

Annual Report to Parliament 2020-2021 – Privacy Act



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Annual Report to Parliament 2020-2021 – Privacy Act

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I. Introduction

The National Research Council of Canada (NRC) is pleased to present to Parliament its annual report on the administration of the *Privacy Act* (PA) for the 2020-2021 reporting period. This is done in accordance with section 72 of the PA, which requires the head of every government institution to submit an annual report to Parliament on the administration of the Act during the period beginning on April 1 of the preceding year and ending on March 31 of the current year.

The purpose of the PA is to extend the present laws of Canada that protect the privacy of individuals with respect to personal information about themselves held by a government institution and that provide individuals with a right of access to that information. The PA also regulates the collection, use and disclosure of personal information held by federal institutions including the NRC.

This thirty-seventh annual report on the administration of the PA at the NRC provides an overview of the activities by the Council undertaken during the 2020-2021 reporting period.

Mandate of the National Research Council of Canada

The NRC supports industrial innovation, the advancement of knowledge, technology development, and public policy mandates. The NRC plays a unique role in Canada, undertaking large-scale mission-oriented research and development programs. With a presence in every province, the NRC combines its strong national foundation with international linkages to help Canada grow in productivity and remain globally competitive. The NRC works in collaboration with industry, governments, and academia to maximize Canada's overall R&D investment.

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II. Organizational structure and delegation of authority

From April 1, 2020, to March 31, 2021, the NRC's President delegated full authority for the application and administration of the PA to the Vice-President, Business and Professional Services, to the Chief Information Officer & Director General of Knowledge, Information and Technology Services, and to the Director, Library and Information Management Services. Partial authority was delegated to the Access to Information and Privacy (ATIP) Coordinator.

A copy of the current signed Delegation Order is included as [Annex A](#).

During the 2020-2021 reporting period, the NRC's ATIP Office was part of the Library and Information Management Services Directorate within the Knowledge, Information and Technology Services Branch.

The ATIP Office has four full-time positions: one ATIP Coordinator, one Senior ATIP Officer, and two Junior ATIP Officer. During this reporting period, NRC experienced challenges in staffing a full complement of ATIP Officers. As noted by other institutions subject to the Act, as well as by the Information Commissioner of Canada, a shortage of experienced ATIP personnel presents a challenge for staffing in both short and long term capacities.

The ATIP Office works closely with the NRC's Human Resources Branch, the Information Management team, Executive Advisors, the Communications Branch, and senior management across the organization.

The ATIP Office is responsible for the coordination and implementation of policies, guidelines, and procedures to ensure the organization's compliance with the PA. To this end, the Office provides the following services:

- Promotes awareness of the PA within the organization;
- Processes and manages personal information and complaints;
- Manages the ATIP electronic case management system;
- Processes consultations received from other institutions;
- Provides professional advice and guidance to senior management and all departmental staff on the Act;
- Prepares the annual report to Parliament and the annual statistical report;
- Maintains the NRC's Info Source chapter;
- Assists in the privacy impact assessment process and in creating or modifying personal information banks;
- Reviews departmental documents (such as audit and evaluation reports prior to their proactive disclosure on the organization's website), Parliamentary Questions and Harassment Reports for privacy-related considerations;
- Develops internal procedures; and,
- Participates in forums for the ATIP community, such as the Treasury Board of Canada Secretariat (TBS) ATIP Community meetings and working groups.

During the period covered by this report, the NRC was not party to any service agreements under section 73.1 of the PA.

