ottawa, Ontario K1A 0K9 Tel: 613-954-9165 Fax: 613-941-4541

This publication can be made available in alternative formats upon request.

© Her Majesty the Queen in Right of Canada, 2017

Table of Contents

INTRODUCTION	3
I. PRIVACY ACT	
II. ABOUT THE PUBLIC HEALTH AGENCY OF CANADA	
PRIVACY DELIVERY AND GOVERNANCE	3
I. PRIVACY MANAGEMENT DIVISION	
II. THE ACCESS TO INFORMATION AND PRIVACY DIVISION	
DELEGATION OF AUTHORITY	5
REQUESTS UNDER THE PRIVACY ACT - STATISTICAL FIGURES,	
INTERPRETATION AND EXPLANATION	5
I. STATISTICAL REPORT	
II. NUMBER OF PRIVACY REQUESTS AND CASE LOAD	
III. DISPOSITION OF REQUESTS COMPLETED	
IV. EXEMPTIONS INVOKED	
V. Exclusions Cited	
VI. COMPLETION TIME	
VII. EXTENSIONS	
VIII. TRANSLATION	
IX. FORMAT OF INFORMATION RELEASED X. CORRECTIONS AND NOTATIONS	
X. CORRECTIONS AND NOTATIONS	
TRAINING AND AWARENESS	
TRAINING, ORIENTATION AND AWARENESS FOR PHAC Employees	
RECENT PRIVACY INITIATIVES	9
RECENT PRIVACY INITIATIVES	9
NEW AND/OR REVISED INSTITUTION-SPECIFIC PRIVACY-RELATED	
POLICIES, GUIDELINES AND PROCEDURES	
POLICIES, GUIDELINES AND PROCEDURES I. PRIVACY MANAGEMENT DIVISION II. OTHER INITIATIVES	10 10
POLICIES, GUIDELINES AND PROCEDURES I. PRIVACY MANAGEMENT DIVISION	10 10
POLICIES, GUIDELINES AND PROCEDURES I. PRIVACY MANAGEMENT DIVISION II. OTHER INITIATIVES	10 10 R
POLICIES, GUIDELINES AND PROCEDURES I. PRIVACY MANAGEMENT DIVISION II. OTHER INITIATIVES KEY ISSUES RAISED AS A RESULT OF PRIVACY COMPLAINTS AND/O	10 10 R 10
POLICIES, GUIDELINES AND PROCEDURES I. PRIVACY MANAGEMENT DIVISION II. OTHER INITIATIVES KEY ISSUES RAISED AS A RESULT OF PRIVACY COMPLAINTS AND/O INVESTIGATIONS	10 10 R 10 10
POLICIES, GUIDELINES AND PROCEDURES I. PRIVACY MANAGEMENT DIVISION II. OTHER INITIATIVES. KEY ISSUES RAISED AS A RESULT OF PRIVACY COMPLAINTS AND/O INVESTIGATIONS. I. COMPLAINTS TO THE PRIVACY COMMISSIONER OF CANADA II. TYPES OF COMPLAINTS AND THEIR DISPOSITION COMPLETED III. APPLICATIONS/APPEALS SUBMITTED TO THE FEDERAL COURT/FEDERAL COURT OF APPEAL	10 R 10 10 11 11
POLICIES, GUIDELINES AND PROCEDURES I. PRIVACY MANAGEMENT DIVISION II. OTHER INITIATIVES KEY ISSUES RAISED AS A RESULT OF PRIVACY COMPLAINTS AND/O INVESTIGATIONS I. COMPLAINTS TO THE PRIVACY COMMISSIONER OF CANADA II. TYPES OF COMPLAINTS AND THEIR DISPOSITION COMPLETED III. APPLICATIONS/APPEALS SUBMITTED TO THE FEDERAL COURT/FEDERAL COURT OF APPEAL IV. AGENCY RESPONSES TO RECOMMENDATIONS RAISED BY OTHER AGENTS OF PARLIAMENT	10 R 10 10 10 11 11
POLICIES, GUIDELINES AND PROCEDURES I. PRIVACY MANAGEMENT DIVISION II. OTHER INITIATIVES KEY ISSUES RAISED AS A RESULT OF PRIVACY COMPLAINTS AND/O INVESTIGATIONS I. COMPLAINTS TO THE PRIVACY COMMISSIONER OF CANADA II. TYPES OF COMPLAINTS AND THEIR DISPOSITION COMPLETED III. APPLICATIONS/APPEALS SUBMITTED TO THE FEDERAL COURT/FEDERAL COURT OF APPEAL IV. AGENCY RESPONSES TO RECOMMENDATIONS RAISED BY OTHER AGENTS OF PARLIAMENT V. PRIVACY AUDITS	10 R 10 R 10 10 11 11 11
