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Gouvernement du Canada  
Ministère des Communications

# ACCESS TO INFORMATION AND PRIVACY

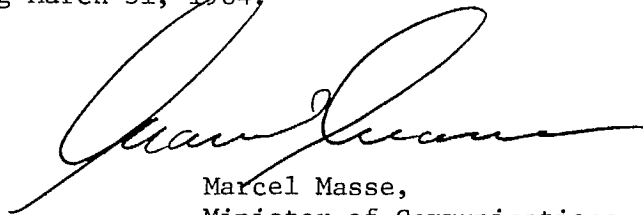
## ANNUAL REPORT 1983-1984

Canada

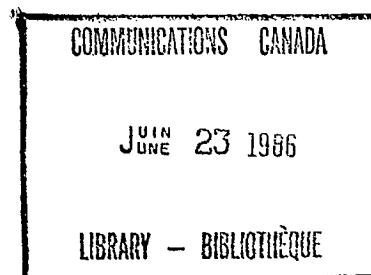
Queen  
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4422  
, C3  
1983/84

October 1984

I have the honour to present the Annual Report on Access to  
Information and Privacy for the Department of Communications  
for the fiscal year ending March 31, 1984.



Marcel Masse,  
Minister of Communications



REPORT ON ACCESS TO INFORMATION

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A) Statistics

## REPORT ON ACCESS TO INFORMATION

Institution DEPARTMENT OF COMMUNICATIONS	Reporting period JULY 1, 1983 - MARCH 31, 1984
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I Requests under the Access to Information Act		II Disposition of requests completed			
Received during reporting period	30	1. All disclosed	6	6. Unable to process	0
Outstanding from previous period	0	2. Disclosed in part	9	7. Insufficient information	1
TOTAL	30	3. Excluded	0	8. Abandoned	4
Completed during reporting period	27	4. Exempt	2	9. Does not exist	5
Carried forward	3	5. Transferred	0	TOTAL	27

III Exemptions invoked				IV Exclusions cited	
S. 13(1) (a)	1	S. 16(1) (d)		S. 20(1) (c)	2
(b)	1	S. 16(2)	1	(d)	2
(c)	2	S. 16(3)		S. 21(1) (a)	4
(d)		S. 17		(b)	2
S. 14		S. 18 (a)		(c)	2
S. 15(1) Internat. rel.	**	(b)		(d)	1
Defence	**	(c)		S. 22	
Subversive activities	**	(d)		S. 23	2
S. 16(1) (a)		S. 19(1)	3	S. 24	
(b)		S. 20(1) (a)	1	S. 25	7
(c)	1	(b)	5	S. 26	2
				S. 68 (a)	
				(b)	
				(c)	
				(d)	
				S. 69(1)	3
				S. 69(1) (a)	
				(b)	2
				(c)	
				(d)	
				(e)	
				(f)	
				(g)	

V Completion time		VI Extensions		VII Translations		VIII Method of access	
Under 30 days	16		Under 30 days	Translation requested	0	Copies given	12
31 to 60 days	6	Searching	1	Translation prepared	0	Examination	1
60 to 120 days	2	Consultation	2	English to French		Copies and Examination	2
Over 120 days	3	Third party	1**	French to English			
		TOTAL	3	Average time to prepare translations			
			3**				

IX Fees		X Costs		XI Appeals to info. commissioner		XII Appeals to Federal Court	
Fees collected		Personnel		Reasons		Appeal by	
Application fees	125.00	Officer	\$ 58,450	Non disclosure	1	Applicant	
Reproduction	316.50	Support staff	\$ 45,450	Fees		Third party	
Searching	--	Other	\$ 8,300	Extension		Information commissioner	
Preparation	25.00	TOTAL	\$ 112,200	Publications		Average time of resol. (for those compl.) (days)	
Computer processing	718.61			Denial of translation		No. initiated during reporting period	0
TOTAL	1,185.11			Time to prepare trans.		No. completed during reporting period	
		Officer (PY)	1.350	Other		No. carried forward	0
Fees waived over \$25.00	\$ --	Support staff (PY)	1.600	No. initiated during reporting period	1	Disclosure ordered	
Fees waived (no. of times)	0	TOTAL	2.950	No. completed during reporting period	0	Non-disclosure ordered	
				No. carried forward	1	Other	
				Average time of resol. (for those compl.) (days)			
				Commissioner's recommendation accepted			
				Commissioner's recommendation rejected			

TBC 350-62 (83/2)

\*\* See attached note.

Français au verso

\*\* Two inquiries had identical extensions of 60 days for all three purposes.