III. Interpretation of statistical report

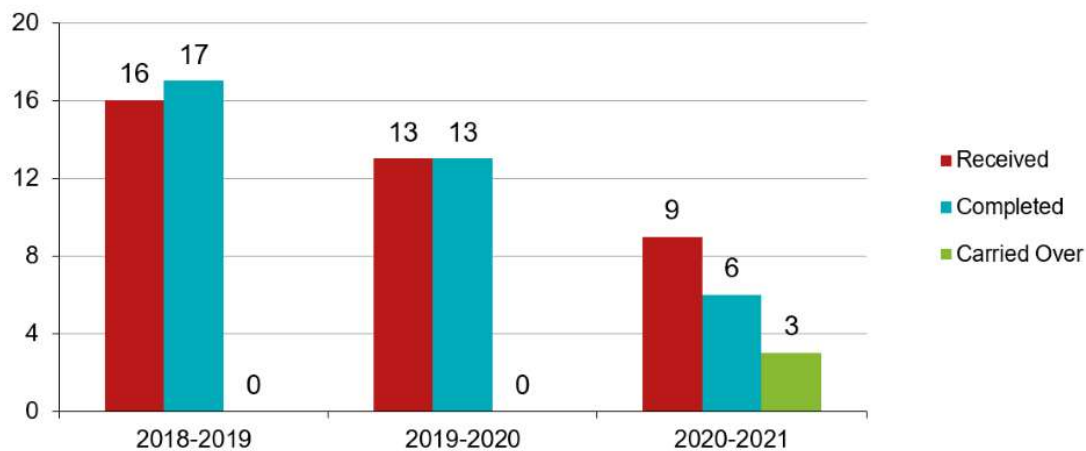
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The complete statistical report on the administration of the PA by the NRC from April 1, 2020, to March 31, 2021, is included as [Annex B](#). This section provides an interpretation of the statistics presented in that report.

During the 2020-2021 reporting period, the NRC received 9 new requests for personal information and no requests were outstanding from the previous period.

The figures, as reflected in the chart below, indicate the number of requests received and processed over the past 3 years. These figures do not include informal privacy-related queries received in the ATIP Office.

Chart 1: Volume of requests for personal information

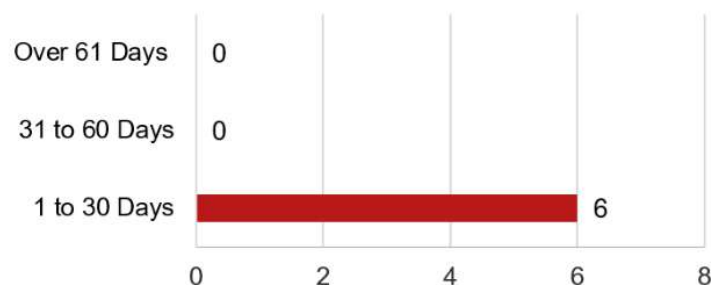


► Long description for Chart 1: Volume of requests for personal information

Of the 6 requests completed within the reporting period 17% of records were "all disclosed" and no (0) records were "disclosed in part".

With regard to completion times, out of the 6 requests completed during this reporting period, 6 were completed in 30 days or less. No requests were closed past their statutory deadline, for 100% compliance with legislated timelines.

Chart 2: Number of days taken to complete requests



► Long description for Chart 2: Number of days taken to complete requests

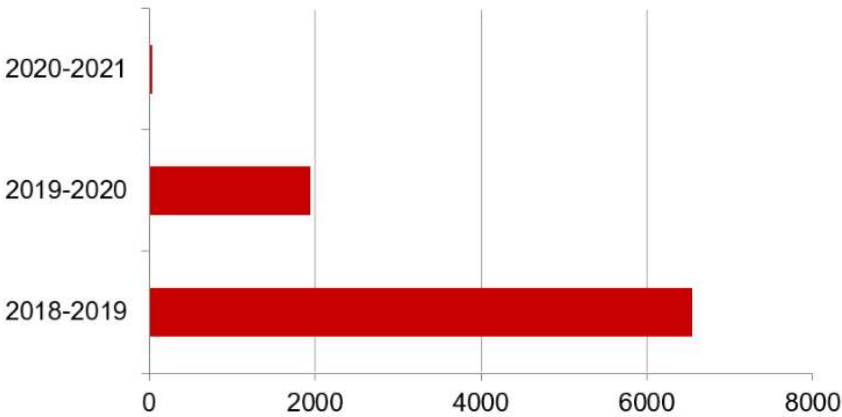
Section 15 of the PA allows institutions to extend the time limit for processing requests for a maximum of 30 days if: (i) meeting the original time limit would unreasonably interfere with the operations of the government institution; or, (ii) consultations are necessary to comply with the request that cannot reasonably be completed within the original time limit. Should the records require translation or conversion to an alternative format, a reasonable period of time may also be taken to extend the time limit.