POLICIES, GUIDELINES AND PROCEDURES I. PRIVACY MANAGEMENT DIVISION II. OTHER INITIATIVES KEY ISSUES RAISED AS A RESULT OF PRIVACY COMPLAINTS AND/O INVESTIGATIONS I. COMPLAINTS TO THE PRIVACY COMMISSIONER OF CANADA II. TYPES OF COMPLAINTS AND THEIR DISPOSITION COMPLETED III. APPLICATIONS/APPEALS SUBMITTED TO THE FEDERAL COURT/FEDERAL COURT OF APPEAL IV. AGENCY RESPONSES TO RECOMMENDATIONS RAISED BY OTHER AGENTS OF PARLIAMENT	10 R 10 R 10 10 11 11 11
POLICIES, GUIDELINES AND PROCEDURES I. PRIVACY MANAGEMENT DIVISION II. OTHER INITIATIVES KEY ISSUES RAISED AS A RESULT OF PRIVACY COMPLAINTS AND/O INVESTIGATIONS I. COMPLAINTS TO THE PRIVACY COMMISSIONER OF CANADA II. TYPES OF COMPLAINTS AND THEIR DISPOSITION COMPLETED III. APPLICATIONS/APPEALS SUBMITTED TO THE FEDERAL COURT/FEDERAL COURT OF APPEAL IV. AGENCY RESPONSES TO RECOMMENDATIONS RAISED BY OTHER AGENTS OF PARLIAMENT V. PRIVACY AUDITS	10 R 10 10 11 11 11 11
POLICIES, GUIDELINES AND PROCEDURES I. PRIVACY MANAGEMENT DIVISION II. OTHER INITIATIVES KEY ISSUES RAISED AS A RESULT OF PRIVACY COMPLAINTS AND/O INVESTIGATIONS I. COMPLAINTS TO THE PRIVACY COMMISSIONER OF CANADA II. TYPES OF COMPLAINTS AND THEIR DISPOSITION COMPLETED III. APPLICATIONS/APPEALS SUBMITTED TO THE FEDERAL COURT/FEDERAL COURT OF APPEAL IV. AGENCY RESPONSES TO RECOMMENDATIONS RAISED BY OTHER AGENTS OF PARLIAMENT V. PRIVACY AUDITS MONITORING COMPLIANCE PRIVACY BREACHES	10 R 10 R 10 11 11 11 11 11
POLICIES, GUIDELINES AND PROCEDURES I. PRIVACY MANAGEMENT DIVISION II. OTHER INITIATIVES KEY ISSUES RAISED AS A RESULT OF PRIVACY COMPLAINTS AND/O INVESTIGATIONS I. COMPLAINTS TO THE PRIVACY COMMISSIONER OF CANADA II. TYPES OF COMPLAINTS AND THEIR DISPOSITION COMPLETED III. APPLICATIONS/APPEALS SUBMITTED TO THE FEDERAL COURT/FEDERAL COURT OF APPEAL IV. AGENCY RESPONSES TO RECOMMENDATIONS RAISED BY OTHER AGENTS OF PARLIAMENT V. PRIVACY AUDITS MONITORING COMPLIANCE PRIVACY BREACHES PRIVACY IMPACT ASSESSMENTS COMPLETED	10 R 10 R 10 11 11 11 11 11
POLICIES, GUIDELINES AND PROCEDURES I. PRIVACY MANAGEMENT DIVISION II. OTHER INITIATIVES KEY ISSUES RAISED AS A RESULT OF PRIVACY COMPLAINTS AND/O INVESTIGATIONS. I. COMPLAINTS TO THE PRIVACY COMMISSIONER OF CANADA II. TYPES OF COMPLAINTS AND THEIR DISPOSITION COMPLETED III. APPLICATIONS/APPEALS SUBMITTED TO THE FEDERAL COURT/FEDERAL COURT OF APPEAL IV. AGENCY RESPONSES TO RECOMMENDATIONS RAISED BY OTHER AGENTS OF PARLIAMENT V. PRIVACY AUDITS MONITORING COMPLIANCE PRIVACY BREACHES PRIVACY IMPACT ASSESSMENTS COMPLETED DISCLOSURES MADE PURSUANT TO PARAGRAPH 8(2)(E) OF THE	10 R 10 R 10 11 11 11 11 11 11
POLICIES, GUIDELINES AND PROCEDURES I. PRIVACY MANAGEMENT DIVISION II. OTHER INITIATIVES KEY ISSUES RAISED AS A RESULT OF PRIVACY COMPLAINTS AND/O INVESTIGATIONS I. COMPLAINTS TO THE PRIVACY COMMISSIONER OF CANADA II. TYPES OF COMPLAINTS AND THEIR DISPOSITION COMPLETED III. APPLICATIONS/APPEALS SUBMITTED TO THE FEDERAL COURT/FEDERAL COURT OF APPEAL IV. AGENCY RESPONSES TO RECOMMENDATIONS RAISED BY OTHER AGENTS OF PARLIAMENT V. PRIVACY AUDITS MONITORING COMPLIANCE PRIVACY BREACHES PRIVACY IMPACT ASSESSMENTS COMPLETED DISCLOSURES MADE PURSUANT TO PARAGRAPH 8(2)(E) OF THE PRIVACY ACT	10 R 10 R 10 11 11 11 11 11 11
