



Information  
Commissioner  
of Canada

Commissaire  
à l'information  
du Canada



# Annual Report on the Administration of the PRIVACY ACT

## 2012-2013



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# 1 Introduction

This report to Parliament, prepared and tabled in accordance with section 72 of the *Privacy Act*,<sup>1</sup> describes the activities of the Office of the Information Commissioner of Canada (OIC) in administering the Act during 2012–2013.

The purpose of the *Privacy Act* is to safeguard the privacy of individuals by protecting personal information held by government institutions. The Act also gives individuals the right to access their own personal information.

The OIC was established under the *Access to Information Act* in 1983 as an independent oversight body reporting to Parliament. The OIC conducts efficient, fair and confidential investigations into complaints about government institutions' handling of access to information requests. The goal of our work is to maximize compliance with the Act while fostering disclosure of public sector information.

The OIC became subject to the *Privacy Act* in 2007. Since then, we have made every effort to provide exemplary service to requesters. Here are some highlights from 2012–2013:

- We completed formal requests in an average of 30.9 days.
- We reviewed a total of 7,633 pages for seven requests.
- To maximize disclosure, we now, when appropriate, informally release to individuals seeking information about investigations into their own complaints a copy of any record they provided to us as part of the investigation (subject to any exemptions under the *Access to Information Act*) and which we otherwise must formally withhold.

# 2 Organization

The Information Commissioner, Suzanne Legault, is supported by the Assistant Commissioner, Complaints Resolution and Compliance, the Director General, Corporate Services, and the General Counsel, Legal Services.

The OIC has three branches, as follows:

- The **Complaints Resolution and Compliance Branch** carries out investigations and dispute resolution efforts to resolve complaints. It assesses the performance of government institutions and conducts systemic investigations.
- **Legal Services** represents the Commissioner in court cases and provides legal advice on investigations, as well as legislative and administrative matters.
- **Corporate Services** provides strategic and corporate leadership for various functions, such as communications, human resources, and information management and technology. It also manages the access to information and privacy function.

The **Access to Information and Privacy (ATIP) Secretariat** processes all requests made under the *Privacy Act* for records under the control of the OIC. The ATIP Secretariat had two staff members in 2012–2013:

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<sup>1</sup> *Privacy Act*, R.S., 1985, c. P-21

- The Director, ATIP Secretariat, manages the Secretariat, including overseeing request administration, policy development and training. The Director holds full delegated authority under the Act as ATIP Coordinator. The Director reports to the Director General, Corporate Services.
- The ATIP Officer processes requests and holds some delegated authority, such as for taking time extensions and for the translation or interpretation of personal information. The ATIP Officer reports to the Director, ATIP Secretariat.

### **3 Delegation order**

Under the *Privacy Act*, the Information Commissioner is the designated head of the institution for the purpose of administering the legislation.

During the reporting period, the delegation pursuant to section 73 of the Act, signed on July 16, 2011, was in effect (Appendix A).

### **4 Interpretation of the statistical report**

The OIC's statistical report details all aspects of the processing of privacy requests received by the ATIP Secretariat from April 1, 2012, to March 31, 2013 (Appendix B). Below are some items of note from that report.

#### **4.1 Requests received under the Privacy Act**

We received seven requests under the *Privacy Act* in 2012–2013, two more than in the previous reporting period. We completed all of these requests before March 31, 2013.

#### **4.2 Disposition of requests completed**

Of the seven requests we completed, we disclosed all the requested information in one case. In five cases, the information was disclosed in part, and in one case, no records existed.

#### **4.3 Exemptions**

We invoked subsection 22(1)(b) (investigations) in four requests in order to protect information obtained from complainants or from other institutions during the course of our investigations. We also invoked section 26 (information about another individual) in three requests and section 27 (solicitor-client privilege) in three requests.

#### **4.4 Completion times**

We completed privacy requests in an average of 30.9 days. We took three extensions for two requests in order to perform consultations and avoid interference with operations.

