

**Office of the Privacy Commissioner
of Canada**

2004-2005

**Departmental Performance Report
for the period ending March 31, 2005**

Approved by: _____ Date: _____

The Honourable Irwin Cotler, P.C., M.P.
Minister of Justice and Attorney General of Canada

Table of Contents

Section I – Overview

Commissioner’s message.....	1
Management Representation Statement.....	2
Raison d’être	3
Summary of Resources	4
Overall performance	4

Section II - Analysis of Performance by Strategic Outcome

Strategic Outcome 1: To be an effective guardian by assessing and promoting government and private sector compliance with privacy obligations.....	9
Strategic Outcome 2: To be Parliament’s window on privacy issues.....	16
Strategic Outcome 3: To foster an understanding of privacy rights and obligations.....	20

Section III - Supplementary Information

Organization.....	24
Financial Performance and Tables.....	27
Response to Parliamentary Committee and Audit Reports.....	31

Section IV - Other Sources of Information.....

32

SECTION I – OVERVIEW

Commissioner's Message

I am pleased to present to Parliament the Departmental Performance Report of the Office of the Privacy Commissioner of Canada for the fiscal year ending March 31, 2005, which highlights the accomplishments of our Office toward achieving strategic outcomes aimed at protecting and promoting the privacy rights of Canadians.

Given the authority provided to me as an Agent of Parliament and as an independent ombudsman with a broad mandate, I have an important responsibility to ensure that both federal departments and agencies under the *Privacy Act* and companies in the private sector under the *Personal Information and Electronic Documents Act* are held accountable for their personal information-handling practices and that the public is informed about their rights.

Today's privacy environment is very complex and knows no borders. Privacy rights are increasingly being eroded with advances in technology, the growth of commercial interests in exploiting personal data and governmental responses to concerns about public safety and national security. Canadians too are becoming more aware of their privacy rights and are beginning to challenge the implications of technology in all areas and its often adverse impact on the protection of personal information.

In this rapidly changing privacy environment, our Office must show leadership in the challenge of defining privacy standards for Canadians. This report sets out the dedication and commitment of our Office to Parliament and to Canadians that personal information rights will be protected through our best efforts, and, more specifically through the measures and activities described in the following pages.

Management Representation Statement

I submit for tabling in Parliament, the 2004-2005 Departmental Performance Report (DPR) for the Office of the Privacy Commissioner of Canada.

This document has been prepared based on the reporting principles contained in the Treasury Board of Canada Secretariat's *Guide for the preparation of 2004-2005 Departmental Performance Reports*:

- It adheres to the specific reporting requirements;
- It uses an approved Business Lines structure;
- It presents consistent, comprehensive, balanced and accurate information;
- It provides a basis of accountability for the results pursued or achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved numbers from the Estimates and the Public Accounts of Canada.

Jennifer Stoddart
Privacy Commissioner of Canada

Raison d'être

Our mission is to protect and promote privacy rights of individuals.

Our mandate is to oversee the application of the *Personal Information Protection and Electronic Documents Act (PIPEDA)* and the *Privacy Act* and within that context to protect and promote privacy.

The Privacy Commissioner of Canada, Jennifer Stoddart, is an Agent of Parliament who reports directly to the House of Commons and the Senate. In addition to the Privacy Commissioner, the Office has two Assistant Privacy Commissioners. Raymond D'Aoust is responsible for the *Privacy Act*, which covers the personal information-handling practices of federal government departments and agencies, and Heather Black is responsible for *PIPEDA*, Canada's federal private sector privacy law.

The Commissioner is an advocate for the privacy rights of Canadians whose powers include:

- investigating complaints and conducting audits under two federal laws;
- publishing information about personal information-handling practices in the public and private sector;
- conducting research into privacy issues; and
- promoting awareness and understanding of privacy issues by the Canadian public.

The Commissioner works independently from any other part of the government to investigate complaints from individuals with respect to the federal public sector and the private sector.

Individuals may complain to the Commissioner about any matter specified in Section 29 of the *Privacy Act*. This Act applies to personal information held by the Government of Canada.

For matters relating to personal information in the private sector, the Commissioner may investigate all complaints under Section 11 of *PIPEDA* except in the provinces that have adopted substantially similar privacy legislation. To date, Quebec, British Columbia, and Alberta are the only provinces with legislation deemed to be substantially similar. However even in these three provinces, *PIPEDA* continues to apply to personal information collected, used or disclosed by federally-regulated organizations throughout Canada, and to all personal information in interprovincial and international transactions by all organizations subject to the Act in the course of their commercial activities. At the time of writing, Industry Canada had issued a proposal order that would declare Ontario's *Personal Health Information Protection Act, 2004* to be substantially similar to *PIPEDA*, as it relates to personal health information.

Mediation and conciliation, with a view to corrective action if necessary, are the preferred approaches to complaint resolution. However, the Commissioner has the power to summon witnesses, administer oaths and compel the production of evidence if voluntary co-operation is not forthcoming. In certain circumstances, the Commissioner may take cases to the Federal Court.

Summary Resource Information

Total Financial Resources (in thousands of dollars)

Planned Spending	Total Authorities	Actual
\$11,363	\$12,070	\$11,737

Total Human Resources (in Full Time Equivalents FTEs)

Planned Utilization	Actual
100 FTEs	81.4 FTEs

The variance in the use of FTEs (under-utilization) was the result of staffing delays. Therefore the salary surpluses were reallocated to fund other priorities such as: a business process review of the entire organization, IT system upgrades, completion of a preliminary report on Information Management, clearing some of the backlog in privacy impact assessments (PIAs), and enhancing our Contributions Program.

Factors Affecting the OPC – Overall Performance

National Security and Public Security

From a privacy perspective, issues related to national security and the transborder flows of personal information dominated the past year.

Governments throughout the world, including the Government of Canada, continue to introduce measures to increase security based on the premise that if law enforcement and national security agencies have access to enough personal information about all of us we will have a safer, more secure society.

In April 2004, the Canadian Government issued its first National Security Policy. The Policy promised to create an “Integrated Threat Assessment Centre” to facilitate the collection and analysis of intelligence and other information. The policy also talked about “building a 21st century border” and “developing a next generation smart borders agenda with the United States and Mexico.”

In May 2004, the *Public Safety Act* was passed. The Act allows the Minister of Transport, the Commissioner of the RCMP and the Director of Canadian Security Intelligence Service (CSIS) to compel air carriers and operators of aviation reservation systems to provide them, without a warrant, with information about passengers. The *Public Safety Act* also allows the information to be used to identify passengers for whom there are outstanding arrest warrants for a wide range of criminal offences. The Act amends the *Personal Information Protection and Electronic*

Documents Act (PIPEDA) to allow organizations to collect personal information, without consent, for the purposes of disclosing this information to government, law enforcement and national security agencies. Allowing private sector organizations to collect personal information without consent for the purpose of disclosing this information to government, law enforcement and national security agencies effectively co-opts private sector organizations by pressing them into service in support of law enforcement activities and dangerously blurs the line between the private sector and the state.

The machinery of government has been reorganized with the creation of a new Department, Public Safety and Emergency Preparedness Canada, and new agencies such as the Canada Border Services Agency (CBSA). One of the purposes of this reorganization is to facilitate the sharing of information among what had been separate entities.

