



Office of the
Commissioner of
Official Languages

Commissariat
aux langues
officielles

**ANNUAL REPORT TO PARLIAMENT
ON THE
*PRIVACY ACT***

2020–2021

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2020–2021 ANNUAL REPORT TO PARLIAMENT
ON THE *PRIVACY ACT*

1. Introduction

The Office of the Commissioner of Official Languages (the Office of the Commissioner) is pleased to table its annual report to Parliament on the administration of the [Privacy Act](#) for fiscal year 2020–2021, as required under section 72 of that act.

PURPOSE OF THE *PRIVACY ACT*

The *Privacy Act* was enacted on July 1, 1983. The Act gives individuals the right to access information about themselves held by the federal government, with certain specific and limited exceptions. The Act also protects an individual's privacy by preventing others from accessing his or her personal information, as well as granting individuals basic rights in relation to the collection, use and disclosure of personal information.

The Office of the Commissioner has been subject to the *Privacy Act* since 1983.

MANDATE

The Office of the Commissioner has a mandate to take all measures to ensure that the three main objectives of the [Official Languages Act](#) are met:

- to ensure the equality of English and French in Parliament, the Government of Canada, the federal administration and the institutions subject to the Act;
- to support the preservation and development of official language minority communities in Canada; and
- to promote the equality of English and French in Canadian society.

2. Organizational Structure

STRUCTURE OF THE OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES

The Commissioner of Official Languages (the Commissioner) is an agent of Parliament appointed by commission under the Great Seal, after approval by resolution of the Senate and House of Commons, for a seven-year term. The Commissioner reports directly to Parliament and is supported by the Office of the Commissioner.

To achieve the three main objectives of the *Official Languages Act*, the Commissioner carries out the following roles.

OMBUDSMAN ROLE

The Commissioner protects the language rights of Canadians and promotes the equality of both official languages in Canadian society. As an ombudsman, the Commissioner receives and reviews complaints and, if required, investigates them. This is done either through a facilitated resolution process or a formal investigation. He also conducts investigations on his own initiative, when appropriate. Areas of investigation include the following:

- the right of any member of the Canadian public to use English or French to communicate with and receive services from federal institutions, as provided for in the *Official Languages Act*;
- the right of federal public service employees to work in the official language of their choice in designated regions;
- the right of all Canadians, whether English- or French-speaking, to equal opportunities for employment and advancement in federal institutions; and
- the development and vitality of Canada's official language minority communities and the promotion of linguistic duality in Canadian society.

AUDITING ROLE

The Commissioner conducts audits to measure federal institutions' and other organizations' compliance with the *Official Languages Act* and makes recommendations.

LIAISON ROLE

The Commissioner, with support from the regional offices and liaison officers, works with federal institutions and other organizations, various levels of government and official language minority communities throughout the country. This collaborative official languages network helps the Commissioner to gain a better understanding of the needs and concerns of communities, make relevant recommendations and intervene in the courts with respect to major official languages issues.

MONITORING ROLE

The Commissioner's monitoring role involves acting pre-emptively by intervening at the stage where laws, regulations and policies are developed to ensure that language rights remain a primary concern of leaders.

PROMOTION AND EDUCATION ROLE

One of the Commissioner's main responsibilities is to support linguistic duality in both the public service and Canadian society. To meet this responsibility, the Commissioner raises Canadians' awareness of the benefits of linguistic duality, works with community organizations and educates organizations subject to the *Official Languages Act* about the importance of official languages and official language minority communities. Regional offices play a key role in promotion and public awareness.

The Commissioner creates educational tools and carries out research, studies and public awareness activities. He also delivers speeches and participates in conferences and workshops to inform all Canadians of the status and importance of Canada's official languages.

COURT INTERVENTION ROLE

The Commissioner contributes to the advancement of Canadians' language rights by intervening, when appropriate, before the courts in any proceeding related to the status or use of English or French.

REPORTING ROLE

Each year the Commissioner submits an annual report to Parliament that contains current issues, findings and recommendations.

STRUCTURE OF THE ACCESS TO INFORMATION AND PRIVACY OFFICE

The Access to Information and Privacy (ATIP) Office is part of the Information Management and Information Technology (IM/IT) Division within the Corporate Management Branch. The Manager, Information Management and Access to Information, serves as ATIP coordinator.