REPORT ON ACCESS TO INFORMATION

The Exemptions invoked under Section 15 of the Act concerning International Relations, Defence, and Subversive Activities are as follows:

15(1)	3
15(1)(b)	1
15(1)(c)	1
15(1)(i)	2
15(1)(i)(ii)	1

**B) INTERPRETATION**Cost for the ATIP Secretariat

The ATIP Secretariat handles both access and privacy requests. Since 27 of the 30 requests completed during the reporting period were for access, 90% of the Secretariat costs have been applied to Access. Total costs of \$66,600 were calculated as follows:

Coordinator of Secretariat (1 officer)	3/4 PY X 90% X Salary
Administrative Assistant (1 support staff)	3/4 PY X 90% X Salary
Computer Systems Assistant (1 support staff)	3/4 PY X 90% X Salary

Operational Costs

Access Inquiry Database for 3/4 year X 90%	\$ 5,400.00
Travel	\$ 1,200.00

NOTE: Records Management has engaged in a special records improvement program and the implementation of a fully automated records index, accessible by key word search. While costs are not directly shown under ATIP, they are as follows:

Records Management database for 3/4 year X 90%	\$28,800
--	----------

Costs for other Departmental Personnel

It has been difficult to accurately assess these costs. While the "tracking document" supplied by Treasury Board works well for simple access requests, it has proved inadequate for the longer, more sensitive and complicated requests where several individuals are working on a case at the same time. Our estimates for personnel time are therefore very low. At this time, work has begun to develop a better way of accounting for time spent on ATIP activities, not only for the annual and quarterly reports, but so that we may accurately assess fees for some of the searching and preparation done for access requests. During the first year of implementation, there were several complicated inquiries where fees were not charged for searching, simply because staff were not assiduous in reporting all time spent searching for and preparing the documents. While we have shown no fees waived over \$25.00, there were at least five cases where fees were simply not assessed completely.

In all other areas, fees were assessed exactly as per Treasury Board guidelines. The Department has a policy of no waiver of application fees, nor of other fees in excess of \$25.00.

#### Time Extensions

No time extensions greater than 60 days were requested during the reporting period. However, there were three inquiries which were completed after the 90 day period. Two of these requests were for material that was to be published within 90 days of the inquiry. Later, additional material on the same topic was sent to the applicant, after additional searching, consultation, and third party notification had been completed. The third inquiry was handled within the time extension, but there were subsequent requests by the applicant for clarification of the material received and for further information. This delayed the completion date of this request.

There were no multiple or repeated time extensions for the same request.

#### Abandoned and Unprocessed Requests

There were four requests which were abandoned during the reporting period. One of these requests was on a very broad topic, covering more than 3,000 files. The applicant was referred to the Departmental library, and asked to narrow his request. Action was suspended by the ATIP Secretariat, with the applicant's approval, until further clarification was received. No action followed, so the request was declared abandoned after 30 days.

Another request was abandoned because no deposit was received by the ATIP Secretariat within 30 days of the mailing of a "notice of deposit required". Another request was abandoned when the applicant notified the Secretariat that he was withdrawing his request. The Secretariat had advised him that 175 third parties would have to be notified before the Department could release the required information.

In the fourth instance, the applicant was notified that part of the information requested was third party information, for which the third party refused to permit disclosure. In addition to this, a deposit was required before proceeding to search for and prepare the remaining information. No response from the applicant was received within 30 days of receipt of this notice, so the request was abandoned.



### Waiver of Application Fees

The Department has a policy of no waiver of application fees. However, in two instances fees were waived, where no information could be supplied to the applicant. In the first instance, the individual had been informed by the Public Service Commission that the record requested was available in a number of departments, including the Department of Communications. A search of the records revealed that no such document exists, so the applicant was advised not to forward an application fee.

In the second instance, a cheque for the application fee was mailed to the ATIP Secretariat, but it was clearly marked on the back that it was not to be cashed until the information was sent by registered mail. Part of the information requested was already publicly available, and the other part of the request was for "an outline of DOC 180". It was determined that this part of the request contained insufficient information to process the request. A list of the general subjects covered by the 1,000 files in DOC 180 was forwarded to the applicant with the application fee. The applicant did not pursue the request further.

### C) SUPPORTING DOCUMENTATION

#### Organization of ATIP Activities

The Coordinator of Access to Information in the Department of Communications is the Director General of Personnel and Administration. He has established an independent secretariat to administer and coordinate all ATIP inquiries, consisting of one full time officer (the ATIP Secretariat Coordinator) and two full time support staff. A Corporate Review Panel (CRP) has been established to review any potentially sensitive or exempt material. CRP members are senior managers whose function is to make recommendations on exempt material to the Minister or Deputy Minister as required. Members are:

- ATIP Coordinator (Chairman of CRP)
- Coordinator, ATIP Secretariat
- Senior Assistant Deputy Minister and Sector Coordinator -  
Policy
- Assistant Deputy Minister and Sector Coordinator -  
Cultural Affairs
- Assistant Deputy Minister and Sector Coordinator -  
Spectrum Management
- Assistant Deputy Minister and Sector Coordinator -  
Technology and Industry

Assistant Deputy Minister and Sector Coordinator -  
 Research  
 Director Sector Coordination  
 Director Security and Communications Systems  
 Representative of Legal Services

The Corporate Review Panel meets once a month or as needed. When a decision on sensitive material is required, the Assistant Deputy Minister of the sector involved attends. Normal administration of ATIP inquiries and liaison with responsibility centres are achieved through the sector coordinators, of which there are seven.