#### **4.5 Method of access**

We provided six release packages on CD.

## 4.6 Costs

Category of cost	Amount
Salary	\$27,087
Administration (operations and management)	\$2,316
<b>Total</b>	<b>\$29,403</b>
<b>Person-years</b>	<b>0.42</b>

Costs incurred during the reporting period are calculated based on the salaries of ATIP Secretariat members and expenses associated with the administration of the Act.

## 5 Privacy Impact Assessments

The OIC neither initiated nor completed any Privacy Impact Assessments in 2012–2013. These assessments are required when an organization gathers new personal information or when it changes the purposes for which it gathers personal information.

## 6 Public interest disclosures

The OIC made no disclosures of information under paragraph 8(2)(m) of the *Privacy Act* during the reporting period. These disclosures are made when the Commissioner decides that releasing the information clearly outweighs any invasion of the privacy of the person to whom the records relate or when releasing the information would benefit the person in question.

## 7 Changes to the organization, programs, operations or policies

The ATIP Secretariat adopted a practice in 2012–2013 to better serve individuals seeking access to records pertaining to the investigation of their own complaints. In addition to our formal response, we now issue a subsequent informal release containing the correspondence and documents the complainants had sent to the OIC during the course of the investigation (subject to exemptions under the *Access to Information Act*). For the formal release, these records would have been withheld under paragraph 22(1)(b) of the *Privacy Act*.

## 8 Education and training

In January 2013, the ATIP Secretariat conducted an awareness session on the *Access to Information Act* and the *Privacy Act*, with roughly 20 employees in attendance (22 percent of our staff). The session focused on topics such as access to information and privacy guidelines, the procedure for processing requests and the responsibilities of subject-matter experts when helping to respond to requests.

## 9 Complaints

One complaint was lodged with the Privacy Commissioner of Canada against our office in 2012–2013. The complaint deals with the application of subparagraph 22(1)(b)(iii) and the completeness of our search for records. The investigation is ongoing.



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

The Information Commissioner of Canada, pursuant to Section 73 of the *Access to Information Act* and of the *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers and functions of the Information Commissioner of Canada as the head of a government institution that is, the Office of the Information Commissioner of Canada. This Delegation Order supersedes all previous Delegation Orders pursuant to section 73.

En vertu de l'article 73 de la *Loi sur l'accès à l'information* et de la *Loi sur la protection des renseignements personnels*, la Commissaire à l'information du Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire lesdits postes, les attributions dont elle est investie en qualité de responsable d'une institution fédérale, c'est-à-dire le Commissariat à l'information du Canada. Le présent arrêté de déléation annule et remplace tout arrêté antérieur fait en vertu de l'article 73.

This delegation order is effective on July 18, 2011

Cet arrêté de déléation prend effet le 18 juillet 2011.

Dated, at the City of Ottawa, this 16<sup>th</sup> day of July 2011

Daté, à la ville d'Ottawa, ce 16<sup>e</sup> jour de juillet 2011

Suzanne Legault  
Information Commissioner of Canada  
Commissaire à l'information du Canada



Schedule / Annexe

<b>Position/ Poste</b>	<b><i>Privacy Act and Regulations/ Loi sur la protection des renseignements personnels et règlement.</i></b>	<b><i>Access to Information Act and Regulations/ Loi sur l'accès à l'information et règlement.</i></b>
Director General (Corporate Services) / Directeur général (Services organisationnels)	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue
Director, ATIP Secretariat/ Directeur, Secrétariat de l'AIPRP	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue
ATIP Officer/ Agent de l'AIPRP	Sections of the Act / articles de la Loi: 15, 17(2)(b)  Sections of the Regulations / articles du Règlement: 9, 11(2), 11(4), 13(1), 14	Sections of the Act / articles de la Loi: 4(2.1), 8(1), 9, 11(2), 11(3), 11(4), 11(5), 11(6), 12(2), 12(3), 27(1), 27(4), 29(1).  Sections of the Regulations / articles du Règlement: 6(1), 7(2), 7(3), 8, 8.1