The Office has had to respond to the privacy implications of these types of legislative and government initiatives by allocating substantial audit, legal, policy and research resources to assess departmental operations, proposed legislation and to provide advice to Parliamentary committees.

Transborder Flows of Information

Personal information in Canada is well protected by federal and provincial privacy legislation, but information travels readily across jurisdictional boundaries, and personal information may find its way to jurisdictions that do not provide the protections that Canadians expect. This can occur through transfers of personal information from one government to another, from private companies directly to foreign governments, or from private companies to other private companies, or to other geographic locations within the company. Outsourcing of information processing operations by government or private sector organizations has become commonplace.

Organizations operating in a foreign country that hold personal information about Canadians in that country must comply with the laws of that country and thus would be required to disclose personal information in response to a court order or lawful authority. This means that when a Canadian company outsources the processing of personal information to the United States, that information may be accessible under United States law. Concerns are being raised about information sharing with the United States, particularly given the lack of oversight over the collection, use and disclosure of personal information by US federal departments and agencies. Critics have argued that outsourcing to American companies could potentially allow US agencies such as the FBI to obtain personal information about Canadians from the American company under the *USA PATRIOT Act*. In addition, the United States *Privacy Act of 1974* does not apply to foreign nationals, thereby depriving Canadians and the citizens of other countries of certain privacy protections—including access and redress rights—under U.S. law.

Our Office responded to this issue in a number of ways. We provided a submission to the British Columbia Information and Privacy Commissioner's public enquiry into the implications of the *USA PATRIOT Act* for personal information holdings about Canadian citizens held by Canadian and American firms. This enquiry examined whether "the *ACT* permit[s] United States authorities to access personal information of British Columbians that is, through the outsourcing of public services, in the custody or under the control of USA-linked private sector service providers?" We joined Commissioner David Loukidelis in support of his recommendations to the

federal government concerning audits of information-sharing agreements and data-mining practices. We issued two press releases (August and October 2004) supporting a public debate and further examination of transfer of personal information about Canadians across borders. We also wrote in early 2005 to the President of the Treasury Board to urge the federal government to review the implications of its outsourcing of personal information and to develop contractual clauses to protect personal information when it is transferred to third parties for processing.

The Office has had to respond to the privacy implications of the transborder flows of information to provide advice to Parliamentary committees and be responsive to media enquiries. It has also dedicated audit resources to assess the impact of the issue and has initiated an audit of the Canada Border Services Agency.

Full Year of PIPEDA Implementation

Since January 1, 2004, the application of the *Personal Information Protection and Electronic Documents Act (PIPEDA)* has been expanded. The Act now applies to the collection, use or disclosure of personal information in the course of any commercial activity within a province, except in those provinces that have adopted substantially similar privacy legislation. To date, British Columbia, Alberta and Quebec are the only provinces with legislation that has been deemed substantially similar. In order to minimize duplication of effort and maximize benefits for all Canadians, the OPC has held discussions with its provincial counterparts resulting in a coordinated approach to the handling of complaints where the complaint is against an organization in these provinces.

As a result of the full implementation of *PIPEDA*, Canadians have significantly increased their demands for the services of the Office in areas of inquiries, complaints, and educational and informational materials.

Proliferation of Surveillance Technologies

We continue to see a growing use of new technologies that allow or require the collection, use, or disclosure of personal information. These technologies are widespread, and easily available to government bodies, law enforcement and national security agencies, businesses, and even individuals. These range from video surveillance cameras, Internet-transmitted spy ware, and "black boxes" in cars to infrared heat sensors, radio-frequency identification tags, and data mining. The means by which personal information can be collected from individuals without their consent and often without their knowledge are rapidly expanding.

These cutting-edge technologies often promise to make our lives easier, more comfortable, more secure, and less risky, but they can pose serious threats to privacy if we do not assert control over them by applying fair information principles and exercising oversight. These principles can be found in the *Personal Information Protection and Electronic Documents Act (PIPEDA)* which guides how personal information can be collected, used and disclosed.

In 2004-2005, the Office responded to complaints about organizations using technologies that track the location of their employees. The Office has monitored and discussed the use of these

technologies by government departments and agencies. The investigations are still ongoing. We have also responded to public concerns and media enquiries.

External Factors Affecting Privacy

The societal, political, technological and economic trends discussed in the preceding section influence our activities and their outcomes, and the demands on and allocation of our resources. The Office's ability to respond and meet these challenges is also affected by budget constraints (lack of permanent funding), constraints on staffing (suspension of staffing delegation), and the need to bring closure to legacy issues.

Internal Factors Affecting Program Delivery

The 2003-2004 Performance Report to Parliament described the substantial progress made by the Office in meeting the challenges which followed the resignation of the previous commissioner and correcting the problems which had developed in the administration of the Office.

Two major internal challenges remained: the staffing of vacant positions and obtaining an appropriate multi-year budget for the Office.

Staffing of Vacant Positions

Over the past two years, the Office has established corrective measures in Human Resource management to respond to the deficiencies identified in audits. While these corrective measures are necessary, they have also significantly increased the time required to fill vacancies. Expanding the area of selection to ensure an adequate and representative pool of candidates has resulted in a significant increase of candidates, thereby increasing the time and resources needed to process applications. Delays in filling vacancies combined with an increase in the number of complaints, inquiries and reviews have created backlogs in several branches of the OPC.

Establishing the Appropriate Multi-year Budget for the Office

In accordance with decisions of the Treasury Board, the Office must present a business case containing long-term solutions and options for its multi-year budgets. In preparation for the business case, the Office has had to devote considerable resources to analyzing business processes and workloads. The business case will be presented in October 2005 to a new joint parliamentary committee with the mandate to review and recommend the budget levels for Officers of Parliament.

Alignment of OPC Outcomes with the Government of Canada's Outcomes

All of the OPC's strategic outcomes contribute to and support the overall objectives of the Government of Canada as identified by the Treasury Board of Canada in *Canada's Performance Report*. Specifically the third OPC strategic outcome "*To foster understanding of privacy rights and obligations*" supports the Government's objective of an informed and engaged Canadian public.

The next section of this report provides an analysis of the Office's operational and financial performance for each of its three strategic outcomes:

- Strategic Outcome 1: To be an effective privacy guardian by assessing and promoting government and private sector compliance with privacy obligations
- Strategic Outcome 2: To be Parliament's window on privacy issues
- Strategic Outcome 3: To foster understanding of privacy rights and obligations

Section II

ANALYSIS OF PERFORMANCE BY STRATEGIC OUTCOME

Strategic Outcome 1: To be an effective privacy guardian by assessing and promoting government and private sector compliance with privacy obligations.

The Office seeks to attain this outcome by responding to inquiries, investigating complaints, conducting audits of the privacy practices of public and private sector organizations, defending privacy rights in Federal Court and by disseminating information about personal information-handling practices in the public and private sector.

Services Provided and Organizational Responsibilities

The Investigations and Inquiries Branch is responsible for investigating complaints received from individuals and incidents of mismanagement of personal information. Last year, the Branch's Inquiries Division responded to 17,576 inquiries from the general public and from organizations who contacted the Office for advice and assistance on a wide range of privacy-related issues.

The Audit and Review Branch audits organizations to assess their compliance with the requirements set out in the two federal privacy laws. The Branch also analyses and provides recommendations on Privacy Impact Assessment Reports (PIAs) submitted to the Office pursuant to the Treasury Board's PIA Policy.

