



NATIONAL
GALLERY
OF CANADA

MUSÉE
DES BEAUX-ARTS
DU CANADA

Annual Report

Privacy Act

April 1, 2024 to March 31, 2025

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Introduction

Purpose of the Privacy Act

The *Privacy Act* (“the Act”) protects the privacy of all Canadian citizens and permanent residents regarding personal information held by a federal government institution. It also provides individuals with the right of access to their own personal information.

As a federal Crown corporation, the National Gallery of Canada (“the Gallery”) is subject to the *Privacy Act*. Section 72 of the Act requires that the head of every government institution submit an annual report to Parliament on the administration of the Act during the financial year. The Annual Report is prepared and tabled in Parliament in accordance with section 72 of the Act and describes how the Gallery administered the Act during the period of April 1, 2024 to March 31, 2025.

NGC Background

The National Gallery of Canada was founded in 1880 by the then-Governor General, the Marquess of Lorne, in concert with the Royal Canadian Academy of Arts. With the enactment of the 1913 *National Gallery of Canada Act*, the federal government assumed responsibility for the Gallery. The government continued its stewardship through successive Acts of Parliament, culminating with the *Museums Act* of July 1, 1990, which established the Gallery as a Crown corporation.

Gallery Mandate, Authorities, and Public Policy Role

As per the *Museums Act*, 1990, c. 5, the National Gallery of Canada’s mandate is *to develop, maintain, and make known, throughout Canada and internationally, a collection of works of art, both historic and contemporary, with special, but not exclusive, reference to Canada, and to further knowledge, understanding, and enjoyment of art in general among all Canadians.*

As a distinct legal entity, wholly owned by the Crown, the Gallery is a parent Crown corporation with agent status, is listed in Schedule 3, Part 1 of the *Financial Administration Act* (FAA) and is subject to the Crown corporation accountability framework established under Part X of the FAA. The Gallery has no non-operational subsidiaries.

The Gallery reports to the Parliament of Canada through the Minister of Canadian Identity and Culture and Minister responsible for Official Languages. Although it functions at arm’s length from the federal government in its daily operations, as a member of the Canadian Heritage portfolio, the Gallery supports the Department in its mission and contributes to government priorities.

Under the *Museums Act*, the Gallery plays an essential role, individually and together with other museums and like institutions, in preserving and promoting the heritage of Canada and all its peoples throughout Canada and abroad, and in contributing to the collective memory and sense of identity of all Canadians. As a source of inspiration, research, learning and entertainment, the Gallery provides, in both official languages, services that are essential to Canadian culture, and available to all.

Organizational Structure and Delegation Order

The Gallery's activities in relation to the *Privacy Act* are managed on a part-time basis by a member of the Corporate Secretariat who holds the position of Board and Access to Information and Privacy Coordinator, and to whom the Director and CEO has delegated all powers, duties, and functions for the administration of the Act. A copy of the signed and dated Delegation Order that was in effect at the end of the reporting period is attached as Appendix 1.

During the reporting period, the ATIP Coordinator was supported by three part-time consultants.

The ATIP Coordinator position is responsible for the following activities:

- processing formal requests under the *Access to Information Act* and *Privacy Act* (together "the Acts"), as well as informal requests for information and consultation requests from other government institutions;
- providing ongoing advice and guidance to senior management and Gallery staff on access to information and privacy legislation and related policies, privacy risk management activities, and other related matters;
- monitoring Gallery compliance with the Acts, its Regulations, and relevant policies and procedures;
- acting on behalf of the Gallery in dealings with the Treasury Board of Canada Secretariat (TBS), the Offices of the Information Commissioner and Privacy Commissioner, as well as other government institutions, regarding the administration of the Act as it relates to the Gallery;
- preparing annual reports to Parliament, in addition to other statutory reports and material that may be required by central agencies;
- coordinating the annual update of *Info Source* and informing TBS of any changes to the Gallery's Personal Information Banks (PIBs);
- promoting awareness of the Acts, its Regulations, and relevant procedures throughout the Gallery; and

- participating in government-wide forums for the ATIP community, including TBS community and ATIP Coordinator meetings, as well as ad-hoc working groups and training sessions.

Section 73.1(1) of the *Privacy Act* authorizes a government institution to provide services related to any power, duty or function conferred or imposed on the head of a government institution under the *Privacy Act* to another government institution that is presided over by the same Minister or that is under the responsibility of the same Minister. Such services may be provided only if the government institution enters into a written agreement with the other institution. During the reporting period, the Gallery was not party to any agreement pursuant to section 73.1(1).