POLICIES, GUIDELINES AND PROCEDURES I. PRIVACY MANAGEMENT DIVISION II. OTHER INITIATIVES. KEY ISSUES RAISED AS A RESULT OF PRIVACY COMPLAINTS AND/O INVESTIGATIONS I. COMPLAINTS TO THE PRIVACY COMMISSIONER OF CANADA II. TYPES OF COMPLAINTS AND THEIR DISPOSITION COMPLETED III. APPLICATIONS/APPEALS SUBMITTED TO THE FEDERAL COURT/FEDERAL COURT OF APPEAL IV. AGENCY RESPONSES TO RECOMMENDATIONS RAISED BY OTHER AGENTS OF PARLIAMENT V. PRIVACY AUDITS MONITORING COMPLIANCE PRIVACY BREACHES PRIVACY IMPACT ASSESSMENTS COMPLETED DISCLOSURES MADE PURSUANT TO PARAGRAPH 8(2)(E) OF THE PRIVACY ACT DISCLOSURES MADE PURSUANT TO PARAGRAPH 8(2)(M) OF THE	10 R 10 R 10 11 11 11 11 11 11 11 11
POLICIES, GUIDELINES AND PROCEDURES I. PRIVACY MANAGEMENT DIVISION II. OTHER INITIATIVES KEY ISSUES RAISED AS A RESULT OF PRIVACY COMPLAINTS AND/O INVESTIGATIONS I. COMPLAINTS TO THE PRIVACY COMMISSIONER OF CANADA II. TYPES OF COMPLAINTS AND THEIR DISPOSITION COMPLETED III. APPLICATIONS/APPEALS SUBMITTED TO THE FEDERAL COURT/FEDERAL COURT OF APPEAL IV. AGENCY RESPONSES TO RECOMMENDATIONS RAISED BY OTHER AGENTS OF PARLIAMENT V. PRIVACY AUDITS MONITORING COMPLIANCE PRIVACY BREACHES PRIVACY IMPACT ASSESSMENTS COMPLETED DISCLOSURES MADE PURSUANT TO PARAGRAPH 8(2)(E) OF THE PRIVACY ACT DISCLOSURES MADE PURSUANT TO PARAGRAPH 8(2)(M) OF THE PRIVACY ACT	10 R 10 R 10 11 11 11 11 11 11 11 11
POLICIES, GUIDELINES AND PROCEDURES I. PRIVACY MANAGEMENT DIVISION II. OTHER INITIATIVES. KEY ISSUES RAISED AS A RESULT OF PRIVACY COMPLAINTS AND/O INVESTIGATIONS I. COMPLAINTS TO THE PRIVACY COMMISSIONER OF CANADA II. TYPES OF COMPLAINTS AND THEIR DISPOSITION COMPLETED III. APPLICATIONS/APPEALS SUBMITTED TO THE FEDERAL COURT/FEDERAL COURT OF APPEAL IV. AGENCY RESPONSES TO RECOMMENDATIONS RAISED BY OTHER AGENTS OF PARLIAMENT V. PRIVACY AUDITS MONITORING COMPLIANCE PRIVACY BREACHES PRIVACY IMPACT ASSESSMENTS COMPLETED DISCLOSURES MADE PURSUANT TO PARAGRAPH 8(2)(E) OF THE PRIVACY ACT DISCLOSURES MADE PURSUANT TO PARAGRAPH 8(2)(M) OF THE	10 R 10 R 10 11 11 11 11 11 11 11 11
POLICIES, GUIDELINES AND PROCEDURES I. PRIVACY MANAGEMENT DIVISION II. OTHER INITIATIVES KEY ISSUES RAISED AS A RESULT OF PRIVACY COMPLAINTS AND/O INVESTIGATIONS I. COMPLAINTS TO THE PRIVACY COMMISSIONER OF CANADA II. TYPES OF COMPLAINTS AND THEIR DISPOSITION COMPLETED III. APPLICATIONS/APPEALS SUBMITTED TO THE FEDERAL COURT/FEDERAL COURT OF APPEAL IV. AGENCY RESPONSES TO RECOMMENDATIONS RAISED BY OTHER AGENTS OF PARLIAMENT V. PRIVACY AUDITS MONITORING COMPLIANCE PRIVACY BREACHES PRIVACY IMPACT ASSESSMENTS COMPLETED DISCLOSURES MADE PURSUANT TO PARAGRAPH 8(2)(E) OF THE PRIVACY ACT DISCLOSURES MADE PURSUANT TO PARAGRAPH 8(2)(M) OF THE PRIVACY ACT	10 R 10 R 10 11 11 11 11 11 11 11 11 11 11