The ATIP Secretariat has published an Access to Information and Privacy Manual, which explains the legislation to employees and outlines procedures to be followed in the handling of ATIP inquiries. Figure (1) shows the process. The following procedures are outlined in the manual, with a chart (Figure (2)) showing decision-making responsibilities.

STEPS FOR HANDLING A FORMAL INQUIRY (see page 8)

1. ATIP SECRETARIAT

- records the inquiry
- computer searches the records management index
- identifies responsibility centres and sectors holding the requested records
- passes to sector coordinator with computer printout of files identified as relating to the inquiry

2. SECTOR COORDINATOR

- reviews inquiry
- ensures identification of responsibility centres is appropriate
- forwards inquiry to responsible officer

3. RESPONSIBILITY CENTRE(S)

- search files to identify requested records
- search other related sources such as databases
- copy all appropriate material relating to request
- identify any material that may be sensitive or subject to an exemption to the best of their knowledge
- forward all material, with notes on interpretation if necessary to sector ATIP coordinator

4. SECTOR COORDINATOR

- reviews material
- discusses sensitive material with responsibility centre manager
- if appropriate may review with the Legal Services representative
- forwards complete package, with comments, to ATIP Secretariat

5. ATIP SECRETARIAT

- coordinates information received from the sector
- prepares material for review by Corporate Review Panel
- consults with other departments if required
- consults with inquirer if required
- prepares response and forwards to requestor
- reviews material to see if an exemption may apply

6. CORPORATE REVIEW PANEL

- approves or denies claims for exemptions for sensitive material
- reviews sensitivity of material requested
- recommends to Minister if material should be released or not, and for what reason
- advises ATIP Secretariat of appropriate response

7. MINISTER (or his delegated official)

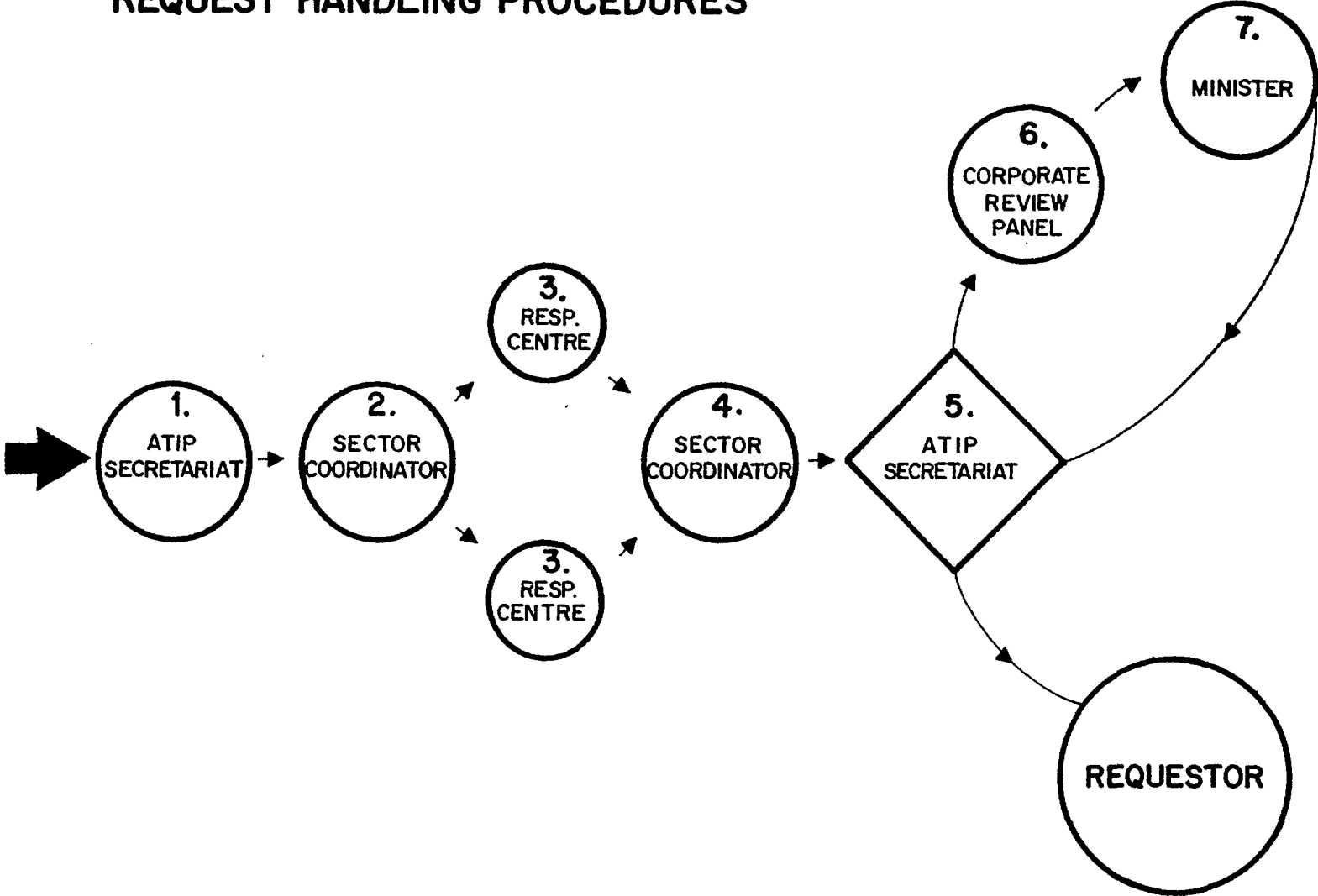
- decides on release or refusal of sensitive material

