

**Offices of the Information
and Privacy Commissioners**

1997-98 Estimates

Part III Expenditure Plan

Approved: _____ Date: _____
Information Commissioner

Approved: _____ Date: _____
Privacy Commissioner

Approved: _____ Date: _____
Minister of Justice

Preface

This document is a report to Parliament to indicate how the resources voted by Parliament have or will be spent. As such, it is an accountability document that contains several levels of details to respond to the various needs of its audience.

The Part III for 1997-98 is based on a revised format intended to make a clear separation between planning and performance information, and to focus on the higher level, longer term plans and performance of departments. The document is divided into four sections:

- o Overview;
- o Access to Information Program plans and performance;
- o Privacy Program plans and performance; and
- o Supplementary Information.

It should be noted that, in accordance with Operating Budget principles, human resource consumption reported in this document will be measured in terms of employee full-time equivalents (FTE's).

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I. Overview

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A. Background

The Information and Privacy Commissioners' positions were created under the Access to Information and Privacy Acts which came into force on July 1, 1983. Commissioners are appointed by the Governor-in-Council following approval of their appointments by resolution of the Senate and the House of Commons.

The Offices of the Information and Privacy Commissioners were designated by Order in Council as a department for purposes of the Financial Administration Act. The Commissioners share premises and administrative support services while operating independently under their separate statutory authorities. These services are centralized to avoid duplication of effort and to realize cost savings to the government and the Programs.

1. Mission and Program Objectives

Access to Information Program

The Information Commissioner is a special 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. Passage of the Act in 1983 gave Canadians the broad legal right to information recorded in any form and controlled by most federal institutions. 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. Since he is an ombudsman, the Commissioner may not, however, order a complaint resolved in a particular way. Thus he relies on persuasion to solve disputes, asking for a Federal Court review only if he believes an individual has been improperly denied access.

The Office of the Information Commissioner of Canada:

- o ensures that the rights 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;
- o persuades federal government institutions to adopt information practices in keeping with the Access to Information Act; and
- o brings appropriate issues of interpretation of the Access to Information Act before the Federal Court.

The purpose of this Act is to extend the present laws of Canada to provide a right of access to information to records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exemptions to the right of access should be limited and specific, and that decisions on the disclosure of government information should be reviewed independently of government.

Privacy Program

The Privacy Commissioner is a special ombudsman who reports directly to the Speakers of the Senate and House of Commons. The Commissioner is appointed under the Privacy Act to review complaints that a federal government institution has mishandled an individual's application to see personal records, or is collecting, using, disclosing or disposing of personal information in a manner that breaches the Act.

The Privacy Act is the legislative authority for the activities of the Privacy Commissioner and his office. The Privacy Commissioner's specific powers and duties under the Act are to:

- o investigate complaints from individuals alleging that the federal government has improperly responded to their requests to examine their own personal information;
- o investigate complaints that the federal government has collected, retained, used, disclosed or disposed of personal information contrary to the Act;
- o review government personal information handling practices to ensure that they meet the fair information code set out in the Privacy Act;
- o appear in Federal Court on behalf of a complainant who was refused access to personal information (with the complainant's consent);
- o initiate complaints where circumstances warrant; and
- o review files contained in exempt personal information banks and assess government institutions' data matching proposals.

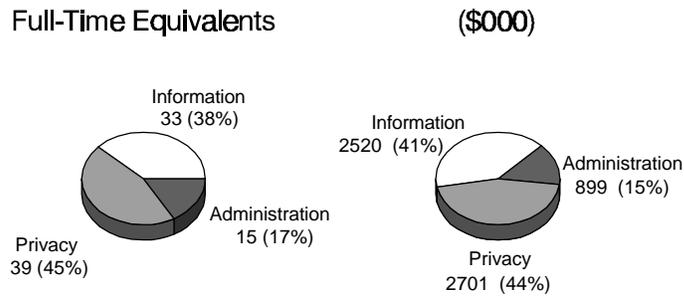
As an ombudsman, the Commissioner cannot order an institution to comply with his recommendations. Nevertheless, if he believes that a government agency has improperly denied a complainant access to personal records he may ask for a Federal Court review. He may also report directly to Parliament on matters he considers important or urgent.