Introduction

I. Privacy Act

The *Privacy Act* (the *Act*) gives Canadian citizens and permanent residents of Canada the right of access to information about themselves held by the federal government with certain specific and limited exceptions. The *Act* protects an individual's privacy by setting out provisions related to the collection, retention, accuracy, disposal, use and disclosure of personal information.

The *Act* requires the head of every federal government institution to submit an annual report to Parliament on the administration of the *Act* following the close of each fiscal year. This annual report is prepared and is being tabled before each House of Parliament in accordance with section 72 of the *Act*. This report summarizes how the Public Health Agency of Canada (PHAC) has fulfilled its privacy responsibilities during the fiscal year 2016-2017.

II. About the Public Health Agency of Canada

PHAC's mission is to promote and protect the health of Canadians through leadership, partnership, innovation and action in public health.

The role of PHAC is to:

- Promote health;
- Prevent and control chronic diseases and injuries;
- Prevent and control infectious diseases;
- Prepare for and respond to public health emergencies;
- Serve as a central point for sharing Canada's public health expertise with the rest of the world;
- Apply international research and development to Canada's public health programs; and
- Strengthen intergovernmental collaboration on public health and facilitate national approaches to public health policy and planning.

For more information about PHAC, please visit our web site at: <u>http://www.phac-aspc.gc.ca/index-eng.php</u>

Privacy Delivery and Governance

Privacy protection and the appropriate management of personal information, including personal health information, are extremely important for Canadians and PHAC. PHAC takes its role in the management of personal information seriously and has taken steps to

raise awareness and implement processes to comply with the *Privacy Act*. These are outlined in this report.

Privacy Act requirements are led out of the Privacy Management Division and the Access to Information and Privacy Division. Both Divisions are housed in the Planning, Integration and Management Services Directorate of the Corporate Services Branch at Health Canada (HC).

In 2016-2017, the *Act* was administered at PHAC by 5.57 full-time equivalent (FTE) employees with the support of 0.57 FTEs in consultant services, as well as some parttime and casual employees at 0.43 FTEs for a total resource complement of 6.57 FTEs. These figures include administrative support, management, reporting, monitoring and policy resources, and overhead cost which contribute to the overall support of the operations of the application of the *Act*.

I. Privacy Management Division

The Privacy Management Division strengthens capacity and expertise supporting PHAC programs that collect, use, disclose, retain and dispose of personal information.

The Division's key areas of work include:

- Developing corporate privacy policies, guidelines and practices that promote a culture of privacy;
- Actively promoting privacy awareness through both on-line and in-person training;
- Working with programs to complete, monitor and report on privacy impact assessments and privacy breaches;
- Reviewing Memorandum to Cabinet and Treasury Board submissions to ensure privacy requirements are met;
- Coordinating PHAC annual input into Info Source, including the development and registration of Personal Information Banks;
- Liaising with the Office of the Privacy Commissioner of Canada on privacy aspects of new and proposed programs, legislation/regulations, policies, privacy impact assessments, breaches and complaints;
- Monitoring privacy policies, and practices; and
- Liaising with other federal departments, agencies, provincial ministries of health and other key partners regarding privacy issues within the health portfolio to provide informed advice to clients.

II. The Access to Information and Privacy Division

The management of requests and associated complaints under the *Privacy Act* are led by the Access to Information and Privacy Management Divisions. The Divisions are responsible for privacy legislative requirements pursuant to the *Act* such as:

• Responding to privacy requests within the statutory time frame as well as meeting the duty to assist requesters;

- Promoting staff awareness and providing training on the *Act*;
- Preparing the Annual Report to Parliament;
- Supporting other forms of information sharing by PHAC by ensuring the appropriate identification and redaction of personal information (e.g., documents for litigation, information disclosure, and relating to human resource issues); and
- Liaising with the Office of the Privacy Commissioner of Canada, Treasury Board of Canada Secretariat, other federal departments and agencies, provincial ministries of health and other key partners regarding the application of the *Act* to develop relevant policies, tools and guidelines.

Delegation of Authority

The most recent delegation order for the *Privacy Act* was signed by the Minister of Health on November 25, 2015. In keeping with Treasury Board Secretariat recommendations on best practice, the delegation order extends authorities to multiple positions including the Coordinator, the Corporate Services Branch's Assistant Deputy Minister and Director General of Planning Integration and Management Services Directorate. As appropriate, certain administrative authorities are delegated to various senior levels within the ATIP Division and Privacy Management Division to support the effective and efficient administration of the Act. HC, within the shared services partnership agreement, provides ATIP services to PHAC under this delegation of authority.

The Delegation Order is attached as Appendix A.

Requests under the *Privacy Act* - Statistical Figures, Interpretation and Explanation

I. Statistical Report

This section includes an interpretation and explanation of the data contained in PHAC's statistical report which summarizes privacy-related activity for the period between April 1, 2016 and March 31, 2017 (Appendix B).

II. Number of Privacy Requests and Case Load

Requests under the Privacy Act

There was a slight increase in the number of requests received in 2016-2017, 62 as compared with 47 in 2015-2016. The number of pages reviewed has fluctuated significantly in the last couple years, with the number of pages reviewed in 2016-2017 increased by 395% to 1,782 pages.