The ATIP Secretariat has established procedures for notifying applicants formally, in writing, of:

- 1) excluded records
- 2) methods of access available
- 3) time extensions
- 4) fee estimates
- 5) requests for deposit
- 6) exemptions claimed

(FIGURE 1)

# REQUEST HANDLING PROCEDURES



(FIGURE 2)

**DECISION MAKING**

**LEGEND**

☒ DOES

▀ ADVISES

ACTIVITY	<i>RESPONSIBILITY</i>													
	MINISTER	ADM OF SECTOR CONCERNED	RESPONSIBILITY CENTRE	CORPORATE REVIEW PANEL	ATIP COORDINATOR	ATIP SECRETARIAT	SECTOR COORDINATOR	LEGAL ADVISOR	SECURITY ADVISOR	RECORDS MANAGEMENT	FINANCIAL SERVICES	COMPUTER SERVICES	WORD PROCESSING CENTRE	LIBRARY
RECEIVE INQUIRY						☒								☒
INQUIRY CONTROL						☒								
SENSITIVITY INDICATED		▀	▀			☒	▀	▀	▀	▀				
COLLECT ALL RELEVANT FILES AND RECORDS			☒			▀				☒				▀
PREPARE REQUESTED RECORDS			☒			☒								
RECOMMEND WHICH EXEMPTIONS MAY APPLY			☒			☒								
DECIDE ON EXEMPTIONS		▀		☒		▀	▀	▀		▀				
ADVISE MINISTER					☒									
DECIDE TO RELEASE OR DENY	☒													
PREPARE RESPONSE			☒		▀	☒	▀							
MAINTAIN INDEX TO RECORDS						▀				☒				
MAINTAIN UP-TO-DATE FILES AND RECORDS			☒							▀				
COLLECT FEES			▀			▀				☒				
MAINTAIN AUTOMATED SYSTEMS									☒		☒	☒		

All consultation with other institutions is coordinated through the ATIP Secretariat, usually in writing or confirmed by letter. In many instances, the Deputy Minister is the respondent for the Department.

#### ATIP Implementation

In December 1982, the Department published its Access to Information and Privacy Manual. The ATIP Secretariat developed a training package, including a Telidon presentation outlining the legislation and procedures to follow in handling requests. Briefing sessions were held for all headquarters and Communications Research Centre personnel and for certain key staff in the regions. Although a briefing program was proposed for the regional and district offices, it had to be severely cut back due to budgetary restraints. This has been identified as a target area of activity for 1984/85, since the regional and district offices are the Department's primary interface with the public. It has been observed that the complex nature of the Access to Information and Privacy legislation, the conflicting rights of individuals requesting and providing information, and at times, the far reaching implications of information release all tend to result in low retention levels in employees being briefed for the first time. Those who are not in regular contact with ATIP activities tend to forget procedures, and may be confused when asked by the public to provide information. A program of regular briefings and information up-dates is being implemented for 1984/85, as far as limited resources will permit.

