

**OFFICE OF THE INFORMATION
COMMISSIONER OF CANADA**

2003-2004 ESTIMATES

A Report on Plans and Priorities

Approved: _____
Minister of Justice and
Attorney General of Canada

Date: _____

The Estimates Documents

Each year, the government prepares Estimates in support of its request to Parliament for authority to spend public monies. This request is formalized through the tabling of appropriation bills in Parliament. The Estimates, which are tabled in the House of Commons by the President of the Treasury Board, consist of three parts:

Part I – The Government Expenditure Plan provides an overview of federal spending and summarizes both the relationship of the key elements of the Main Estimates to the Expenditure Plan (as set out in the Budget).

Part II – The Main Estimates directly support the *Appropriation Act*. The Main Estimates identify the spending authorities (votes) and amounts to be included in subsequent appropriation bills. Parliament will be asked to approve these votes to enable the government to proceed with its spending plans. Parts I and II of the Estimates are tabled concurrently on or before 1 March.

Part III – Departmental Expenditure Plans, which are divided into two components:

- (1) **Reports on Plans and Priorities (RPPs)** are individual expenditure plans for each department and agency (excluding Crown corporations). These reports provide increased levels of detail on a business line basis and contain information on objectives, initiatives and planned results, including links to related resource requirements over a three-year period. The RPPs also provide details on human resource requirements, major capital projects, grants and contributions, and net program costs. They are tabled in Parliament by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*. These documents are tabled in the spring and referred to committees, which then report back to the House of Commons pursuant to Standing Order 81(4).
- (2) **Departmental Performance Reports (DPRs)** are individual department and agency accounts of accomplishments achieved against planned performance expectations as set out in respective RPPs. These Performance Reports, which cover the most recently completed fiscal year, are tabled in Parliament in the fall by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*.

The Estimates, along with the Minister of Finance's Budget, reflect the government's annual budget planning and resource allocation priorities. In combination with the subsequent reporting of financial results in the Public Accounts and of accomplishments achieved in Departmental Performance Reports, this material helps Parliament hold the government to account for the allocation and management of public funds.

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The Minister of Public Works and Government Services, 2002
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**OFFICE OF THE INFORMATION COMMISSIONER
REPORT ON PLANS AND PRIORITIES**

I am pleased to submit my Report on Plans and Priorities for the fiscal period April 1, 2003 to March 31, 2004.

Approved: _____
The Honorable John M. Reid
Information Commissioner of Canada

Date: _____

Section I – Information Commissioner’s Message

"For every action, there is an equal and opposite reaction."

Newton’s Third Law

"At this time in our social and political history, there are compelling calls for increased secrecy in the service of national security and equally compelling calls for more openness in the service of lawful and ethical behaviour in government. Now, as never before, it is vital that we make the public's 'right to know' healthy and strong and in careful balance with legitimate needs for secrecy."

Excerpt from Information Commissioner’s press release dated 18 June 2002



Hon. John M. Reid, P.C.
*Information
Commissioner of Canada*

In the aftermath of the events of September 11, 2001 we have seen the practical application of Newton’s Third Law in the corridors of power around the world. The need for security has, for a time, outweighed the principles of privacy, as my colleague the Privacy Commissioner has pointed out, and the principles of Access to Information, as I have observed. While all of us as citizens recognize the need to protect our freedoms from external threats, we need to ensure that the fundamental principles of a democratic state are not “thrown out with the bathwater”.

The recommendations of the Access to Information Review Task Force contribute to this imbalance between security and accessibility. They will, if acted upon, seriously weaken the public's right to know and substantially increase the level of secrecy surrounding public affairs.

For example, the Task Force proposes to double the number of exemptions and exclusions the government may rely upon to refuse to disclose requested records. The Act now contains fourteen justifications for secrecy. The Task Force proposes fourteen new reasons and leaves open the possibility that even more could be invoked by any new institution brought under the Act's coverage. As well, the Task Force proposals will, if acted upon, make it harder and more costly for Canadians to use the law and will limit the investigative and enforcement powers of the Information Commissioner. In my opinion, these proposals to amend the *Access to Information Act* are a recipe for turning a good access law into a strong secrecy law, and if followed, the recommendations for legislative change in the report would significantly expand the zone of secrecy in Canada.

The seriousness of the situation is such that I recently invoked Subsection 39(1) of the *Access to Information Act* to express these concerns and others in a special report to Parliament entitled “Response to the Report of the Access to Information Review Task Force” which was tabled in Parliament on October 10, 2002.

On the other hand, I support many of the Task Force's non-legislative proposals, such as that:

- public servants be better educated about their access obligations;
- records management be improved; and,
- the access function be better resourced and more carefully nurtured by the senior ranks of the public service.

In this document I have indicated that these proposals are a priority of my Office and that I am seeking funds to proceed with their implementation.

However, as a package, these recommendations are designed to make the Commissioner's investigative role conform to the lawyer-dominated, adversarial model of dispute resolution that is designed for the ordinary courts and for quasi-judicial tribunals, which have the power to make binding decisions. Even the proposal for public hearings would have this "judicializing" effect. This model is not appropriate for an investigative agency, inquiring into allegedly secret information, which has only the power to make recommendations for disclosure.

It is therefore, incumbent on me as Canada's Information Commissioner to give the highest priority to restoring the balance between security and accessibility by pursuing through Parliament, and by raising public awareness of what is, in fact, an attack on the democratic rights of Canadians to what is public information.

MANAGEMENT REPRESENTATION STATEMENT

Report on Plans and Priorities 2003-2004

I submit, for tabling in Parliament, the 2003-2004 Report on Plans and Priorities (RPP) for the Office of the Information Commissioner of Canada.

This document has been prepared based on the reporting principles and disclosure requirements contained in the *Guide to the preparation of the 2003-2004 Report on Plans and Priorities*.

- ◆ It accurately portrays the organization's plans and priorities.
- ◆ The planned spending information in this document is consistent with the directions provided in the Minister of Finance's Budget and by TBS.
- ◆ Is comprehensive and accurate.
- ◆ Is based on sound underlying departmental information and management systems.

The reporting structure on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

The Honorable John M. Reid
Information Commissioner of Canada

Date: _____

Section II - Raison d'être

To ensure that Canadians' rights and obligations, under the Access to Information Act, are respected.

The Information Commissioner is an ombudsman, appointed by Parliament, to investigate complaints that the government has denied rights under the *Access to Information Act* – Canada's freedom of information legislation.

The Act came into force in 1983 and gave Canadians the broad legal right to information recorded in any form and controlled by most federal government institutions.

The Act provides government institutions with 30 days to respond to access requests. Extended time may be claimed if there are many records to examine, other government agencies to be consulted, or third parties to be notified. The requester must be notified of these extensions within the initial time frame.

Access rights are not absolute. They are subject to specific and limited exemptions, balancing freedom of information against individual privacy, commercial confidentiality, national security and the frank communications needed for effective policy-making. These exemptions permit government agencies to withhold material, often prompting disputes between applicants and departments.

Dissatisfied applicants may turn to the Office of the Information Commissioner. The Office investigates complaints from applicants:

- who have been denied requested information;
- who have been asked to pay too much for copied information;
- where the department's extension of more than 30 days to provide information is unreasonable;
- where the material was not in the official language of choice or the time for translation was unreasonable;
- who have a problem with the InfoSource guide or periodic bulletins, which are issued to help the public use the Act; or,
- who have encountered other problems when using the Act.

The Commissioner has strong investigative powers, which are strong incentives for government institutions to adhere to the Act and to respect applicants' rights.

Since he is an ombudsman, the Commissioner may not order a complaint to be resolved in a particular way. He relies upon persuasion to resolve disputes and asks for a Federal Court review only if he believes that an individual has been denied access improperly and that a negotiated solution is not possible. This dispute resolution process has been successful in all complaints but two of this type.