Performance 2024-2025

TBS requires the preparation of a Statistical Report, presenting data on the processing of requests for information under the Act and related compliance matters. The completed Statistical Report was submitted to TBS in May 2025 as required.

This section provides a narrative summary and interpretation of the data from the Statistical Report.

Section 1: Formal Requests Received

Number of Requests	2024-25	2023-24	2022-23
Received during the reporting period	3	0	1
Outstanding from previous period	0	0	0
Total (All requests)	3	0	1

Three formal requests for personal information under the Act were received during the reporting period. This represents a slight increase in comparison to the 2023-24 (no request) and the 2022-23 reporting periods (one request).

Two requests remained active, and within legislated timelines, as of the last day of the reporting period and were carried over to 2025-26.

Section 2: Requests Closed During the Reporting Period

Legislated Timelines and Completion Times

The Gallery's one completed request was closed within legislated timelines. Accordingly, the Gallery had a 100% compliance rate for requests completed within the allowable timeframe under the *Privacy Act*.

The completion time for the request was between 1 and 15 days.

Extensions

No extension was taken.

Disposition of Requests, Exemptions and Exclusions

No exemption or exclusion were taken.

Relevant Pages Processed and Disclosed

For the one completed request, 1 page was processed and disclosed in full. As such, 100% of the Gallery's requests were "all disclosed".

Section 3: Requests for Correction of Personal Information and Notations

As was the case for the last three reporting periods, there were no requests for correction of personal information and/or notations in 2024-25.

Section 4: Consultations Received from Other Institutions and Organizations

There were no requests for consultations from other government institutions and/or organizations during the reporting period. This has been the case for the last three reporting periods.

Section 5: Completion Time of Consultations on Cabinet Confidences

There were no consultations on Cabinet confidences. This has been the case for the last three reporting periods.

Section 6: Complaints, Audits, and Investigations

No complaints relating to the Gallery were filed with the Office of the Privacy Commissioner during the reporting period, and no audits or investigations were initiated or concluded. As such, there were no active complaints as of the last day of the reporting period.

Section 7: Resources

Costs

For 2024-25, the cost directly associated with the administration of the *Privacy Act* was estimated at \$75,622.00 for salaries, professional services contracts, and other administrative expenses. This represents a slight increase over \$71,644.00 reported in 2023-24, and a significant increase over \$10,200.00 reported in 2022-23.

The increased cost reflects the significant work conducted throughout the reporting period to meet privacy compliance obligations and foster a culture of privacy throughout the organization, as highlighted in this report.

Human Resources

For the reporting period, the number of full-time equivalents (FTE) dedicated to the administration of the *Privacy Act* was estimated at 0.448, an increase compared to the 0.369 FTE reported for 2023-24, as well as the 0.136 FTE reported for 2022-23.

The 0.448 FTE for 2024-25 includes both staff and consultant costs.

Reported costs and FTEs do not include resources required by other areas of the Gallery in support of privacy compliance obligations.

Training and Awareness

During the reporting period, the Gallery continued to take steps to ensure all employees complete mandatory privacy training as set out under Appendix B of the *TBS Directive on Personal Information Requests and Correction of Personal Information*. Eight participants attended formal training during the reporting period. Topics included the definition of personal information, employee roles and responsibilities, privacy risk management, practical privacy tips, privacy breach response, and requests for personal information. Additional sessions will be delivered in the 2025-26 reporting period.

The ATIP Coordinator and part-time consultants provided periodic one-on-one advice and guidance to NGC staff and management on privacy matters, as needed.

The ATIP Coordinator frequently attends TBS workshop and training offerings to stay informed of new and ongoing requirements and trends related to request processing and other privacy compliance matters.

Policies, Guidelines, and Procedures

The development of a new corporate Privacy Policy and Privacy Breach Procedures continued during the reporting period. Internal consultations on these draft policy instruments remain ongoing, and it is expected the documents will be finalized in 2025-26.

Several other Gallery policies were reviewed by the ATIP Office to ensure inclusion of relevant privacy considerations, including the Occupational Health and Safety Policy and the Harassment and Violence Prevention Policy.