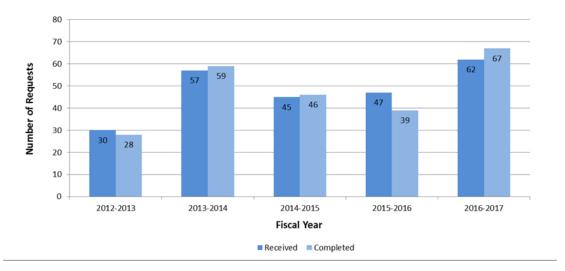
Case Load

During fiscal year 2016-2017, PHAC closed 67 of 71 (94%) active requests. Active requests included 62 new requests received in 2016-2017 and 9 requests carried over from fiscal year 2015-2016.

Fiscal Year	Number of Requests Received	Number of Requests Carried Over	Total Caseload	Number of Requests Closed	# of Pages Reviewed for Closed Files
2012-2013	30	2	32	28	6,275
2013-2014	57	4	61	59	4,150
2014-2015	45	2	47	46	4,086
2015-2016	47	1	48	39	360
2016-2017	62	9	71	67	1,782

CASE LOAD VERSUS PAGES REVIEWED BY FISCAL YEAR





Consultations Completed from Other Government Institutions

In 2016-2017, PHAC did not receive any consultations from other federal government departments, as compared to the previous year, where PHAC received and completed one consultation totalling 97 pages.

NUMBER OF CONSULTATIONS AND PAGES REVIEWED FROM OTHER FEDERAL INSTITUTIONS

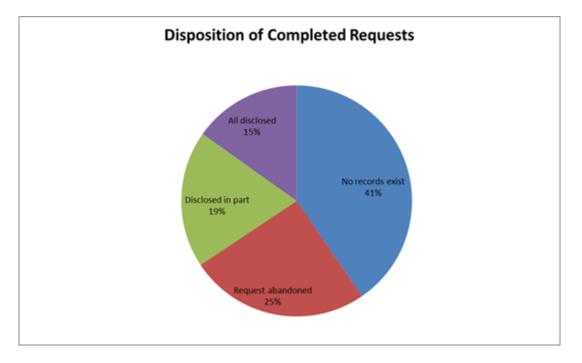
Federal Institutions	Number of Consultations Completed	Pages Reviewed
Total	0	0

III. Disposition of Requests Completed

Completed requests were classified as follows:

DISPOSITION OF REQUESTS COMPLETED BY PERCENTAGE

Disposition of Requests	Requests Completed by Percentage
No Records Exist	41%
Request Abandoned	25%
Disclosed in part	19%
All disclosed	15%
All exempted	0%
All excluded	0%



IV. Exemptions Invoked

Sections 18 through 28 of the *Act* set out the exemptions intended to protect information pertaining to a particular public or private interest. Section 26 "personal information of other individuals" accounted for 100% of the all exemptions invoked in 2016-2017.

PRINCIPAL EXEMPTIONS APPLIED

Exemptions	Number of Times Applied
Section 26 – Information about another individual	13

V. Exclusions Cited

The *Act* does not apply to personal information that is available to the public (section 69), nor does it apply to confidences of the Queen's Privy Council (section 70), with some exceptions. Requests containing proposed exclusions under section 70 require consultation with the Department of Justice, and potentially the Privy Council Office. In 2016-2017, PHAC did not exclude any information under either section 69 or 70.

VI. Completion Time

PHAC tracks the disposition of closed requests and the length of time taken to process them. Of the total caseload of 71 requests, PHAC completed 67 cases and carried over four active requests to fiscal year 2017-2018.

PHAC was able to respond within 30 days or less in 54 (81%) of completed cases. Of the remaining requests, 8 (12%) were completed in 31 to 60 days; 1 (1%) in 61 to 120 days, and 4 (6%) in 121 days or more.

VII. Extensions

Legal extensions were invoked in two cases (3%) of the total 67 requests completed.

VIII. Translation

There were no requests for translation of records responsive to *Privacy Act* requests in 2016-2017.

IX. Format of Information Released

Of requests that were fully or partially disclosed, 83% were sent out in paper format. Comparatively, 17% requests were released electronically.

PHAC's imaging software allows the Agency to respond to privacy requests using Portable Document Format (PDF). It is anticipated that the use of electronic formats for the release of information will continue to grow in future years.

X. Corrections and Notations

There were no requests for the correction or the notation of personal information during the reporting period.

XI. Costs

PHAC spent a total of \$564,017 responding to requests related to the *Act*. Of this total: salaries accounted for \$437,979 and administration costs accounted for \$122,234, most of which (\$99,112) was used to retain temporary help to address the volume and complexity of requests.

