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# *Privacy Act*



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# *Privacy Act*

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**Annual Report**  
**2008-2009**





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### About Public Safety Canada

Public Safety Canada (PS) was created in 2003 to provide leadership and coordination across all federal departments and agencies responsible for the safety of Canadians. The Department delivers a range of programs related to national emergency preparedness, critical infrastructure protection and community safety. Working towards a safe and resilient Canada, the Department provides leadership, coordinates and supports the efforts of federal organizations responsible for the national security and safety of Canadians. The Department also works with other levels of government, first responders, community groups, the private sector and other countries to achieve its objectives.

To keep Canadians safe from a range of threats, the Department provides strategic policy advice and support to the Minister of Public Safety on issues related to public safety, including: national security; emergency management; policing and law enforcement; interoperability and information-sharing; border management; corrections and conditional release; Aboriginal policing; and, crime prevention.

Providing strategic public safety leadership, the Department works within a portfolio consisting of five agencies and three review bodies. These entities, including the Department, are united under the Public Safety Portfolio and report to the same minister, resulting in enhanced integration among federal organizations dealing with public safety issues. The Department supports the Minister in all aspects of his mandate and plays a national public safety leadership role while respecting the separate accountability of each Portfolio agency.

Also situated within the Department is the Office of the Inspector General of the Canadian Security Intelligence Service (CSIS), which carries out independent reviews of CSIS' compliance with the law, Ministerial direction and operational policy.

### About the Public Safety Portfolio

The Public Safety Portfolio is responsible for public safety within the Government of Canada and consists of five agencies: the Canada Border Services Agency, the Canadian Security Intelligence Service, the Correctional Service of Canada, the National Parole Board, and the Royal Canadian Mounted Police (RCMP). It also includes three review bodies: the RCMP External Review Committee, the Commission for Public Complaints Against the RCMP, and the Office of the Correctional Investigator.

Each portfolio agency, review body, as well as IGCSIS, submit separate annual reports to Parliament on the administration of the *Access to Information Act* and the *Privacy Act*.

### About the *Privacy Act*

The *Privacy Act* protects the privacy of all Canadian citizens and permanent residents of Canada regarding personal information held by a government institution against unauthorized use and disclosure. The *Privacy Act* also gives Canadians, including those in Canada who are not permanent residents or citizens, the right to access personal information held by the government.



## Chapter I – Report on the *Privacy Act*

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Section 72 of the *Privacy 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. This report describes how Public Safety Canada administered the *Privacy Act* throughout fiscal year 2008-2009.

### **The Access to Information and Privacy (ATIP) Unit**

The Access to Information and Privacy (ATIP) Unit is part of Public Safety Canada's Executive Services Division within the Department's Strategic Policy Branch. It is comprised of one Manager, two senior advisors, four analysts and one administrative officer. The ATIP Manager served as the Department's ATIP Coordinator throughout the reporting year.

The ATIP Unit is responsible for the coordination and implementation of policies, guidelines and procedures to ensure departmental compliance with the *Access to Information Act* and the *Privacy Act*. The Unit also currently provides the following services to the Department:

- Processes consultations received from other institutions;
- Provides advice and guidance to employees and senior officials on ATIP related matters;
- Produces the Annual Reports to Parliament;
- Delivers ATIP awareness sessions to departmental employees;
- Coordinates regular updates to *Info Source* manuals;
- Reviews departmental documents, such as audits and evaluations, prior to proactively disclosing these on the departmental website;
- Develops departmental procedures for processing ATIP requests;
- Maintains the Department's ATIP reading room;
- Participates in forums for the ATIP community, such as the Treasury Board Secretariat ATIP Community meetings and working groups.

### **Delegation of Authority**

The responsibilities associated with the administration of the *Privacy Act*, such as notifying applicants of extensions and transferring requests to other institutions, are delegated to the departmental ATIP Coordinator through a delegation instrument signed by the Minister of Public Safety. The approval of all exemptions remains with the Deputy Minister, the Associate Deputy Minister and all Assistant Deputy Ministers (ADMs).

A detailed delegation instrument is available at Annex A.



