

Office of the Commissioner of Lobbying of Canada

Commissariat au lobbying du Canada

Privacy Act ANNUAL REPORT 2020-21

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Cat. No. Lo2-1/2E-PDF ISSN 1925-5832

Aussi offert en français sous le titre Commissariat au lobbying – Loi sur la protection des renseignements personnels – Rapport annuel 2020-2021

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Introduction

The *Privacy Act* (Revised Statute of Canada 1985, Chapter P-21) was proclaimed on July 1, 1983. The *Privacy Act* extends to individual Canadian citizens and permanent residents, the right of access to information about themselves held by the government, subject to specific and limited exceptions. The *Privacy Act* also protects the individual's right to privacy by preventing others from having access to personal information and gives individuals substantial control over its collection and use.

Section 72 of the *Privacy Act* requires that the head of every government institution prepare an annual report on the administration of the Act within the institution during each financial year for submission to Parliament.

This annual report is submitted by the Office of the Commissioner of Lobbying (OCL) in accordance with the *Privacy Act*. It describes how the OCL fulfilled its responsibilities under this Act during the reporting period from April 1st, 2020 to March 31, 2021.

The Office of the Commissioner of Lobbying

The Commissioner of Lobbying's mandate, derived from the *Lobbying Act* (the Act), is to ensure transparency of the lobbying of federal public office holders. This contributes to increasing the confidence Canadians have in the integrity of government decision-making.

The Commissioner's mandate is threefold:

- maintaining the Registry of Lobbyists, which contains and makes public the registration information disclosed by lobbyists;
- developing and implementing educational programs to foster public awareness of the requirements of the Act; and
- conducting investigations to ensure compliance with the Act and the *Lobbyists' Code of Conduct* (the Code).

Under the Act, the Commissioner of Lobbying also has the authority to grant exemptions to former designated public office holders who are subject to a five-year prohibition on lobbying activities.

The Commissioner reports annually to Parliament on the administration of the Act and the Code. The Commissioner is also required to table to Parliament reports on investigations, which include her findings, conclusions and the reasons for her conclusions.

Responsibility for Information Rights and Delegation of Authority

The *Privacy Act* provides the authority to the Commissioner of Lobbying to exercise full powers granted under the Act. The OCL's Access to Information and Privacy (ATIP) Coordinator is delegated the authority via a Delegation Order, of which a copy is attached in Annex A. The OCL has two positions responsible for the administration of the *Privacy Act*, an ATIP Coordinator and an Executive Assistant.

The Director of Corporate Services was the ATIP Coordinator from April 1st, 2020 to March 31, 2021. The ATIP Coordinator is responsible for the development, coordination and implementation of effective policies, guidelines and procedures to manage the OCL's compliance with the *Privacy Act*. The coordinator makes decisions on the disposition of requests under the *Privacy Act*, promotes awareness of the legislation to ensure organizational responsiveness to its obligations, as well as monitors and advises on compliance with the *Privacy Act*, regulations, procedures and policies. Further, the Coordinator acts as spokesperson for the OCL in dealings with the Treasury Board Secretariat, the Privacy Commissioner, and other government departments and agencies. The coordinator is also responsible for conducting consultations with other governments within Canada and other federal organizations, as required. Finally, the Coordinator is the point of contact on issues involving the collection of personal information and privacy.

An Executive Assistant also provides support to the ATIP Coordinator on the process of any requests received under the *Privacy Act*.

Due to the limited number of requests received, the OCL did not dispose of any service agreements under section 73.1 of the *Privacy Act* during the reporting period from April 1st, 2020 to March 31, 2021.

Under the Act, the OCL collects information from registrants and lobbyists and the disclosures filed by registrants are accessible on the Registry of Lobbyists at the following address: lobbycanada.gc.ca.

The OCL's Annual Report and Reports on Investigations must be tabled in both Houses of Parliament. They are also posted on the OCL's website and on the Open Government Portal under the AIA requesting that all reports tabled in Parliament be proactively disclosed.

Statistical Report

Annex B provides a statistical summary of requests under the *Privacy* Act. In 2020-21, the OCL did not receive any request under the Act.

Over the past five years, the OCL has received only one request under the *Privacy Act* and no consultation from other institutions.

Fiscal year	Requests received	Consultation completed from other institutions
2020-21	0	0
2019-20	0	0
2018-19	0	0
2017-18	0	0
2016-17	1	0

Since the OCL did not receive any request under the *Privacy Act*, the COVID-19 pandemic did not influence the OCL ability to fulfill its *Privacy Act* responsibilities. Therefore, the OCL did not have to put some mitigation measures in place.

Fees

No fees are applicable under the *Privacy Act*.