Legal Services provides the necessary specialized legal advice and litigation support to the Investigations and Inquiries Branch, as well as the Audit and Review Branch, to support the proper interpretation and application of our enabling legislation. Legal Services also represents the OPC in privacy matters that proceed before the Federal Court.

Resources Used

	Planned	Actual
Financial Resources - 000\$	\$5,344	\$5,520
Human Resources - FTEs	47.0	38.3

Plans, Priorities and Commitments

The following table sets out the OPC's priorities and commitments for 2004-2005 and its actual accomplishments.

Strategic Outcome 1: To be an effective privacy guardian by assessing and promoting government and private sector compliance with privacy obligations	
<i>Commitments and Expected Results</i>	<i>Actual Performance</i>

Priority: Ensure fair, effective and efficient handling of privacy inquiries and complaints

Investigations and Inquiries

Promote alternative dispute resolution as a means of resolving complaints more quickly and efficiently.

Respond to the increasing *PIPEDA*-related workload by introducing innovative and creative means to make our processes for handling inquiries and for carrying out investigations more effective, timely and less administratively onerous.

Implement an automated telephone answering application to assist in handling routine information requests and to help us cope with the increased volume of inquiries and free up the time of Inquiries Officers to deal with more complex requests.

We have focused on resolving issues early and quickly in the management of our investigations, and on reducing administrative delays. We have introduced a new disposition for complaints under the *Privacy Act* and *PIPEDA*; “Early Resolution” for cases where the individual’s concern was satisfactorily addressed before a formal investigation was undertaken. In the past year, 87 complaints under the *Privacy Act* and 24 under *PIPEDA* were concluded in this manner.

In addition, we have implemented two new dispositions for *PIPEDA* complaints; “Settled” for those cases that were satisfactorily addressed during the investigation, and “Resolved” for those cases where a privacy violation occurred but, as a result of our intervention, the matter was corrected. 34 *PIPEDA* complaints were considered resolved. 161 *PIPEDA* complaints were settled, resulting in significant savings in time for complainants, respondents and the Office.

A major initiative has been the undertaking of a full and formal business process review of our investigation and inquiries processes. We are analyzing the results of the review and will incorporate practicable recommendations into our operations in 2005-2006.

We have streamlined our processes for Time Limit and Correction Time Limit complaints under the *Privacy Act*. We have also introduced a streamlined process for dealing with disclosures of personal information in the public interest under section 8(2)(m) of the *Privacy Act*. Our automated telephone answering application was implemented in August 2004.

We try whenever possible to limit time spent on telephone inquiries to a maximum of 10 minutes. This enables us to answer more calls; it also frees up resources for dealing with the more complex requests.

We have developed standardized letters of reply for inquirers, which provide general information on various privacy-related topics.

<p>Streamline administrative aspects of our investigation process by completing the roll-out of a new caseload management system called IIA that will facilitate caseload tracking and reporting, as well as give us better tools for managing <i>PIPEDA</i>-related investigations.</p>	<p>We have completed the roll-out of our refined case management system which can now automatically generate more meaningful data and reports. As well, we refined and added to our letter templates to ensure that the results of our investigations are communicated in a clear and useful manner.</p>
<p>Enhance our Web site to make a wider variety of privacy-related material available and direct people to it where possible.</p>	<p>To support the enhancement of the OPC's Web site, we continue to identify topics of importance to the citizens and organizations, based on "frequently asked questions" and at the feedback on the site; and develop and update material such as fact sheets on workplace privacy and on the application of <i>PIPEDA</i> to the activities of municipalities, universities, schools, and hospitals, often referred to as the "MUSH" sector, and "best practices" guides for posting on the OPC's Web site. We frequently refer callers to these sources of information made available on our Web site. During the last six months, we have seen a 41% increase in Web site hits peaking at 94,000.</p>
<p>Develop the expertise to respond to complaints and inquires related to sectors of the economy that became subject to <i>PIPEDA</i> on January 1, 2004 such as the retail sector, manufacturing, the resource industry, the service sector and the entire financial services industry.</p>	<p>We now have experience in significant sectors of the economy that were new to us in 2004, and have developed expertise in dealing with complaints involving the collection, use, and disclosure of personal information in, notably, retail sales and the insurance industry.</p>
<p><i>Federal Provincial Coordination</i></p>	<p>We have instituted monthly conference calls with our counterparts in Alberta and B.C. In addition, we conduct <i>ad hoc</i> consultations with these offices when jurisdictional issues arise with respect to particular complaints.</p>
<p>Work with provincial commissioners to harmonize complaint-handling activities for those privacy investigations which involve federal-provincial cross-jurisdictional issues under <i>PIPEDA</i>. This would minimize duplication of effort and maximize benefits for all Canadians.</p>	<p>Our harmonization initiatives have resulted in the development of clear procedures to avoid duplication of effort when complaints involve more than one jurisdiction. We also conducted a joint investigation into a complaint with the Alberta office.</p>
<p><i>Security, Technology and Privacy</i></p>	<p>We held a Federal-Provincial investigators' conference in Regina. In light of the success of this event, we have decided to hold a conference annually, varying the location to accommodate the Provincial offices.</p>
<p>The tension between protection of privacy and the need to identify</p>	<p>The requirement under Treasury Board's PIA Policy to conduct PIAs on all new programs and services that raise</p>

<p>individuals will increase and privacy considerations will be pitted against security considerations. This Office will need to develop a set of cogent criteria, based on fair information principles, to assess the privacy risks and opportunities of technology.</p>	<p>privacy issues, and to share these reports with the Office, offers the OPC a window into how new technologies are being employed in the service of public administration and their impact on privacy.</p> <p>The Research and Policy Branch has begun the process of applying fair information practices to a range of new technologies and is consulting with various stakeholders before releasing best practices on video surveillance and other commissioners on radio frequency identification devices (RFIDs) prior to release of materials.</p> <p><u>Other Achievements</u></p> <p>In order to improve our oversight of <i>PIPEDA</i>, we have integrated systematic follow-up of our recommendations into the complaints investigation process.</p> <p>OPC Legal Services participated actively in several court cases this past year, six of which resulted in substantive decisions on the merits that have significantly advanced privacy law in Canada, while several of the others were discontinued, dismissed or settled out of court. In addition, Legal Services prepared, coordinated and responded to several procedural motions in ongoing cases in which we continue to be involved directly as a party. Legal Services also closely monitored other cases in which OPC was not directly involved, but the implications of which may be very significant for the development of privacy law in Canada.</p>
<p>Priority: Maximize the effectiveness of the audit and review process as applied to both the public sector and the private sector</p>	
<p>Reviews – <i>Privacy Act</i></p> <p>Reflecting the increased emphasis on national security and the international fight against terrorism, our audits and reviews under the <i>Privacy Act</i> will focus on information sharing among federal departments and agencies and information-sharing agreements with foreign governments.</p>	<p>The Office issued letters to the RCMP, CSIS and CSE to communicate the results of reviews undertaken for the purposes of assessing the privacy impact of post September 11, 2001 activities on these entities. These limited scope reviews did not identify significant non-compliance with the <i>Privacy Act</i>. The Office, however, did share with the RCMP concern about the absence of adequate privacy safeguards in agreements or arrangements governing the sharing of personal information between the RCMP and its INSET and IBET partners.</p>