### Highlights and Accomplishments for 2008-2009

Public Safety Canada has continued to improve the way in which the Department responds to ATIP requests, by focusing on improving timeliness, efficiency and accuracy. We implemented concrete measures in FY 2007-2008 that allowed us to achieve these goals, and we continued to build on these improvements over the year. Some of the highlights are as follows:

- All available standard classes of records and standard Personal Information Banks (PIBs) were identified in *Info Source*. The ATIP Unit led a departmental working group with representatives from each branch, as well as experts from the Department's Information Management group to update the Department's institution specific classes of records descriptions and PIBs. The group's work is ongoing, and Public Safety expects that some of the required updates will be reflected in the 2009 *Info Source* publication.
- The Department's Management Committee was briefed on the status of the Department's information holdings as well as its obligations. The Committee agreed that the Department would continue registering required standard banks, ADMs would review the entries in *Info Source* to validate their currency, and the Department would respect statutory requirements in relation to any new program activities from this point forward.
- The Department has further engaged ADMs around timeliness of responding to ATIP requests through weekly reporting to senior management and quarterly reporting on meeting retrieval deadlines by Branch.
- The ATIP Unit moved its operations in November 2008 to the Department's headquarters at 269 Laurier Avenue West. The move has benefited the Department's performance on ATIP matters by improving access to Offices of Primary Interests (OPIs) and reducing the overall time needed to route most dockets.
- Despite a significant increase in consultations during this past year, the Department has remained committed to on-time performance in the face of the continued high volume of requests.



## Chapter I – Report on the *Privacy Act*

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### Challenges

#### Staffing

The ATIP Unit modified its organizational structure to allow greater flexibility in recruitment and is considering the creation of developmental positions in order to retain experienced employees while allowing for career progression. As with most federal institutions, recruitment and retention of qualified ATIP professionals continues to be a significant challenge. The challenge at Public Safety is further complicated by the requirement that many ATIP staff require security clearances at the very highest level given the nature of the Department's business.

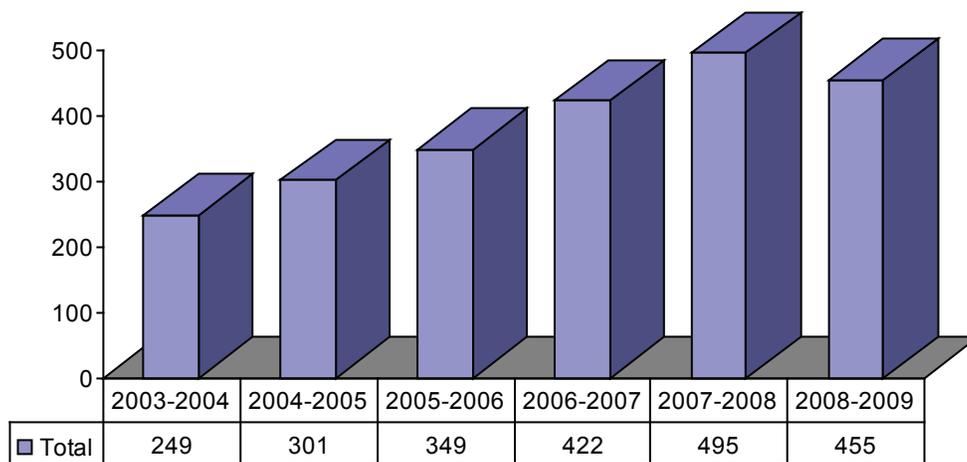
Public Safety continues to examine resources in the ATIP Unit.



### Overall Workload Trends

Annex B provides a summarized statistical report on *Privacy Act* requests processed by Public Safety Canada between April 1, 2008 and March 31, 2009. The following section provides explanations and interpretations of this statistical information by analyzing the workload trends.

**Figure 1 - Overall Workload Trend**



Over the past six years, the workload for the ATIP Unit has doubled. FY 2008-2009 saw a slight decrease in total volume from the previous year. Totals include formal Access and Privacy requests, and consultations from other institutions. The figures do not reflect requests processed informally or other services that the ATIP Unit provides to the Department.