Complaints received by the Commissioner are handled as follows:

1. When a complaint is received, it is assigned to an investigator for investigation and resolution. The investigator first familiarizes him or herself with the complaint and contacts the complainant to obtain relevant background information. The investigator then contacts the department involved to obtain copies of the records in question if exemption from providing the requested information is being claimed, or to assess the adequacy of the search if the information cannot be found.
2. If an exemption from the Act is claimed, the investigator:
 - reads all of the records;
 - considers the exemption claimed;
 - obtains explanations from the official(s) who invoked the exemption;
 - hears the complainant's views;
 - reviews the statutory provisions involved; and,
 - assesses the validity of the exemption claimed.
3. After the fact-gathering process is complete, irrespective of the type of complaint, if the investigator, acting as an advocate for the Act, believes that the complaint is justified he will ask departmental officials to reconsider their position.
4. If an investigator is prepared to recommend release of the records and the department disagrees, the Director General, Investigations and Reviews, may meet with senior departmental officials to seek a satisfactory solution. If this approach is not successful, the deputy information commissioner may become involved to attempt to resolve the complaint informally. If that proves impossible, the investigator prepares the evidentiary record for the Commissioner's and if necessary the Court's consideration.
5. Prior to court proceedings, the head of the institution against which the complaint is made, is provided with an opportunity to make written or oral representations. This is the final, formal opportunity for the Office to bring preliminary views to the attention of the head of the institution and to give the head a final opportunity to address the Commissioner's concerns.

The Commissioner is not involved with the fact-gathering process of investigations thus ensuring that he comes to the deliberation phase with an open mind. During the deliberation phase, he reviews the evidence and representations, and, if he considers the complaint to be well-founded, recommends remedial action. His findings and recommendations are communicated to the complainant and the head of the institution. He also informs the complainant that, if access to the requested records has not, or will not be given, the complainant has the right to apply to the Federal Court for a review of the institution's decision to refuse access.

The Commissioner does not have the authority, under the Act to go to the Federal Court on his own. However, the complainant can ask for a review or may give the Commissioner consent to apply for a review on their behalf. The Commissioner's policy is to offer to go to court in every case where the head of an institution has refused to follow his recommendation that records be disclosed.

Section III - Planning Overview

Open access to government information held by federal institutions is the key performance objective of the access to government information business line.

The Commissioner, who reports to Parliament, is dependent upon the Government for allocation of sufficient resources to meet its obligations. Each year, the government prepares Estimates in support of its request to Parliament for authority to spend public monies. This request is formalized through the tabling of appropriation bills in Parliament.

The Office meets its obligations by:

- acting as an ombudsman when investigating complaints from citizens who feel that their rights under the *Access to Information Act* are being denied;
- encouraging public officials to respond to valid requests for information in a timely fashion; and,
- managing the investigation and complaint resolution process efficiently and effectively.

Thus, the ongoing business of the Office is to provide information to public officials on their obligations, advise Canadians of their rights to access information and manage the process through which complaints concerning access to information can be resolved within the provisions of the Act.

At this time, a critical issue faced by the Office is the proposals of the Access to Information Review Task Force, with respect to legislative change. The Commissioner believes that these proposals do not reflect the broad range of perspectives drawn from the relevant stakeholders and, if adopted, will have the effect of increasing secrecy by reducing access to public records. While this issue was addressed in detail in the Commissioner's response to the Task Force's recommendations on October 10, 2002, it will remain a central concern of both the Commissioner and of Canadian citizens who value openness and transparency.

Another issue that impinges upon the operations of the Office includes the effort to improve information management in the public sector and its impact upon such initiatives as the Government On-line (GOL) initiative, the success of which will depend, in large part, upon a strong information and data infrastructure. A well-crafted and robust information management approach will make accessibility easier, faster and more economical without compromising security, confidentiality and privacy.

One trend that is positive is the increasing number of information requests being received by the Government and the fewer that resulted in complaints to the Information Commissioner's office. This trend points to better administration of the Act by

government departments and more effective relationships between requesters, government institutions and the Information Commissioner's office.

In sum, the strategic focus of the Office will be upon ensuring that the "insider" perspective evident in the work of the Access to Information Task Force's recommendations is balanced by reasoned advice and suggestions from the Information Commissioner's office. At the same time the office will continue to pursue improvements in the Access to Information process as prescribed within the Act.

Section IV - Plans and Priorities (By Strategic Outcome)

Summary

The priorities that the OIC will address over the current planning period are shown in *Figure 1: Priorities by Strategic Outcome*. Details of each initiative and the Office’s planned approach are provided under the appropriate sub-section that follows.

Figure 1: Priorities by Strategic Outcome

Strategic Outcome	Priorities
<i>Public officials’ improved awareness of their access obligations</i>	<ol style="list-style-type: none"> 1. To assist Parliament with it’s response to the Access to Information review task force 2. To develop a training program for ministerial exempt staff, senior officials, line managers and access professionals on their role, responsibilities and participation in the Access to Information process.
<i>Canadians’ improved awareness of their access rights</i>	<ol style="list-style-type: none"> 1. To enhance electronic communications between Canadians and the Office by redesigning the OIC web site to provide interactive processes for inquiries and complaints. 2. To raise public awareness by: <ul style="list-style-type: none"> • Continuing to undertake speaking engagements • Contributing articles and other information • Providing support and expertise to conferences, public meetings and other special events
<i>Improved service standards</i>	<ol style="list-style-type: none"> 1. To publish procedural guidelines for the investigative process. 2. To design a “jurisprudence” framework for communication to the public and access community. 3. To continue to strive to improve service standards within resource constraints
<i>Advanced Training to Investigators</i>	<ol style="list-style-type: none"> 1. The training will contribute to the establishment of a high level of professionalism and will help investigators carry out their duties as advocates of the law efficiently. 2. To establish credibility and to foster cooperation and mutual trust as well as to open channels of communication between the public and government.

STRATEGIC OUTCOME 1 – Public officials’ improved awareness of their access obligations

A fundamental objective of the Office of the Information Commissioner is to improve access to government information held by federal institutions.

It is therefore incumbent upon the Commissioner to address, as a priority, those proposals, by the Access to Information Review Task Force that, if accepted, would serve to increase the current level of secrecy and further limit access.

To assist Parliament with its response to the Access to Information Review Task Force.

These include, but are not limited to, the Task Force recommendations that the Act be amended to provide that records “under the control of a government institution”:

- do not include notes prepared by public servants for their own use, and not shared with others or placed on an office file;
- do include such notes when they are used in an administrative decision-making process that can affect rights, or in a decision-making process reflected directly in government policy, advice or program decisions; and,
- the *Access to Information Guidelines* be amended to elaborate on the scope of public servants’ notes, and set out considerations to be taken into account by public servants and Access Coordinators in differentiating between public servants’ own notes and records subject to the Act.

and that the government’s *Policy on Alternative Service Delivery* be amended to ensure that arrangements for contracting out the delivery of government programs or services provide that:

- records relevant to the delivery of the program or service that are either transferred to the contractor, or created, obtained or maintained by the contractor, are considered to be under the control of the contracting institution; and,
- the Act applies to all records considered to be under the control of the contracting institution, and the contractor must make such records available to the institution upon request.

This latter recommendation would end the accountability of government for the value of money spent on the services of contractors.

These are but two of the some fifteen proposals that, in the Information Commissioner’s opinion, would have the effect of increasing secrecy by exempting or severely limiting access to government records.

The Commissioner has taken the unprecedented step of invoking Subsection 39(1) of the *Access to Information Act*, “ *where in the opinion of the Commissioner, the matter is of such urgency or importance that a report thereof should not be deferred until the time provided for transmission of the next annual report of the Commissioner under Section 38*” to table a response to the Report of the Access to Information Review Task Force.

The Response, addressed to The Speaker, was tabled on October 10, 2002.

To develop a training program for ministerial exempt staff, senior officials, line managers and access professionals on their role, responsibilities and participation in the Access to Information process.

The Commissioner has long held the view that adequate training is needed for both investigators within the OIC and for public officials who, by the nature of their work, may need to be involved in the access to information process. In this regard, the Treasury Board Secretariat’s initiatives to act as a forum and consultative source for sharing best practices and to provide training sessions on a variety of access topics through its Information and Security Policy Division, have demonstrated the need for a more formal and specialized training program.

For its part, the OIC has developed a comprehensive training and orientation program that each new investigator undergoes as their first task with the Office. The Commissioner feels that this training program can be adapted for public servants since it incorporates not just the legislation and the decisions of the Federal Court of Canada, as well as other courts, but previous investigations of the Office, the Treasury Board Manual on the Act and current case files.

Development of this training and orientation program based upon a tried and tested format and content would be fully supported by the OIC, and by the Access to Information Review Task Force which concluded, in Section 11-2 of its report that:

- awareness of access to information and information management be part of orientation programs for new public servants;
- generic training modules on access to information be developed for the training of program staff, in a form that can readily be customized to meet the needs of individual government institutions; and
- all managers receive access to information training, including the efficient management of access requests from a program perspective and best practices in managing information and in creating a culture of access.

