

OFFICES OF THE INFORMATION AND PRIVACY COMMISSIONERS

1999-2000 ESTIMATES

A Report on Plans and Priorities

Approved: _____
Information Commissioner of Canada

Date: _____

Approved: _____
Privacy Commissioner of Canada

Date: _____

Approved: _____
Minister of Justice

Date: _____

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SECTION I - INTRODUCTION

Overview

The Offices of the Information and Privacy Commissioners of Canada were created under the Access to Information and Privacy Acts which came into force on July 1, 1983. The Commissioners are independent officers of Parliament appointed by the Governor-in-Council following approval of their nominations by resolution of the Senate and the House of Commons. The Offices of the Commissioners were designated by Order-in-Council as a department for purposes of the Financial Administration Act.

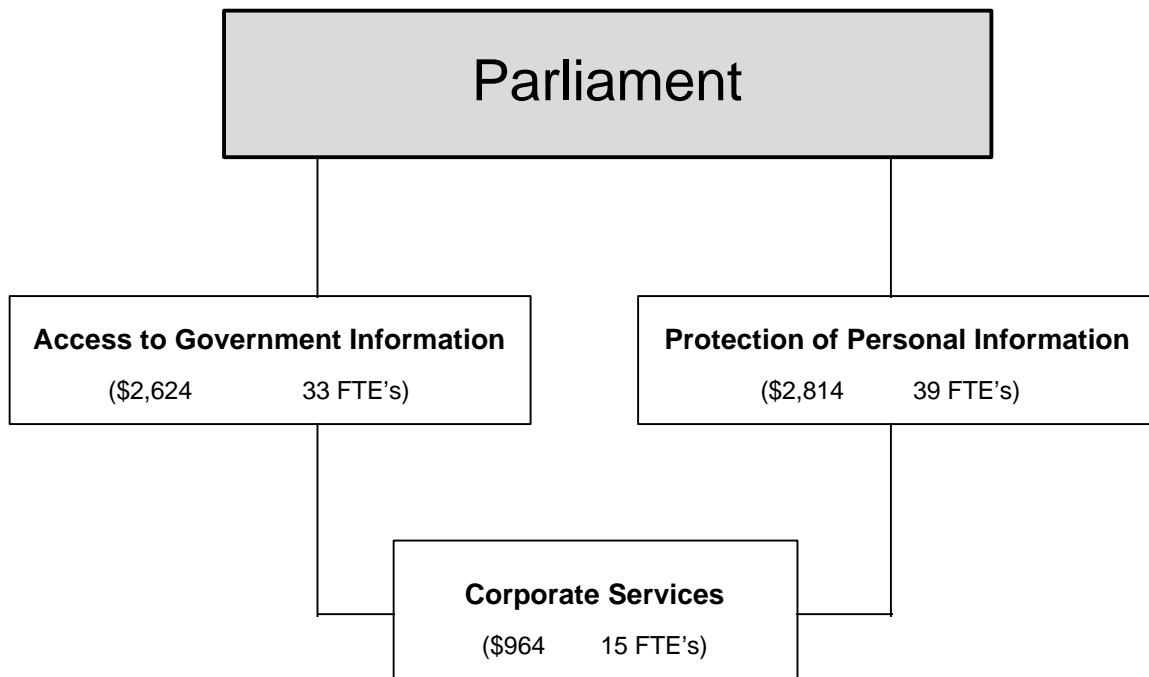
The Commissioners are accountable for, and report directly to Parliament on, the results achieved with the resources and authorities provided. The Commissioners share premises and corporate services while operating independently under their separate statutory authorities.

The Offices of the Information and Privacy Commissioners of Canada have two business lines, see Figure 1, which contribute to program objectives (***access to government information and protection of personal information***) and one internal business line (corporate services). Open access to government information held by federal institutions and the protection of personal information held by federal institutions are the key performance expectations of the organization's two main business lines. These expectations benefit both individual clients and society by making government more accountable.

During 1999-2000, the Offices will deal with an increasing workload of complaints, inquiries and issues, respond to changes to legislation, implement important enhancements to investigation processes, and implement the recommendations of an A-base review of both Office's resource base. The A-base reviews were conducted during the latter half of 1998-99.

This report provides the reader with a look at the Offices' plans for 1999-2000, the factors that will influence change and how the Commissioners will administer their programs.