Administration

The Administration activity provides administrative support services to both the Information and Privacy Commissioners. The services include finance, personnel, information technology advice and support, and general administration (including records management, security, procurement, library, reception and management services). This activity (Corporate Management Branch) is a frugal operation with a staff of 15 (who perform multi-functional tasks) and a budget that represents approximately 15 per cent of total 1997-98 Program expenditures. The human resources allocated to the Branch report to the Director General, Corporate Management.

Resource Structure: Figure 2 shows the distribution of resources by organization/program.

Figure 2: 1997-98 Resources by Organization/Program



B. Resource Plans and Financial Tables

1. Comparative Financial Plans By Program

	1996-97	1997-98	1998-99	1999-20
	Main	Main	Planned	Planned
	<u>Estimates</u>	<u>Estimates</u>	<u>Planned</u>	<u>Planned</u>
Access to Information	2,524	2,520	2,529	2,529
Privacy	2,834	2,701	2,708	2,708
Administration	<u>904</u>	<u>899</u>	<u>902</u>	<u>906</u>
Total	<u>6,262</u>	<u>6,120</u>	<u>6,139</u>	<u>6,143</u>

2. Spending Authorities for 1997-98 - Part II of the Estimates

Vote (thousands of dollars)	1996-97 Main Estimates	1997-98 Main Estimates
Offices of the Information and Privacy Commissioners of Canada		
35 Program Expenditures	5,569	5,311
(S) Contributions to employee benefit plans	693	809
Total Agency	6,262	6,120

3. Changes to Financial Requirements

(thousands of dollars)	Estimates 1996-97	Estimates 1997-98	Change
Information Commissioner	2,524	2,520	(4)
Privacy Commissioner	2,834	2,701	(133)
Administration	904	899	(5)
	6,262	6,120	(142)
Human Resources* (FTE)	89	87	(2)

* See page 27, for additional information on human resources.

Explanation of Change: The \$142,000 (2.3 per cent) decrease in the 1997-98 Estimates over the 1996-97 Estimates is due to the following:

	(\$000)
o 1993 Budget and 1994 Program Review reductions;	(152)
o removal of the 1994 salary increment freeze;	31
o 1996 Data Protection Conference (TB 823462); and	(140)
o a 1996 Employee Benefit Plan rate increase.	119

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II Access to Information Program

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A. Commissioner's Executive Summary

Resources allocated to the Information Commissioner no longer support the office's current level of service to Canadians. The workload of the office has increased 163 per cent since 1991-92. Yet, during that period, the budget has been reduced by 14 per cent. All responsible means of achieving productivity gains have been implemented. The workload now surpasses the office's ability to deal with it in a timely fashion.

The right of access to information is at risk if it cannot be enforced in a timely manner. To that end, a modest increase in resources is required to enable the Commissioner to hire additional investigators.

B. Program Plans

1. Business Line Objectives

The Information Commissioner investigates, reports and makes recommendations to the heads of government institutions as a result of complaints from individuals who allege non-compliance with the Access to Information Act. The Commissioner may initiate a complaint. The Commissioner may appear on behalf of complainants, with their consent or as a party, in applications before the Federal Court for review of decisions by federal government institutions to refuse access under the Act. He reports to Parliament annually and may make special reports.

The primary business of the Information Commissioner's office is completed complaint investigations, settlement negotiations, departmental reviews, inquiries, court applications and reports to Parliament. The users of the Act are the clients of the program and include all Canadian citizens, permanent residents and persons or corporations present in Canada and the 155 government institutions subject to the Act.

2. Operating Context and Change Management Issues

Government restraint measures, information technology strategies and government-wide layoffs are having a substantial impact on the Office's workload and service to clients. Under the current structure, the levels of service provided by the Office of the Information Commissioner are at the border between acceptable and unacceptable. However, the office has gone as far as it can in terms of re-engineering processes to simplify and streamline program delivery. There are no remaining savings to be made in the office or in corporate services without negative effect on the Commissioner's ability to serve Parliament and the public.

Most of the work of the office of the Information Commissioner is dealt with by permanent staff. However, technical assistance including outside legal service and research services are provided, from time to time, by private sector firms under contract for similar or less cost.

The workload (complaints received and court cases initiated) 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.

