



## ONE YEAR LATER: REPORT OF THE PUBLIC SERVICE COMMISSION OF CANADA ON THE OFFICE OF THE PRIVACY COMMISSIONER OF CANADA

October 2004

### WHY DID THE PSC PREPARE THIS REPORT?

In March and May of 2003, the House of Commons Standing Committee on Government Operations and Estimates held hearings to scrutinize the Estimates of the Office of the Privacy Commissioner (OPC). The Committee cited its loss of confidence in the then-Privacy Commissioner, George Radwanski, saying it was no longer possible to believe that information provided by him about his activities “could be assumed to be complete and accurate”. The Committee requested audits of the OPC by the Office of the Auditor General of Canada and the Public Service Commission (PSC) of Canada.

As requested, the PSC conducted a staffing audit, in the meantime imposing conditions on the OPC’s delegated staffing authority. Further to the audit, several investigations were conducted which revealed irregular staffing practices. The PSC also undertook a follow-up to the staffing audit, to evaluate the OPC’s progress toward addressing the findings and recommendations.

This Report presents an overview of all the PSC’s interventions with respect to the management of staffing at the OPC since June 2003, and provides an update on the situation at the OPC, one year later.

#### What did the PSC find?

- The follow-up to the staffing audit found that, although some progress had been made in addressing the findings and recommendations of the audit, the OPC had not yet finalized, implemented and communicated its staffing strategy; nor had it put in place the required reporting and monitoring/control system.
- The investigations confirmed that there was: a lack of adherence to the staffing values of fairness, equity of access and transparency; or a violation of the terms of the Staffing Delegation and Accountability Agreement.
- In one instance, an appointment was found not to be in accordance with the Act; this resulted in a Board of Inquiry and the revocation of the appointment.

#### What is being done?

- The PSC will continue to monitor the situation until it is satisfied that the OPC has met the conditions for restoration of its delegated staffing authority.
- The PSC will maintain the conditions on OPC staffing until it is confident that the OPC has the necessary management capacity and human resources function in place.