**Statistical Report on the *Privacy Act***

**Name of institution:** Office of the Information Commissioner of Canada

**Reporting period:** 01/04/2012 to 31/03/2013

**PART 1 – Requests under the *Privacy Act***

	Number of Requests
Received during reporting period	7
Outstanding from previous reporting period	0
<b>Total</b>	<b>7</b>
Closed during reporting period	7
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							Total
	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	
All disclosed	1	0	0	0	0	0	0	1
Disclosed in part	1	2	1	1	0	0	0	5
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	0	1	0	0	0	0	0	1
Request abandoned	0	0	0	0	0	0	0	0
<b>Total</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>

**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)	4	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	3
20	0	22.2	0	28	0
21	0	22.3	0		

### 2.3 Exclusions

Section	Number of requests	Section	Number of requests	Section	Number of requests
69(1)(a)	0	70(1)(a)	0	70(1)(d)	0
69(1)(b)	0	70(1)(b)	0	70(1)(e)	0
69.1	0	70(1)(c)	0	70(1)(f)	0
				70.1	0

### 2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	0	1	0
Disclosed in part	0	5	0
Total	0	6	0

### 2.5 Complexity

#### 2.5.1 Relevant pages processed and disclosed

Disposition of requests	Number of pages processed	Number of pages disclosed	Number of requests
All disclosed	2	2	1
Disclosed in part	7631	5665	5
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	0

#### 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	1	2	0	0	0	0	0	0	0	0
Disclosed in part	0	0	1	287	1	737	3	4641	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
Abandoned	0	0	0	0	0	0	0	0	0	0
Total	1	2	1	287	1	737	3	4641	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	1	0	0	0	1
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>

### 2.6 Deemed refusals

#### 2.6.1 Reasons for not meeting statutory deadline

Number of requests closed past the statutory deadline	Principal Reason			
	Workload	External consultation	Internal consultation	Other
0	0	0	0	0

#### 2.6.2 Number of days past deadline

Number of days past deadline	Number of requests past deadline where no extension was taken	Number of requests past deadline 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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

### PART 3 – Disclosures under subsection 8(2)

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

**PART 4 – Requests for correction of personal information and notations**

	Number
Requests for correction received	0
Requests for correction accepted	0
Requests for correction refused	0
Notations attached	0

**PART 5 – Extensions**

**5.1 Reasons for extensions and disposition of requests**

Disposition of requests where an extension was taken	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation or conversion
		Section 70	Other	
All disclosed	0	0	0	0
Disclosed in part	2	0	1	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
<b>Total</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>

**5.2 Length of extensions**

Length of extensions	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation purposes
		Section 70	Other	
1 to 15 days	0	0	1	0
16 to 30 days	2	0	0	0
<b>Total</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>

**PART 6 – Consultations received from other institutions and organizations**

**6.1 Consultations received from other government institutions and organizations**

Consultations	Other government 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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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 institutions**

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**6.3 Recommendations and completion time for consultations received from other organizations**

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**PART 7 – Completion time of consultations on Cabinet confidences**

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

**PART 8 – Resources related to the *Privacy Act***

**8.1 Costs**

Expenditures		Amount
Salaries		\$27,087
Overtime		\$273
Goods and Services		\$2,043
• Contracts for privacy impact assessments	\$0	
• Professional services contracts	\$1,915	
• Other	\$128	
<b>Total</b>		<b>\$29,403</b>

**8.2 Human Resources**

Resources	Dedicated full-time	Dedicated part-time	Total
Full-time employees	0.20	0.00	0.20
Part-time and casual employees	0.20	0.00	0.20
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.02	0.00	0.02
Students	0.00	0.00	0.00
<b>Total</b>	<b>0.42</b>	<b>0.00</b>	<b>0.42</b>