Therefore the OIC is seeking sufficient funds through the Estimates process to tailor its current training programs for the intended public sector audience.

STRATEGIC OUTCOME 2 – Canadians’ improved awareness of their access rights

Another one of the main objectives of the Office of the Information Commissioner is to improve the public’s awareness of their access rights. The rationale behind making this an objective of the Office of the Information Commissioner is to improve the quality of governance and the vibrancy of democracy in this country.

To enhance electronic communications between Canadians and the Office by redesigning the OIC web site to provide interactive processes for inquiries and complaints.

Improving awareness about a subject demands that information about the subject be provided and understood. There are, in our society, numerous channels that can be used to disseminate information. These include television, radio, newspapers, press briefings, speeches and the ubiquitous Internet.

To date, the Commissioner has been reluctant to undertake a full-scale communications program on the premise that most Canadians are aware of their rights. However, Canadians need to be made aware of the implications inherent within the recommendations proposed by the Access to Information Review Task Force. Therefore, the Office will develop an ongoing program of communication designed to increase the awareness of Canadians about their rights and how these rights may be affected by legislative changes.

After 20 years, the Act is still not well-understood by the public, requesters, third parties who supply information to government, or even the public service. There is a pressing need for more education about access to information.

Excerpt from *Access to Information: Making it Work for Canadians*, Report of the Access to Information Review Task Force

The coming actuality of Government On-line will provide a golden opportunity to disseminate information on access rights and will enable the Office to reach literally thousands of Canadians in their homes and at work.

The Office will invest resources to improve the functionality, accessibility and responsiveness of its web site as part of the Government’s thrust towards electronic communications, and will use these capabilities to interact with those citizens concerned about the accessibility of Government information.

To raise public awareness by:

- Continuing to undertake speaking engagements;
- Contributing articles and other information; and,

- Providing support and expertise to conferences, public meetings and other special events.

The Commissioner has, in the past, given on the average, two speeches a month and will continue to accept speaking engagements where he can contribute to public awareness of access issues.

STRATEGIC OUTCOME 3 – Improved service standards

The OIC has drafted a comprehensive policy on service standards for its informal investigation process. After a period of consultation with Treasury Board, and through Treasury Board, with access coordinators throughout government, as well as consultations with other participants in the access to information process, the OIC will publish the policy and will expect its clients, government departments and its own staff to adhere to these service standards. A policy on service standards and guidelines for the formal investigative process is also being drafted.

The OIC plans to manage and resolve access to information complaints in a timely, fair and effective manner. Complaints can include allegations of denial of access to information, the expense of retrieving requested information and delays of over 30 days by government departments and agencies.

The OIC cannot control the number of investigations and complaints that are filed. Therefore, the OIC's goal is to deal with these inquiries and complaints efficiently within the scope of the Act. Over the past few years the OIC has improved the processes for handling complaints and developed a comprehensive training program for its investigation officers.

These initiatives to improve the OIC's service standards will continue during the program period.

STRATEGIC OUTCOME 4 – Advanced training to investigators

“The Office of the Information Commissioner has developed an intensive training program and extensive internal procedures manuals for its investigators. The day-to-day activities of investigators are supported by impressive internal resources which include not just manuals, but a Code of Professional conduct, and a grid for the analysis of the application of exemptions, exercise of discretion and delay issues”¹

In order to further enhance effective use of the Act, its purpose and democratic significance, advanced training will be given to investigators.

This training will be in the form of an on-line Information Access and Protection of Privacy (IAPP) Certificate Programme, in partnership with the University of Alberta.

The IAPP, once established, will produce twofold results: 1) the creation of a new standard of professionalism for workers in the access to information and privacy (ATIP) fields; 2) a new unity between investigators, ATIP professionals, and the public, by a bringing together of same for a shared-training experience, wherein alternative views may be expressed and understood.

¹ Access to Information: Making it Work for Canadians. Report of the Access to Information Review Task Force

Section V - Organization

5.1 Strategic Outcomes and Business Lines

The allocation of resources from each business line to the OIC's Strategic Outcomes is depicted in *Figure 2: Strategic Outcome and Business Line, for the Estimates Year (\$000s)*.

Access to Government Information

This is the main business line of the program and encompasses both the responsibility for maintaining and increasing public awareness and for responding to inquiries and complaints from Canadians concerning Access to Information.

Corporate Services

Corporate services provides administrative support services (finance, personnel, information technology and general administration) to the Information Commissioner's office. Its objective is to ensure that internal overhead functions are in place to support program management decisions and accountability.

Providing efficient, effective and expert service will remain the priority of this business line during the three years covered by this plan.

Figure 2: Strategic Outcome and Business Line, for the Estimates Year (\$000's)

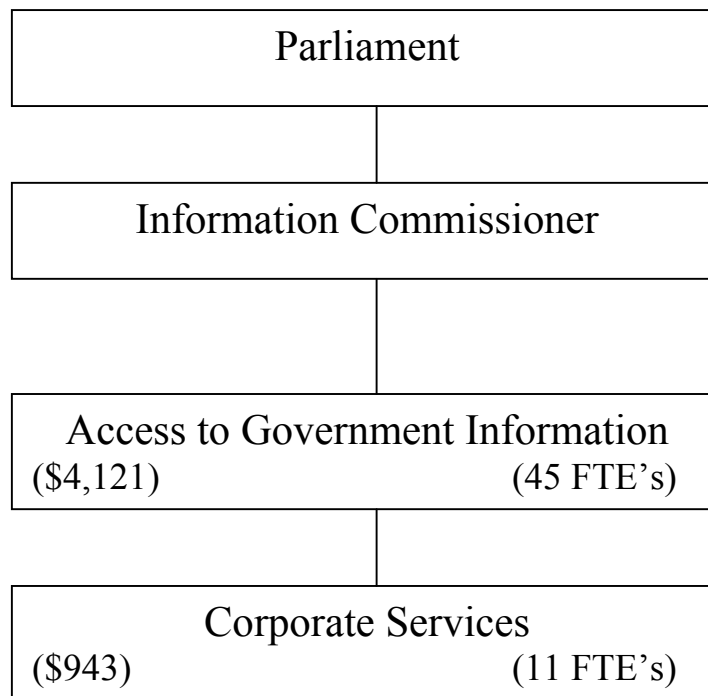
Business Line					
	Public officials' improved awareness of their access obligations	Canadians' improved awareness of their access rights	Improved service standards	Advanced Training to Investigators	Total
Access to Government Information	1,031	1,031	1,030	1,029	4,121
Corporate Services	236	236	236	235	943
Total	1,267	1,267	1,266	1,264	5,064
FTE's	14	14	14	14	56

5.2 Accountability

The Information Commissioner is responsible to Parliament for ensuring that Canadians' rights and obligations, under the *Access to Information Act*, are respected. He is accountable for two Business Lines, these being Access to Government Information and Corporate Services provided to the Office.

Figure 3: Accountability for Business Line Results and Resources Allocated depicts this relationship and shows the allocation of resources to each business line.

Figure 3: Accountability for Business Line Results and Resources Allocated (\$000's)



5.3 Total Planned Spending by Business Line

(\$ thousands)	Forecast Spending 2002-2003	Planned Spending 2003-2004	Planned Spending 2004-2005	Planned Spending 2005-2006
Access to Government Information	3,672	4,121	4,121	4,121
Corporate Services	625	943	943	943
Total Main Estimates	4,297	5,064	5,064	5,064
Adjustments**	1,239	0	0	0
Total	5,536	5,064	5,064	5,064

Full Time Equivalents	52	56	56	56
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**In its Supplementary Estimates (A), 2002-2003, the OIC submitted, and subsequently received, funding for the following items: \$182.7 K Operating Budget Carry Forward and \$260.0 K for pressures associated with the outsourcing of legal services. Also, in the same Supplementary Estimates, Treasury Board ministers approved the transfer of \$232.2 K (and \$42.4 K EBP) from Vote 45 – Office of the Privacy Commissioner of Canada to Vote 40 - Office of the Information Commissioner. The OIC also received \$184.0 K from TB Vote 15 for collective bargaining.