Figure 1: Accountability for Business Line Results Achieved with the 1999-2000 Resources (\$000's) and Authorities Provided



Access to Government Information: The objective of this business line is the investigation of complaints, reviewing proposals for legislative change affecting access to information, responding to written and telephone inquiries, conducting reviews of the extent of compliance with the Act, the resolution of complaints, and pursuit of court resolution of unsolved complaints and encouragement of open government policies throughout the federal system.

Protection of Personal Information: The objective of this business line is investigating complaints, reviewing and auditing departmental privacy performance, responding to written and telephone inquiries, assessing the impact of new technologies implemented or being considered for implementation by government agencies, monitoring legislation, advising Parliament as well as federal departments and agencies, and investigating issues which will have an impact on the privacy of Canadians.

Corporate Services: The objective of this internal business line is to ensure that administrative policies, practices and systems are in place to support access to information and privacy program management decisions and accountability.

Financial Spending Plan

Over the past ten years, the offices have faced annual increases in the number of complaints. As well, complex and expensive court cases continue due to challenges to jurisdiction and refusal by departments to respect the Commissioners' recommendations. All possible efficiency improvements, such as the exploitation of technology, management delayering, abolition of positions not directly related to investigations have been implemented.

In response to the Offices' financial crisis and climbing caseload, the Treasury Board Ministers and the Commissioners agreed that existing resource levels are inadequate and that there was a need for an A-base review to re-establish appropriate resource levels. The review was conducted during the latter half of 1998-99 by independent consulting firms and the resulting analysis and recommendations are currently being assessed. It is the Commissioners' hope that the review, based on a careful assessment of the Offices' resource base, standards of service and program delivery, will resolve the financial crisis and IT infrastructure needs.

(\$ thousands)	Planned Spending 1998-99	Planned Spending 1999-2000	Planned Spending 2000-01	Planned Spending 2000-01
Program Spending				
Access to Information	2,605	2,624	2,624	2,624
Privacy	3,197	2,814	2,813	2,813
Corporate Services	961	964	948	948
Total Program Spending	6,763	6,402	6,385	6,385
<i>Plus:</i> Cost of Services Provided by Other Departments	893	890	890	890
Total Program Costs	7,656	7,292	7,275	7,275

SECTION II - OFFICE OF THE INFORMATION COMMISSIONER

Commissioner's Message

Within the context of an ever increasing workload and static resources, the Office will make every reasonable effort to resolve each complaint in a thorough, fair and timely manner without resorting to the court system. However, over the past few years, the Office has exhausted its ability to make productivity improvements from within. Efficiency improvements such as exploiting technology, reducing management layers, abolishing positions not directly related to investigations (such as public affairs, research and policy) have enabled the Office to contain, but not to vanquish the growing backlog of incomplete investigations. Without an infusion of new resources, service to the public will fall below acceptable standards. It is hoped that the A-base review analysis and recommendations will resolve the Office's financial crisis.

During the coming year, the Office of the Information Commissioner will continue, within the constraints of its resources, to pursue its objectives of ensuring fairness, thoroughness and timeliness to all parties in the investigation of complaints under the access to information law; encouraging a culture of openness in government so that, over time, the number of complaints will diminish; and assisting Parliament in modernizing and strengthening the access law.

Mandate and Objectives

The Office of the Information Commissioner of Canada is mandated to investigate complaints made by individuals and corporations who believe that the government has denied rights under the Access to Information Act--Canada's freedom of information legislation. Passage of the Act in 1983 gave Canadians and any person or corporation present in Canada the broad legal right of access to information recorded in any form and controlled by federal institutions, subject to limited and specific exemptions.

The Commissioner is independent of government and has strong investigative powers. These are real incentives to government institutions to adhere to the Act and respect applicants' rights. The Commissioner may not, however, order a complaint resolved in a particular way. He is a specialized ombudsman rather than a judge. Thus, he relies on persuasion to solve disputes, asking for a Federal Court review only if government refuses to follow his recommendations that he believes an individual has been properly denied access and a negotiated solution has proved impossible.