The ATIP Secretariat has a fully automated system to record action taken on all requests. A sample printout of a moderately complex inquiry is reproduced below:

Applicant name	Public, John Q
Address	123 Main St. Any Town, Any Province Canada
Telephone	
Type	A
Date on req./letter	831215
Req. 1st rec. date	831220
Bring forward date	840104
Response due date	840119
Reply for sig. of	F. Vieni
Date completed	840124
Language	Eng

Subject	Complete dump of AM, FM, and TV station data base for Canada, USA and Mexico.; Dump format to include all information available on each broadcasting in the data base.; Reference to sample XDUMP/82 program and sample data base supplied November 1982 by DBC-E.
File number(s)	5210-3
Processing log	831220, ack sent 831220, sent to ADMSM/DOS 831223, estimates received from DBC-P via DOS-S: tape - 292.50, diskettes - 542.50 (if requestor provides diskettes - 472.50) 831229, request for payment of fees sent to DGPA for signature 840105, request for payment of fees sent to applicant 840113, cheque received in the amount of 542.50 840116, ack of cheque, bcc: R. Richard, ADMSM, for action 840120, material for applicant received from J-M Paquet, DBC, in ATIP office consisting of 15 diskettes containing information on AM-FM and TV stations as of 831130 and an additional diskette with stations for which info was updated between 831130 and 840117 and a Fortran program to help read the files. In addition a document was attached entitled - Generalized Data Dump Program to Satisfy Outside Requests for Data. 840124, letter and material requested sent to applicant from F. Vieni
Application fees	5.00
Reproduction fees	270.00
Preparation fees	25.00
Comp. processing fees	247.50
Total fees	547.50
Fees assessed	542.50
Fees collected	547.50
Deposit required	542.50
Invoice date	840105
Deposit paid	542.50
Access approv./den.	A

Method of access	Copies given (Diskettes)
Agency response	All Disclosed
Notes	Applicant requests the information be provided on single side, single density (SSSD) 8" floppy diskette.

All personnel involved with an inquiry are required to report their actions to the ATIP Secretariat Coordinator, to be added to the inquiry record. Minutes of the Corporate Review Panel relevant to the inquiry are attached to the applicant's file.

The ATIP reporting database has been designed to facilitate the production of quarterly and annual reports, as required by Treasury Board and to comply with section 72 of the Act. These reports are kept on file in the Secretariat.

During the first year of implementation, while the headquarters library has been used to view files, there has been little demand for such facilities in the regions. Many of the DOC regional offices do not have a proper library or staff to maintain it, which makes the task of setting up reading rooms somewhat difficult. For some time, the Directors of the five regions have been trying to get an information officer for each region to look after the public relations activities associated with spectrum management and radio licensing, as well as arts and culture grants and festivals, technology development, and the many other aspects of culture and communications which they deal with in the regions. This officer would be a logical person to act as regional information coordinator, since an important aspect of this role is to advise the public which avenue to use, formal or informal, to obtain desired information. However, until extra person years are obtained, regional Access to Information duties are carried out by the chief administrative officers, who have a host of other duties to perform and little contact with the public.

For many years, the most obvious interface with the public has been in the area of radio licensing, inspection, and detection of interference. The Department has always been very open in its practices, and has allowed the public access to a great deal of information informally. It was easy to allow access to the many manuals used in these activities. For other areas, such as the Arts and Culture Sector, it has been the practice to publish free brochures with guidelines for applying for grants or various kinds of certification. One of the tasks of 1984/85 will be a comprehensive review of all guidelines and procedural instructions, to ensure that everything which falls under the very broadest definition of a manual is included in our Access register entry, and our list of material available for informal inspection.



One of the first steps taken in preparation for the publishing of the first Access register was the initiation of a full scale records improvement project. The Department maintains a decentralized file system, in which each responsibility centre maintains a records system for its own programs. There are more than 80 such systems in operation within the Department. Records Management and the ATIP Secretariat developed a centrally-managed database of Departmental file holdings, including EDP records. This database is updated three times each week to ensure that it is as up-to-date as possible. Continuing records audits ensure that it reflects all Departmental file holdings. Targets for 1984/85 include regional and district office filing systems, which have not been audited to date.

#### Formal and Informal Inquiries

The Department of Communications has had for a long time a policy of openness with regard to its records and information. The success of the radio licensing and enforcement operations depends on the free flow of information to the public. All sectors of the Department, and especially those members at the Communications Research Centre, publish hundreds of reports and studies each year, most of which are freely distributed. Information Services and the library distribute large quantities of reports and studies informally, in addition to answering or transferring to appropriate personnel the hundreds of informal enquiries which they receive each month. These informal channels have functioned well in the past, and it has been stressed to all staff that the implementation of ATIP is not to interfere with these informal procedures. Only when there is doubt as to whether sensitive information should be released is a member of the public asked to use the formal procedures. However, although informal channels have worked well in the past, there has been some duplication of efforts and confusion of roles. Because of continuing pressure on PY's and administrative services, often senior engineers and officers are personally attending to requests for reports or studies. This is hardly cost effective. During 1984/85, the ATIP Coordinator will be developing a new policy for informal distribution of reports and studies, which will be aimed at reducing time spent by senior personnel and duplication of efforts and when implemented will result in a comprehensive bibliography of material available from all regional offices and the headquarters library. Provision of better service will no doubt result in heavier demand, and the costs of this service will be recorded as accurately as possible.

