



Law Commission
of Canada

Commission du droit
du Canada

ANNUAL REPORT TO PARLIAMENT 2023-2024

Privacy Act



Table of Contents

Introduction.....	3
Purpose of the Privacy Act	3
Mandate of the Law Commission of Canada	3
Organizational Structure	4
Delegation Order.....	6
Performance and Statistics	7
Number of Requests	7
Compliance Rate, Completion Times, and Extensions	7
Deemed Refusal Rate.....	8
Outstanding Requests.....	8
Disposition of Completed Requests.....	8
Requests, Exemptions, and Exclusions	8
Informal Requests	8
Format of Information Released	9
Consultations	9
Active Complaints.....	9
Salaries and Costs	9
Complaints, Investigations and Federal Court Cases.....	10
Complaints Filed.....	10
Completed Investigations	10
Review by the Federal Court of Canada	11
Audits Conducted by the Privacy Commissioner	11
Monitoring Compliance	11
Requests for the Correction of Personal Information	11
Administration of Personal Information	12
Policies, Guidelines, Procedures and Initiatives	12
Advice	12
Public Interest Disclosures	12
Material Privacy Breaches	12
Privacy Impact Assessments.....	12
Annex A: Delegation Order.....	13

Introduction

We are pleased to table the Annual Report to Parliament on the administration of the *Privacy Act* (the *Act*) for fiscal year 2023-2024, as required under Section 72 of the *Act*.

Purpose of the Privacy Act

The *Act* was proclaimed into force on July 1, 1983.

The *Act* extends to individuals the right of access to information about themselves held by the Government, subject to specific and limited exceptions. The *Act* also protects individuals' privacy by preventing others from having access to their personal information and gives individuals substantial control over the collection, use, and disclosure by the federal government of such information. Section 72 of the *Act* requires that the head of every government institution prepare for submission to Parliament an annual report on the administration of the *Act* within the institution during each financial year.

This 1st Annual Report on the administration of the *Act* is intended to describe how the Law Commission of Canada (hereinafter referred to as "the Commission") administered its responsibilities during the 2023-2024 fiscal year (hereinafter "during the reporting period").

Mandate of the Law Commission of Canada

The Law Commission of Canada is an independent body that provides non-partisan advice to the federal government on matters relating to the improvement, modernization, and reform of Canadian laws. First established as the Law Reform Commission of Canada in 1971 and re-established as the Law Commission of Canada in 1997, the Commission became operational again as of June 6, 2023.

The mandate of the Law Commission of Canada is derived from the *Law Commission of Canada Act*, which came into force in April 1997. The mandate of the Commission is "to consider the changing needs of Canadian society through the study, review, and innovative development of Canada's law and legal systems."