Though difficult to quantify, the benefits to be derived from the program (greater governmental prudence, accountability and an informed citizenry) surely outweigh its costs. The program should be maintained, although the impact of declining budgets could reduce levels of service. For example, the Commissioner's "Other Goods and Services" operating budget, over the 1996-97 and 1997-98 fiscal periods will be reduced by some \$42,000 or 13 per cent in compliance with announced government reductions. Since 1991-92, when the present Commissioner took office, his budget has been reduced by 14 per cent. During that period, the office experienced a 163 per cent increase in the number of complaints received. Parliament may wish to consider taking on a greater role in controlling the government's ability to withdraw unilaterally resources from an officer of Parliament.

Should promised amendments designed to strengthen the access law be implemented, they will impose an additional burden of work on the Commissioner's office. For example, it is likely that additional institutions will be covered by the access law and this will inevitably increase the number of complaints. As well, it's likely that a public education mandate will be given to the Commissioner. This too will have significant resource implications.

The office faces annual increases in the number of complaints. The number of complaints received in 1995-96 was almost double the number received in 1994-95. As well, the number of court cases is increasing due to factors largely beyond the office's control, such as challenges to jurisdiction and refusal by departments to respect deadlines and recommendations.

In the face of these workload increases, the office can only cope through service reductions (longer completion times for investigations) unless additional resources are forthcoming. All possible efficiency improvements, such as exploitation of technology, management delayering, abolition of jobs not directly related to investigations (such as public affairs, research and policy positions) have been implemented. Efforts to ensure that investigators have effective conflict resolution skills are ongoing in an effort to help to reduce the number of cases that might otherwise result in litigation before the Federal Court.

3. Business Line Results Expectations

During 1997-98 the Information Commissioner expects to carry out investigations into 2,208 complaints, of which 1,457 will be completed in the year, and to respond to an estimated 3,215 inquiries (see pages 13 and 15). Consistent with his resources, he intends to continue to strive to maintain the time for completion of complaint investigations (see page 13), promote public awareness of the Access to Information Act, work with government and third parties to resolve complaints without recourse to the courts (see page 16), and review the access request processing practices of at least one government institution.

A professional working relationship with government institutions is the key to the office's effectiveness and, thus, the public's success. The Commissioner's effectiveness is measured by a high proportion of resolved complaints and by convincing government to release information informally, without application under the Act. Experience has shown that an informal approach to investigations is simply more effective than a legalistic approach. Informality facilitates finding solutions; formality fosters rigidity and litigation. But it takes time and goodwill on both sides to make informality work: time and goodwill are dwindling along with resources.

The Commissioner's findings and recommendations, made to heads of government institutions, serve to ensure that the rights of complainants are respected and to encourage the growth of more open government. The Information Commissioner investigates and mediates complaints--a process which leads to the reporting to each complainant of the findings of his investigations. The categories of complaints made under the Access to Information Act reflect solution-finding rather than fault-finding philosophy. The findings and dispositions of all complaints from 1993-94 to 1995-96 and a forecast for 1996-97 and 1997-98 are as follows.

	1993-94 <u>Actual</u>	1994-95 <u>Actual</u>	1995-96 <u>Actual</u>	1996-97 <u>Planned</u>	1997-98 <u>Planned</u>
Resolved	448	601	980	911	948
Not Resolved	4	8	6	7	7
Not Substantiated	253	281	319	407	424
Discontinued	<u>28</u>	<u>70</u>	<u>225</u>	<u>75</u>	<u>78</u>
Total	<u>733</u>	<u>960</u>	<u>1,530</u>	<u>1,400</u>	<u>1,457</u>

4. Comparative Financial Plans

The Commissioner plans to carry out his mandate and respond to increases in workload while maintaining essential services, without requesting additional funds above his TBS reference level. Should workload continue to increase, however, or should there be further budget reductions, it may be necessary to request additional funds for 1997-98 to provide statutory, non-discretionary services.

The Access to Information program accounts for approximately 41 per cent of total 1997-98 Program expenditures (see Figure 2, page 7). The planned resource levels for the Office of the Information Commissioner are:

	(\$000's)			
	<u>1996-97</u>	<u>1997-98</u>	<u>1998-99</u>	<u>1999-</u>
<u>20</u>				
Salaries and Wages	1,910	1,902	1,909	1,909
Contributions to Employee Benefit Plans	277	323	325	325
Other Goods and Services	<u>337</u>	<u>295</u>	<u>295</u>	<u>295</u>
Total	<u>2,524</u>	<u>2,520</u>	<u>2,529</u>	<u>2,529</u>

5. Changes to Financial Requirements

(thousands of dollars)	Estimates 1996-97	Estimates 1997-98	Change
Information Commissioner	2,524	2,520	(4)
Human Resources* (FTE)	34	33	(1)

* See page 27, for additional information on human resources.