The Access to Information Act is the legislative authority for the activities of the Information Commissioner and his office. The strategic objectives of the program are:

- to ensure that the rights and obligations of complainants under the Access to Information Act are respected; complainants, heads of federal government institutions and all third parties affected by complaints are given a reasonable opportunity to make representations to the Information Commissioner and investigations are thorough and timely;
- to persuade federal government institutions to adopt information practices in keeping with the Access to Information Act;
- to bring appropriate issues of interpretation of the Access to Information Act before the Federal Court; and
- to ensure that Parliament is informed of the activities of the Commissioner's office, the general state of health of the right of access and any matter dealt with in the access law requiring reform.

The clients of the program are the users of the Act (including all Canadian citizens, permanent residents and persons or corporations present in Canada), the 155 government institutions subject to the Act and Members of Parliament and Senators.

Operating Environment

The Commissioner remains committed to ensuring that the rights and obligations under the Access to Information Act are respected. However, government restraint measures, information technology strategies and increasing workload are having a substantial impact on the Office's service level to clients.

The Office has gone as far as it can in terms of re-engineering processes to simplify and streamline its structure to help meet increasing public demand for its services--duties mandated by law. There are no remaining savings to be made without negative effect on the Commissioner's ability to serve Parliament and Canadians.

The Office's primary workload--the number of complaints received-- is largely outside the Commissioner's control. Moreover, it is difficult to predict the number of occasions on which government institutions will refuse to accept the Commissioner's recommendations and, by doing so, engender litigation.

Most of the work of the Office of the Information Commissioner is dealt with by permanent staff with technical assistance, including legal service and research services, provided, from time to time, by private sector firms under contract.

Mindful of the Office's resource and workload crisis, the Treasury Board Ministers noted the Commissioner's inability to operate efficiently and provide quality service with current resources. They and the Commissioner agreed to a full review, within the 1998-99 fiscal period, of the Office's resource base (an A-base review). The resulting report analysis and recommendations, are currently being assessed by Treasury Board Secretariat officials with a view to implementation during 1999-2000.

Should promised amendments designed to strengthen the access law (additional powers, a public education mandate and additional institutions covered by the Act) be adopted, they will impose a greater burden of work on the Commissioner's office.

Key Plans, Priorities and Strategies

The Commissioner's priorities are to convince government to release information informally, without resort to the formalities of the access law or the rigors of the Federal Court; to follow a non-adversarial approach; to resolve complaints in a fair, equitable and expeditious manner; and to ensure that response deadlines are consistently respected across government.

Open access to government information held by federal institutions is the key performance expectation of the access to information business line. This expectation is of benefit to both individual clients and Canadians by making government more accountable. To attain this expectation, the Commissioner's office intends to:

- improve the public's awareness of their access rights;
- improve public officials' awareness of their access obligations; and
- seek to settle disputes through negotiation rather than recourse to the Federal Court.

In addition to Figure 2 on this page, occasional surveys of citizens and selected evaluation studies of identified changes in ministerial practices and attitudes towards open access to information contribute to the Office's program effectiveness and accountability.

Figure 2: Linkages Between OIC's Business Line, Key Results Reporting and Performance Measurement Strategies

Legislative Acts	Key Results/Outcomes	Measurement Strategy	Accountability
Access to Information	<ul style="list-style-type: none"> • Effective and efficient access to information held by federal institutions. 	<ul style="list-style-type: none"> • Improved knowledge of rights of access to information in federal institutions. • Access to information without legal formalities. • Greater transparency of information held by federal institutions. • Innovative and cost-effective complaint resolutions. 	Information Commissioner

A professional working relationship with government institutions is key to the business line's effectiveness and, thus, the public's success. The Commissioner's effectiveness is measured by a high proportion of resolved complaints and by persuading government to release information informally, without formal application under the Act. Within the context of an ever increasing workload (the Commissioner must investigate all complaints) and static resources, the Commissioner will continue to make every reasonable effort to resolve each complaint in a timely manner without resorting to the court system.

Business Line Financial Spending Plan

Without an infusion of new resources (A-base review recommendations), service to the public will fall below acceptable standards. All possible efficiency improvements have been implemented and efforts to ensure that investigators have effective conflict resolution skills are ongoing. This latter activity helps to reduce the number of cases that might otherwise result in litigation before the Federal Court.