The NRC invoked an extension in 1 case where meeting the original time limit of 30 days would have unreasonably interfered with the operations of the organization due to the large volume of pages.

Sections 2.2 and 2.3 of the Statistical Report focus on the application of exemptions and exclusions under the PA. There were no exemptions invoked by the NRC for the reporting period.

As per the following chart, the number of pages processed in response to requests for personal information decreased from the two previous reporting periods.

Chart 3: Trends in number of pages disclosed

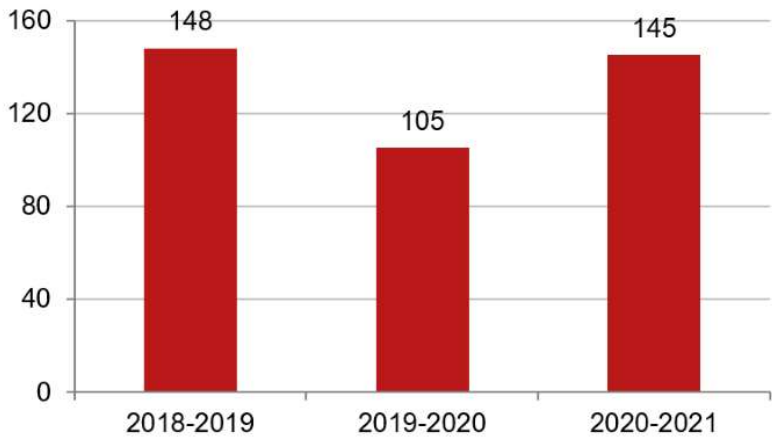


► Long description for Chart 3: Trends in number of pages disclosed

During this reporting period, the ATIP Office processed one consultation under the PA.

With regard for the provisions of the PA and in the context of its general responsibilities, the NRC's ATIP Office reviewed a total of 145 Parliamentary Questions received during this reporting period, compared to 105 reviewed in 2019-2020 and 148 reviewed in 2018-2019.

Chart 4: Parliamentary questions



► Long description for Chart 4: Parliamentary questions

At the end of the 2020-2021 reporting period, ATIP Offices across most Government of Canada institutions were functioning at reduced operational capacities due to exceptional measures put in place to curb the spread of the novel coronavirus (COVID-19). As a result, the processing of requests and consultations, as well as other activities that support ATIP program administration, were either delayed or temporarily suspended.

Beginning on March 13, 2020, the large majority of NRC activity moved offsite to teleworking as part of COVID-19 response measures. This impacted ATIP operations as ATIP staff adjusted to the new work environment and determined the best way to deliver on obligations in the new circumstances. Nevertheless, for the period since March, the ATIP Office made every reasonable effort to maintain service delivery in accordance with its operational realities.

For the 2020-2021 reporting period, the NRC was asked to complete a supplemental report. This supplemental statistical report is included as [Annex C](#).

IV. Privacy-related training and education

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To increase the knowledge and understanding of the PA across the NRC, training and awareness sessions are delivered on an ongoing basis to NRC employees. These sessions provided basic information on the purposes and provisions of the Act, roles and responsibilities, and general best practices (such as email management). All training sessions include information on the identification and management of personal information in accordance with the provisions of the PA as well as the *Access to Information Act*. During this reporting period, the ATIP Office delivered a total of 5 training sessions to 62 employees located in the National Capital Region and in regional offices. The ATIP Office also delivered training to small groups on requests throughout the reporting period.