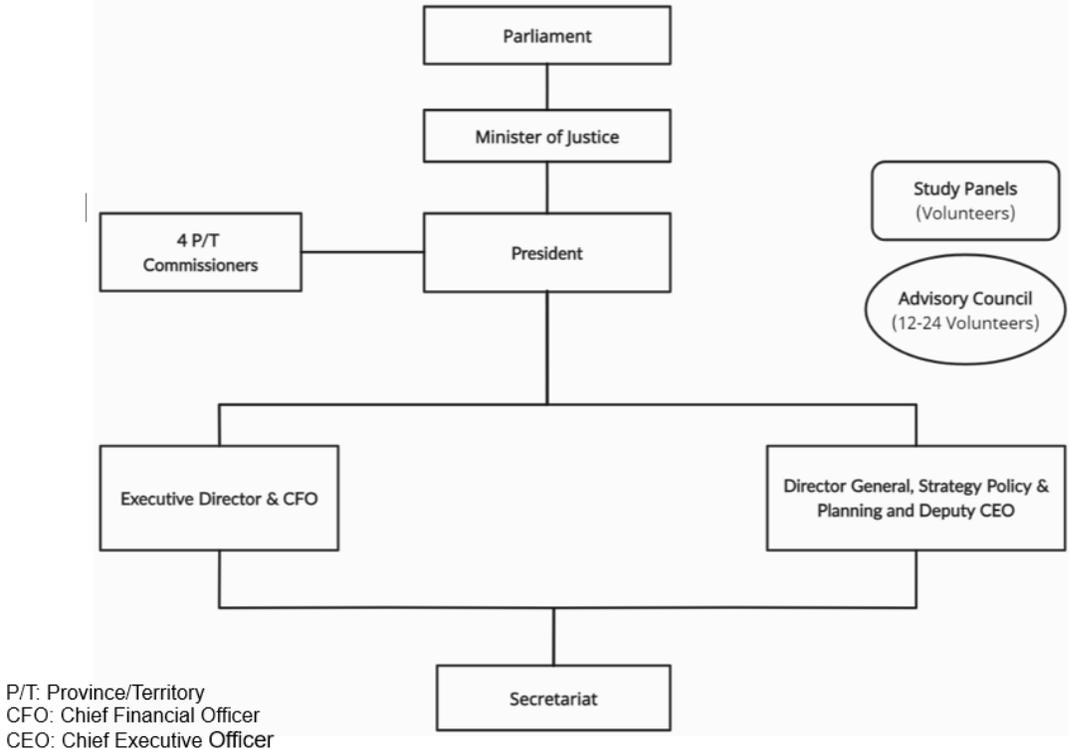
Non-partisan in nature and distinct from advocacy groups, the LCC offers leadership and guidance on the responsible and responsive evolution of law in the lives of people across Canada.

Organizational Structure

The Law Commission is an independent departmental corporation accountable to Parliament through the Minister of Justice. The Governor in Council appoints the President and four part-time Commissioners on the recommendation of the Minister for terms not exceeding five years. The Commission is supported by a small Secretariat headed by an Executive Director.

The Commission has an Advisory Council of up to 24 volunteers who reflect Canada’s socio-economic and cultural diversity and represent a broad range of disciplines. The Council provides advice on the Commission’s strategic direction, long-term research program, performance review, and other relevant matters.

Study panels are appointed as needed to provide advice on specific research projects. Each panel is headed by a commissioner and comprises volunteers with expertise in multiple disciplines and members of affected communities. To support the study panels, research contracts are given to recognized experts in the private sector and academia.



As of 2023-2024, on behalf of the Law Commission of Canada, the Department of Justice's Access to Information and Privacy (ATIP) Office is responsible for the administration of the *Act* including the processing of access to information and privacy requests and complaints, and consultations with other government departments and third parties, and monitoring compliance to meet statutory obligations and timelines.

In 2023-24, the Director of the ATIP Office reported to the Senior General Counsel and Director General of the Legal Practices Branch under the direction of the Assistant Deputy Minister and Chief Financial Officer of the Management Sector. The Director is accountable for the development, coordination and implementation of effective policies, guidelines, systems, and procedures to efficiently process requests under the *Act*.

During the reporting period, the Department's ATIP Office had no full-time equivalent (FTE) positions working on access to information requests and privacy files. We are in the process of implementing and exploring various possibilities, for example by using the services of the paralegal center, the use of NUIX software, additional training to our staff and OPIs as well as the implementation of the new ATIPXpress system. We have begun to see the results that will be even more evident in the future with a strengthened internal capacity.

The ATIP Office is organized into three units:

- The Operational Unit works with the department to process incoming access to information and privacy requests.
- The Privacy, Policy and Programs Unit develops ATIP policies, provides advice on privacy related matters, updates annual reports and other statutory reports.
- The Complaints Unit processes complaints and works closely with the Office of the Information Commissioner (OIC) and the Office of the Privacy Commissioner (OPC).

In addition, the ATIP Office is currently working on modernizing its ATIP management system to achieve better performance and is building a team with information technology experts. The team will prepare and better assist the transition to the new platform.