D) INSTITUTIONAL POLICIES

Policies on the handling of requests, the activities of the Corporate Review Panel, and the assessment of fees have been discussed in earlier sections of this report. With respect to the handling of sensitive records, policy has been outlined in the Departmental Manual as follows:

HANDLING OF SENSITIVE RECORDS UNDER THE ACCESS TO  
INFORMATION AND PRIVACY ACTS

In order to preserve the confidentiality of sensitive information and, more importantly, to ensure that only essential copies of sensitive material are filed, it is important that these steps be followed when handling material under the Access to Information and Privacy Acts (ATIP).

1. Copies of sensitive material prepared for the Corporate Review Panel must be returned to the ATIP Secretariat for destruction.
2. The ATIP Secretariat will retain one file copy of material (as required by the Treasury Board guidelines on ATIP).
3. The amended copy to be sent to the inquirer, with sensitive material deleted or blocked-out, will be copied for the ATIP file (as required by the Treasury Board regulations).

The exemptions claimed for each deletion must be clearly identified to the inquirer (Treasury Board regulations).

4. In order to brief the Minister, or whoever has signing authority, one "entire" copy of the records will be sent for review along with the amended version to be sent to the inquirer. The "entire" copy will be returned to ATIP for destruction.
5. If the Minister's office wishes copies of the material, they will be provided with the amended version.

Thus, the originator of the records and the ATIP Secretariat will be the only people who hold sensitive material, as per the Treasury Board guidelines.

NOTE: Personal information must only be stored in identified Personal Information Banks (PIB's) and any request to access that information noted in the bank.

All sensitive material is referred to the Corporate Review Panel for recommendation to the Minister or Deputy Minister.

**E) DELEGATION INSTRUMENT**

The delegation of authority with respect to Access to Information became effective July 1, 1983, and was intended to retain decision making at the senior level. The Deputy Minister and Access to Information and Privacy Coordinator have been delegated responsibility for all sections of the Act. The Coordinator of the Access to Information Secretariat has responsibility for sections 7, 8(1), 9, 11(5), 28(1), 28(4), 28(5), 28(8), 29(1), 33, 43(1) and 44(2) of the Act, only when it has been determined that access shall be given.

The Access to Information Coordinator appointed for the Department of Communications is the Director General of Personnel and Administration. In addition to the various duties related to personnel and administration, he is responsible for all Access to Information and Privacy activities. He is briefed regularly on all inquiries, and convenes and chairs the Corporate Review Panel when required. He is responsible for all policy developed in the Department with regard to Access to Information and its implementation through the administrative divisions for which he is responsible. These include the ATIP Secretariat, the library, records management, personnel and staff relations.

The Coordinator has access to all records under the control of the Department. It is his responsibility to brief and advise the Minister and Deputy Minister. Routine supervision of the Coordinator of the ATIP Secretariat has been delegated to the Director of Sector Coordination, leaving the Coordinator free to make only those decisions required at his level. At the present level of inquiries, this chain of authority is functioning smoothly.

**F) INVESTIGATIONS**

The Department received notice of only one appeal filed against it during the reporting period. It was a request for a great deal of information about radio license holders and spectrum allocations in a large area. The Department tried to answer this inquiry informally at first, since the applicant was missing a great deal of background information necessary to understand the records requested. The applicant was asked to narrow his request after viewing a quantity of microfiche supplied free of charge by one of the regional offices. He requested explanations for why some information was missing from these documents, and appealed to the Information Commissioner upon receipt of a letter advising him

of certain exemptions which apply. No findings have been reported by the Information Commissioner at the close of the reporting period, but the Department has already learned much from the experience, in the following areas:

1) Formal vs Informal Interface

Although all efforts should be made to supply as much background information as possible informally, it is as well to be vigilant in ensuring that applicants' rights and expectations under the Access Legislation are being satisfied at all times.

2) Briefing of Regional and District Office Staff

The lower levels of staff in the regional and district offices have been neglected in the first ATIP briefings. While they have access to directives and manuals, they need briefing in the public relations aspects of how to handle an ATIP inquiry, as distinct from the many informal inquiries which they have dealt with in the past.

3) Review of Policy Regarding License Information Release

For many years, the Department has routinely released information contained in certain types of radio license applications. Some of this information is now protected by the Privacy Act, and much of it could be exempt under the Access Act. Conflicting demands in this area are forcing a comprehensive review of policy of information release, even before the Information Commissioner has announced her findings. Experience gained with this appeal is prompting a thorough probing of policy in other sectors of the Department.