In support of ATIP activity across the Council, tools and guidance are updated regularly and are made available on NRC's external and internal websites.

The ATIP Office continually works to sensitize and guide employees, third parties and requesters regarding the requirements of the PA, through ongoing dialogue and bilateral discussions. During the reporting period, the ATIP Coordinator and Officers responded to numerous inquiries from colleagues (Human Resources Branch, management, etc.), providing advice and guidance on various privacy-related matters.

The ATIP Office promoted Data Privacy Day within the NRC through postings on the NRC internal website. Throughout this reporting period, the ATIP Coordinator and Officers attended ATIP community meetings and various training sessions offered by the TBS.

V. Procedures, guidelines and directives

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Faced with an increase in time sensitive projects (brought on by the shift to remote ways of working), the ATIP Office streamlined its procedures for administering privacy impact assessments (PIAs). The Office developed and implemented a new tool to engage with stakeholders in initial privacy risk evaluation, referred to as a 'preliminary risk assessment (data privacy).' The PRA assists the NRC in verifying whether new or substantially modified programs or activities involve personal information within an administrative context and whether they will have a significant impact upon privacy. The tool operates in parallel with the initial privacy (ethics) reviews undertaken by the Council's Research Ethics Board and the initial threat assessment activity undertaken by the NRC Security Branch.

In addition, the ATIP Office has collaborated with the NRC's Human Resources team to systematize procedures for granting access to personnel records when requested under the PA. The new process functions to improve workflow and transparency.

VI. Complaints, investigations and audits

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During this reporting period no complaints against the NRC were registered with the Office of the Privacy Commissioner.

There are no ongoing investigations or audits of the NRC under the provisions of the PA.

VII. Monitoring of request for personal information

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In keeping with TBS policies and directives, the ATIP Office has established internal ATIP procedures and business practices to ensure the efficient and timely processing of personal information requests, while making every effort to assist applicants in the most expeditious manner without regard for their identity.

The ATIP Office uses a case management system that tracks both active and closed requests. This system is designed to follow the legislative deadlines.

The ATIP Office holds weekly meetings to discuss request-related activities, determine timelines and ensure that all team members are informed of the status of files. Weekly meetings also take place with the Director, Library and Information Management Services.

A report of active ATIP files (which maintains the privacy of the requesters' identities) is shared with the NRC senior management team every week and a more detailed report is provided to delegated authorities. A weekly report is also shared with the Minister of Innovation, Science and Economic Development Canada.

No requests for the corrections to personal information were received by the ATIP Office during this reporting period.

VIII. Material privacy breaches

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No material privacy breaches occurred during 2020-2021 reporting period.

IX. Privacy impact assessment activities

The NRC did not complete any privacy impact assessments during this reporting period.

X. Section 8(2)(m) disclosures

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Paragraph 8(2)(m) allows for the disclosure of personal information when the public interest clearly outweighs any invasion of privacy or when the disclosure would benefit the individual. There were no disclosures pursuant to paragraph 8(2)(m) for the 2020-2021 period.

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Annex A: Delegation Order

Access to Information and Privacy Act Delegation Order

The President of the National Research Council of Canada, pursuant to section 73 of the *Access to Information Act* and the *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the person occupying on an acting basis the position, to exercise the powers and functions of the President as the head of a government institution, under the section of the Acts set out in the schedule opposite each position. This Designation Order supersedes all previous designation orders.