Training and Awareness

Training, Orientation and Awareness for PHAC Employees

PHAC continues to offer privacy training through 'Privacy 101' sessions. General Privacy awareness training was provided to 91 employees during the year. These sessions provide participants with a high level understanding of the *Privacy Act* and its requirements relating to the processing of requests for information under the Privacy Act, the "need to know" principle, and general obligations regarding the collection, use, retention, disclosure and retention of personal information.

Several new training sessions were offered this fiscal year including Privacy Impact Assessment Boot Camp and a new privacy breach session developed to assist in the prevention of privacy breaches. Total participation in these additional training sessions were 25 participants. Further, an online learning tool – Privacy Basics - continued to be used in 2016-2017. Total on-line participants for the year were 109.

Overall, 225 PHAC employees received privacy training in 2016-2017.

In addition, PHAC continues to increase awareness among employees of their responsibilities under the *Privacy Act* through targeted information sessions. These included promoting Privacy Day in January and Privacy Awareness Week in May, where communication and general awareness messages were sent through internal communication channels. The Privacy Management Division continued to use a Twitter account and had 200 followers as of year-end.

Recent Privacy Initiatives

The Privacy Management Division completed a pilot project aimed at improving the completion of Privacy Impact Assessments (PIA). During the pilot, which dedicated internal staff resources to the writing of PIAs, five (5) PIAs were approved and submitted to OPC and TBS during 2016-2017, more than doubling the number of PIAs completed in the previous year.

PHAC is pursuing a plan to add capacity to this function going forward.

New and/or Revised Institution-Specific Privacy-Related Policies, Guidelines and Procedures

I. Privacy Management Division

The Privacy Management Division, with the assistance of other departments, completed a privacy online training resource accessible to government institutions and stakeholders that covers the key federal requirements for the collection, use, retention, disclosure and disposal of personal information, as well as specific modules on privacy oversight, privacy breach management and PIAs. This module was made available in April 2016, with 278 participants across government completing the online training module in the fiscal year.

II. Other Initiatives

Governance and Outreach

There is an ongoing focus on engagement through meetings with employees across the Department, central agencies and other government departments. For example, in 2016-2017, three (3) meetings of the Health Partnership Privacy Committee (HPPC) were held to promote privacy issues. As a director-level forum with representation from all areas of PHAC, the HPPC generates discussion and approval of privacy guidance, practices and tools, collaborates in ensuring that privacy compliance requirements are met, and makes recommendations to senior management.

Health Information Privacy Group

PHAC, through PMD, continues to participate as a member of the Canada Health Infoway's Federal-Provincial Territorial Health Information Privacy Working Group focused on privacy issues related to the development digital health services in Canada. In 2016-2017, PHAC participated in 2 in person meetings as well as 3 conference calls.

Surveillance Integration Team (SIT)

PMD continues to participate as a member of PHAC's Surveillance Integration Team (SIT) which works closely with the Infrastructure Integration Division (IID) to develop a collaborative and integrated approach to surveillance at the Public Health Agency of Canada (PHAC). SIT is comprised of experts from key PHAC centres, laboratories and directorates, as well as from corporate support groups such as Finance and Communications.

Key Issues Raised as a Result of Privacy Complaints and/or Investigations

I. Complaints to the Privacy Commissioner of Canada

No complaints were received from the Office of the Privacy Commissioner (OPC) in 2016-2017.

II. Types of Complaints and their Disposition Completed

No complaints were received from the Office of the Privacy Commissioner (OPC) in 2016-2017.

In the event that a complaint is received and investigated by the OPC, PHAC will review the outcomes, and where appropriate, incorporates lessons learned into business processes.

III. Applications/Appeals Submitted to the Federal Court/Federal Court of Appeal

There were no applications or appeals submitted to the Federal Court or to the Federal Court of Appeal during fiscal year 2016-2017.

IV. Agency Responses to Recommendations raised by other Agents of Parliament

There were no recommendations raised by other Agents of Parliament during fiscal year 2016-2017.

V. Privacy Audits

There were no privacy audits concluded during fiscal year 2016-2017 for PHAC.

Monitoring Compliance

ATIP has undertaken the production of quarterly reporting to Senior Management in order to monitor performance within PHAC. Similarly, PMD provides monthly input into the PHAC Security Report on privacy breaches and PIAs as well as quarterly input to the corporate dashboard.

Privacy Breaches

PHAC reported 3 privacy breaches during this fiscal year all of which were determined to be of low sensitivity caused by human error.