Under section 73.1 of the *Act* institutions reporting to the same minister can partner to share request-processing services. The Department of Justice has not entered any such service sharing agreements.

The Department's ATIP Office is comprised of a dedicated workforce committed to access to information and the protection of privacy. This work includes:

- The timely processing of requests under the *Act* and assisting clients in accordance with the principles for assisting applicants.
- Processing consultation requests submitted by other federal institutions on Department of Justice and the Commission documents located in their files and on records that may be subject to solicitor client privilege.
- Providing advice and guidance to senior management and all employees of the Commission on ATIP-related matters, as well as training and awareness sessions.
- Responding to complaints and negotiating with the Information Commissioner and Privacy Commissioner.
- Liaison on behalf of the Commission with the Treasury Board Secretariat (TBS), the Information and Privacy Commissioners of Canada and other government departments and agencies regarding the application of the *Act*;
- Coordinating, reviewing, approving and publishing statutory reports such as the Annual Reports to Parliament;
- Developing, coordinating and implementing policies, procedures and guidelines for the orderly implementation of the *Act* by the Commission;
- Modernizing ATIP processes and the ATIP Management Technologies by building a small team that evaluates new digital solutions that can reduce business processes, reduce time needed for requests, increase quality and helps all stakeholders more easily engage in the process.

Delegation Order

The ATIP Director has full authority delegated by the Minister for the administration of the *Act*.

For increased executive oversight, full authority is also conferred to the Deputy Minister, the Associate Deputy Minister, the Assistant Deputy Minister and Chief Financial Officer, Management Sector, and the Chief Information Officer. A copy of the Commission's Delegation Order can be found in Annex A of this report.

Performance and Statistics

The Commission is committed to transparency and accountability under the *Act* and continues to work to improve its performance to deliver the highest standards of service for access and protection of personal information.

Number of Requests

Overview of requests received and completed by the Commission pursuant to the *Act*.

Fiscal Year	# of Requests Received	# of Requests Completed	# of Pages Processed	# of Pages Released
2023-24	0	0	0	0

The Commission received no requests during the reporting period. In addition, no requests were outstanding or carried over from previous years into 2024-2025, for a total of 0 active requests 2023-2024. Furthermore, no pages were reviewed or disclosed.

Compliance Rate, Completion Times, and Extensions

Fiscal year open requests were received	Open requests that are within legislated timelines as of March 31, 2023	Open requests that are beyond legislated timelines as of March 31, 2023	Total
Received in 2023-2024	0	0	0

No requests were received, resulting in no information to report on the number of requests being completed in their legislated timelines under the *Act* in 2023-2024.

The Commission did not find it necessary to seek extensions to the prescribed time limits in any requests, pursuant to section 15(1)(a) for interference with operations or instances for consultation purposes.

Deemed Refusal Rate

The Commission's deemed refusal rate in this reporting period (i.e., the percentage of personal Information requests that received a response beyond the deadline required under the Act) was 0%, as no requests were received, and no requests were closed past legislative timelines.

Outstanding Requests

TBS collects statistical data from specific institutions on the volume of their outstanding access to information requests and requests for personal information. The Commission carried-forward 0 requests over to the next reporting period.

Disposition of Completed Requests

There is no request disposition for 2023-2024 fiscal year.

Requests, Exemptions, and Exclusions

Exemptions invoked

The Commission did not invoke any exemptions under the Act any requests.

Exclusions cited

Information was not excluded for any requests under section 69 (published material) during the reporting period.

Informal Requests

The Department, on behalf of the Commission, has published on the [Open Government Portal](#) summaries of completed access to information requests that do not contain personal or third party information. Members of the public can submit informal requests for a copy of the previously released

information. No informal requests were processed during this reporting period.

Format of Information Released

The Commission continues to use the delivery via E-post Connect, a service offered at no charge to the applicant, and the office’s primary method of record delivery. It allows for secure delivery of records in an electronic format and circumvents the issue of email size restrictions and the need for the recipient to have a compatible device to access the records. Applicants can choose to receive information in an electronic format as no extra charge.