The ATIP Office is responsible for the following activities:

- processing requests under the [Privacy Act](#) and the [Access to Information Act](#);
- responding to consultation requests from other government institutions;
- providing advice and guidance to senior management and staff of the Office of the Commissioner on ATIP legislation and related matters;
- monitoring institutional compliance with the aforementioned acts and the relevant procedures, policies and regulations;
- acting on behalf of the Office of the Commissioner in dealings with the Treasury Board of Canada Secretariat, the offices of the Information Commissioner and Privacy Commissioner of Canada, and other government institutions regarding the application of the above legislation as it relates to the Office of the Commissioner;
- preparing annual reports for Parliament, in addition to other statutory reports and material that may be required by central agencies;
- developing and delivering awareness training to the Office of the Commissioner's managers and employees to ensure departmental responsiveness to the legal obligations imposed on them by both acts and regulations;
- coordinating the annual update of the descriptions of the organization and its record holdings for inclusion in *Info Source*;
- representing the Office of the Commissioner by participating in ATIP community forums, such as the Treasury Board Secretariat's ATIP community meetings;
- providing advice regarding privacy issues and privacy impact assessments; and
- developing and implementing internal policies, procedures, guidelines and tools.

In accordance with the *Privacy Act*, the information gathered by the Office of the Commissioner is used only for the purposes for which it was obtained (e.g., name and address of individuals who file complaints with the Commissioner under the [Official Languages Act](#)). This information enables the Commissioner to inform concerned parties of the findings of investigations.

During the reporting period, the Office of the Commissioner was not party to any contracts for services under section 73.1 of the *Privacy Act*.

3. Delegation of Authority

A *Privacy Act* Delegation Order was established in March 2018 (see Appendix A). Pursuant to section 73 of the Act, the Commissioner designated the individuals holding the positions of Director, Information and Technology Management and IM/IT Director to exercise the powers and perform the duties and functions for which he is responsible, as

the head of a government institution, under the *Privacy Act*.

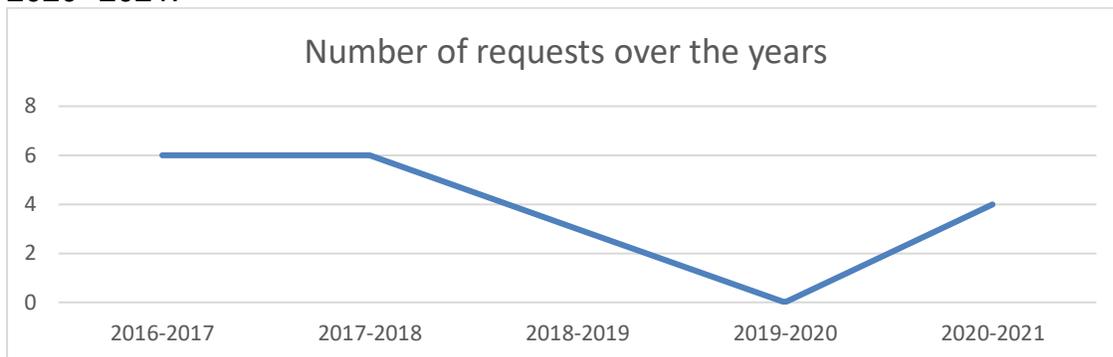
4. Interpretation of the Statistical Report

2020–2021 STATISTICAL REPORT

The information below presents parts of the Office of the Commissioner’s 2020–2021 Statistical Report on the *Privacy Act*. This report can be found in Appendix B.

4.1 REQUESTS UNDER THE *PRIVACY ACT*

The Office of the Commissioner received four requests under the *Privacy Act* in 2020–2021.



Of these four requests, 75% were processed within the 30-day response time set out in the *Privacy Act*. Only one request was subject to a 30-day extension because it included over 3,600 documents to be reviewed. The Officer of the Commissioner generally receives very few requests under the *Privacy Act*. After a year with zero requests, the organization started receiving requests again, even though the COVID-19 pandemic caused things to slow down. For example, the pandemic interrupted all awareness efforts regarding ATIP and information management at the Office of the Commissioner. This suspension of certain management activities has an immediate impact on the number of pages to process to respond to privacy requests.