In its Supplementary Estimates (B), 2002-2003, the OIC submitted, and subsequently received, funding for the following items: \$60.0 K Backlog (and \$12.0 K EBP); Information Technology \$105.0 K and \$146.0 K Extraordinary Items. The OIC also received \$14.0 K from TB Vote 15 for collective bargaining.

5.4 Planned Spending by Business Line – Access to Government Information

(\$ thousands)	Forecast Spending 2002-2003	Planned Spending 2003-2004	Planned Spending 2004-2005	Planned Spending 2005-2006
Salaries and Wages	2,553	2,710	2,710	2,710
Employee Benefit Plans	510	542	542	542
Other Operating	609	869	869	869
Total Main Estimates	3,672	4,121	4,121	4,121
Adjustments**	889	0	0	0
Total	4,561	4,121	4,121	4,121

Full Time Equivalents	45	45	45	45
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**In its Supplementary Estimates (A), 2002-2003, the OIC submitted the following items associated with its Access to Government Information Business Line: \$182.7 K Operating Budget Carry Forward and \$260.0 K for pressures associated with the outsourcing of legal services. The OIC also requested \$148.0 K from TB Vote 15 for collective bargaining.

In its Supplementary Estimates (B), 2002-2003, the OIC submitted, and subsequently received, funding for the following Access to Government Information items: \$60.0 K Backlog (and \$12.0 K EBP); Information Technology \$105.0 K and \$110.0 K Extraordinary Items. This business line also received \$11.0 K from TB Vote 15 for collective bargaining.

5.5 Planned Spending by Business Line – Corporate Services

(\$ thousands)	Forecast Spending 2002-2003	Planned Spending 2003-2004	Planned Spending 2004-2005	Planned Spending 2005-2006
Salaries and Wages	373	622	622	622
Employee Benefit Plans	75	124	124	124
Other Operating	177	197	197	197
Total Main Estimates	625	943	943	943
Adjustments**	350	0	0	0
Total	975	943	943	943

Full Time Equivalents	7	11	11	11
Adjustments**	4	0	0	0
Total	11	11	11	11

**In its Supplementary Estimates (A), 2002-2003, the OIC submitted the following items associated with its Corporate Services Business Line: \$232.2 K (and \$42.4 K EBP) – transferred from Vote 45 – Office of the Privacy Commissioner of Canada. The decision by the OPC to no longer share Corporate Services resulted in the need to acquire an additional 4 FTE's to support the Office of the Information Commissioner. The Corporate Services business line received \$36.0 K from TB Vote 15 for collective bargaining.

In its Supplementary Estimates (B), 2002-2003, the OIC submitted, and subsequently received, funding for the following Corporate Services' items: \$36.0 K Extraordinary Items. This business line also received \$3.0 K from TB Vote 15 for collective bargaining.

Section VI – Annexes

6.1 Net Cost of Program for the Estimates Year

Office of the Information Commissioner of Canada Program

(thousands of dollars)	Main Estimates 2003-2004	Add Other Costs*	Estimated Total Program Costs	
			2003-2004	2002-2003
Office of the Information Commissioner of Canada	5,064	849	5,913	4,868
Adjustments**				1,238
Total Program Costs	5,064	849	5,913	6,106

**In its Supplementary Estimates (A), 2002-2003, the OIC submitted, and subsequently received, funding for the following items: \$182.7 K Operating Budget Carry Forward and \$260.0 K for pressures associated with the outsourcing of legal services. Also, in the same Supplementary Estimates, Treasury Board ministers approved the transfer of \$232.2 K (and \$42.4 K EBP) from Vote 45 – Office of the Privacy Commissioner of Canada to Vote 40 - Office of the Information Commissioner. The OIC also received \$184.0 K from TB Vote 15 for collective bargaining.

In its Supplementary Estimates (B), 2002-2003, the OIC submitted, and subsequently received, funding for the following items: \$60.0 K Backlog (and \$12.0 K EBP); Information Technology \$105.0 K and \$146.0 K Extraordinary Items. The OIC also received \$14.0 K from TB Vote 15 for collective bargaining.

*** Other costs of \$849 consist of:**

- ◆ accommodation provided by Public Works and Government Services Canada; and 596
- ◆ contributions covering employees' share of insurance premiums and expenditures paid by Treasury Board Secretariat. 253

6.2 Statutory Annual Reports and Other Publications

The Commissioner's annual reports and position papers on access to information issues are available on the Commissioner's Internet web site.

- **Response to the Report of the Access to Information Review Task Force : A Special Report to Parliament.** Ottawa: Minister of Public Works and Government Services Canada. Available from the Office of the Information Commissioner, Ottawa, Canada K1A 1H3; (613) 995-2410.
- **Information Commissioner's 2001-2002 Annual Report.** Ottawa: Minister of Public Works and Government Services Canada. Available from the Office of the Information Commissioner, Ottawa, Canada K1A 1H3; (613) 995-2410.
- **Performance Report to Parliament, for the period ending March 31, 2002.** Ottawa: Minister of Public Works and Government Services Canada. Available through local booksellers or by mail from Public Works and Government Services - Publishing, Ottawa, Canada K1A 0S9.
- **2002-03 Estimates: A Report on Plans and Priorities.** Ottawa: Minister of Public Works and Government Services Canada. Available through local booksellers or by mail from Public Works and Government Services - Publishing, Ottawa, Canada K1A 0S9.
- Office of the Information Commissioner of Canada Internet home page:
<http://www.infocom.gc.ca>

Legislation Administered by the Information Commissioner of Canada

The Information Commissioner has an oversight responsibility to Parliament for the following Act:

<i>Access to Information Act</i>	R.S.C., 1985, ch. A-1, amended 1999, c. 31, ss. 2 & 3
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Contact for Further Information

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OFFICE OF THE PRIVACY COMMISSIONER OF CANADA

2003-2004 ESTIMATES

A Report on Plans and Priorities

Approved: _____
The Honourable Martin Cauchon, PC, MP
Minister of Justice and
Attorney General of Canada

Date: _____

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OFFICE OF THE PRIVACY COMMISSIONER'S REPORT ON PLANS AND PRIORITIES

I am pleased to submit my Report on Plans and Priorities for the fiscal period April 1, 2003 to March 31, 2004.

Approved: _____
George Radwanski
Privacy Commissioner of Canada

Date: _____

SECTION I: Privacy Commissioner's Message



As Privacy Commissioner of Canada, my mandate is to promote and protect respect for privacy rights that form the foundation of *the Personal Information Protection and Electronics Document Act* and the *Privacy Act*. The importance of these laws cannot be overstated. Privacy – the right to control access to ourselves and personal information about us – is at the very core of our lives.

Since the September 11 terrorist attacks on the U.S., the fundamental right of privacy is in jeopardy as never before. We have to make choices about privacy now, and those choices will determine not only what kind of world we create for ourselves, but what kind of world we leave to our children and grandchildren.

As a result, the challenge of protecting the privacy rights of Canadians in 2003-2004 will be greater than ever before. As well, the application of *the Personal Information Protection and Electronics Document Act* will expand greatly as of January 1, 2004 to include all commercial activities that normally fall under provincial jurisdiction, except where provinces have passed substantially similar privacy legislation of their own.

To meet these challenges, the Office of the Privacy Commissioner will continue to bring to the attention of Parliament and Canadians government initiatives that threaten the fundamental privacy rights of Canadians. We will undertake communications efforts to make Canadians aware of their rights and organizations aware of their responsibilities. We will respond to inquiries, investigate complaints and audit the information handling practices of federal government departments and private sector organization. The Office will continue to improve these processes to serve Canadians better.

This report is an overview of the Office of the Privacy Commissioner's plans for fiscal year 2003-2004, including a discussion of the factors that will affect how the Privacy Commissioner will administer the program.

Management Representation Statement

I submit, for tabling in Parliament, the 2003-2004 Report on Plans and Priorities (RPP) for the Office of the Privacy Commissioner of Canada.

This document has been prepared based on the reporting principles and disclosure requirements contained in the *Guide to the preparation of the 2003-2004 Report on Plans and priorities*.

- It accurately portrays the organization's plans and priorities.
- The planned spending information in this document is consistent with the directions provided in the Minister of Finance's Budget and by TBS.
- Is comprehensive and accurate.
- Is based on sound underlying departmental information and management systems.

The reporting structure on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Name: _____

Date: _____

SECTION II: Raison d'Être

To ensure that Canadians' rights, under Canada's privacy laws, are respected.