Information Holdings

The OCL is responsible for providing a full accounting of information holdings to the Treasury Board Secretariat and ensuring that updates are provided for inclusion in the Canada.ca publication. This publication contains a description of the classes of institutional records held by the OCL, and can be obtained through public or academic libraries or it may be viewed online on the Treasury Board Secretariat's website at Canada.ca. The OCL does not have any exempt banks.

OCL Website

The OCL's website available at lobbycanada.gc.ca, allows the user to access and search the Registry of Lobbyists, as well as to obtain copies of reports, including the OCL's annual reports on Access to Information and Privacy. Summaries of completed requests are available on the OCL website.

Reading Room

A reading room is available at the OCL's office, situated on the 8th floor at 410 Laurier Avenue West, Ottawa, Ontario, Canada K1R 1B7.

Education and Training Activities

In 2020-21, the OCL did not provide any education and training activity regarding the *Privacy Act* to its staff.

Privacy Impact Assessments

In 2020-21, the OCL conducted three Privacy Impact Assessments (PIAs).

Privacy Impact Assessment on the use of security cameras

The fist PIA was related to the installation of security cameras placed within the entrances of the OCL office to ensure protection against unauthorized access and to mitigate physical threats to staff as well as to mitigate any threats to OCL information and assets.

It is to be noted that no auditory components are being captured by the cameras. This PIA was therefore limited to privacy based solely on the visual components. In addition, cameras and recordings are not a tool used by OCL's managers to monitor any of the day-to-day activities of staff. Access to the cameras and recordings is not given at any time to managers or others who are not designated by the Commissioner or the Chief Security Officer. Security cameras are not located in private or secure area such as washroom facilities, workstations, or boardrooms.

It was determined that the risk level for privacy associated with the installation of security cameras is low. Mitigation measures were put in place to address some issues that may arise as a result of the installation of the security cameras.

A detailed summary of this PIA can be found on the OCL Website at lobbycanada.gc.ca.

Privacy Impact Assessment of the Investigation Directorate Information Management System

The second PIA was related to the Investigation Directorate Information Management System (IDIMS).

IDIMS stores data related to the review and investigation of individuals suspected of breaching the *Lobbying Act* (Act) or the Lobbyist's Code of Conduct (Code), to the request for an exemption to the fiveyear prohibition on lobbying, and to compliance verification. The information contained in this system is "PROTECTED B" and is not released to the public, unless permitted under specified dispositions of the Act, such as in a referral to a peace officer if the Commissioner believes on reasonable grounds that an offence under the Act has occurred, or in a report on investigations tabled in Parliament.

The OCL is considering expanded access to this system within the OCL to Client Services Advisors, who are responsible for assisting lobbyists with registration, based on the need to know principle and to improve efficiency and decision-making.

In total, ten recommendations were submitted to the OCL to mitigate the risks that may arise from the expansion of the access to the system. The OCL will ensure that these recommendations are in place before expending the access to IDIMS to the Client Services Advisors.

A detailed summary of this PIA can be found on the OCL Website at lobbycanada.gc.ca.

Privacy Impact Assessment on the Lobbyist Registration System

The third PIA was related to the Lobbyists Registration System (LRS).

The LRS is a system developed by the OCL to facilitate the registration of lobbyists and their lobbying activities and the filling of Monthly Communication Reports (MCR's) in accordance with the Lobbying Act. The LRS contains the names of registrants and individual lobbyists carrying out lobbying activities, as well as the names, business addresses, business email addresses and telephone numbers of their firms (consultant lobbyists), and employers (in-house corporation and organization lobbyists). It also contains the names of the government institution(s) they are communicating with, as well as the subject matter of the lobbying activities they are required to report under the Act and the Lobbyists Registration Regulations. In the case of former public office holders, the database contains information related to past positions they occupied within the federal government. The online Registry, in accordance with the Act, also includes prescribed information regarding lobbyists' communications with Designated Public Office Holders (DPOH), and information regarding the five-year prohibition on lobbying by former DPOH's, as well as effective dates, exemptions and other relevant data. Through the online Registry of Lobbyists, anyone can search for lobbyists and lobbying activities. While all data submitted to the OCL is a matter of public record to ensure transparency of lobbying activities, so that the general public, the media and public office holders may know who is lobbying the government, for what purpose and in whose interest, some information provided by registrants, for example, internal dialogues with OCL advisors, LRS dashboard warnings about late filings, etc. are not made public.

In the past, the OCL's exemption request process required former DPOHs to make a written request for exemption in accordance with the information described by the OCL on its website. Making the exemption process available through the LRS is intended to make the process more efficient.

This PIA examined the aspects of the business process and dataflows as well as the policies and procedures relating to the LRS, including the online exemption request process, so as to identify and evaluate any potential risks to the privacy of personal information, and to recommend possible options for mitigating any privacy risks identified.

It was determined that the risk level related to privacy remains low. Mitigation measures were put in place to address some issues that may arise as a result of the provision of an exemption process through the LRS.

A detailed summary of this PIA can be found on the OCL Website at lobbycanada.gc.ca.