	<p>The Office completed the analysis of results of an examination of information-sharing agreements and memoranda of understanding between Canada and the United States in 11 different federal departments and agencies. The survey revealed that many of these information-sharing instruments were lacking in critical privacy safeguards. For example, over half of the instruments examined did not contain a “third agency” clause (notification to the data source of the disclosure of data to a third party), over half were silent on issues relating to the authorized use, retention, disposal and disclosure of personal information, and only one instrument had a provisions for audit.</p> <p>The Audit and Review Branch initiated an audit of the Canada Border Services Agency to examine trans-border flow of personal information. Final reports were issued on the personal information management practices of the Canada Industrial Relations Board (CIRB) and the Canadian Forces Grievances Board (CFGB).</p> <p>As regards to the CIRB, the review determined that there was general compliance with the <i>Privacy Act</i>. However, several matters requiring remedial attention were identified, including the need to develop policies and protocols regarding the protection of operational files and information contained in portable computers carried off-site. The review further remarked on the need for case files to be properly identified according to their respective security designation and that attention was needed to properly dispose of records. The review of the CFGB revealed a high level of compliance with the <i>Privacy Act</i>, though some remedial action was recommended to enhance client notification and improve security through the development of protocols governing the use of faxes to transmit personal information.</p>
<p>Audits – <i>PIPEDA</i></p> <p>OPC cannot predict the level of audit activities under <i>PIPEDA</i> because the Act stipulates that the Privacy Commissioner must have reasonable grounds to believe that an organization is contravening the law before initiating an audit.</p>	<p>A project was initiated to determine and test the basis upon which audits under <i>PIPEDA</i> could be selected and initiated.</p> <p>Another related project was initiated to develop an audit self assessment tool. This would help organizations ensure compliance with the requirements of <i>PIPEDA</i> and to promote good personal information management practices.</p>

	<p>A survey of the use of Radio Frequency Identification Devices (RFIDs) in the private sector was also initiated during fiscal year 2004-05.</p>
<p>Priority: Effectively assess the privacy impact of government initiatives</p>	
<p>In 2002, Canada became the first country in the world to make privacy impact assessments (PIAs) mandatory for all federal departments and agencies. The Treasury Board's PIA policy is intended to protect the privacy of Canadians in all transactions with the government by ensuring that privacy considerations are built into government projects at the outset. Assessing the privacy impact up-front assists managers and decision-makers in avoiding or mitigating privacy risks and promoting fully informed policy, program and system design choices.</p>	<p>The Audit and Review Branch continued to evaluate Privacy Impact Assessments (PIAs) and Pre-Privacy Impact Assessments (PPIAs) submitted to the OPC for review. During the year the Branch issued 43 letters reporting the results of PIA/PPIA reviews.</p> <p>Steps were taken to improve the PIA/PPIA review process. During the year, a standard assessment methodology was developed, routine quality control procedures were implemented, and a business case drafted to support the funding of PIA review requirements of the OPC.</p> <p>Despite these efforts, and some additional resources coming available during the last months of the fiscal year, there was a backlog of 57 submissions pending review as of March 31, 2005 due to lack of sufficient resources to keep pace with the number and complexity of submissions.</p> <p>During the year, 17 data-linking proposals were completed pursuant to Human Resources and Skills Development Canada (HRSDC) - <i>Governance Protocols</i> for research involving data linkages. Based on the success of the <i>Governance Protocols</i> a change was made in the reporting arrangement with HRSDC to eliminate the mandatory and now unnecessary OPC review of data-linking proposals.</p> <p>Over the course of the past year the Branch received and evaluated 5 data matching proposals as mandated under the Treasury Board Policy on Data Matching. The OPC was also involved in consultations with Treasury Board to modernize the current Data Matching Policy.</p>

Performance Indicators – Inquiries & Investigations Branch and Audit & Review Branch

Indicator	2002-2003	2003-2004	2004-2005
Number of investigations completed - <i>Privacy Act</i>	3,483	3,134	2,407
Number of investigations completed – <i>PIPEDA</i>	176	304	425
Number of complaints settled (through alternative dispute resolution) – <i>Privacy Act</i> (includes Early resolution and Settled)	235	265	292
Number of complaints settled (through alternative dispute resolution) – <i>PIPEDA</i> (includes Early resolution and Settled)	0	29	185
Completed Incident investigations – <i>Privacy Act</i>	32	30	24
Completed Incident investigations – <i>PIPEDA</i>	5	10	7
Number inquiries handled	13,564	20,166	17,576
Number of PIA and PPIAs completed	17	31	43

In the last year, we closed 2,407 *Privacy Act* complaints, over 800 more than received in the year. This was an exceptional year because almost 1,000 of those complaints were from one group of individuals – correctional officers requesting copies of their employee personnel files. As many were similar in nature, they represented somewhat less work than 1,000 unique complaints. With the addition of an Early Resolution disposition, we were able to close 292 cases, either by early resolution or settling the complaint during the course of the investigation.

We also closed 425 *PIPEDA* complaints this last year. This number was attained by settling the complaints during the investigation or by early resolution disposition in 185 cases. This represented almost 44% of the completed cases.

We responded to 17,576 inquiries this past year, down from 20,166 the past year. While the actual numbers of inquiries was lower than the previous year, several modifications to how we handle inquiries led to fewer being counted. In August 2004, we implemented an automated telephone system to respond to streamline our approach and to build efficiencies into the system, to respond to the most frequently requested general information questions such as those about identity theft, telemarketing and the Social Insurance Number. We also continued to add information to our Web site to deal with frequently asked questions from callers. However, at the beginning of February 2004, we were no longer able to accept inquiries or complaints by e-mail due to our resource limitations. We invited individuals to telephone during our regular office hours, and found that we were often better able to determine an inquirer's needs.

The Office continues to struggle to keep pace with the increasing volume and complexity of PIA and PPIA reports submitted to the OPC for review. Lack of resources to support this practice has created a mounting backlog of submissions. Failure to respond to departmental requests for feedback in a timely fashion threatens to undermine the efficacy of the policy.

Performance Indicators – Legal Services

Indicators	2003-2004	2004-2005
Number of court cases under the <i>Privacy Act</i> in which the Privacy Commissioner was involved	9	5
Number of court cases under the <i>Privacy Act</i> that the Privacy Commissioner monitored	12	12
Number of court cases under the <i>PIPEDA</i> in which the Privacy Commissioner was involved	10	17
Number of court cases under the <i>PIPEDA</i> that the Privacy Commissioner monitored	9	9

The Privacy Commissioner was a party in several cases proceeding in the Federal Court and the Federal Court of Appeal as shown in the above table. The Privacy Commissioner also closely monitored different cases proceeding under the *Privacy Act* and the *PIPEDA* in order to assess potential implications for privacy rights in Canada and to determine whether to intervene to ensure the proper application of the legislation.

Strategic Outcome 2: To be Parliament's window on privacy issues.

Acting as Parliament's window on privacy issues primarily involves bringing issues to the attention of Parliament that have an impact on the privacy rights of Canadians and the protection of their personal information. We do this in a number of ways: by tabling our Annual Report to Parliament; by appearing before House and Senate committees to comment on the privacy implications of proposed legislation and government initiatives; and by identifying issues that we believe should be brought to Parliament's attention.