The ATIP Office continued to provide ad hoc support and risk management advice to internal stakeholders in relation to a variety of initiatives involving personal information. These efforts included updates to a variety of privacy notices, and support to teams carrying out record and data disposition efforts.

To ensure heightened compliance with the processing of requests for personal information under the Act, the ATIP Office implemented revised procedures for Offices of Primary Interest (i.e. record holders) engaged in the collection of responsive records.

There were no new collections or new consistent uses of Social Insurance Numbers during the reporting period.

Initiatives and Projects to Improve Privacy

The Gallery was successfully onboarded to the Government of Canada ATIP Online Request service in early 2024-25.

Regarding monitoring for frequently requested types of information and the feasibility of making that information available by other means, due to the small number of requests received each year, such trends would be easily identified and considered by the ATIP Coordinator as applicable.

Summary of Key Issues and Actions Taken on Complaints or Audits

No complaints were received, and no audits or investigations were concluded during the reporting period. There were no complaints outstanding from the previous reporting period. Accordingly, there were no active complaints as of the last day of the reporting period.

Monitoring Compliance

Requests are regularly monitored by the ATIP Coordinator through a tracking log, which records detailed information concerning the timeline of each request. As no or very few requests are received each year, the monitoring of time to process information requests is a straightforward exercise.

Based on the nature of the privacy requests received by the Gallery, inter-institutional consultations are generally not required. Further, and due to the small number of privacy requests received year over year, the ATIP Coordinator would be informed of any intention to consult and decide whether such consultation is necessary for the proper exercise of discretion or when there is an intention to disclose.

While there is no formal monitoring in place regarding access to information and privacy clauses in contracts and agreements, the Gallery has implemented standard measures to promote the rights afforded under the *Access to Information Act* and *Privacy Act*. Standard instructions and clauses related to access to information and privacy are included in Request for Proposal processes and published on gallery.ca. These clauses are also included in all contracts. In addition, the ATIP Office and/or external legal counsel are engaged by programs areas and procurement on an ad hoc basis, to implement more detailed clauses for contracts and agreements requiring heightened administrative safeguards.

Material Privacy Breaches

No material privacy breaches occurred during the reporting period. Accordingly, no material privacy breaches were reported to the Office of the Privacy Commissioner and TBS.

Privacy Impact Assessments, Personal Information Banks, and Privacy Protocols

Privacy Impact Assessments

A Privacy Impact Assessment (PIA) was completed for the Gallery's new Financial Management System.

A summary of the PIA is available on gallery.ca:

<https://www.gallery.ca/about/governance/corporate-reports>

Personal Information Banks

Personal information banks (PIBs) are descriptions of personal information held by federal institutions that is organized and retrievable by an individual's name or other identifiable information. As a key transparency and accountability tool, PIBs describe personal information that has or is being used, or is available, for decision making purposes. PIBs describe how personal information is collected, used, disclosed, retained and/or disposed of in the administration of a program or activity. The publication of PIB descriptions is a legislative requirement.

As a result of a Privacy Impact Assessment conducted in the 2023-24 reporting period, a new PIB for "Visitor Experience" was registered with TBS.

Eleven other Gallery PIBs were modified during the 2024-25 reporting period for relevancy.

All PIB descriptions are published in the Gallery's Info Source publication.

Privacy Protocols

A privacy protocol is a risk mitigation tool to ensure sound privacy practices when using personal information for non-administration purposes. A non-administrative use of personal information is one in which the information is not used for decision making processes directly affecting individuals.

In support of the Gallery's privacy risk management function and to ensure compliance with TBS privacy policy, seven privacy protocols were completed during the reporting period. The privacy protocols generally related to in person and virtual survey initiatives.

Public Interest Disclosures

Section 8(2)(m) of the *Privacy Act* allows the head of the institution to exercise the discretion to disclose personal information, without the consent of the individual, if such disclosure is deemed to be in the public interest further to careful review of relevant factors.

During the reporting period, no disclosures of personal information were made pursuant to section 8(2)(m) of the *Privacy Act*.

Appendix 1 – Delegation Order on the *Privacy Act*

The Director of the National Gallery of Canada, as designated head of the institution by virtue of Order-in-Council and pursuant to section 73 of the *Privacy Act* (the *Act*) hereby designates the persons holding the positions set out herein or the persons occupying those positions on an acting basis, to exercise the powers, duties or functions of the Director as the head of a government institution, under the section or sections of the *Act* set out hereunder opposite each position.