The Privacy Commissioner of Canada, George Radwanski, is an Officer of Parliament who reports directly to the Senate and House of Commons. 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 sectors;
- conducting research into privacy issues; and
- promoting awareness and understanding of privacy issues by the Canadian public.

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

Canadians 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 complaints under Section 11 of the *Personal Information Protection and Electronics Documents (PIPED) Act*. This *Act* currently applies to federally regulated businesses across Canada and to all businesses in the three territories. It also applies to personal information that is sold across provincial and national boundaries for consideration. On January 1, 2004, the *PIPED Act* will apply to all personal information collected, used or disclosed in the course of commercial activities by all private sector organizations, except in provinces that have, by then, enacted privacy legislation that is deemed to be substantially similar to the federal law.

As an ombudsman, the Commissioner prefers to resolve complaints through negotiation and persuasion, using mediation and conciliation if appropriate. However, the Commissioner has the power to summon witnesses, administer oaths and compel the production of evidence if voluntary co-operation is not forthcoming.

SECTION III: Planning Overview

In 2003-2004, in addition to standard operational activities such as investigations and audits under federal privacy laws, a number of environmental factors will likely increase demands on the Office's resources.

The post-9/11 environment

Privacy is under assault as never before. Citing the heightened security requirements since the September 11th tragedies, the Government has introduced a variety of privacy-invasive initiatives. Never before has it been more important to find the appropriate balance between privacy and security.

Canadians expect the Commissioner and his Office to take a leadership role in this critical debate – to bring privacy issues to the table, to raise awareness of the issues, to negotiate effectively with the Government, and to encourage organizations to rethink their approach to many of these initiatives.

The full implementation of the *PIPED Act*

The scope of the *Personal Information Protection and Electronic Documents (PIPED) Act* will expand greatly in 2004. The *Act* is being implemented in stages. It currently applies to federal works, undertakings, and businesses, such as airlines, banking, broadcasting, interprovincial transportation and telecommunications, as well as to all organizations that disclose personal information outside a province or the country for consideration. On January 1, 2004, the *Act* will extend to every organization that collects, uses or discloses personal information in the course of a commercial activity within a province, except where a substantially similar provincial law applies.

It is likely that many provinces will not have a substantially similar provincial law by January 2004. A patchwork of coverage at the provincial level is more likely. For both citizens and businesses, this may create confusion about jurisdiction. In addition to its responsibilities in the federal public sector and the federally-regulated private sector, the Office will take on the bulk of the responsibility for overseeing privacy rights in the rest of the private sector.

It will be imperative for the Office to continue generating maximum awareness among businesses, to inform them of their obligations, and among citizens, to inform them of their rights, under the new law. The Office will also need to prepare for an anticipated increase in complaints and inquiries.

Increased awareness of privacy issues

As the Commissioner predicted, privacy is becoming the defining issue of this decade. A number of factors – the September 11th terrorist attacks, new advances in privacy-invasive technologies, open debate in public and in the media regarding the privacy implications of new Government initiatives, among others – have contributed to an overall increase in awareness of privacy issues in Canada.

Since the Commissioner's appointment, hits to the Office's Web site have increased ten-fold. The Office receives a minimum of 100 media requests per month and media coverage of privacy issues has more than doubled. Public inquiries to the Office have also increased dramatically.

The Office must be in a position to handle this increased demand. The Commissioner and his Office are also committed to continuing to fulfil their mandate to increase public awareness and understanding of privacy issues in Canada.

Privacy Impact Assessments (PIAs)

The introduction of electronic services by the federal Government through programs such as the Government On-Line (GOL) initiative has also added to the obligations and responsibilities of the Office.

Respect for citizens' privacy is critical to the success of these new services. This past year, at the Commissioner's urging, the Government of Canada initiated a new Privacy Impact Assessment Policy. This 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. Canada is the first country in the world to make PIAs mandatory for all federal departments and agencies.

In addition to working with Treasury Board Secretariat on the policy, the Commissioner's Office is required under the policy to review all PIAs and offer comments to departments and agencies at an early stage.

The above factors, taken as a whole, amount to a significant increase in the obligations, responsibilities and workload of the Office. Both the environment in which the Office operates, and the extent and scope of the Commissioner's mandate, are significantly different than they were prior to the introduction of the *PIPED Act*. These changes in environment and outlook pose an increased challenge to the Office's ability to meet the expectations of Canadian individuals and organizations.

SECTION IV: Plans and Priorities by Strategic Outcome

Summary

<u>Strategic Outcomes</u>	<u>Priorities</u>
<p>1. Encouraging compliance with privacy law by both public and private sector organizations in Canada. (3,046 K)</p>	<ul style="list-style-type: none"> ✓ Seek to promote the implementation of fair information practices in both the public and private sector through investigations and audits under federal privacy laws. ✓ Pre-empt problems through consultation and assistance with government institutions and private sector organizations, rather than resorting to formal mechanisms of compliance. ✓ Work with federal organizations, providing them with advice in relation to compliance issues and the privacy implications of new and existing programs and practices in the context of GOL.
<p>2. Safeguarding the right to privacy of Canadians. (5,256 K)</p>	<ul style="list-style-type: none"> ✓ Continue to improve internal policies and procedures with relation to monitoring and profiling of the personal information management practices of private sector organizations. ✓ Maintain a consultative and cooperative approach to promote compliance with both federal laws.

<p>3. Increasing public awareness and understanding of privacy issues. (2,930 K)</p>	<ul style="list-style-type: none"> ✓ Launch a major national advertising campaign to ensure that Canadian businesses subject to the <i>PIPED Act</i> are aware of their obligations, and that citizens are aware of their rights, under the law. Explore opportunities to run ads targeted specifically toward small and medium-sized businesses as well. ✓ Continue to create opportunities for public education by organizing speaking engagements for the Commissioner and other senior officials. ✓ Implement preparatory work for the 26th International Conference of Data Protection & Privacy Commissioners, to be hosted by the Privacy Commissioner of Canada and his Office in Ottawa in September 2004. ✓ Continue producing material such as the Business Guide and the Citizens' Guide. Develop and distribute brochures and fact sheets targeted specifically toward small and medium-sized businesses, to help them understand and better prepare for the implementation of the <i>PIPED Act</i>. ✓ Continue with a proactive media relations program to include the issuance of press releases, statements, participation in editorial boards, granting of media interviews, etc. ✓ Create new opportunities to reach Canadians and businesses at the grassroots level with a community newspaper article campaign, to include a series of articles or columns on key privacy issues for dissemination to community newspapers across the country. ✓ Enhance the function and content of the Web site.
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	<ul style="list-style-type: none">✓ Increase capacity to respond effectively to an increasing number of public inquiries.✓ Liaise and network with sector-specific groups to raise awareness of the <i>PIPED Act</i>.✓ Continue to track and analyze key privacy issues.✓ Explore opportunities to develop Web-based curriculum on key privacy issues and privacy legislation in Canada.
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Strategic Outcome 1 (\$ 3,046 K)

Encouraging compliance with privacy law by both public and private sector organizations in Canada

Through the combined efforts of its Investigations and its Privacy Practices and Reviews Branches, the Office seeks to promote the implementation of fair information practices in both public and private sector organizations in Canada, and to investigate complaints and conduct audits under federal privacy laws.

In terms of the *Privacy Act*, the priorities for the Office continue to be focused on pre-empting problems through consultation and assistance with government institutions, rather than resorting to formal mechanisms of compliance. This approach has proved successful in the past and is consistent with the Privacy Commissioner's role as an ombudsman. Although voluntary compliance with the *Privacy Act* is favoured, the Office anticipates complementing its consultative efforts by increasing its formal compliance reviews when circumstances require.

In general, the Office is focused on the promotion of compliance with the respect for privacy rights as outlined in both the *Privacy Act* and the *Personal Information Protection and Electronic Documents (PIPED) Act*. An increasing part of the Office's work involves examining privacy considerations as they relate to the integration of technology in public and private administration. Both public and private sector organizations are increasingly managing personal information through the use of electronic systems rather than the more conventional paper-based systems.

One of the most significant challenges facing the Office over the next few years relates to the Government On-Line (GOL) initiative, which seeks to expand the delivery of the Government of Canada's programs and services via on-line networks. It is essential that the *Privacy Act* be adequately considered before implementing any GOL project or program proposal that may compromise the privacy rights of Canadians. The Office is committed to working with federal organizations, providing them with advice in relation to compliance issues and the privacy implications of new and existing programs and practices in the context of GOL.