REPORT ON PRIVACY

A) Statistics



Government of Canada / Gouvernement du Canada

REPORT ON THE PRIVACY ACT

Institution <b>DEPARTMENT OF COMMUNICATIONS</b>	Reporting period <b>JULY 1, 1983 - MARCH 31, 1984</b>
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I Requests under the Privacy Act

Received during reporting period	3
Outstanding from previous period	0
<b>TOTAL</b>	<b>3</b>
Completed during reporting period	3
Carried forward	0

II Disposition of requests completed

1. All disclosed	2	6. Insufficient information	
2. Disclosed in part		7. Abandoned	
3. Excluded		8. Does not exist	1
4. Exempt		<b>TOTAL</b>	<b>3</b>
5. Unable to process			

III Exemptions invoked

S. 18(2)		S. 21		S. 23(b)	
S. 19(1) (a)		S. 22(1) (a)		S. 24	
(b)		(b)		S. 25	
(c)		(c)		S. 26	
(d)		S. 22(2)		S. 27	
S. 20		S. 23 (a)		S. 28	

IV Exclusions cited

S. 69(1) (a)	
(b)	
S. 70(1)	
(a)	
(b)	
(c)	
(d)	
(e)	
(f)	

V Completion time

Under 30 days	3
31 to 60 days	
60 to 120 days	
Over 120 days	

VI Extensions

	Under 30 days	Over 30 days
Interference with operations		
Consultation		
Translations		
<b>TOTAL</b>	<b>0</b>	<b>0</b>

VII Translations

Translation requested	0
Translation provided	0
English to French	
French to English	
Average time to prepare translations	

VIII Method of access

Copies given	1
Examination	1
Copies and examination	

IX Correction and notation

Corrections requested >	0	Corrections made >	0	Notation attached >	0
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X Costs

Personnel	\$	PV
Officer	\$ 6,250	0.140
Support staff	\$ 4,800	0.175
Other	\$ 650	--
<b>TOTAL</b>	<b>\$ 11,700</b>	<b>0.315</b>

XI Appeals to privacy commissioner

Reasons	
Use and disclosure	
Non disclosure	
Extension	
Publications	
Denial of translation	
Time to prepare a translation	
Other	
No. initiated during reporting period	0
No. completed during reporting period	
No. carried forward	0
Average time of resolution (for those completed) (days)	
Commissioner's recommendation accepted	
Commissioner's recommendation rejected	

XII Appeals to Federal Court

Appeal by	
Applicant	
Privacy commissioner	
Average time of resolution (for those completed) (days)	
No. initiated during reporting period	0
No. completed during reporting period	
No. carried forward	0
Disclosure ordered	
Non-disclosure ordered	
Other	

**B) INTERPRETATION****Costs of the ATIP Secretariat**

Since Privacy requests accounted for only three of the Department's 30 ATIP requests, 10% of ATIP costs were attributed to Privacy requests. Total costs of \$7,400.00 were calculated as follows:

Coordinator of Secretariat (1 officer)	3/4 PY X 10% X Salary
Administration Assistant (1 support staff)	3/4 PY X 10% X Salary
Computer Systems Assistant (1 support staff)	3/4 PY X 10% X Salary

**Operational Costs**

Access Inquiry database for 3/4 year X 10%	600.00
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NOTE: Records Management has engaged in a special records improvement program and the implementation of a fully automated records index, accessible by keyword search and including all personal information banks. While system costs are not directly shown under ATIP, they are as follows:

Records Management database for 3/4 year X 10%	3,200.00
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Costs for most other Departmental personnel have not been calculated. The three inquiries which we have received were so straight forward that time spent by sector personnel is negligible. Briefing and travel costs, including time spent by personnel, have all been applied to ATIP since that was the primary focus of the briefing sessions.

Informal systems of access have been in place for some time for most personal information held in the Department, so a high rate of activity was not anticipated in the area of privacy requests.

**C) SUPPORTING DOCUMENTATION****Organization of Privacy Activities**

Privacy requests are routed to the ATIP Secretariat which was set up by the ATIP Coordinator to handle both access and privacy requests. The routing of documents has been explained in detail in section C of the Access to Information Report. Since the Department had only three requests during this reporting period, no

additional procedures or consultation mechanisms have been set up. While the Department has yet to receive a request for notation to a file, the sample letters and forms recommended by Treasury Board are the documents prescribed for use in the Department of Communications.

The Department maintains an automated inventory of its personal information banks, including retention and disposal schedules and statements of the purposes and uses of personal information banks.

Records Management have undertaken a review of all retention schedules, to ensure that they are in accordance with the Act. Records audits during 1984/85 will be focussing on the care of personal information, to ensure that the Department is complying with the requirements of the Act. Special attention will be given to classes of personal information.

The Department maintains a decentralized file system in which each responsibility centre maintains a records system for its own programs. There are more than 80 such systems in operation within the Department. Records Management and the Access to Information and Privacy Secretariat maintain a centrally-managed database of Departmental file holdings, including EDP records, which covers all personal information. While the database does not duplicate the personal information holdings, it does provide finding aids to assist in locating requested personal records. The database is updated three times each week to ensure the inventory is the most up-to-date possible and reflects all decentralized records systems.