Explanation of Change: The \$4,000 (0.2 per cent) decrease in the 1997-98 Estimates over the 1996-97 Estimates is due to the following:

	(\$000)
o 1993 Budget and 1994 Program Review reductions;	(63)
o removal of the 1994 salary increment freeze; and	12
o a 1996 Employee Benefit Plan rate increase.	47

C. Program Performance

1. Results Achieved

In addition to its ongoing business, (complaint investigations, settlement negotiations, departmental reviews, inquiries, court applications and reports to Parliament), the Access office has adapted to changing circumstances resulting from more demanding requests of the users of the Program, the increased complexity of access cases, and the budget reductions imposed in 1993, 1994 and 1995. Thus the program:

- o places more emphasis on the resolution of complaints without recourse to the courts;
- o investigates complaints more expeditiously, making better use of information technologies;
- o uses information technology to streamline and speed-up client service--a staff local area network, a case tracking system (CTS) for complaint investigations, a corporate memory system (CMS) to help legal and investigation work, and a correspondence tracking system;
- o is reducing costs of transmitting information and publications by putting material on the Internet; and
- o has reduced the number of managers and eliminated in-house research and policy development positions.

Figure 3 shows the success the Access office has already achieved in improving productivity--measured in turnaround times for investigations. None of our productivity gains were achieved by means of increased human resources; and they were achieved despite an increasing workload.

Figure 3: Complaints Completed - Turnaround Time (Months)

<u>Complaint Category</u>	1993-94 <u>Actual</u>	1994-95 <u>Actual</u>	1995-96 <u>Actual</u>	1996-97 <u>Planned</u>	1997-98 <u>Planned</u>
Refusal to Disclose	5.40	5.87	6.26	5.45	6.14
Delay (Deemed Refusal)	2.18	2.36	2.54	3.17	3.55
Time Extension	2.54	3.22	2.40	2.63	2.74
Fees	2.96	4.36	5.58	6.39	6.72
Miscellaneous	3.86	4.02	5.76	3.35	3.84
Overall	<u>4.03</u>	<u>4.22</u>	<u>3.88</u>	<u>4.28</u>	<u>4.78</u>

2. Comparative Performance Indicators

Figure 4 shows the number of complaints the Information Commissioner has received, investigated and rendered a decision on from 1993-94 to 1995-96, and a forecast of workload expectations for 1996-97 and 1997-98. The total number of complaints received since the Access to Information Act came into effect on July 1, 1983, to March 31, 1996 is 11,025. Figure 5 displays the actual number of complaints received over the past 10 years (1986-87 to 1995-96).