Consultations

During the 2023-2024 reporting period, the Commission received no consultations from other government institutions and no consultations from organizations. There are no consultations outstanding from previous years which were carried over. The Commission did not review any pages for these consultations.

Fiscal Year	# of Requests Received	# Pages to review	# of Requests Completed	# of Pages Reviewed
2023-2024	0	0	0	0

Active Complaints

There are currently no active complaints with the Office of the Privacy Commissioner (OPC) that are outstanding from previous reporting periods, and no complaints remain active after the 2023-2024 reporting period.

Salaries and Costs

There was no cost in administering the Act during the 2023-2024 as there were no requests received and any and all work being carried out by the Privacy Policy team is currently ongoing.

These costs do not capture resources expended by the Commissions' other sectors to meet the requirements under the *Act*.

Complaints, Investigations and Federal Court Cases

Complaints Filed

The JUS ATIP Office created a dedicated team to manage complaints which serves as the primary liaison between the Department and the OIC. The team continues to work to strengthen relationships and improve performance.

During the 2023-2024 reporting period, the Commission received no new Notices of Intention to investigate from the Office of Privacy Commissioner.

Completed Investigations

No investigations were completed during the reporting period, nor carried forward from previous years. No key issues were raised as a result of any complaints.

Complaint findings are defined as follows:

Well founded: The institution contravened a provision of the *Act*.

Well founded and resolved: The institution contravened a provision of the *Act* but has since taken corrective measures to resolve the issue to the satisfaction of the OPC.

Not well founded: There was no or insufficient evidence to conclude the institution/organization contravened the privacy legislation.

Resolved: The investigation revealed that the complaint is essentially a result of a miscommunication, misunderstanding, etc., between parties; and/or the institution agreed to take measures to rectify the problem to the satisfaction of the OPC.

Settled: The OPC helped negotiate a solution that satisfied all parties during the course of the investigation, and did not issue a finding.

Discontinued: The investigation was terminated before allegations were fully investigated.

Early Resolution (ER): Applied to situations in which the issue is resolved to the satisfaction of the complainant early in the investigation process and the OPC did not issue a finding

Review by the Federal Court of Canada

No applications were filed before the Federal Court pursuant to section 41 of the *Act* during the 2023-2024 reporting period.

Audits Conducted by the Privacy Commissioner

During fiscal year 2023-2024, no formal investigations were conducted by the Privacy Commissioner.

Monitoring Compliance

On behalf of the Commission, the ATIP Office regularly monitors compliance with statutory requirements and timeliness associated with the processing of requests through ongoing communication with senior management and OPIs.

The workload was assessed, through the ATIP Case Management System, on a daily basis in order to ensure that workload was evenly distributed and effectively managed to meet statutory deadlines.

Requests for the Correction of Personal Information

Paragraph 12(2)(a) of the *Act* provides that every individual given access to personal information about himself or herself that has been used, is being used, or is available for use for an administrative purpose, is entitled to request correction of such information where the individual believes there is an error or omission therein.

The Commission did not receive any requests for correction of personal information during the reporting period

Administration of Personal Information

Policies, Guidelines, Procedures and Initiatives

The JUS ATIP Office onboarded the Law Commission of Canada in early 2024. Policies and procedures are still under development and will be reflected in future annual reports.

Advice

On behalf of the Commission, the ATIP Office acts as a resource for departmental officials, as well as those from other government institutions, offering advice and guidance on the provisions of the legislation and related policies.

Public Interest Disclosures

Paragraph 8(2)(m) of the *Act* permits the disclosure of personal information in situations where the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure or when the disclosure would clearly benefit the individual to whom the information relates. The Privacy Commissioner must be informed of disclosures to be made under these provisions.

During fiscal year 2023-2024, the Commission did not disclose any personal information pursuant to paragraph 8(2)(m).