(\$ thousands)	Planned Spending 1998-99	Planned Spending 1999-2000	Planned Spending 2000-01	Planned Spending 2001-02
Salaries and Wages	1,909	1,941	1,941	1,941
Employee Benefit Plans	401	388	388	388
Other Operating	295	295	295	295
Total	2,605	2,624	2,624	2,624

SECTION III - OFFICE OF THE PRIVACY COMMISSIONER

Commissioner's Message

The Office of the Privacy Commissioner has had to contend with budgetary and workload pressures over the years, which are well documented in previous reports to the Treasury Board. Several initiatives have been put in place to reduce these pressures, including streamlining the investigation and review process and implementing specific measures to reduce the backlog of outstanding complaint investigations. The Treasury Board has recognized the Office's financial crisis and allocated temporary funds to hire more staff on a one-year term basis, pending a review of the Office's resource requirements intended to determine adequate reference levels. It is hoped that the A-base review analysis and recommendations will resolve the Office's financial crisis.

Mandate and Objectives

The Office of the Privacy Commissioner of Canada is mandated by the Privacy Act to investigate complaints alleging that a federal government institution has denied an individual access to personal information requested under the Act, or is collecting, using, disclosing or disposing of personal information in a manner that breaches the Act.

The Privacy Commissioner is a special ombudsman who reports directly to the Speakers of the Senate and House of Commons. As an ombudsman, the Commissioner cannot order an institution to comply with his recommendations. If he finds that a government agency has improperly denied a complainant access to personal information and cannot negotiate a satisfactory resolution to the complaint, he may ask for a Federal Court review. He may also report directly to Parliament on matters he considers important or urgent.

The Privacy Act is the legislative authority for the activities of the Privacy Commissioner and his Office. The strategic objectives of the program are:

- to ensure that the rights of complainants under the Privacy Act are respected and that the privacy of individuals with respect to personal information about themselves, held by a federal government institution, is protected; and
- to encourage the growth of fair information practices by government institutions.

The program's clients include Canadian citizens and any other person legally present in Canada who believe that their rights under the Privacy Act have been violated, and anyone seeking information about the Act and background on privacy issues.

Operating Environment

With the implementation of new and more powerful technologies, Canadians are turning increasingly to the Commissioner's Office for recourse and reassurance that their privacy is not threatened. Complaints to the Commissioner increase steadily and there is no indication that this trend will stop.

The federal government's call for a leaner and more efficient public service has encouraged every federal institution to use computer technology to streamline operations and eliminate inefficiencies. This has prompted federal agencies to link or integrate information systems and deliver services on-line, often in concert with other governments or the private sector. However, this should not be achieved by trampling on existing fundamental rights, such as our right to a private life. The growing danger is that these initiatives by Government, in conjunction with similar activities in a largely unregulated private sector, will subject Canadians to increased information surveillance in the name of safety and efficiency.

Like virtually all federal government institutions, the Office is struggling with dwindling financial resources. The combination of across-the-board percentage cuts and climbing caseload has pushed the Office to the critical point far more quickly than larger agencies. Coupled with budget cuts are clients' increasing demands. Canadians demonstrate growing awareness of privacy threats, increased sophistication in framing complaints and a greater demand for respect for their privacy rights.

The Federal Government has committed to enact privacy legislation to cover the private sector by the year 2000 at the latest. A Parliamentary motion to extend Privacy Act coverage to all Crown Corporations and reform of the National Ports system, are initiatives that will impose an additional burden of work on the Commissioner's Office and have significant resource implications.

Extending the Commissioner's mandate to all federally regulated institutions (banks, telecommunication companies, airlines) and the private sector presents an immediate resource problem for the Office. Cabinet approval has been obtained to draft a new law for the private sector (Bill C-64). It is anticipated that Bill C-64 will be tabled in the House of Commons in the Spring of 1999.

Concerned about the Office's resource and workload crisis, the Treasury Board Ministers noted the Commissioner's inability to operate efficiently and provide quality service with current resources. They and the Commissioner agreed to a full review, within the 1998-99 fiscal period, of the Office's resource base (an A-base review). The resulting report analysis and recommendations are currently being assessed by Treasury Board Secretariat officials with a view to implementation during 1999-2000.

Key Plans, Priorities and Strategies

The Commissioner's priorities are to encourage the growth of fair information practices by government institutions, to be pro-active and service oriented (staff are now more often consulted early in the design and service delivery of government programs and new initiatives), and to pre-empt problems through consultation and assistance to government staff, with less emphasis on formal investigations.