Acting as Parliament's window also involves serving as the medium through which Parliament can become better informed about privacy issues. In this role, the OPC acts as a centre of expertise on privacy issues. This includes responding to a significant number of inquiries and letters from Senators and MPs. It also involves occasionally meeting individually with Parliamentarians, and holding special information sessions for groups of Senators, MPs and Parliamentary staff.

Services Provided and Organizational Responsibilities

The Research and Policy Branch is responsible for researching privacy issues and developing and advising on policy positions. This Branch, supported by Legal Services and Public Education and Communications Branch, assists the Commissioner and Assistant Commissioners by identifying legislation and policy initiatives with potential impact on the privacy of Canadians; commenting on new programs and emerging technologies that raise privacy concerns; providing advice and policy options; drafting discussion and position papers for public consideration on issues affecting privacy; and preparing briefing material for public appearances by the Commissioner and other staff. In this role the Office responds to a significant number of inquiries from Senators and Members of Parliament.

Resources Used

	Planned	Actual
Financial Resources - \$000	2,443	2,305
Human Resources - FTEs	21.5	17.5

Plans, Priorities and Commitments

The following table sets out the OPC's priorities and commitments for 2004-2005 and its actual accomplishments.

Strategic Outcome 2: To be Parliament's window on privacy issues	
<i>Commitments and Expected Results</i>	<i>Actual Performance</i>
<p>Priority: Develop and implement a strategy for communicating with Parliament and create a core Parliamentary liaison function</p> <p>Priority: Liaise with provincial Commissioners to develop consistent approaches and policies on specific issues</p>	
<p>Create a liaison unit to improve our relationship with Parliament and to enhance our processes and skills needed to monitor and interact with Parliament, including MPs and Senators, their assistants, and Parliamentary Committees.</p> <p>In addition to providing us with parliamentary affairs expertise, this unit will also liaise with other external stakeholders such as Provincial/Territorial Privacy Commissioners and Privacy Commissioners from other countries.</p>	<p>The creation of a House of Commons Standing Committee on Access to Information, Privacy and Ethics, demonstrates an increased focus on these issues as a priority for Parliament.</p> <p>We have created a parliamentary liaison function to improve our relationship with Parliament. We also coordinated with other external stakeholders such as Provincial/Territorial Privacy Commissioners and Privacy Commissioners from other countries.</p> <p>We hosted an informal federal/provincial/territorial Privacy Commissioners conference in Ottawa in January.</p> <p>The OPC Assistant Commissioners visited a number of jurisdictions and have initiated projects on privacy standards and trans-border data flow.</p>
<p>Priority: Develop and apply content expertise</p>	
<p>Enhance our policy expertise to provide sound advice to Parliament and to be recognized by Parliament for our expertise. We plan to identify potential partners and sources of</p>	<p>We have acquired expertise in privacy in the private sector, as well as in security and IT issues, and have sent two of our senior staff overseas to learn how other jurisdictions manage similar issues.</p>

<p>external expertise to augment our internal policy and research capabilities. In addition, we will strengthen our own internal research capacity, with particular focus on the impacts of technology on privacy, through the addition of resources with this expertise.</p>	<p>We have appeared 11 times before House of Commons and Senate Committees. (see next page for details)</p> <p>We have identified potential partners and sources of external expertise to augment our internal policy and research capabilities. In addition, we have made efforts to strengthen our own internal research capacity, with particular focus on the impacts of technology on privacy.</p> <p>The Privacy Lecture Series hosted by the Office brought 10 distinguished guests to address staff and interested privacy experts on issues of technological change and policy responses.</p> <p>Staff from several branches participated in developing OPC's position on several bills before Parliament, including <i>Bill C-22 An Act to establish the Department of Social Development and to amend and repeal certain related Acts</i>, <i>Bill C-23 An Act to establish the Department of Human Resources and Skills Development and to amend and repeal certain related Acts</i>, <i>Bill C-11 Public Servants Disclosure Protection Act</i>, <i>Bill C-13 An Act to Amend the Criminal Code, the DNA Identification Act and the National Defence Act</i>, and <i>Bill C-6 An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts</i>. The Commissioner, Assistant Commissioners and other officers appeared before several committees.</p>
<p>Priority: Liaise with federal departments to track departmental proposals</p>	
<p>We recognize that to act as an effective Agent of Parliament we need to have good working relationships with federal departments and agencies. Identifying and raising privacy concerns when government initiatives are being developed rather than waiting until they reach Parliament increases the possibility that these concerns will be taken into account.</p>	<p>We have increased our efforts to liaise with key departments such as TBS and Industry Canada who have responsibilities for our legislation, and we have made several appearances at the quarterly meetings of the committee of Assistant Deputy Ministers on privacy co-chaired by the Privy Council Office, Justice Canada and the Treasury board Secretariat.</p>

Performance Indicators

Appearances before Parliamentary Committees

May 6, 2004 — Heather Black, Assistant Privacy Commissioner of Canada, appeared before the House of Commons Standing Committee on Industry, Science and Technology on Bill C-2, *An Act to Amend the Radiocommunication Act*.

November 17, 2004 - The Privacy Commissioner of Canada, Jennifer Stoddart, appeared before the Standing Committee on Access to Information, Privacy and Ethics regarding her Office's Annual Report for 2003-2004 and Main Estimates.

November 18, 2004 – Raymond D'Aoust, Assistant Privacy Commissioner of Canada, appeared before the House of Commons Standing Committee on Bill C-12, *the Quarantine Act*.

December 1, 2004 - The Privacy Commissioner of Canada, Jennifer Stoddart, appeared before the Standing Committee on Access to Information, Privacy and Ethics regarding her Office's Supplementary Estimates.

December 9, 2004 - The Privacy Commissioner of Canada, Jennifer Stoddart, appeared before the Standing Committee on Human Resources Development and the Status of Persons with Disabilities on Bill C-22, *An Act to establish the Department of Social Development and to amend and repeal certain related Acts*, and Bill C-23, *An Act to establish the Department of Human Resources and Skills Development and to amend and repeal certain related Acts*.

December 14, 2004 - The Privacy Commissioner of Canada, Jennifer Stoddart, appeared before the Standing Committee on Government Operations and Estimates to discuss Bill C-11, the *Public Servants Disclosure Protection Act*.

February 8, 2005 - The Privacy Commissioner of Canada, Jennifer Stoddart, appeared before the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness on Bill C-13, *An Act to Amend the Criminal Code, the DNA Identification Act and the National Defence Act*.

February 10, 2005 - The Privacy Commissioner of Canada, Jennifer Stoddart, appeared before the Standing Committee on Access to Information, Privacy and Ethics to discuss the issue of Funding Mechanisms for Officers of Parliament.

February 16, 2005 — Heather Black, Assistant Privacy Commissioner of Canada, appeared before the Standing Senate Committee on Banking, Trade and Commerce to discuss consumer issues in the Financial Services Sector.

February 16, 2005 - The Privacy Commissioner of Canada, Jennifer Stoddart, appeared before the Standing Senate Committee on National Finance to discuss the Role and Operations of the Office of the Privacy Commissioner of Canada.

February 24, 2005 - The Privacy Commissioner of Canada, Jennifer Stoddart, appeared before the Senate Committee on Social Affairs to discuss *S-18, An Act to Amend the Statistics Act*.

Strategic Outcome 3: To foster understanding of privacy rights and obligations.

In broad terms, this strategic outcome has two main thrusts: to help citizens and organizations understand their rights and obligations under the two laws that we oversee; and to make Canadians aware of emerging technologies and privacy issues that have or could have an impact on their privacy rights.