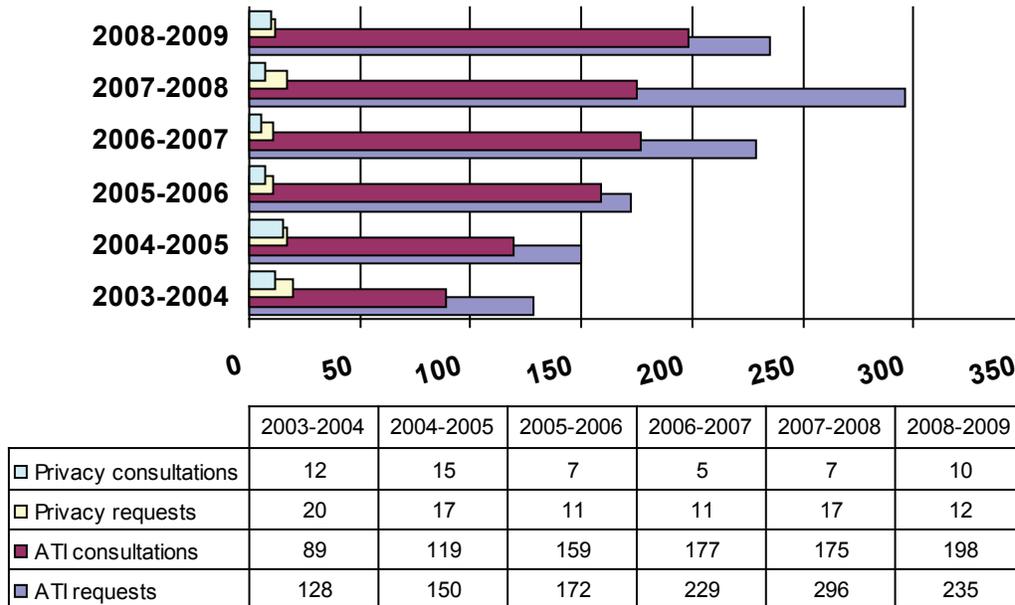
Public Safety Canada plays a role in coordinating activities involving federal institutions within the Public Safety portfolio as well as with other organizations at all levels of government on matters relating to the safety of Canadians. Consequently, the Department processes nearly as many consultation requests from other institutions as formal ATIP requests. ATI-related work continues to dominate the ATIP unit’s workload.

The following graph provides a categorical breakdown of workload trends over the past six years.



## Chapter II – Privacy Act Statistical Report

Figure 2 - Workload Trend by Category



### Requests Received Under the Privacy Act

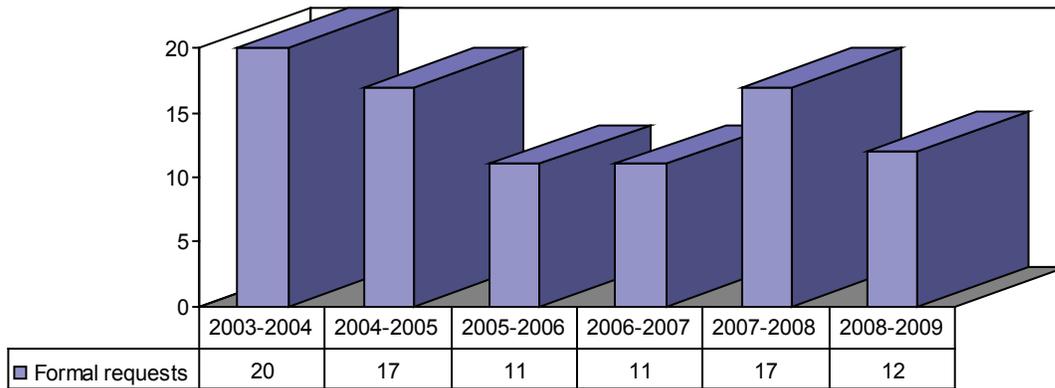
Throughout the year, the Department received twelve (12) new requests under the *Privacy Act*. Five (5) were carried forward from the previous year, resulting in a total of seventeen (17) requests for the 2008-2009 fiscal year. Of these requests, fifteen (15) were completed during the reporting period. Two (2) requests have been carried forward to the following reporting year.