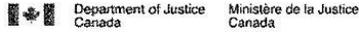
Material Privacy Breaches

During the reporting period 2023-2024, the Commission did not report any material breaches to the OPC or TBS IPPD (Information and Privacy Policy Division).

Privacy Impact Assessments

The Commission has not completed any new privacy impact assessments (PIAs) during the 2023-2024 reporting period. No PIAs were carried over from previous reporting periods.

Annex A: Delegation Order



Department of Justice
Canada

Ministère de la Justice
Canada

Delegation Order for the *Access to Information Act* and *Privacy Act*
Arrêté de délégalion en vertu de la *Loi sur l'accès à l'information* et
la *Loi sur la protection des renseignements personnels*

The Minister of Justice of Canada, pursuant to subsections 95(1) of the *Access to Information Act* and 73(1) of the *Privacy Act*, hereby delegates any powers, duties and functions under the Acts to the persons holding the positions set out in the schedule hereto, as well as to the persons occupying those positions on an acting basis. This delegation order replaces any previous delegation order.

En vertu des paragraphes 95(1) de la *Loi sur l'accès à l'information* et 73 (1) *Loi sur la protection des renseignements personnels*, le ministre de la Justice du Canada délègue les attributions suivantes aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire lesdits postes. Le présent arrêté de délégalion remplace et annule tout autre arrêté de délégalion.

Schedule/Annexe

POSITION/POSTE	<i>Privacy Act</i> and Regulations/ <i>Loi sur la protection des renseignements personnels</i> et règlements	<i>Access to Information Act</i> and Regulations/ <i>Loi sur l'accès à l'information</i> et règlements
The Deputy Minister and Associate Deputy Minister / Sous-ministre et Sous-ministre délégué	Full authority/Autorité absolue	Full authority/Autorité absolue (including for the Act as it was prior to June 21, 2019/incluant la Loi telle qu'elle existait avant le 21 juin 2019)
The Director, Access to Information and Privacy Office/Le directeur, Bureau de l'accès à l'information et de la protection des renseignements personnels	Full authority/Autorité absolue	Full authority/Autorité absolue (including for the Act as it was prior to June 21, 2019/incluant la Loi telle qu'elle existait avant le 21 juin 2019)
The Chief Financial Officer and Assistant Deputy Management Sector and /Le dirigeant principal des Finances et Sous-ministre adjoint, Secteur de la gestion	Full authority/Autorité absolue	Full authority/Autorité absolue (including for the Act as it was prior to June 21, 2019/incluant la Loi telle qu'elle existait avant le 21 juin 2019)
The Senior General Counsel and Director General, Legal Practices Branch / Avocat général principal et Directeur général, Direction générale des pratiques juridiques	Full authority/ Autorité absolue	Full authority/ Autorité absolue (including for the Act as it was prior to June 21, 2019/incluant la Loi telle qu'elle existait avant le 21 juin 2019)
The Chief of Operations, Chief of Policy and Legal Counsel, Access to Information and Privacy Office /Le Chef des opérations, Chef des politiques et le Conseiller juridique, Bureau de l'accès à l'information et de la protection des renseignements personnels	15, and the mandatory provisions of section 26 for all records / 15 et les dispositions obligatoires de l'article 26 pour tous les documents	8(1), 9, 11, and the mandatory provisions of section 19 for all records / 8(1), 9, 11 et les dispositions obligatoires de l'article 19 pour tous les documents
The Senior Access to Information and Privacy Advisors / Les conseillers principaux en accès à l'information et protection des renseignements personnels	15 for all records/15 pour tous les documents	8(1) and 9 for all records/8(1) et 9 pour tous les documents

Dated, at the City of Ottawa, this 14 day of April, 2023. Daté, en la ville d'Ottawa, ce 14 jour de avril 2023.

MINISTER OF JUSTICE
THE HONOURABLE DAVID LAMETTI

MINISTRE DE LA JUSTICE
L'HONORABLE DAVID LAMETTI