Services Provided and Organizational Responsibilities

The Public Education and Communications Branch focuses on providing strategic advice and support for communications outreach and public education activities for the Commissioner and Assistant Commissioners. In addition, the Branch plans and implements a number of public education and communications activities, such as issuing news releases, conducting media interviews, publishing of corporate communication products for the public and businesses, developing speeches for conferences and special events, and analyzing public perceptions of privacy issues. This is done through media monitoring, public opinion polling and the OPC’s Web site.

The Legal Services, Research and Policy, Inquiries and Investigations, and Audit and Review Branches support the Public Education and Communications Branch by providing expert legal, policy and operational advice on the content of various communication products, including fact sheets, press releases, media interviews, and speeches. In addition, these branches participate actively in events organized by privacy experts for disseminating information and enhancing individuals’ and organizations’ understanding of their privacy rights and obligations.

The Research and Policy Branch administers the Contributions Program which was launched in 2004 to support research into, as well as the promotion of, the protection of personal information.

Resources Used

	Planned	Actual
Financial Resources - \$000	3,577	3,912
Human Resources - FTEs	31.5	25.6

Plans, Priorities and Commitments

The following table sets out the OPC's priorities and commitments for 2004-2005 and its actual performance.

Strategic Outcome 3: To foster understanding of privacy rights and obligations	
<i>Commitments and Expected Results</i>	<i>Actual Performance</i>
<p>Priority: Develop research and policy expertise related to key identified or emerging privacy issues and communicate the results of our research broadly</p>	
<p>New for 2004-2005: Contribution Program for Research and Education.</p> <p>Establish a contribution program to assist the OPC in its efforts to protect personal information and foster public awareness and understanding of privacy rights. More specifically, the program will capitalize on existing research expertise and capability; build links with researchers, voluntary organizations, academics and our provincial counterparts; and encourage the development of privacy expertise. We also anticipate that the organizations and individuals who receive contributions will have their own methods of disseminating the results of their research.</p>	<p>The OPC has put a primary focus on fostering the development of privacy expertise in the academic and non-governmental organizations sectors through a contribution program. The program which was launched in 2004-2005, supports research into, and promotion of, the protection of personal information. The program focussed on two key priorities. The first was to examine how and to what extent emerging technologies affect our privacy. The second priority addressed the implementation of the <i>Personal Information Protection and Electronic Documents Act (PIPEDA)</i>, with a focus on awareness and promotion of good privacy practices as a key component of responsible commercial practices. Links to the projects completed under the 2004-2005 Contributions Program will be available by September 2005 on the OPC's Web site.</p> <p>We have integrated the research obtained into the Office's submissions on a number of key issues, such as the <i>Anti-terrorism Act</i> review and the response to the BC inquiry into outsourcing and the USA PATRIOT Act.</p> <p>We are preparing fact sheets on the privacy implications of a number of cutting edge technologies, which will be posted on our Web site in 2005-2006.</p> <p>The OPC has renewed the Contributions Program for 2005-2006, with an aim to capitalize on existing research capacity in academic, not-for-profit and other sectors to generate new knowledge and to support the development of expertise in selected areas of privacy and data protection.</p>

Priority: Develop and implement communications and public education programs

Moving forward, we propose to take a more strategic and focussed approach to our communications and public education activities. This will require identifying who our audiences are, assessing their needs, and developing programs and materials to meet these needs.

We will also need to devote resources to making individuals and organizations aware of their rights and obligations under *PIPEDA*.

The OPC contracted external communications consultants to develop a Communications Strategy and Action Plan for the Office, the results of which have been incorporated in the Office's corporate business plan for 2005-2006 and 2006-2007. The Communications Strategy and Action Plan provides an assessment of the external and internal factors impacting the OPC's communications and public education efforts, identifies the key audiences that need to be reached with the OPC's communications and public education program and the proposed activities to reach those audiences with an effort to raise awareness, build knowledge, change attitudes and influence behaviours on privacy issues.

The OPC also commissioned a customized public opinion survey on emerging privacy issues with a focus on transborder flow of personal information, technology and privacy issues and general perceptions and awareness of privacy rights. The survey was instrumental in generating useful knowledge and insight on the public's views of key privacy issues. The survey further contributed to the rationale for the OPC's strategic directions as outlined in its corporate business plan.

During the full implementation year of *PIPEDA*, the OPC produced and launched an E-Kit for Businesses on its Web site, providing one-stop-shopping for information on obligations and how to comply with the Act. We produced a downloadable video speech by the Commissioner which provides an overview of the Act, its purpose and how to comply. We also reproduced a revised version of a Citizen's Guide on *PIPEDA* and developed a number of fact sheets for both businesses and individuals to clarify the provisions of the Act. These documents helped to improve awareness of rights and obligations.

Speaking engagements and media relations activities played a key role in generating greater national awareness of privacy issues. The Office participated in

	<p>numerous speaking engagements across the country in 2004-2005 to improve understanding of <i>PIPEDA</i> and its impact on a variety of business sectors and to generate public discussion on how privacy can be incorporated into security initiatives and health-care delivery.</p> <p>The OPC put a strong focus on media relations during the full implementation of <i>PIPEDA</i> which resulted in both significant news coverage and relatively balanced public debate in Canadian media about <i>PIPEDA</i> and privacy issues in general. Much of the news content generated was educational in nature and also included supportive/critical views of the Act and, coverage of proactive steps taken by the OPC to better educate businesses.</p>
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Performance Indicators

Speaking engagements: The Commissioner, Assistant Commissioners, General Counsel and other senior officials from OPC gave 23 speeches in response to 166 requests.

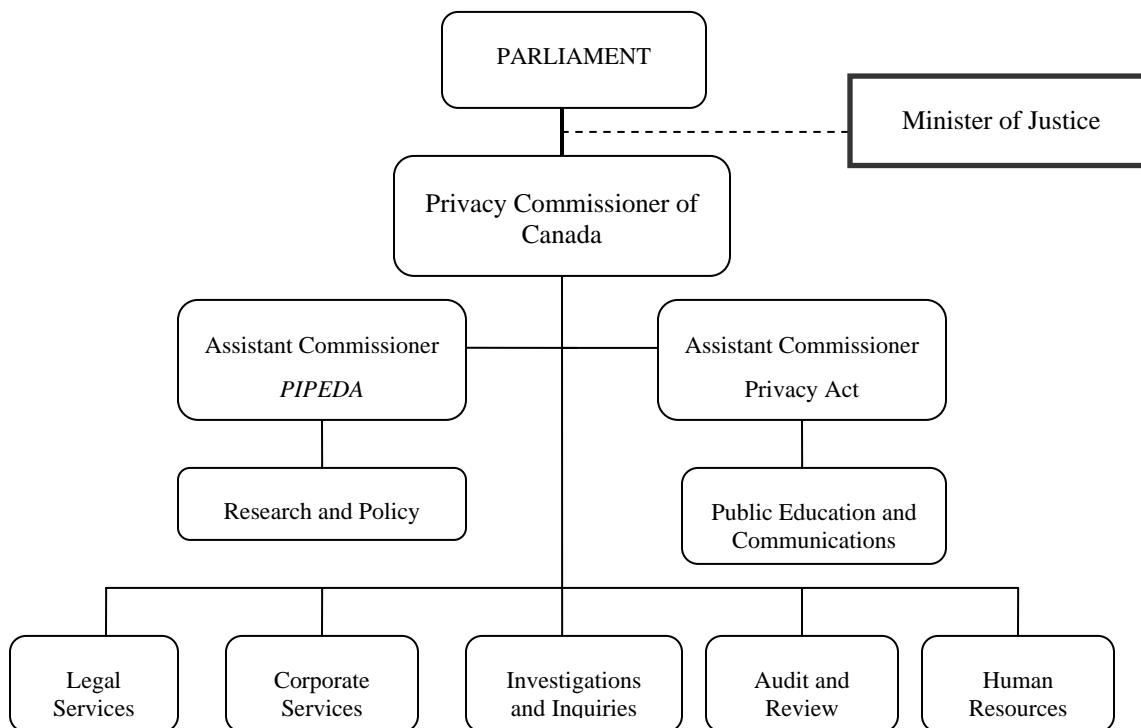
Media interviews: The Office gave 72 interviews in response to 200 media requests received.