It is difficult to measure in empirical terms the effectiveness of the Office's efforts to encourage compliance with privacy law by both public and private sector organizations in Canada. However, the Office maintains detailed statistical information regarding its case work, including turnaround times, and it has given itself internal guidelines to continue providing efficient and effective service to Canadians with regard to complaint investigations.

Strategic Outcome 2 (\$ 5,256 K)

Safeguarding the right to privacy of Canadians

Under the *PIPED Act*, the Privacy Commissioner has the authority to audit and take complaints regarding the personal information management practices of organizations, which are subject to the legislation. Unlike the public sector *Privacy Act*, the *PIPED Act* stipulates that the Privacy Commissioner of Canada must have reasonable grounds to believe that an organization is contravening the law before initiating an audit. Even with its compliance reviews under the *Privacy Act*, the Office has always focused its review activities on government institutions that presented a greater risk in terms of privacy protection. However, under the *PIPED Act*, the Office is now required to meet the legal standard of “reasonable grounds” prior to auditing an organization. This presents a more reactive framework for conducting audits and, therefore, can impact on the ability of the Office to assign its resources and plan its short and long-term review and consultative activities.

In order to mitigate this risk, the Office has developed and continues to improve its internal policies and procedures with relation to monitoring and profiling of the personal information management practices of private sector organizations. A significant aspect of this work involves maintaining an open and continuous dialogue among the Office’s two compliance directorates (Investigations, and Privacy Practices and Reviews). Monitoring and analyzing trends with regard to complaints related to compliance issues under the *PIPED Act* provides the Office with the information necessary for planning and prioritizing its audit and review activities. It also provides an adequate level of flexibility to maintain a consultative and co-operative approach to promote compliance with both federal laws.

It is difficult to measure in empirical terms the effectiveness of the Office’s efforts to safeguard the right of privacy of Canadians. However, the Office maintains detailed statistical information regarding its case work, including turnaround times, and it has given itself internal guidelines to continue providing efficient and effective service to Canadians with regard to complaint investigations.

Strategic Outcome 3 **(\$ 2,930 K)**

Increasing public awareness and understanding of privacy issues

Privacy is truly becoming the defining issue of this decade. Maintaining and elaborating its public education and awareness program will become all the more crucial for the Office of the Privacy Commissioner of Canada in the next year and beyond.

On January 1, 2004, the *Personal Information Protection and Electronic Documents (PIPED) Act*, which began coming into effect in January 2001, will apply to all personal information collected, used or disclosed in the course of commercial activities by all private sector organizations, except in provinces that have, by then, enacted privacy legislation that is deemed to be substantially similar to the federal law. It is likely that by 2004 many provinces will not have a substantially similar provincial law, and the environment will likely create confusion about jurisdiction for both citizens and businesses. At this time, it appears that in addition to the Office's responsibilities in the federal public sector and the federally-regulated private sector, the majority of the responsibility for overseeing privacy rights in the private sector will likely fall on the federal Commissioner's Office.

Leading up to 2004, communications activities will be critical to ensuring that the business community in Canada is fully aware of its obligations under Canada's new private sector privacy law and continued efforts will also be required to ensure that citizens are informed of their privacy rights.

The post-September 11th environment in which we find ourselves is another factor which emphasizes the Office's need for public awareness and communications activities. Never before has it been more important to find the appropriate balance between privacy and security. The fundamental human right of privacy is under attack and, through public awareness activities, the Commissioner and his Office can inform Canadians of these critical issues, and encourage governments and organizations to rethink the privacy-invasiveness some of these initiatives.

Following is a brief outline of communications activities on which the Office of the Privacy Commissioner of Canada will focus its efforts, as well as efforts to measure the effectiveness of these activities, given the importance of increasing public awareness and understanding of privacy issues in 2003-2004:

Advertising

Leading up to 2004, the Office plans to launch a major national advertising campaign to ensure that Canadian businesses subject to the *PIPED Act* are aware of their obligations, and that citizens are aware of their rights, under the law. Advertisements will appear across the country, in both official languages. The Office will also explore opportunities to run advertisements targeted specifically toward small and medium-sized businesses, to ensure that they are very much aware of the new law.

The Office evaluates the effectiveness of advertising as a tool for raising public awareness and understanding of privacy issues through audience figures provided by media outlets, as well as feedback mechanisms built into the ads, which have doubled the number of inquiries to the Office and increased the number of hits to the Web site significantly.

Speaking Engagements and Conferences

Conferences and other special events provide the Commissioner and his Office with a unique opportunity to meet Canadians and to raise awareness of privacy issues and federal privacy laws among diverse audiences and settings – business groups, the legal community, other professional and industry associations, non-profit and advocacy groups, universities, and public events. In 2003-2004 and beyond, the Office will continue to create opportunities for public education by organizing speaking engagements for the Commissioner and other senior officials.

In addition to this, in September 2004, the Privacy Commissioner of Canada and his Office will host the 26th International Conference of Data Protection & Privacy Commissioners. This event will raise the profile of privacy issues in Canada and will demonstrate Canada's leadership in privacy issues on the international stage.

The Office evaluates the effectiveness of speaking engagements and conferences as a tool for raising public awareness and understanding of privacy issues by tracking the number of requests for speeches, the number of events that take place, the size of the audiences and audience feedback, which continues to be extremely favourable.

Publications

The Office has produced two guides to respond to the demand from Canadians and businesses for more information on the *PIPED Act*. The *Citizens' Guide* tells Canadians about their rights under the new law. The *Business Guide* informs organizations of their responsibilities under the law, so they can learn how to comply with it. These guides are in high demand; they are currently sent to individuals upon request, distributed at conferences and accessed electronically by visitors to our Web site. Leading up to 2004, the Office will continue to reproduce and disseminate these guides. In addition to this, the Office will develop and distribute brochures targeted specifically toward small and medium-sized businesses, to help them understand and better prepare for the implementation of the *Act*.

In addition to this, to satisfy a growing demand for more information on privacy issues, the Office will also produce fact sheets on a variety of key issues. The Office will also work to expand the number of suitable locations, such as information kiosks and government sites, where its publications – the guides, brochures, fact sheets, annual reports, copies of the *Acts*, etc. – can be disseminated. The Office will also consult with business groups and associations, to encourage them to distribute the guides, brochures and other material to their members.

The Office evaluates the effectiveness of its publications as a tool for raising public awareness and understanding of privacy issues by tracking the number of publications that are disseminated and taking note of the feedback provided by citizens and businesses who receive the material.

Media Relations

The media's appetite for news relating to privacy continues to increase steadily. In 2003-2004, in addition to responding to the demand for more information and comment about personal privacy and Canadians' rights under federal privacy laws, the Office will continue to maintain its proactive media relations program as an effective tool to raise awareness of various issues. The Commissioner and his Office will continue to issue public statements, news releases and media advisories; participate in editorial board meetings; contribute articles and other information to a variety of publications; and provide media relations support for conferences, public meetings and other special events. The Office will also look at creating new opportunities to reach Canadians and businesses at the grassroots level with a major community newspaper article campaign, to include a series of articles or columns on key privacy issues for dissemination to community newspapers across the country.

The Office evaluates the effectiveness of media relations as a tool for raising public awareness and understanding of privacy issues by tracking media requests to the Office, as well as media coverage of privacy issues and key issues raised by the Commissioner and his Office.

Web site

Since the Commissioner's appointment in September 2000, visits to the Office's Web site have increased ten-fold. The Office will continue to enhance the overall function, as well as the content of the site, to meet this ongoing demand for more information on privacy issues. In addition to continuing to add new elements such as news releases, speeches, fact sheets, links and select reports to the site, the Office will also continue to produce and post summaries of the Commissioner's findings under the *PIPED Act* in an effort to provide guidance to businesses and the legal community.

The Office evaluates the effectiveness of its Web site as a tool for raising public awareness and understanding of privacy issues by tracking the number of hits to the Web site, monitoring the popularity of certain sections of the site and taking into account feedback offered by visitors to the site.

Public inquiries

The Office of the Privacy Commissioner of Canada receives and responds to thousands of public inquiries on an ongoing basis by e-mail, telephone and mail. This function enables the Office to communicate directly with Canadians and to explain to them their rights under Canada's privacy laws. This is an activity that will continue to increase in importance as public awareness, and the number of inquiries to the Office, continue to rise. The Office will ensure that the appropriate human and financial resources are dedicated to respond to this demand.