Disclosure of Personal Information

There were no disclosures of personal information by the OCL during the reporting period pursuant to each of the following provisions of the *Privacy Act*: paragraphs 8(2)(m), 19(1)(e) or (*f*), or sections 22.2, 22.3, 69.1 or 70.1.

New/Revised Policies, Guidelines and Procedures Implemented

During the reporting period, the OCL did not implement new policies, guidelines, procedures or initiatives related to the *Privacy Act*.

Complaints

No complaints concerning the *Privacy Act* were received from the Office of the Privacy Commissioner in 2020-21.

Application to the Federal Court

There were no applications filed in 2020-21 related to the Privacy Act.

Data Matching and Sharing Activities

No data matching or sharing activities were undertaken during 2020-21.

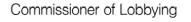
Time to Process Access to Information Request Monitoring

Given the small number of requests received and processed by the OCL, no formal monitoring system was required during the reporting period.

Material Privacy Breaches

No Material Privacy Breaches occurred in 2020-21.

Annex A – Delegation Order



Commissaire au lobbying

October 29, 2020

DelegationOrder

Access to Information Act and Privacy Act

The Commissioner of Lobbying, pursuant to section 95(1) of the Access to Information Act and section 73(1) of the Privacy Act, hereby designates the person holding the position set out in the schedule hereto, or the person occupying on an acting basis that position, to exercise the powers, duties and functions of the Commissioner of Lobbying as the head of the Office of the Commissioner of Lobbying, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders.

Schedule

Position

Access to Information Act and Regulations Privacy Act and Regulations

Director, Corporate Services Full authority

Full authority

Nancy Bélanger Commissioner of Lobbying



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Annex B – 2020-21 Statistical Report

Government Gouvernement of Canada du Canada

Statistical Report on the Privacy Act

Name of institution: Office of the Commissioner of Lobbying

Reporting period: 2020-04-01 to 2021-03-31

Section 1: Requests Under the Privacy Act

1.1 Number of requests

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

Section 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		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
No records exist	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0

OFFICE OF THE COMMISSIONER OF LOBBYING OF CANADA

Total	0	0	0	0	0	0	0	0

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2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
18(2)	0	22(1)(a)(i)	0	23(a)	0
19(1)(a)	0	22(1)(a)(ii)	0	23(b)	0
19(1)(b)	0	22(1)(a)(iii)	0	24(a)	0
19(1)(c)	0	22(1)(b)	0	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	0
19(1)(f)	0	22,1	0	27	0
20	0	22,2	0	27,1	0
21	0	22,3	0	28	0
<u></u>	•	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	0	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
0	0	0

2.5.2 Relevant pages processed and disclosed by size of requests

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

2.5.3 Other complexities

Disposition		U	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	0
Percentage of requests closed within legislated timelines (%)	0

2.7 Deemed refusals

2.7.1 Reasons for not meeting legislated timelines

	Pri	ncipal Reason		
Number of Requests Closed Past the Legislated Timelines	Operations /		Internal Consultation	Other
0	0	0	0	0

2.7.2 Requests closed beyond legislated timelines (including any extension taken)

	Number of Requests Past		
	Legislated Timeline	Number of Requests Past	
Number of Days Past	Where No Extension Was	Legislated Timelines Where	
Legislated Timelines	Taken	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

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Number of requests where an extension was taken	Further review required to	Large volume of pages	-	Documents are difficult to obtain	Cabinet Confidence Section (Section 70)	External	Internal	15(b) Translation purposes or conversion	
0	0	0	0	0	0	0	0	0	

5.2 Length of extensions

	15(a)(i) Interference	with operations	I	I	15 (a)(ii) Consult				
Length of Extensions	Further review required to determine exemptions	Large volume of pages	-	Documents are difficult to obtain	Cabinet Confidence Section (Section 70)	External		15(b) Translation purposes conversion	or
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	

Section 6: Consultations Received From Other Institutions and Organizations

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

Consultations		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
Carried over to the next 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 Comple	te Consul	tation Requ	ests	
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	моге 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 r	required t	o complete	e consulta	tion reques	ts	
Recommendation	1 to 15 Days	16 to 30 Days	31 to 60 Days		121 to 180 Days	181 to 365 Days	моre 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

Section 7: Completion Time of Consultations on Cabinet Confidences

7.1 Requests with Legal Services

	•		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	0	Number of Requests	Pages Disclosed	Number of Requests	U U
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

	Fewer Than 100 Pages Processed		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	•
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

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 (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	\$0		
Overtime		\$0	
Goods and Services		\$0	
Professional services contracts	\$0		
• Other	\$0		
Total		\$0	

11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0,000
Part-time and casual employees	0,000
Regional staff	0,000
Consultants and agency personnel	0,000
Students	0,000
Total	0,000

Note: Enter values to three decimal places.