The number of privacy requests has remained fairly constant over the years, and this number is not expected to increase significantly. Public Safety Canada collects little information directly from Canadians and therefore receives very few privacy requests. In comparison, portfolio agencies whose mandates are more operational in nature, such as the Royal Canadian Mounted Police (RCMP) and Correctional Service of Canada (CSC), receive thousands of privacy requests annually.

The following graph illustrates the number of formal *Privacy Act* requests received by the Department.



Figure 3 - Formal Privacy Requests Received by Public Safety Canada



### Extensions

Section 15 of the *Privacy Act* allows institutions to extend the legal deadline for processing a request if a search for responsive records cannot be completed within 30 days of receipt of the request or if the institution must consult with other institutions. During the 2008-2009 fiscal year, the Department invoked one (1) extension of 30 days or under due to interference with operations.

### Performance in Meeting Statutory Response Deadlines

Of the fifteen (15) completed requests, thirteen (13) were completed within 30 days. Two (2) requests were completed between 31-60 days.

### Disposition of Requests for 2008-2009

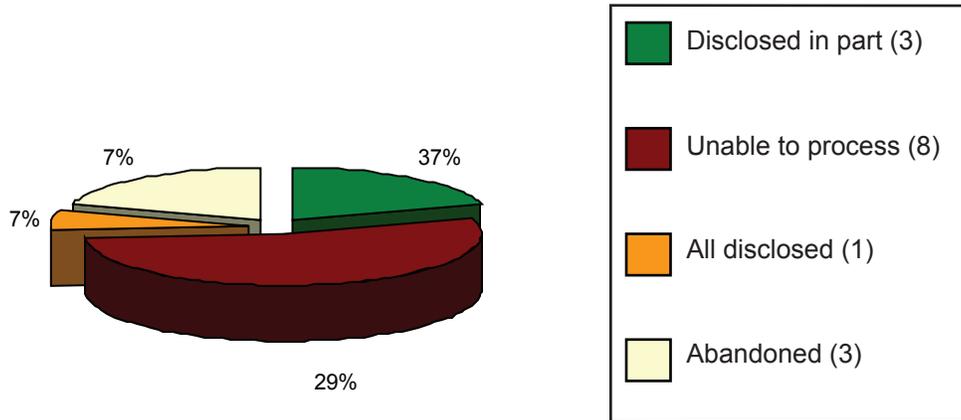
Most of the privacy requests received in Public Safety Canada’s ATIP Unit are intended for one of the institutions within the Public Safety portfolio, such as the RCMP, CSC, CBSA or CSIS. Therefore, the Department is unable to process most of the requests we receive, as the requested information is often not under the institution’s control.

The following graph identifies the decisions taken for requests completed during the year.



## Chapter II – Privacy Act Statistical Report

**Figure 4 - Disposition of Requests**



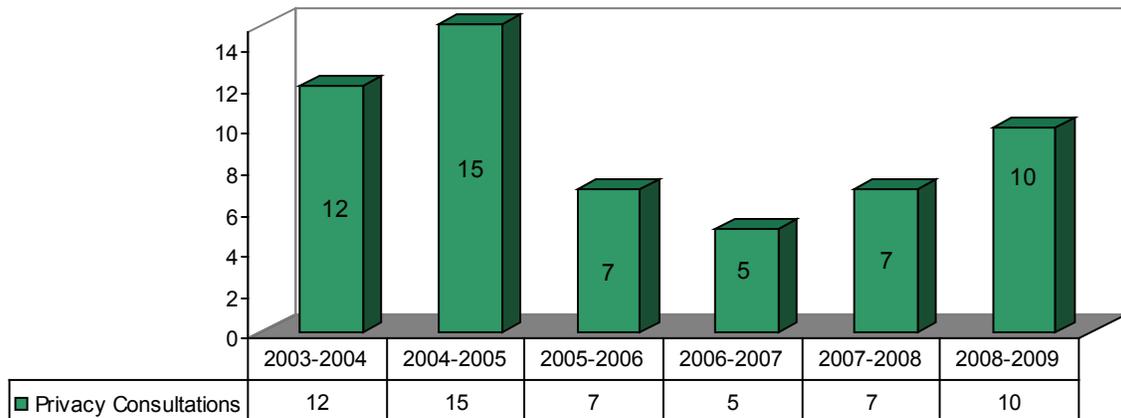
### Consultations from Other Institutions

The Department's role in coordinating with other federal institutions as well as those within the Public Safety portfolio has resulted in the Department having a greater interest in the records processed by other institutions. A significant amount of the ATIP Unit's workload involves responding to consultations in response to formal requests received by other institutions. These responsibilities are not reflected in the ATIP Unit's current resource levels.