Protection of personal information held by federal institutions is the key performance expectation of the privacy business line. This performance expectation benefits both individual clients and Canadians by making government more accountable. To attain this expectation, the Commissioner's Office intends to:

- improve the public's awareness of their privacy rights;
- improve public officials' awareness of their privacy obligations; and
- seek to settle disputes through negotiation rather than recourse to the Federal Court.

The Office has revised its structure to help meet increasing public demand for its services--duties required of it by law. A "quick response" team of investigators is now dedicated to investigating those complaints of a routine nature which can be finalized within a few weeks, thus reducing the average turn around time for complaint investigations. This, in turn, reduces the number of ongoing investigations carried by the remaining investigators, allowing them to concentrate on the more complex cases under review.

Equally, the organization continues to refine the framework for enhancing program effectiveness and accountability. Figure 3 illustrates the linkages between the organization's business line, key results and performance measurement strategies.

Figure 3: Linkages Between OPC's Business Line, Key Results Reporting and Performance Measurement Strategies

Legislative Acts	Key Results/Outcomes	Measurement Strategy	Accountability
Privacy Act	<ul style="list-style-type: none"> • Protection of personal information held by federal institutions. 	<ul style="list-style-type: none"> • Investigating and resolving complaints to ensure individuals are accorded their Privacy Act rights. • Reviewing and auditing federal departmental privacy performance to ensure that they comply with established fair information management practices. • Responding to inquiries aimed at improving awareness of personal information rights. • Advising parliamentarians and federal departments on the adequacy of legislative initiatives in furthering privacy protection for Canadians. 	Privacy Commissioner

The Commissioner's findings and recommendations to heads of government institutions serve to ensure that the rights of complainants are respected and to encourage the growth of fair information practices by government institutions.

Equally, investigators adhere to established quality service standards (turn around times) aimed at reducing the time and effort required to investigate complaints, and spend more time on consultation and assistance to government staff and less on formal audits and follow-ups. Pre-empting problems is the priority.

In addition to Figure 3 on page 14, occasional surveys of citizens and periodic evaluation studies of identified changes in ministerial practices and attitudes towards the protection of personal information contribute to the Office's program effectiveness and accountability.

Business Line Financial Spending Plan

Mindful of the government's restraint programs and in addition to ongoing activities (complaint investigation, auditing of departmental privacy performance, inquiry resolution and issue research), the Office continues using its business practices and service standards to provide clients with a better and more timely service; and producing annual and special reports and speeches in-house.

Within the context of an ever increasing workload (the Commissioner must investigate all complaints) and static resources, the Commissioner will continue to make every reasonable effort to resolve each complaint in a timely manner without resorting to the court system. Without an infusion of new resources (A-base review recommendations), service to the public will fall below acceptable standards.

(\$ thousands)	Planned Spending 1998-99	Planned Spending 1999-2000	Planned Spending 2000-01	Planned Spending 2001-02
Salaries and Wages	2,229	2,261	2,261	2,261
Employee Benefit Plans	468	453	452	452
Other Operating	500	100	100	100
Total	3,197	2,814	2,813	2,813

SECTION IV - CORPORATE SERVICES

Mandate and Objective

The Corporate Management Branch provides administrative support services to both the Information and Privacy Commissioners offices. The services include finance, personnel, information technology and general administration (records management, security, procurement, library, reception and management services).

The strategic objective of the Corporate Management Branch and its business line is to ensure that internal overhead functions are in place to support Access to Information and Privacy program management decisions and accountability.

Operating Environment

Although management continually pursues innovative approaches to delivery of their programs, without adversely affecting business line objectives, the Offices can barely manage their programs in an efficient and effective way because of its reduced resource base from year to year. Operating budget reductions to date have hampered business line ability to provide a quality level of service to its publics.

Key Plans, Priorities and Strategies

During the year, Corporate Management Branch staff will provide the requisite administrative support services to both the access to information and privacy business lines. The Branch is a frugal operation with a staff of 14 (who perform multi-functional tasks) and a budget that represents approximately 14 per cent of total 1998-99 expenditures. Figure 4 illustrates the linkages between the organization's business line, key results reporting and performance measurement strategies.