Privacy Impact Assessments Completed

Five (5) privacy impact assessments were completed during the 2016-2017 fiscal year. Below are the PIAs with a brief description along with a hyperlink to the PIA on the HC website where available. For additional information regarding PIAs not yet posted to the HC website, please contact: <u>hc.privacy-vie.privee.sc@canada.ca</u>

- Canada's International Health Regulations National Focal Point (NFP) - <u>http://www.phac-aspc.gc.ca/about_apropos/atip-aiprp/nfp-sum-cnl-som-eng.php</u> The IHR NFP Office conducted a PIA due to the sensitivity of personal information that may be collected as part of its functions. The IHR NFP directs sensitive health information to the appropriate programs within PHAC and Health Canada, Provinces/Territories, or other IHR State Parties.
- 2. eTracks The Tracks Enhanced Surveillance System is a behavioural and biological surveillance system that monitors HIV, hepatitis C and other sexually transmitted and blood-borne infections and associated risk behaviours among atrisk populations. Due to the sensitive nature of the Tracks surveillance program a PIA was completed to ensure the privacy and security of the data.
- **3. HIV-AIDS** A PIA was completed due to the sensitive nature of the personal information collected by the HIV/AIDS Surveillance System (HASS). HIV/AIDS Surveillance System (HASS) works in collaboration with the provinces and territories (PTs) to operate a passive case-based health surveillance system that collates non-nominal data on HIV and AIDS cases in Canada. Data is voluntarily submitted to PHAC from all PT public health authorities.
- **4. Quarantine Program** The Quarantine Program required a PIA because it uses personal information as part of a decision-making process that directly affects individuals. The Quarantine Program activities include decisions around restricting the travel for individuals with contagious diseases.
- 5. Centre for Bio-Security: Administration of the Human Pathogens and Toxins Act and Regulations - The Centre for Biosecurity's administration of the Human Pathogens and Toxins Act and Regulations required a PIA because it uses personal information as part of a decision-making process involving the use of human pathogens and toxins that could potentially pose risks to human health and safety, either through accidental or deliberate release.

Disclosures made Pursuant to Paragraph 8(2)(e) of the *Privacy* Act

There was one disclosure provided to a federal investigative body (Department of National Defence Board of Inquiry this fiscal year.

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

There were two public interest disclosures made this fiscal year. One was related to a threat of suicide. The other was required due to risks of a secondary infection to a 3^{rd} party individual.

Appendix A: Access to Information Act and Privacy Act – Delegation Order

Delegation of Authority

Access to Information Act and Privacy Act

I, the Minister of Health, pursuant to section 73 of the Access to Information Act and section 73 of the Privacy Act, hereby designate the persons holding the positions set out in the Delegation of Authority Schedule attached hereto, or the persons occupying on an acting basis those positions, to exercise the powers, duties and functions of the Minister as the head of the Public Health Agency of Canada, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation supersedes all previous delegation orders. L'ordonnance de délégation des pouvoirs

Loi sur l'accès à l'information et Loi sur la protection des renseignements personnels

L'article 73 de la *Loi sur l'accès à l'information* et de l'article 73 de *la Loi sur la protection des renseignements personnels*, je délègue par la présente aux titulaires des postes énoncés à l'annexe de délégation de pouvoirs ci-après, ou aux personnes occupant lesdits postes à titre intérimaire, les attributions dont je suis investie, à titre de ministre de l'Agence de la santé publique du Canada, aux termes des dispositions des lois et des règlements connexes mentionnés en regard de chaque poste. Le présent document remplace toute ordonnance de délégation de pouvoirs antérieure.

NOJ 25,20

Position /Poste	Access to Information Act and Regulations / Loi sur l'accès à l'information et règlements	<i>Privacy Act</i> and Regulations / Loi sur la protection des renseignements personnels et règlements
Assistant Deputy Minister, Corporate Services Branch / Sous-ministre adjoint, Direction générale des services de gestion	Full authority / Autorité absolue	Full authority / Autorité absolue
Director General, Planning, Integration and Management Services, Corporate Services Branch / Directeur (trice) général(e), Direction de la planification, de l'intégration et des services de gestion, Direction générale des services de gestion	Full authority / Autorité absolue	Full authority / Autorité absolue
Director (Coordinator), Access to Information and Privacy / Directreur (trice) (Coordinateur (trice)), Accès à l'information et protection des renseignements personnels	Full authority / Autorité absolue	Full authority except / Autorité absolue sauf: Sections / Articles: 8(2)(j), 8(2)(m), 8(5), 9(1), 9(4), 10
Deputy Director, Access to Information and Privacy / Directeur (trice), Accès à l'information et de la protection des renseignements personnels	Full authority / Autorité absolue	Full authority except / Autorité absolue sauf: Sections / Articles: 8(2)(j), 8(2)(m), 8(5), 9(1), 9(4), 10
Director, Privacy Management Division / Directeur (trice) Division de la gestion de la protection des renseignements personnels	nil	Full authority except / Autorité absolue sauf : Sections / Articles : 14 – 28 inclusively, inclusivement
Chief, Access to Information and Privacy / Chef, Accès à l'information et de la protection des renseignements personnels	: Full authority except / Autorité absolue sauf : Sections / Articles : 35(2), 52(2)(b), 52(3), 72 Regulations / Règlements : Sections / Articles : Full authority / Autorité absolue	Full authority except / Autorité absolue sauf : Sections / Articles : 8(2)(j), 8(2)(m), 8(4), 8(5), 9(1), 9(4), 10, 33(2) 51(2)(b), 51(3), 72(1) Regulations / Règlements : Sections / Articles : Full authority except Autorité absolue sauf : 7
Team Leader, Access to Information and Privacy / Chef d'équipe Accès à l'information et de la protection des renseignements personnels	Sections / Articles : 4(2.1), 7, 8(1), 9(1), 9(2), 10(1), 10(2), 11(2), 11(3), 11(4), 11(5), 11(6), 12(2)(b), 12(3)(b), 19, 25, 27(1), 27(4), 33, 43(1), 44(2) Regulations / Règlements : Sections / Articles : Full authority / Autorité absolue	Sections / Articles : 14, 15, 16, 17(2)(b), 17(3)(b), 26, 31 Regulations / Règlements : Sections / Articles : 9, 11(2), 13(1), 14
Senior Analyst, Access to Information and Privacy / Analyste principal, Accès à l'information et de la protection des renseignements personnels	Sections / Articles : 4(2.1), 7, 9(2), 27(1), 27(4), 33 Regulations / Règlements : Sections / Articles : 5	Regulations / Règlements : Sections / Articles : 9, 11(2)
Analyst, Access to Information and Privacy / Analyste, Accès à l'information et de la protection des renseignements personnels	Sections / Articles : 4(2.1), 7, 9(2) Regulations / Règlements : Sections / Articles : 5	Regulations / Règlements : Sections / Articles : 9, 11(2)