The Department received a total of ten (10) consultations from other institutions processing requests under the *Privacy Act* in 2008-2009. The graph below summarizes the number of consultations received from other institutions over the past six years.



Figure 5 - Number of Privacy Consultations from Other Institutions



### Investigations

Two (2) complaints were filed with the Privacy Commissioner this year. The investigation of these complaints is ongoing.

### Appeals to the Court

No appeals to the Federal Court or the Federal Court of Appeal were submitted for the reporting year.

### Training

The Department did not deliver any training to departmental employees with regard to their responsibilities respecting the *Privacy Act* throughout the reporting year.

### Privacy Impact Assessments Completed During the Year

No Privacy Impact Assessments were completed during the reporting period.

### Data Matching and Data Sharing Activities Reported for the Period

There were no data matching or data sharing activities to report.



## Chapter II – *Privacy Act* Statistical Report

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### **Disclosures Pursuant to Paragraphs 8(2)(e), (f), (g) and (m) of the *Privacy Act***

Subsection 8(2) of the *Privacy Act* provides limited and specific circumstances under which institutions may disclose personal information without an individual's consent. Treasury Board Secretariat identified four categories of disclosures made by virtue of specific paragraphs of this subsection that institutions must include in this year's annual report. These categories concern disclosures made for law enforcement purposes, to Members of Parliament and those made in the public interest.

During the reporting period, Public Safety Canada did not disclose personal information pursuant to paragraphs 8(2)(e), (f), (g) and (m) of the *Privacy Act*.



Privacy Act Delegation Order

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

The Minister of Public Safety and Emergency Preparedness Canada, pursuant to section 73 of the *Privacy Act*\*, 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 Department of Public Safety and Emergency Preparedness Canada, under the sections of the Act set out in the schedule opposite each position.

En vertu de l'article 73 de la *Loi sur la protection des renseignements personnels*\*, le Ministre de la Sécurité publique et Protection civile Canada 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 ministère de la Sécurité publique et Protection civile Canada, investi par les articles de la Loi mentionnés en regard de chaque poste.

Schedule

Annexe

<u>Position</u>	<u>Sections of the Privacy Act</u>
<u>Poste</u>	<u>Articles de la Loi sur la protection des renseignements personnels</u>
Deputy Minister and Associate Deputy Minister Sous-ministre et Sous-ministre délégué	8(2)(e), 8(2)(j), 8(2)(m), 8(4), 8(5), 9, 10, 14, 15, 16(2), 17(2), 17(3)(b), 18(2), 19 to/à 28 incl., 33(2), 35(1)(b) 35(4), 36(3)(b), 51(2)(b), 51(3); Reg./Règ. 9, 11(2), 11(4), 13(1), 14.
Senior Assistant Deputy Minister and the Assistant Deputy Ministers Sous-ministre adjoint principal et les sous-ministres adjoints	8(2)(e), 8(2)(j), 8(2)(m), 8(4), 8(5), 9, 10, 14, 15, 16(2), 17(2), 17(3)(b), 18(2), 19 to/à 28 incl., 33(2), 35(1)(b), 35(4), 36(3)(b), 51(2)(b), 51(3); Reg./Règ. 9, 11(2), 11(4), 13(1), 14.

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Schedule

Annexe

Position

Sections of the Privacy Act

Poste

Articles de la Loi sur la protection des renseignements personnels

Access to Information and Privacy Coordinator

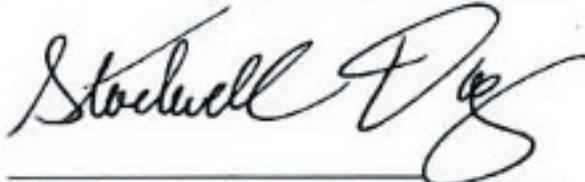
8(4), 8(5), 9, 10, 14, 15, 16, 17(2), 17(3)(b), 18(2), 33(2), 35(1)(b), 35(4), 36(3)(b); Reg./Règ. 9, 11(2), 11(4), 13(1), 14.