#### Privacy Implementation

Administrative actions concerning privacy requests are documented on the Access Inquiry database described in section C of the Report on Access to Information. In addition to this, copies of the request for access are filed with the documents in question. All personnel have been advised of the requirement to file notations to file, should they receive one, under section 12(2) of the Privacy Act.

Training in the handling of privacy requests and the impact of the new legislation was included in the ATIP briefing sessions held prior to the implementation of the legislation and shortly thereafter. Although there has been very little volume in requests, special briefing sessions will be held in 84/85 for personnel managers and staff, and the Departmental personnel manual



will be updated to include new procedures. At this time, additional notice will be given to staff members of their rights under the legislation and the procedures to follow in cases of formal access or notations to file.

#### Formal and Informal Inquiries

Since the Department's policy has always been to release as much information as possible to the public informally the impact of the Privacy Act in this area was to tighten up these practices. Directives have been sent to all staff to inform them of types of information which may only be released by the Access to Information Coordinator. When an informal request for information which touches another's personal information is received, the individual is asked to contact the ATIP Secretariat, or the official dealing with the request calls for guidance. If the Department is unable to release the information informally, and the individual is not satisfied, he may be assisted in preparing an access request. This assures him of his rights, and guarantees the safeguarding of the third party's personal information.

#### **D) INSTITUTIONAL POLICIES**

During the course of the first year of implementation of Bill C-43, the Department's Corporate Review Panel has been assessing the impact on previous information practices. While many of the Treasury Board requirements with respect to personal information banks and banks of information (BIN's) have been implemented, the ATIP Coordinator has identified the following key areas of policy change or formulation in 1984/85:

##### 1) Policy of radio license information release

The Department must change its application forms to include the standard clauses informing applicants of their rights and the uses of the information supplied. In the case of lists which have always been released to the public, new policy will be developed which takes into account the Privacy Act.

##### 2) Personnel Manual

Present policies regarding the rights of employees to access their files will be reformulated to take into account sections 8 and 9 of the Privacy Act. The Department is following the policy outlined in the Treasury Board Interim Policy Guide.

3) Classes of personal information

While the personal information banks were included in the first Privacy Index, it appears that some classes of documents containing personal information have not been recorded. These will be located and described during 1984/85.

E) DELEGATION INSTRUMENT

The Department put in effect on July 1, 1983 a delegation order which retains authority to release information under the Act at senior levels. The Deputy Minister is responsible for decisions regarding all sections of the Act and the ATIP Coordinator is also responsible for decisions regarding all sections. The Coordinator of the ATIP Secretariat is responsible for sections 8(5) and 14 only when it is determined that access shall be given, and for section 15.

The Privacy Coordinator in the Department of Communications is the Director General of Personnel and Administration. Reporting to the Deputy Minister, this person has responsibility, among other areas, for Records Management and Personnel, two key areas in the implementation of the Privacy Legislation. Assisted by the Coordinator and staff of the ATIP Secretariat who implement policy and coordinate access and personal information requests, the Coordinator alone is responsible for advising the Minister or Deputy Minister on privacy matters. The Coordinator chairs the Corporate Review Panel, responds to requests for access, reports to Treasury Board on privacy activities, and formulates policy concerning privacy matters.

F) INVESTIGATIONS

There have been no investigations under the Privacy Act.

G) RELEASE OF INFORMATION UNDER 8(2)(e)

The Access to Information and Privacy Coordinator is authorized to approve disclosures to investigative bodies. In his absence, only the Deputy Minister or Minister may do so. Staff have been alerted to the requirement to direct all inquiries in this area to the ATIP Secretariat. When such a request is received, the Department will follow the procedures outlined in the ATIP Interim Policy Guide. A Personal Information Bank for this purpose had not yet been applied for at the end of the first year of implementation.

**H) EXEMPT BANKS**

There were no denials of access under the exempt bank section of the Act.

**I) USE AND DISCLOSURE**

The Department has been careful to ensure that personal information is being used only for purposes consistent with those for which it was gathered. The only grey area is the matter of personal information gathered for radio licenses, where it is made public that in certain cases, lists of licensees may be released. The Department is reviewing the release of licensing data that relates to personal information. Once this review is complete, it will effect changes to its databases and application forms as required.

Applicants to the many Arts and Culture grants and certification programs will also be advised of their rights, following the principles outlined in section 3.5.1 of the Interim Policy Guide. It is expected that policy outlining standard clauses to be incorporated into all Departmental forms and application instructions used in the collection of personal information will be in place by the end of the 1984/85 reporting period.

During the 1983/84 reporting period, no new uses were reported for personal information held by the Department. All sectors have been instructed to contact the ATIP Secretariat should a need arise for a new use of the information.

During the 1984/85 briefing sessions, a greater emphasis will be put on the use and disclosure of personal information. A new Telidon presentation is being prepared which will help personnel become more aware of their responsibilities under the Privacy Act.