Schedule

Position	<i>Access to Information Act</i> and Regulations	<i>Privacy Act</i> and Regulations
Vice-President, Business and Professional Services	Full authority	Full authority
Chief Information Officer and Director General, Knowledge and Information Technology Services	Full authority	Full authority
Director, Library and Information Management Services	Full authority	Full authority
Access to Information and Privacy Coordinator	Sections 7(a), 8(1), 9, 11(2) to (6), 12(2)(3), 26, 27(1) and (4), 28(1), (2) and (4), 29(1), 33, 37(4), 43(1), 44(2)	Sections 8(2)(j), 8(4), 8(5), 9(1), 9(4), 10, 14, 15, 17(2)(b), 18(2), 31, 35(1), 35(4), 36(3), 37(3), 51(2)(b)

Dated, at the City of Ottawa

4 May 2020

Iain Stewart

President of the National Research Council of Canada

Access to Information and Privacy Acts Delegation Order

The President of the National Research Council of Canada, pursuant to section 95 of the *Access to Information Act* and section 73 of the *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the person occupying on an acting basis the position, to exercise the powers and functions of the President as the head of a government institution, under the section of the Acts set out in the schedule opposite each position. This Designation Order supersedes all previous designation orders.

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Position	<i>Access to Information Act and Regulations</i>	<i>Privacy Act and Regulations</i>
Chief Information Officer and Director General, Knowledge and Information Technology Services	Full authority	Full authority
Director, Library and Information Management Services	Full authority	Full authority
Access to Information and Privacy Coordinator	Sections 7(a), 8(1), 9, 11(2), 12(2) and (3), 26, 27(1) and (4), 28(1), (2) and (4), 33, 37(4), 43(2), 44(2)	Sections 8(2)(j), 8(4) and (5), 9(1) and (4), 10, 14, 15, 17(2)(b), 18(2), 31, 35(1), 35(4), 36(3), 37(3), 51(2)(b)

Dated, at the City of Ottawa

4 October 2020

Roger Scott-Douglas

(Acting) President of the National Research Council of Canada

Access to Information and Privacy Act Delegation Order

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Access to Information and Privacy Coordinator	Sections 7(a), 8(1), 9, 11(2) to (6), 12(2)(3), 26, 27(1) and (2), 28(1), (2) and (4), 29(1), 33, 37(4), 43(1), 44(2)	Sections 8(2)(j), 8(4), 8(5), 9(1), 9(4), 10, 14, 15, 17(2)(b), 18(2), 31, 35(1), 35(4), 36(3), 37(3), 51(2)(b)

Dated, at the City of Ottawa

18 January 2021

Mitch Davies

President of the National Research Council of Canada

Annex B: Statistical report on the *Privacy Act*

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Name of institution: National Research Council Canada

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

Section 1: Requests under the *Privacy Act*

Requests under the *Privacy Act*

	Number of requests
Received during reporting period	9
Outstanding from previous reporting period	0
Total	9
Closed during reporting period	6
Carried over to next reporting period	3

Section 2: Requests closed during the reporting period

2.1 Disposition and completion time

	Completion time							
Disposition of requests	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
All disclosed	0	1	0	0	0	0	0	1
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	2	0	0	0	0	0	0	2
Request abandoned	3	0	1	0	0	0	0	3
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	5	1	0	0	0	0	0	6

2.2 Exemptions

Section	Number of requests
18(2)	0

Section	Number of requests
19(1)(a)	0
19(1)(b)	0
19(1)(c)	0
19(1)(d)	0
19(1)(e)	0
19(1)(f)	0
20	0
21	0
22(1)(a)(i)	0
22(1)(a)(ii)	0
22(1)(a)(iii)	0
22(1)(b)	0
22(1)(c)	0
22(2)	0
22.1	0
22.2	0
22.3	0
22.4	0
23(a)	0
23(b)	0
24(a)	0
24(b)	0
25	0
26	0
27	0
27.1	0
28	0

2.3 Exclusions

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
Disclosed in part	0	0	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	3	0	0	0	0	0	0	0	0	0
Neither confirmed or denied	0	0	0	0	0	0	0	0	0	0
Total	4	38	0	0	0	0	0	0	0	0