	Requests	Pages Processed
2016–2017	6	145,035
2017–2018	6	30,255
2018–2019	3	315
2019–2020	0	0
2020–2021	4	5,380

An increase in privacy breaches was also noted following the suspension of information management and ATIP awareness activities. These breaches have been documented and will be addressed in the next annual report. It should be noted that no institutions consulted the Office of the Commissioner on privacy requests during the reporting period. In addition, only one request was subject to full disclosure.

Other than the suspension of routine awareness activities, no specific measures have been implemented in response to the COVID-19 pandemic. The Office of the Commissioner's ATIP Office continued its activities with no impact on the services expected by requesters. The Office of the Commissioner's ATIP Office was not designated as an essential service. The Statistical Report on the *Privacy Act* submitted to the Treasury Board Secretariat can be found in Appendix B of this document.

5. Training and Awareness

During the reporting period, the Office of the Commissioner offered only one formal training session, in response to an organizational challenge regarding personal information management. This session was given to four individuals.

6. Policies, Guidelines, Procedures and Initiatives

During the reporting period, the Office of the Commissioner did not implement any new internal policies, guidelines or procedures.

7. Summary of Key Issues and Actions Taken on Complaints or Audits

The Office of the Commissioner did not receive any complaints related to the application of the *Privacy Act*. The organization will make an effort to resume its disposition activities as soon as possible.

8. Monitoring Compliance

As a means to monitor the time required to process the requests it receives under the *Privacy Act*, the ATIP Office produces a detailed weekly report on these activities. This report is submitted to the manager responsible for the Information Management and Access to Information Unit, who informs the Commissioner when necessary.

9. Material Privacy Breaches

No material privacy breaches occurred during the reporting period. Only one investigation into a potential privacy breach was conducted during the reporting period. It was not deemed material, and all stakeholders were informed of their privacy obligations.

10. Privacy Impact Assessment

During the reporting period, the Office of the Commissioner did not complete any privacy impact assessments.

11. Public Interest Disclosures

No public interest disclosures were made during the reporting period.

APPENDIX A: Privacy Act Designation Order

Annexe B / Appendix B

Privacy Act Delegation Order

Arrêté sur la délégation en vertu de la Loi sur la protection des renseignements personnels

<p>The Commissioner of Official Languages, pursuant to section 73 of the <i>Privacy Act</i>,* hereby designates the persons holding the positions set out in the schedule hereto to exercise the powers and perform the duties and functions of the Minister as the head of a government institution, that is the Office of the Commissioner of Official Languages, under the section of the Act set out in the schedule opposite each position.</p>	<p>En vertu de l'article 73 de la <i>Loi sur la protection des renseignements personnels</i>,* le Commissaire aux langues officielles délègue aux titulaires des postes mentionnés à l'annexe ci-après, les attributions dont il est, en qualité de responsable d'une institution fédérale, c'est-à-dire, le Commissariat aux langues officielles, investi par les articles de la Loi mentionnés en regard de chaque poste.</p>
<p>SCHEDULE ANNEXE</p>	
<p>POSITION/POSTE</p>	<p>SECTIONS OF THE PRIVACY ACT/ ARTICLES DE LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS</p>
<p>Commissaire Commissioner</p>	<p>Pleine délégation Full delegation</p>
<p>Directeur, Gestion de l'information et de la technologie Director, Information Management and Technology</p>	<p>Pleine délégation à l'exception de 8(2)(j),(m) Full delegation except 8(2)(j),(m)</p>
<p>Gestionnaire, Gestion de l'information et AIPRP Manager, Information Management and ATIP</p>	<p>Pleine délégation à l'exception de 8(2)(j),(m) Full delegation except 8(2)(j),(m)</p>
<p>Coordonnateur, Accès à l'information et protection des renseignements personnels. Coordinator, Access to Information and Privacy</p>	<p>Pleine délégation à l'exception de 8(2)(j),(m) Full delegation except 8(2)(j),(m)</p>
<p>Dated, at the City of Gatineau this __ day of March, 2018.</p>	<p>Daté, en la ville de Gatineau, ce __ jour de mars, 2018.</p>