Appendix B: Statistical Report on the Privacy Act

TBS/SCT 350-63

Name of institution: Public Health Agency of Canada

Reporting period: 2016-04-01 to 2017-03-31

Part 1: Requests Under the Privacy Act

	Number of Requests
Received during reporting period	62
Outstanding from previous reporting period	9
Total	71
Closed during reporting period	67
Carried over to next reporting period	4

Part 2: Requests Closed During the Reporting Period

2.1 Disposition and completion time

	Completion Time							
Disposition of Requests	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	Total
All disclosed	2	5	3	0	0	0	0	10
Disclosed in part	0	4	4	1	3	1	0	13
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	17	10	0	0	0	0	0	27
Request abandoned	10	6	1	0	0	0	0	17
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	29	25	8	1	3	1	0	67

Canadä

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	13
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	10	0	0
Disclosed in part	9	4	0
Total	19	4	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	153	151	10
Disclosed in part	1629	1445	13
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	17
Neither confirmed nor denied	0	0	0
Total	1782	1596	40

2.5.2 Relevant pages processed and disclosed by size of requests

	Less Than Pages Proce		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
Disposition	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	10	151	0	0	0	0	0	0	0	0
Disclosed in part	7	314	6	1131	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	17	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	34	465	6	1131	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	1	1
Disclosed in part	1	0	0	3	4
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	1	0	0	4	5

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of Requests Closed Past	Principal Reason						
the Statutory Deadline	Workload	External Consultation	Internal Consultation	Other			
5	5	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	1	1
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	2	0	2
121 to 180 days	1	1	2
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	3	2	5

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	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
1	2	0	3

Part 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

Part 5: Extensions

5.1 Reasons for extensions and disposition of requests

	15(a)(i) Interference	15(a Consu	15(b)	
Disposition of Requests Where an Extension Was Taken	With Operations	Section 70	Other	Translation or Conversion
All disclosed	0	0	0	0
Disclosed in part	2	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	2	0	0	0

5.2 Length of extensions

	15(a)(i)	15(a Consu	15(b)	
Length of Extensions	Interference		Other	Translation purposes
1 to 15 days	0	0	0	0
16 to 30 days	2	0	0	0
Total	2	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
Pending at the end of the reporting period	0	0	0	0

6.2 Recommendations and completion time for consultations received from other Government of Canada institutions

	Number of Days Required to Complete Consultation Requests							
Recommendation	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	Total
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
Total	0	0	0	0	0	0	0	0

6.3 Recommendations and completion time for consultations received from other organizations

	Number of days required to complete consultation requests							
Recommendation	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	Total
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
Total	0	0	0	0	0	0	0	0

Part 7: Completion Time of Consultations on Cabinet Confidences

7.1 Requests with Legal Services

	Fewer Than 10 Process	0	101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 5000 Pages Processed	
Number of Days	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
Total	0	0	0	0	0	0	0	0	0	0

		wer Than 100 Pages 101–500 Pag Processed Processed		•	501-1000 Pages Processed		1001-5000 Pages Processed		More than 5000 Pages Processed	
Number of Days	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
Total	0	0	0	0	0	0	0	0	0	0

7.2 Requests with Privy Council Office

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

5

Part 10: Resources Related to the *Privacy Act*

10.1 Costs

Expenditures		Amount
Salaries		\$437,979
Overtime		\$3,804
Goods and Services		\$122,234
 Professional services contracts 	\$99,112	
• Other	\$23,122	
Total		\$564,017

10.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	5.57
Part-time and casual employees	0.43
Regional staff	0.00
Consultants and agency personnel	0.57
Students	0.00
Total	6.57