Number of visits to the OPC Web site: The Office registered up to 94,000 monthly visits to its Web site.

Number of news coverage on *PIPEDA*: A total of 102 mentions of *PIPEDA* appeared in the news media.

Section III – SUPPLEMENTARY INFORMATION

Organization



The Privacy Commissioner is an Agent of Parliament appointed by the Governor-in-Council following approval of her nomination by resolution of the Senate and the House of Commons. The OPC is designated by Order-in-Council as a department for the purposes of the *Financial Administration Act*. As such, it is established under the authority of schedule 1.1 of the *Financial Administration Act* and reports to Parliament for financial administration purposes through the Minister of Justice. The Privacy Commissioner is accountable to and reports directly to Parliament on all achieved results.

The roles of the Research and Policy, Public Education and Communications, Legal Services, Investigations and Inquiries, and Audit and Review Branches are described in the preceding sections.

The roles of the administrative branches, Corporate Services and Human Resources, are set out below.

Corporate Services Branch

The Corporate Services Branch is led by a Director General who is also the Senior Financial Officer. The Branch provides advice to the Commissioner and integrated corporate services to all

managers and staff including: finance, information management, information technology, library, administrative and technical services, and corporate planning and reporting.

Priorities and Commitments	Actual Accomplishments
<p>During 2004-2005 we will review our performance indicators for each of our strategic outcomes, and using the Treasury Board's suggested methodology, a results-chain performance measurement approach, consider how to best assess our progress and our level of achievement.</p>	<p>The new Performance Measurement Framework integrates the OPC's approved outcomes, activities and performance indicators. This framework and indicators are being used internally for planning and control and externally for reporting to Parliament and Canadians.</p>
<p>Although for 2004-2005, we have presented the federal public sector and the private sector as two separate business lines, the reality is that several of the activities underlying these two business lines are common to both. Also, the third business line, Corporate Services, does not exist as an end to itself, but rather as a set of support services for the OPC's main program activities. To better reflect our focuses and how the OPC operates in practice, in next year's Report on Plans and Priorities, we plan to revisit our program activity architecture and how we account for resource utilization.</p>	<p>The OPC has developed, and Treasury Board has approved, a new activity structure to replace the business line structure used in this document. The new activity structure was used to prepare the Report on Plans and Priorities for 2005-2006.</p>
<p>The Corporate Services Branch will play a lead role in a number of important initiatives linked to the OPC's goal of becoming a well-managed, effective and efficient Parliamentary agency. The most significant of these will be in spearheading the implementation of Office's Modern Comptrollership plan. This is a fundamental part of the overall Office's organizational renewal strategy. In addition, the Branch will lead and support a business process redesign initiative focused on streamlining the Office's core business processes and making them more effective.</p>	<p>The OPC implemented most of the initiatives set out in its Modern Comptrollership Action plan. Regular reporting on this plan has been made to Treasury Board. The modern comptrollership measures provide the foundation for the accountability framework being studied for use by the Officers of Parliament.</p> <p>The Office's priority in the last quarter of fiscal year 2004-05, and continuing into 2005-06, has been to complete a review of our business processes across our entire operations. This has included establishing workload indicators and reviewing the legislative requirements as well as external and internal factors impacting on our operations. This will enable the OPC to make a Treasury Board submission to the Treasury Board Secretariat in the fall and a</p>

	formal submission on multi-year budgets to the new joint parliamentary committee responsible for examining the funding of Officers of Parliament.
We plan to update the Office's information technology infrastructure, and to acquire and implement applications in support of emerging business requirements, as resources permit.	<p>The OPC information technology strategy has been completed.</p> <p>Upgrades have been done to the Integrated Investigations Application (IIA) which provides an efficient tool for case tracking and reporting. We have upgraded our correspondence tracking system and standardized the OPC Desktop.</p>

Human Resources Branch

Human Resources is responsible for the management and delivery of comprehensive human resource management programs in areas such as staffing, classification, staff relations, human resource planning, learning and development, employment equity, official languages and compensation. This includes maintaining relationships and remaining abreast of HR trends and directions with counterparts at the Public Service Commission, the Public Service Human Resources Management Agency of Canada, Public Works and Government Services Canada, Privy Council Office, Commissioner of Official Languages, and bargaining agents.

Priorities and Commitments	Actual Accomplishments
Key priorities for the HR Branch in the 2004-2005 fiscal year include developing an overall Strategic HR Plan, a detailed Staffing Strategy, a Learning Strategy with the Canadian Centre for Management Development (now the Canada School for Public Service) for all staff, enhanced HR policies and employee programs, as well as new Health Workplace initiatives.	<p>To address the deficiencies identified in previous audits and reviews, the Human Resources Branch has continued to work with central agencies cooperatively and has:</p> <ul style="list-style-type: none"> • Developed an Instrument of Delegation of HR Management and an OPC Strategic HR Plan and a Staffing Strategy. • Developed a number of policies such as: Area of Selection, Deployment, Duty to Accommodate, Employment Equity Policy and Action Plan, Management Accountability Statements for Employment Equity, Policy on the Prevention and Resolution of Harassment in the Workplace (addendum to TB Policy). • Under development: a Scent Free Policy, Exit Interview Questionnaire, Hours of Work Policy, and Acting Appointment Policy.

	<ul style="list-style-type: none"> • Developed and implemented a Learning Strategy and Curriculum. Staff development sessions were offered in the areas of Executive Training, Team Building, Orientation for Supervisors, Lunch Hour Language Training, Respect in the Workplace and Harassment Awareness Training, Personal Learning Plan Workshops, and a one day Learning Event for all staff. • Implemented control mechanisms and improvements to the Human Resource Information System (HRIS). <p>We have brought together management and union representatives in a committee with the purpose of working together on labour/management and health & safety issues.</p>
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Financial Performance and Tables

The tables in the following section contain summaries of financial information under three headings:

- **Main Estimates** - OPC budget levels as set out in the 2004-2005 Main Estimates
- **Planned Spending** – the planned spending at the beginning of the fiscal year as set out in the 2004-2005 Estimates – Report on Plans and Priorities;
 - **Total Authorities** – the level of spending authorized by Parliament, including the Supplementary Estimates and transfers from Treasury Board (Votes 5, 10 and 15), to take into account the development of priorities, increased costs and unanticipated events; and
- **Actual Spending** – the amounts actually spent in the fiscal year as stated in the Public Accounts.