Position	<i>Privacy Act</i>	
Access to Information and Privacy Coordinator	8(2)(j)	Disclose personal information for research purposes
Access to Information and Privacy Coordinator	8(2)(m)	Disclose personal information in the public interest or in the interest of the individual
Access to Information and Privacy Coordinator	8(4)	Retain copy of 8(2)(e) requests and disclosed records
Access to Information and Privacy Coordinator	8(5)	Notify Privacy Commissioner of 8(2)(m) disclosures
Access to Information and Privacy Coordinator	9(1)	Retain record of use
Access to Information and Privacy Coordinator	9(4)	Notify Privacy Commissioner of consistent use and amend index
Access to Information and Privacy Coordinator	10	Include personal information in personal information banks
Access to Information and Privacy Coordinator	14	Respond to request for access within 30 days; give access or give notice
Access to Information and Privacy Coordinator	15	Extend time limit for responding to request for access
Access to Information and Privacy Coordinator	16	Provide notice of refusal to give access to personal information
Access to Information and Privacy Coordinator	17(2)(b)	Decide whether to translate requested information

Position	<i>Privacy Act</i>	
Access to Information and Privacy Coordinator	17(3)(b)	Alternative format
Access to Information and Privacy Coordinator	18(2)	May refuse to disclose personal information contained in an exempt bank
Access to Information and Privacy Coordinator	19(1)	Shall refuse to disclose personal information obtained in confidence from another government
Access to Information and Privacy Coordinator	19(2)	May disclose any personal information referred to in 19(1) if the other government consents to the disclosure or makes the information public
Access to Information and Privacy Coordinator	20	May refuse to disclose personal information injurious to the conduct of federal-provincial affairs
Access to Information and Privacy Coordinator	21	May refuse to disclose personal information injurious to international affairs or defence
Access to Information and Privacy Coordinator	22	May refuse to disclose personal information prepared by an investigative body, information injurious to the enforcement of a law, or information injurious to the security of penal institutions
Access to Information and Privacy Coordinator	22.3	Shall refuse to disclose personal information that was created for the purpose of making a disclosure under the <i>Public Servants Disclosure Protection Act</i> or in the course of an investigation into a disclosure under that Act.
Access to Information and Privacy Coordinator	23	May refuse to disclose personal information prepared by an investigative body for security clearances
Access to Information and Privacy Coordinator	24	May refuse to disclose personal information about individuals sentenced for an offence.
Access to Information and Privacy Coordinator	25	May refuse to disclose personal information which could threaten the safety of individuals
Access to Information and Privacy Coordinator	26	May refuse to disclose personal information about another individual, and shall refuse to disclose such information where disclosure is prohibited under Section 8
Access to Information and Privacy Coordinator	27	May refuse to disclose personal information subject to solicitor-client privilege

Position	Privacy Act	
Access to Information and Privacy Coordinator	27.1	May refuse to disclose any personal information requested under subsection 12(1) that is subject to the privilege set out in section 16.1 of the <i>Patent Act</i> or section 51.13 of the <i>Trade-marks Act</i> .
Access to Information and Privacy Coordinator	28	May refuse to disclose personal information relating to the individual's physical or mental health where disclosure is contrary to the best interests of the individual
Access to Information and Privacy Coordinator	33(2)	Right to make representations to the Privacy Commissioner during an investigation
Access to Information and Privacy Coordinator	35(4)	Give complainant access to information after 35(1)(b) notice
Access to Information and Privacy Coordinator	51(2)(b)	Request that Section 51 hearing be held in the National Capital Region
Access to Information and Privacy Coordinator	72(1)	Prepare Annual report to Parliament

Position	Privacy Regulations	
Access to Information and Privacy Coordinator	9	Reasonable facilities and time provided to examine personal information
Access to Information and Privacy Coordinator	11(2)	Notification that correction to personal information has been made
Access to Information and Privacy Coordinator	11(4)	Notification that correction to personal information has been refused
Access to Information and Privacy Coordinator	13(1)	Disclosure of personal information relating to physical or mental health may be made to qualified medical practitioner or psychologist for an opinion on whether to release information to requestor

Position	Privacy Regulations	
Access to Information and Privacy Coordinator	14	Disclosure of personal information relating to physical or mental health may be made to requestor in presence of qualified medical practitioner or psychologist

Dated at Ottawa on October 5, 2023



Jean-François Bélisle
Director and CEO, National Gallery of Canada