The Office evaluates the effectiveness of responding to public inquiries as a tool for raising public awareness and understanding of privacy issues by tracking the number of inquiries to the Office, as well as the subject matter of these inquiries, to identify any trends. The Office also takes into account any comments provided by those who contact the Office with inquiries.

Liaison with stakeholder groups

In 2003-2004, the Office will continue its efforts to liaise and network with a variety of sector-specific organizations affected by the new legislation, such as the Federation of Independent Business, the Canadian Marketing Association, the Canadian Bankers Association, the Canadian Medical Association, etc. The Office will work with these groups to help them ensure that their members understand the implications of the *PIPED Act*. The Office will also encourage these groups to develop their own publications and material to further raise awareness and understanding of the *Act* in their specific sectors.

The Office evaluates the effectiveness of its liaison activities through evidence of positive relationships fostered, and through the participation of these groups in helping to raise awareness of the *Act* in their sectors.

Environmental monitoring, research and analysis

To anticipate issues that arise and to address the public need for information on privacy issues, the Office's environmental monitoring, research and analysis activities are paramount. In 2003-2004, it will be important for the Office to continue to track and analyze media coverage on privacy issues, which continues to increase dramatically. In addition to this, the Office will continue to monitor the World Wide Web, initiate research projects and prepare detailed analyses, and identify and track a variety of privacy issues and trends ranging from e-commerce to genetic testing and from video surveillance to identity theft.

The Office's environmental monitoring, research and analysis activities ultimately support its public awareness activities and ensure that the Commissioner, senior officials and staff are kept informed of important privacy issues and trends.

Educational material for schools

In 2003-2004, the Office will explore opportunities to develop Web-based curriculum to arm educators with tools and students with information on key privacy issues and privacy legislation in Canada. The Office will look at providing educational material in electronic format, such as PowerPoint presentations, for use by schools, on its Web site.

The Office will first consult with educators to gauge their interest in the material, and will also consult with the educators and the students regarding its effectiveness in raising their awareness and understanding of privacy issues.

SECTION V: Organization

The Office of the Privacy Commissioner of Canada was created under the *Privacy Act*, which came into force on July 1, 1983.

In order to meet its objectives and provide Canadians with the established strategic outcomes, the Office has organized its activities around the following business lines:

- ⇒ Protection of personal information – federal public sector
- ⇒ Protection of personal information – private sector
- ⇒ Corporate services

The **protection of personal information – federal public sector** business line focuses on all activities related to the administration of the *Privacy Act*.

The **protection of personal information – private sector** business line focuses on all activities related to the administration of the *PIPED Act*.

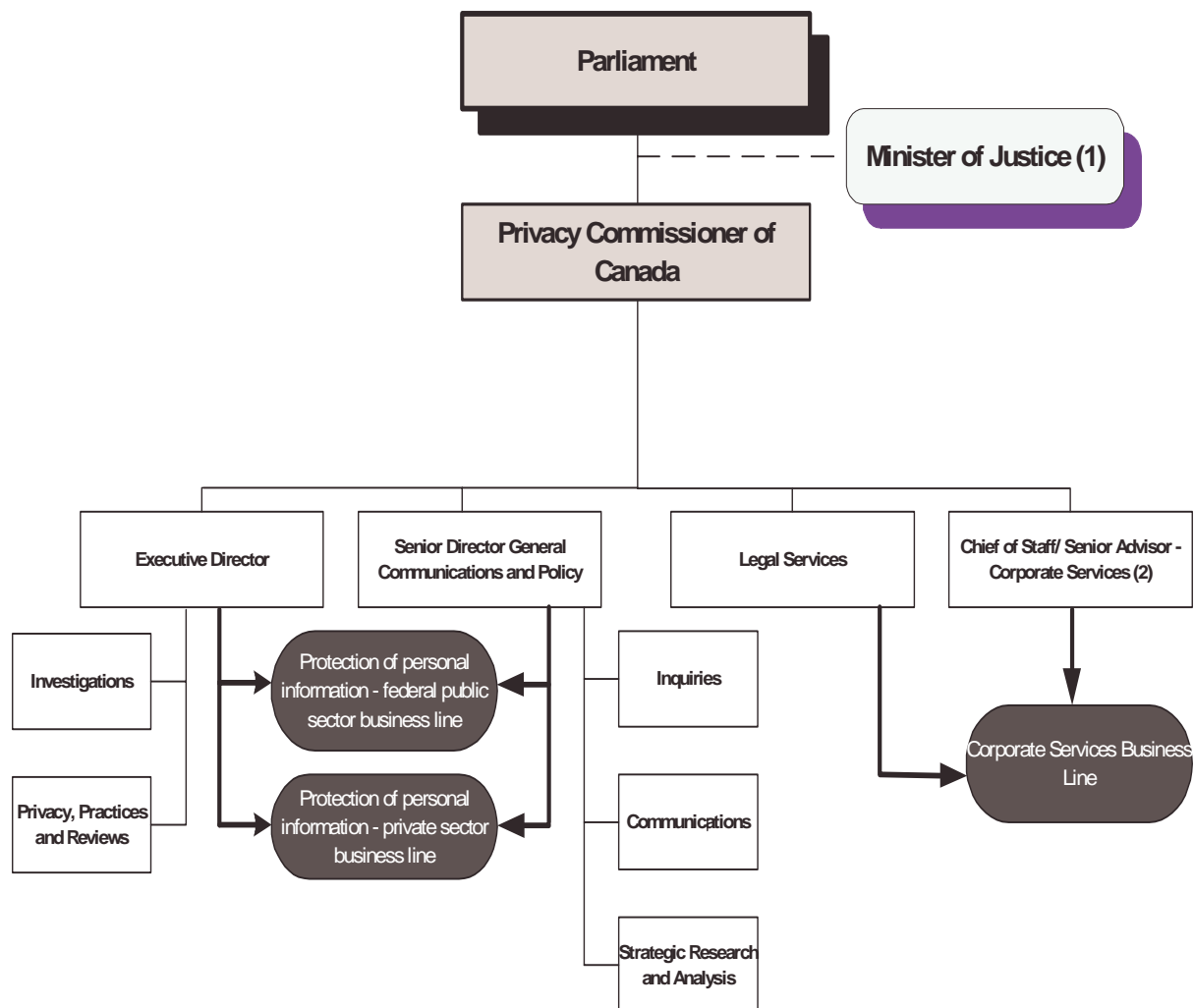
The **corporate services** business line focuses on all activities related to the administrative support of the Office.

(\$ Thousands)

Strategic Outcome	Business Lines			Total by Strategic Outcome
	Federal Public Sector	Private Sector	Corporate Services	
Encouraging compliance with privacy law by both public and private sector organizations in Canada	1,320	1,272	454	3,046
Safeguarding the right to privacy of Canadians	1,680	3,008	568	5,256
Increasing public awareness and understanding of privacy issues	1,201	1,388	341	2,930
Total by Business Line	\$ 4,201	\$ 5,668	\$ 1,363	\$ 11,232

Amounts shown above include contributions to the Employee Benefits Plan (EBP), which are non-discretionary expenditures for the Office.

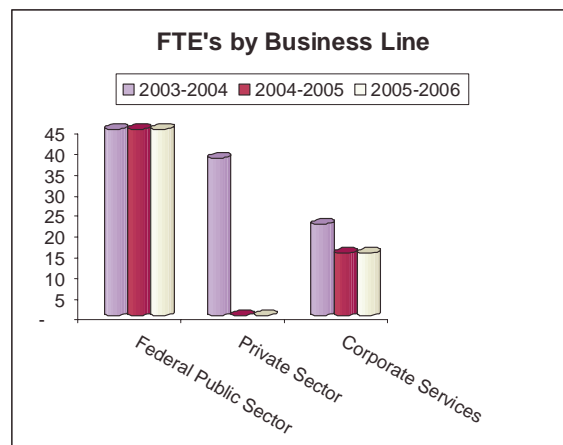
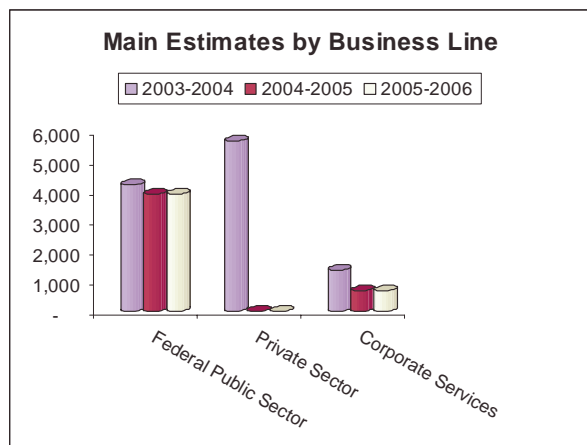
Accountability



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

(2) Effective April 1, 2002, Corporate Services is part of this Office and resources are no longer shared with the Office of the Information Commissioner of Canada.