 Raymond Thérberge, Commissioner of Official Languages/
 Commissaire aux langues officielles

*S.C.1980-81-82-83,C.III

APPENDIX B: 2020–2021 Statistical Report

Statistical Report on the *Privacy Act*

Name of Institution: Office of the Commissioner of Official Languages

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

Part 1: Requests Under the *Privacy Act*

1.1 Number of requests

	Number of requests
Received during reporting period	4
Outstanding from previous reporting period	0
Total	4
Closed during reporting period	4
Carried over to next reporting period	0

Part 2: Requests Closed During the Reporting Period

2.1 Disposition and completion time

Disposition of Requests	Completion Time (in days)							Total
	1 to 15	16 to 30	31 to 60	61 to 120	121 to 180	181 to 365	More than 365	
All disclosed	0	1	0	0	0	0	0	1
Disclosed in part	1	1	1	0	0	0	0	3
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
Total	1	2	1	0	0	0	0	4

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	3
19(1)(f)	0	22.1	0	27	0
20	0	22.2	0	27.1	0
21	0	22.3	0	28	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 Formats
0	4	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed
5,380	1,942

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	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	0	0	0	0	1	627	0	0	0	0
Disclosed in part	1	39	1	429	1	847	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	1	39	1	429	2	1474	0	0	0	0

2.5.3. Other complexities

Disposition	Consultation Required	Legal Advice Sought	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	3
Percentage of Requests Closed Within Legislated Timelines (%)	75

2.7 Deemed refusals

2.7.1 Reasons for not meeting legislative deadline

Number of Requests Closed Past Legislated Timelines	Principal Reason			
	Interference With Operations – Workload	External Consultation	Internal Consultation	Other
1	0	0	0	1

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

Number of Days Past Legislated Timelines	Number of Requests Past Legislated Timeline Where No Extension Was Taken	Number of Requests Past Legislated Timeline Where an Extension Was Taken	Total
1 to 15	0	0	0
16 to 30	0	0	0
31 to 60	0	1	1
61 to 120	0	0	0
121 to 180	0	0	0
181 to 365	0	0	0
More than 365	0	0	0
Total	0	1	1

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

Part 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

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 With Operations				15(a)(ii) Consultation			15(b) Translation or Conversion
	Further Review Required to Determine Exemptions	Large Volume of Pages	Large Volume of Requests	Documents Are Difficult to Obtain	Cabinet Confidence Section (Section 70)	External	Internal	
Number of Requests Where an Extension Was Taken								
1	0	1	0	0	0	0	0	0

5.2 Length of extensions

	15(a)(i) Interference With Operations				15(a)(ii) Consultation			15(b) Translation or Conversion
	Further Review Required to Determine Exemptions	Large Volume of Pages	Large Volume of Requests	Documents Are Difficult to Obtain	Cabinet Confidence Section (Section 70)	External	Internal	
Length of Extensions								
1 to 15 days	0	0	0	0	0	0	0	0
16 to 30 days	0	1	0	0	0	0	0	0
More than 31 days	0	0	0	0	0	0	0	0
Total	0	1	0	0	0	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

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15	16 to 30	31 to 60	61 to 120	121 to 180	181 to 365	More Than 365	
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

Recommendation	Number of Days Required to Complete Consultation Requests							
	1 to 15	16 to 30	31 to 60	61 to 120	121 to 180	181 to 365	More Than 365	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

Number of Days	Fewer 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	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

Number of Days	Fewer 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	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

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) and Personal Information Banks

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

Part 10: Material Privacy Breaches

Number of material privacy breaches reported to TBS	0
Number of material privacy breaches reported to OPC	0

Part 11: Resources Related to the *Privacy Act***11.1 Costs**

Expenditures		Amount
Salaries		\$12,343
Overtime		\$0
Goods and Services		\$0
• Professional services contracts	\$0	
• Other	\$0	
Total		\$12,343

11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.000
Part-time and casual employees	0.150
Regional staff	0.000
Consultants and agency personnel	0.000
Students	0.000
Total	0.150