Figure 4: Linkages between CMB's Business Line, Key Results Reporting and Performance Measurement Strategies

Legislative Acts	Key Results/Outcomes	Measurement Strategy	Accountability
Corporate Services	<ul style="list-style-type: none"> Cost-effective administrative support services that meet the operational requirements of the program. 	<ul style="list-style-type: none"> Service quality within published standards. Assessment of client satisfaction with service levels. 	Director General, Corporate Management

Business Line Financial Spending Plan

(\$ thousands)	Planned Spending 1998-99	Planned Spending 1999-2000	Planned Spending 2000-01	Planned Spending 2001-02
Salaries and Wages	637	666	663	663
Employee Benefit Plans	134	133	133	133
Other Operating	190	165	152	152
Total	961	964	948	948

SECTION V - SUPPLEMENTARY INFORMATION

Table 1: Spending Authorities - Ministry Summary of Part II of the Estimates

Vote (thousands of dollars)	1999-2000 Main Estimates	1998-99 Main Estimates
Offices of the Information and Privacy Commissioners of Canada		
40 Program Expenditures	5,428	5,760
(S) Contributions to employee benefit plans	974	1,003
Total Agency	6,402	6,763

Table 2 : Organization Structure and Planned Spending by Business Line

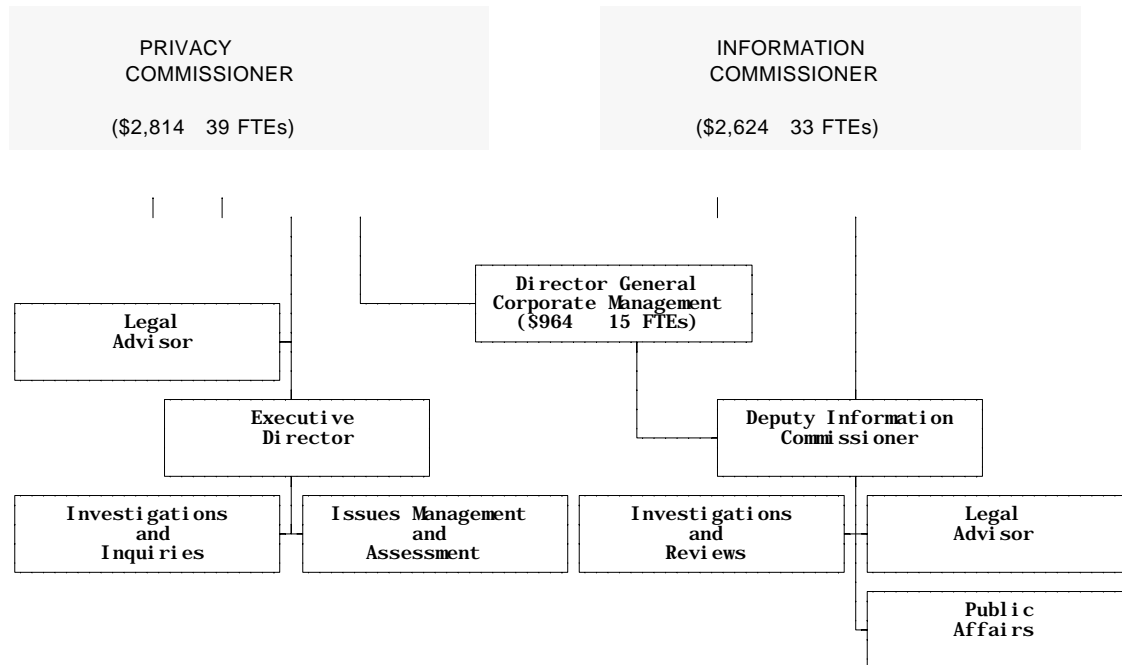


Table 3: Planned Full Time Equivalent (FTEs) by Business Line

	Planned 1998-99	Planned 1999-2000	Planned 2000-01	Planned 2001-02
Access to Information	33	33	33	33
Privacy	39	39	39	39
Corporate Services	15	15	15	15
Total	87	87	87	87