Resources, financial and Full Time Equivalents (FTE's), required by the Office to attain its results represent the following; additional details are included in annexes.



The decrease in funding and FTE's beginning in 2004-05 reflects the government's plan to review the Protection of personal information – private sector business line. Funding for this business line was originally provided in 2000-01 with the introduction of the *PIPED Act*. At that time, the true resource requirements could not be satisfactorily determined considering the uncertainty of the impact of the *PIPED Act* on the Office's activities.

The Office will be required to work with TBS in 2003-04 to re-establish an appropriate financial framework as of April 2004.

Investigations Branch

The Investigations Branch is responsible for investigating, on behalf of the Commissioner, complaints received from individuals under Section 29 of the *Privacy Act* and Section 11 of the *Personal Information Protection and Electronic Documents Act*.

Essentially, the Office's investigations serve to establish whether individuals have had their privacy rights violated and/or whether they have been accorded their right of access to their personal information.

Where privacy rights have been violated, the investigation process seeks to provide redress for individuals and to keep violations from recurring.

Through the Privacy Commissioner, the Branch has the authority to administer oaths, receive evidence and enter premises where appropriate. The Commissioner can also examine or obtain copies of records found in any premises.

To date, all complaints brought before the Commissioner have been resolved without having to use these formal investigative powers, because voluntary co-operation with investigations has been forthcoming.

Privacy Practices and Reviews Branch

Like the Investigations Branch, the Privacy Practices and Reviews Branch assesses how well organizations are complying with requirements set out in two federal *Acts*.

Following accepted standard audit objectives and criteria, the Branch conducts compliance reviews under Section 37 of the *Privacy Act* and audits under Section 18 of the *Personal Information Protection and Electronic Documents Act*.

The *Privacy Act* permits the Commissioner to randomly initiate a compliance review of federal institutions. The *Personal Information Protection and Electronic Documents Act* allows the Commissioner to audit the compliance of private organizations if the Commissioner has “reasonable grounds to believe” that the organizations are contravening a provision of the *Act*.

Through the Privacy Commissioner, the Branch has the authority to administer oaths, receive evidence and, at any reasonable time, enter the premises where appropriate.

It also provides assistance to public and private sector organizations regarding fair information handling practices with respect to any initiative with privacy implications.

Communications and Policy Branch

Communications and Policy Branch was created to carry out the public education and awareness mandate of the Commissioner and his Office, strengthened under the *Personal Information Protection and Electronic Documents Act*.

On the Communications side, the branch focuses on:

- issuing news releases, organizing media interviews, speeches, conferences and special events for the Commissioner and senior staff;
- developing communications tools to address issues of concern to Canadians;
- managing the design and content of the Office's Web site;
- developing and publishing materials for a variety of audiences, including the Privacy Commissioner's Annual Report to Parliament; and
- drafting policy on key privacy issues.

Since January 1, 2001, the Communications Branch has informed Canadians across the country of their new rights under the *Personal Information Protection and Electronic Documents Act* through advertising and has published comprehensive guides to the new *Act* for business and individual Canadians. These materials are being widely circulated and are posted on the Web site.

The Policy Division serves as the centre of expertise on emerging privacy issues in Canada and abroad. It is responsible for researching trends, providing analysis on key issues, and developing policies and positions that advance the protection of the privacy rights of Canadians.

The Inquiries Division responds to thousands of inquiries annually from the general public who contact the Office for advice and assistance on a wide range of privacy-related matters.

Legal Services

Legal Services, headed by the General Counsel, provides specialized legal and strategic advice and litigation support to the Privacy Commissioner with respect to the *Privacy Act* and the *Personal Information Protection and Electronic Documents Act*.

Corporate Services

Corporate Services provides advice and integrated administrative services (finance, human resources, information technology and general administration) to managers and staff. Effective April 1, 2002, Corporate Services is part of the Office of the Privacy Commissioner of Canada and resources are no longer shared with the Office of the Information Commissioner of Canada.

OPC Planned Spending

(\$ Thousands)	Forecast Spending 2002-2003	Planned Spending 2003-2004	Planned Spending 2004-2005	Planned Spending 2005-2006
Protection of Personal Information - Federal Public Sector	3,864	4,201	3,899	3,899
Protection of Personal Information - Private Sector	5,970	5,668 *	-	-
Corporate Services	1,320	1,363	669	669
Total Main Estimates	11,154	11,232	4,568	4,568
Adjustments ***	388	-	-	-
Net Planned Spending **	11,542	11,232	4,568	4,568
Plus: Cost received without charge	1,159	1,184	-	-
Net cost of Program	12,701	12,416	4,568	4,568

Full Time Equivalent (FTEs)	102	105	60	60
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* The decrease in planned spending and FTEs beginning in 2004-05 reflects the government's plan to review the Protection of personal information – private sector business line. Funding for this business line was originally provided in 2000-01 with the introduction of the *PIPED Act*. At that time, the true resource requirements could not be satisfactorily determined considering the uncertainty of the impact of the *PIPED Act* on the Office's activities.

The Office will be required to work with TBS in 2003-04 to re-establish an appropriate financial framework as of April 2004.

** Reflects the best forecast of total net planned spending to the end of the fiscal year.

*** Adjustments are to accommodate approvals obtained since the Main Estimates and include Supplementary Estimates items and transfers from TBS votes for various initiatives.

SECTION VI: Annexes

Annex 1: Summary of Transfer Payments

(\$ Thousands)	Forecast Spending	Planned Spending	Planned Spending	Planned Spending
	2002-2003	2003-2004	2004-2005	2005-2006
Contributions				
Protection of Personal Information - Private Sector	-	198	-	-
Total Transfer Payments	-	198	-	-

The contribution funds are part of the Protection of personal information – private sector business line. Originally, \$ 500K was allotted to this allotment. In 2003-04, an amount of \$ 302K is transferred to the Office of the Information Commissioner to cover the costs of the separation of Corporate Services.

The decrease in planned spending beginning in 2004-05 reflects the government's plan to review the Protection of personal information – private sector business line. Funding for this business line was originally provided in 2000-01 with the introduction of the *PIPED Act*. At that time, the true resource requirements could not be satisfactorily determined considering the uncertainty of the impact of the *PIPED Act* on the Office's activities.

The Office will be required to work with TBS in 2003-04 to re-establish an appropriate financial framework as of April 2004.

Annex 2: Net Cost of Program for 2003-04

(\$ Thousands)	2003-2004
Net Planned Spending	11,232
<i>Plus: Services Received Without Charge</i>	
Accommodations provided by Public Works and Government Services Canada	646
Contributions covering employer's share of employees' insurance premiums and expenditures paid by Treasury Board Secretariat	538
Net Cost of Program	12,416

SECTION VII: Supplementary Information

1. 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

2. Statutory Annual Reports and Other Publications

The Commissioner's annual reports on privacy issues are available on the Commissioner's Web site.

- **Privacy Commissioner's 2001-02 Annual Report.** Available on computer diskette and hardcopy 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.
- **Performance Report to Parliament, for the period ending March 31, 2002.** Ottawa: Minister of Public Works and Government Services Canada, 2000. Available through local booksellers or by mail from Public Works and Government Services - Publishing, Ottawa, Canada K1A 0S9.
- **2002-03 Estimates: A Report on Plans and Priorities.** Ottawa: Minister of Public Works and Government Services Canada, 2001. Available through local booksellers or by mail from Public Works and Government Services - Publishing, Ottawa, Canada K1A 0S9.
- **A Guide for Canadians to the *Personal Information Protection and Electronic Documents Act*.** Available through 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.
- **A Guide for Businesses and Organizations to the *Personal Information Protection and Electronic Documents Act*.** Available through 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.
- Office of the Privacy Commissioner of Canada Web site: www.privcom.gc.ca

3. Contact for Further Information

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