Coordonnateur, Accès à l'information et protection des renseignements personnels

Dated, at the City of Ottawa, this  
\_\_\_\_ th day of \_\_\_\_\_, 2006.

Daté, en la ville d'Ottawa, ce \_\_\_\_ ième jour de \_\_\_\_\_, 2006.

JUL 26 2006



Stockwell Day, P.C., M.P. / Stockwell Day, C.P., député

Public Safety and  
Emergency Preparedness Canada

Sécurité publique et  
Protection civile Canada

# Annex B: Statistical Report – Privacy Act



## REPORT ON THE PRIVACY ACT

## RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution <b>PUBLIC SAFETY CANADA SÉCURITÉ PUBLIQUE CANADA</b>	Reporting period / Période visée par le rapport <b>4/1/2008 to/à 3/31/2009</b>
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### I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels

Received during reporting period / Reçues pendant la période visée par le rapport	12
Outstanding from previous period / En suspens depuis la période antérieure	5
<b>TOTAL</b>	<b>17</b>
Completed during reporting period / Traitées pendant la période visée par le rapport	15
Carried forward / Reportées	2

### II Disposition of requests completed / Disposition à l'égard des demandes traitées

1. All disclosed / Communication totale	1
2. Disclosed in part / Communication partielle	3
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0
4. Nothing disclosed (exempt) / Aucune communication (exemption)	0
5. Unable to process / Traitement impossible	8
6. Abandoned by applicant / Abandon de la demande	3
7. Transferred / Transmission	0
<b>TOTAL</b>	<b>15</b>

### III Exemptions invoked / Exceptions invoquées

S. Art. 18(2)	0
S. Art. 19(1)(a)	0
(b)	0
(c)	0
(d)	0
S. Art. 20	0
S. Art. 21	0
S. Art. 22(1)(a)	0
(b)	0
(c)	0
S. Art. 22(2)	0
S. Art. 23(a)	0
(b)	0
S. Art. 24	0
S. Art. 25	1
S. Art. 26	3
S. Art. 27	1
S. Art. 28	0

### IV Exclusions cited / Exclusions citées

S. Art. 69(1)(a)	0
(b)	0
S. Art. 70(1)(a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

### V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	13
31 to 60 days / De 31 à 60 jours	2
61 to 120 days / De 61 à 120 jours	0
121 days or over / 121 jours ou plus	0

### VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Interference with operations / Interruption des opérations	1	0
Consultation	0	0
Translation / Traduction	0	0
<b>TOTAL</b>	<b>1</b>	<b>0</b>

### VII Translations / Traductions

Translations requested / Traductions demandées	0
Translations prepared / Traductions préparées	0
English to French / De l'anglais au français	0
French to English / Du français à l'anglais	0

### VIII Method of access / Méthode de consultation

Copies given / Copies de l'original	4
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

### IX Corrections and notation / Corrections et mention

Corrections requested / Corrections demandées	0
Corrections made / Corrections effectuées	0
Notation attached / Mention annexée	0

### X Costs / Coûts

Financial (all reasons) / Financiers (raisons)	(\$000)
Salary / Traitement	32,536.5
Administration (O and M) / Administration (fonctionnement et maintien)	9,884.5
<b>TOTAL</b>	<b>42,421.0</b>
<b>Person year utilization (all reasons) / Années-personnes utilisées (raisons)</b>	
Person year (decimal format) / Années-personnes (nombre décimal)	0.50

## Supplemental Reporting Requirements for 2008-2009

Treasury Board Secretariat is monitoring compliance with the Privacy Impact Assessment (PIA) Policy (which came into effect on May 2, 2002) through a variety of means. Institutions are therefore required to report the following information for this reporting period.

Indicate the number of:

Preliminary Privacy Impact Assessments initiated:.....0

Preliminary Privacy Impact Assessments completed:.....0

Privacy Impact Assessments initiated:.....0

Privacy Impact Assessments completed:.....0

Privacy Impact Assessments forwarded to the Office  
of the Privacy Commissioner (OPC): ..... 1