2.5.3 Other complexities

Disposition	Consultation required	Legal advice sought	Interwoven information	Other	Total
All disclosed	0	0	0	1	1
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	2	2
Neither confirmed or denied	0	0	0	0	0
Total	0	0	0	3	3

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	6

	Requests closed within legislated timelines
Percentage of requests closed within legislated timelines (%)	100

2.7 Deemed refusals

2.7.1 Reasons for not meeting statutory deadline

Number of Requests Closed Past the Legislated Timelines	Principal reason			
	Workload	External consultation	Internal consultation	Other
0	0	0	0	0

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

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

2.8 Requests for translation

Translation requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Section 3: Disclosures under subsection 8(2) and 8(5)

Disclosures under subsection 8(2) and 8(5)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Subsection 8(5)	Total
0	0	0	0

Section 4: Requests for correction of personal information and notations

Requests for correction of personal information and notations

Disposition for correction requests received	Number
Notations attached	0
Requests for correction accepted	0
Total	0

Section 5: Extensions

5.1 Reasons for extensions and disposition of requests

Number of requests where an extension was taken	15(a)(i) interference with operations				15(a)(ii) Consultation			15(b) Translation purposes 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	
1	0	0	0	1	0	2	0	0

5.2 Length of extensions

Length of Extensions	15(a)(i) interference with operations				15(a)(ii) Consultation			15(b) Translation purposes 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	
1 to 15 days	0	0	0	0	0	0	0	0
16 to 30 days	0	1	0	0	0	2	0	0
31 days or greater								0
Total	0	1	0	0	0	2	0	0

Section 6: Consultations received from other institutions and organizations

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

Consultations	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
Carried over to the next reporting period	0	0	0	0

6.2 Recommendations and completion time for consultations received from other Government of Canada institutions

Section 8: Complaints and investigations notices received

Complaints and investigations notices received

Section 31	Section 33	Section 35	Court action	Total
0	0	0	0	0

Section 9: Privacy impact assessments (PIAs)

9.1 Privacy impact assessments (PIAs)

Number of PIA(s) completed	0
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9.2 Personal Information Banks (PIAs)

	Active	Created	Terminated	Modified
Personal Information Banks	76	0	0	0

Section 10: Material privacy breaches

Material privacy breaches

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

Section 11: Resources related to the *Privacy Act*

11.1 Costs

Expenditures	Amount
Salaries	\$77,941
Overtime	\$0
Good and services - Professional services contracts (\$0) - Other (\$0)	\$0
Total	\$77,941

11.2 Human Resources

Resources	Person years dedicated to Privacy Activities
Full-time employees	1.000
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	1.00
Total	1.00

Note: Enter values to two decimal places.

Annex C: 2020-2021 Supplemental statistical report

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Supplemental Statistical Report on the *Access to Information Act* and *Privacy Act*

In addition to completing the forms for the Statistical Reports on the ATIA and *Privacy Act* for 2020-21, institutions are asked to complete this Supplemental Report to help identify the impact of COVID-19 measures on institutional performance for 2020-04-01 to 2021-03-31. The data requirements are set out in the tables below.

Section 1: Capacity to Receive Requests

Enter the Number of weeks your institution was able to receive ATIP requests through the different channels.

Number of requests

	Number of weeks
Able to receive requests by mail	52
Able to receive requests by email	52
Able to receive requests through the digital request service	52

Section 2: Capacity to Process Records

2.1 Enter the number of weeks your institution was able to process paper records in different classification levels.

	No capacity	Partial capacity	Full capacity	Total
Unclassified paper records	0	52	0	52
Protected B paper records	0	52	0	52
Secret and Top Secret Paper Records	0	52	0	52

2.2 Enter the number of weeks your institution was able to process electronic records in different classification levels.

	No capacity	Partial capacity	Full capacity	Total
Unclassified Paper Records	0	0	52	52
Protected B Paper Records	0	0	52	52
Secret and Top Secret Paper Records	0	52	0	52

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Date modified:

2022-01-28