Table 1: Comparison of Planned Spending and Full Time Equivalents

(\$ thousands)	2002–03 Actual	2003–04 Actual	2004–2005			
			Main Estimates	Planned Spending	Total Authorities	Actual
Federal Public Sector	5,190	4,195	4,020	4,020	4,020	3,745
Private sector	5,583	4,768	--	5,980	6,859	6,850
Corporate services	1,387	2,129	679	1,383	1,191	1,142
Total	12,160	11,092	4,699	11,363	12,070	11,737
Plus: Cost of services received without charge						
• Accommodation provided by Public Works and Government Services	656	647		647	713	713
• Employer's contribution to employee benefit plans (health and insurance) paid by Treasury Board	444	538		571	543	543
• Payroll Services provided by Public Works and Government Services	3	3		3	3	3
• Audit of the financial statements paid by the Auditor General of Canada				180	180	180
Net cost of Department	13,263	12,280	4,699	12,764	13,509	13,176
Full Time Equivalents	100	100	50	100	100	81.4

The Main Estimates were lower than the Planned Spending and Actual Authorities because the spending for Private Sector business line (*PIPEDA*) was not included in Main Estimates but instead was provided through Supplementary Estimates.

Table 2: Use of Resources by Business Lines (or Program Activities)

Business Lines –	Operating	Capital	Grants and Contributions	Total Budgetary Expenditures
Federal Public Sector				
Main Estimates	4,020			4,020
<i>Planned Spending</i>	4,020			4,020
Total Authorities	4,020			4,020
<i>Actual Spending</i>	3,745			3,745
Private Sector				
Main Estimates	0		0	0
<i>Planned Spending</i>	5,480		500	5,980
Total Authorities	6,359		500	6,859
<i>Actual Spending</i>	6,483		367	6,850
Corporate Services				
Main Estimates	679			679
<i>Planned Spending</i>	1,363			1,363
Total Authorities	1,191			1,191
<i>Actual Spending</i>	1,142			1,142

Table 3: Voted and Statutory Items

Vote	In 000\$	Main Estimates	Planned Spending	Total Authorities	Actual Spending
45	Program Expenditures	3,918	9,980	10,880	10,547
(S)	Contributions to Employee Benefit Plans	781	1,483	1,190	1,190
		4,699	11,363	12,070	11,737

The total funding authorities were:

Main Estimates for activities under the <i>Privacy Act</i>	\$4,699,000
Supplementary Estimates	
• for activities under <i>PIPEDA</i>	6,371,000
• carry forward of lapsed authority from 2003-2004	478,000
Transfers from Treasury Board votes for salary items such as settlements under collective agreements	<u>522,000</u>
Supplementary Estimates.	<u>\$12,070,000</u>

Table 5: Details on Transfer Payments Programs

1) Program: Contributions in support of research into, and the promotion of, the protection of personal information.				
2) Start Date: June 1, 2004	3) Review on: March 31, 2010	4) Existing Resources: Up to \$500,000 per year		
<p>5) Description of Transfer Payment Program: Section 24 of the <i>Personal Information Protection and Electronic Documents Act</i> states that “The Commissioner shall...(b) undertake and publish research that is related to the protection of personal information...(d) promote, by any means the Commissioner considers appropriate, the purposes of this part.” The contribution program enables the OPC to draw on expertise within institutions and organizations with an interest in privacy protection, to encourage research into a broad range of issues and to support initiatives to raise awareness and promote best practices.</p>				
<p>6) Objective(s), expected result(s) and outcomes: To capitalize on existing research capacity in academic, not-for-profit and other sectors to generate new knowledge and support the development of expertise in selected areas of privacy and data protection.</p>				
7) Projects funded: 10				
	8) Planned Spending 2004-05	9) Total Authorities 2004-05	10) Actual Spending 2004-05	11) Variance(s) between 10 and 12
12) Business Lines	198,000	500,000	367,400	169,400
13) Comments on Variances: We funded more projects than originally planned because of the quality of the applications.				

Projects Funded: 2004-2005	
Organization	Project
British Columbia Freedom of Information and Privacy Association	<i>PIPEDA & Identify Theft: Solutions for Protecting Canadians</i>
Canadian Marketing Association	<i>Taking Privacy to the Next Level (A examination of private sector privacy practices and internal data management processes)</i>
University of Alberta Health Law Institute	<i>Electronic Health Records and the PIPEDA</i>

University of Toronto Centre for Innovation Law and Policy	<i>Implementing PIPEDA: A Review of Internet Privacy Statements and On-line Practices</i>
University of Victoria	<i>Location-Based Services: An Analysis of Privacy Implications in the Canadian Context</i>
École nationale d'administration publique (ENAP)	<i>Etude sur l'utilisation des caméras de surveillance : Enjeux, impacts et pratiques exemplaires</i>
Simon Fraser University	<i>Privacy Rights and Prepaid Communications Services: Assessing the Anonymity Question</i>
Option Consommateurs	<i>Le défi de l'identification des consommateurs dans le cadre de nouveaux mécanismes de paiement électronique</i>
Dalhousie University	<i>An Analysis of Legal and Technological Privacy Implications of Radio Frequency Identification (RFID) Technologies</i>
Queen's University	<i>Location Technologies: Mobility, Surveillance and Privacy.</i>

11. Response to Parliamentary Committees, Audits and Evaluations for FY2004–2005

Response to Parliamentary Committees

In 2004-2005, there was no Parliamentary committee report that required a response from the OPC.

Internal Audits or Evaluations

The OPC did not undertake any internal audit or program evaluation projects in 2004-2005.

Response to the Auditor General and other External Reviews

An important aspect of our Office's operations has been to resolve outstanding legacy issues to support the organization in meeting its responsibilities to be a well-managed and efficient agency.

On the human resources side, the classification review of positions within our Office by the Public Service Human Resources Management Agency is now completed. The Public Service Commission is currently reviewing our revised human resource practices in order to ascertain if any further steps still need to be taken before reinstating our staffing delegation.

TB Table 23: Travel Policies:

The Office of the Privacy Commissioner of Canada follows the TBS Travel Directive, Rates and Allowances. We also adhere to the Proactive Disclosure Policy. Information on disclosure and travel can be found on our Web site at www.privcom.gc.ca.

Section IV – Other Sources of Information

A. Legislation Administered by the Privacy Commissioner

The Privacy Commissioner has an oversight responsibility to Parliament for the:

<i>Privacy Act</i>	R.S.C., 1985, ch. P21, amended 1997, c. 20, s. 55
<i>Personal Information Protection and Electronic Documents Act</i>	2000, c.5

B. Statutory Annual Reports and Other Publications and Information

Statutory reports, publications and other information are available from the Office of the Privacy Commissioner of Canada, Ottawa, Canada K1A 1H3; tel.: (613) 995-8210 and on the Office's Web site at www.privcom.gc.ca

- **Privacy Commissioner's Annual Report.**
- **Performance Report to Parliament and Report on Plans and Priorities.**
- **Your Privacy Rights: A Guide for Individuals to the *Personal Information Protection and Electronic Documents Act*.**
- **Your Privacy Responsibilities: A Guide for Businesses and Organizations to the *Personal Information Protection and Electronic Documents Act*.**
- **2004-05 Audited Financial Statements**

Contact for Further Information on the Report on Plans and Priorities

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