Table 4 : Financial Resources by Standard Object of Expenditure

(\$ thousands)	Planned Spending 1998-99	Planned Spending 1999-00	Planned Spending 2000-01	Planned Spending 2001-02
Personnel				
Salaries and Wages	4,775	4,868	4,865	4,865
Contributions to employee benefit plans	1,003	974	973	973
	5,778	5,842	5,838	5,838
Goods and Services				
Transportation and Communications	220	233	233	233
Information	70	58	58	58
Professional and Special Services	560	147	134	134
Rentals	20	24	24	24
Purchased Repair and Maintenance	15	10	10	10
Utilities, Materials and Supplies	60	67	67	67
Minor Capital	40	20	20	20
Other Subsidies and Payments	-	1	1	1
	985	560	547	547
Total Operating	6,763	6,402	6,385	6,385
Capital				
Controlled Capital	-	-	-	-
	-	-	-	-
Total Budgetary Expenditures	6,763	6,402	6,385	6,385

Table 5 : Program Resources by Business Line for 1999-2000 (\$000's)

Business Line	FTE's	Salaries and Wages	Employee Benefit Plans	Other Operating	Total
Access to Information	33	1,941	388	295	2,624
Privacy	39	2,261	453	100	2,814
Corporate Services	15	666	133	165	964
Total Program	87	4,868	974	560	6,402

Table 6 : Net Cost of the Program for 1999-2000

(thousands of dollars)	Main Estimates 1998-99	Add Other Costs*	Estimated Total Program Costs	
			1999-00	1998-99
Offices of the Information and Privacy Commissioners of Canada	6,402	890	7,292	7,656

* Other costs of \$890,000 consist of:

	(\$000)
◆ accommodation received without charge from Public Works and Government Services Canada;	569
◆ employee benefits covering the employer's share of insurance premiums and costs paid by Treasury Board Secretariat; and	321

Table 7: Legislation Administered by the Information and Privacy Commissioners of Canada

The Information and Privacy Commissioners have an oversight responsibility to Parliament for the following Acts:

<i>Access to Information Act</i>	R.S.C., 1985, ch. A-1, amended 1997, c. 23, s. 21
<i>Privacy Act</i>	R.S.C. 1985, ch. P-21, amended 1997, ch. 20, s. 55

Table 8: Statutory Annual Reports and Other Publications

The Commissioners' annual reports and position papers on access to information and privacy issues are available on the Commissioners' internet web sites.

- **Information Commissioner's 1997-98 Annual Report.** Ottawa: Minister of Public Works and Government Services Canada, 1998. (Available from the Office of the Information Commissioner, Ottawa, Canada K1A 1H3; (613)995-2410).
- **Privacy Commissioner's 1997-98 Annual Report.** Ottawa: Minister of Public Works and Government Services Canada, 1998. (Available on audio cassette, computer diskette and hardcopy from the Office of the Privacy Commissioner, Ottawa, Canada K1A 1H3; (613)995-2410 and on the Office's Internet home page).
- **Performance Report to Parliament, for the period ending March 31, 1997.** Ottawa: Minister of Public Works and Government Services Canada, 1997. (Available through local booksellers or by mail from Public Works and Government Services - Publishing, Ottawa, Canada K1A 0S9).
- **1998-99 Estimates: A Report on Plans and Priorities.** Ottawa: Minister of Public Works and Government Services Canada, 1998. (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://infoweb.magi.com/~accessca/>
- Office of the Privacy Commissioner of Canada Internet home page:
<http://infoweb.magi.com/~privcan/>

Table 9: Management Representation Statement

MANAGEMENT REPRESENTATION Report on Plans and Priorities 1999-00	
<p>We submit, for tabling in Parliament, the 1999-00 Report on Plans and Priorities for the Offices of the Information and Privacy Commissioners of Canada.</p> <p>To the best of our knowledge, and subject to the qualifications outlines below, the information:</p> <ul style="list-style-type: none">◆ accurately portrays the mandates, plans, priorities, strategies and expected key results of the organization;◆ is consistent with Treasury Board policy and instructions and the disclosure principles contained in the <i>Guidelines for Preparing a Report on Plans and Priorities</i>;◆ is comprehensive and accurate;◆ is based on sound underlying departmental information and management systems; and◆ we are satisfied as to the quality assurance processes and procedures used for the Report's production. <p>The Planning and Reporting Accountability 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.</p>	
_____	Date: _____
Information Commissioner of Canada	
_____	Date: _____
Privacy Commissioner of Canada	

Contact for Further Information

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