Figure 4: Complaints Received, Completed and Under Investigation

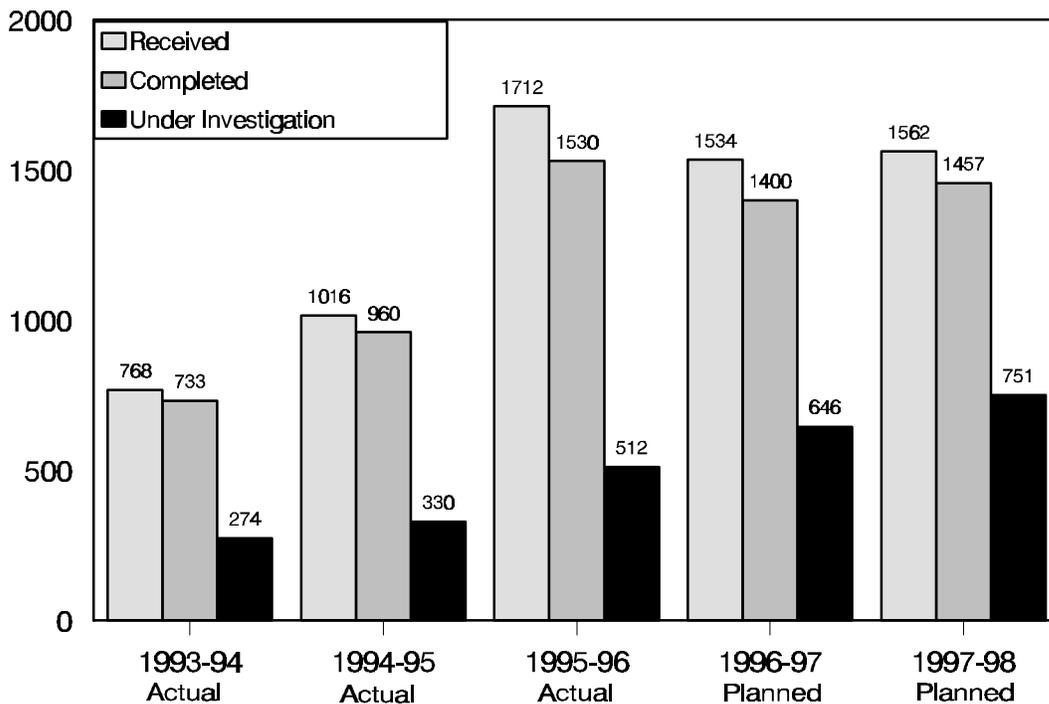
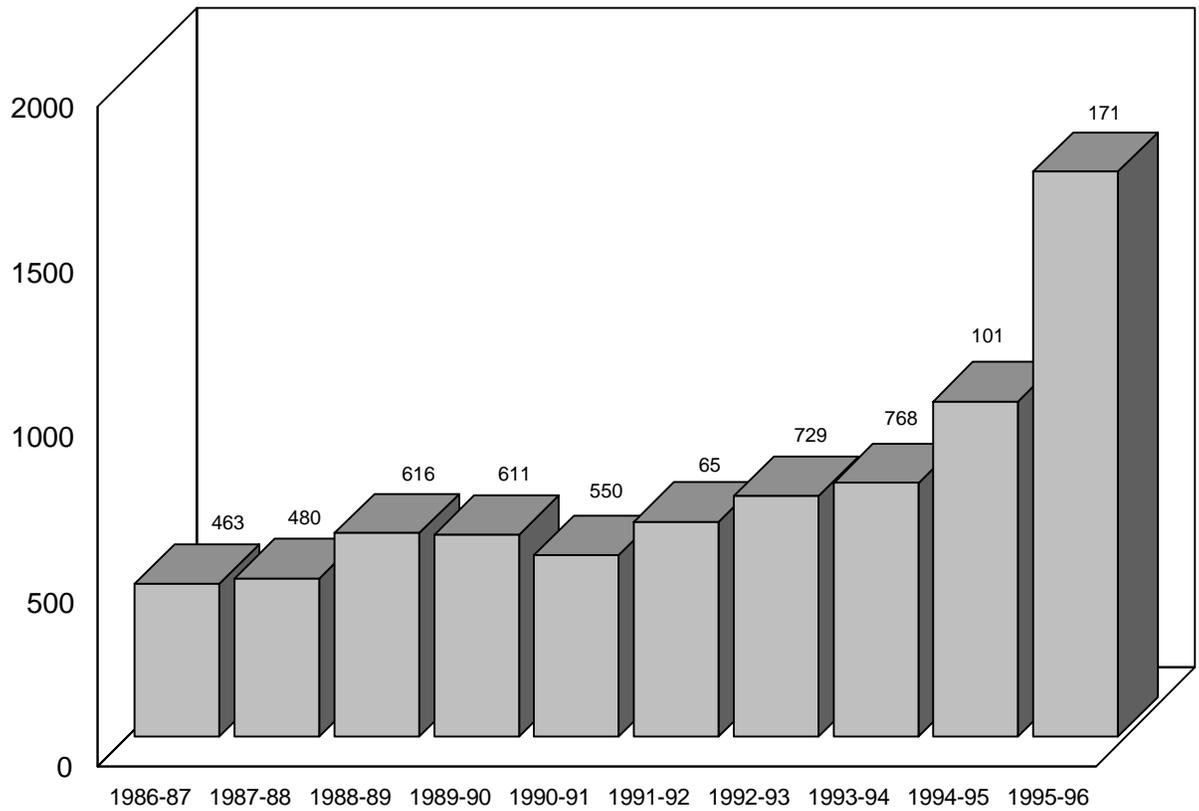


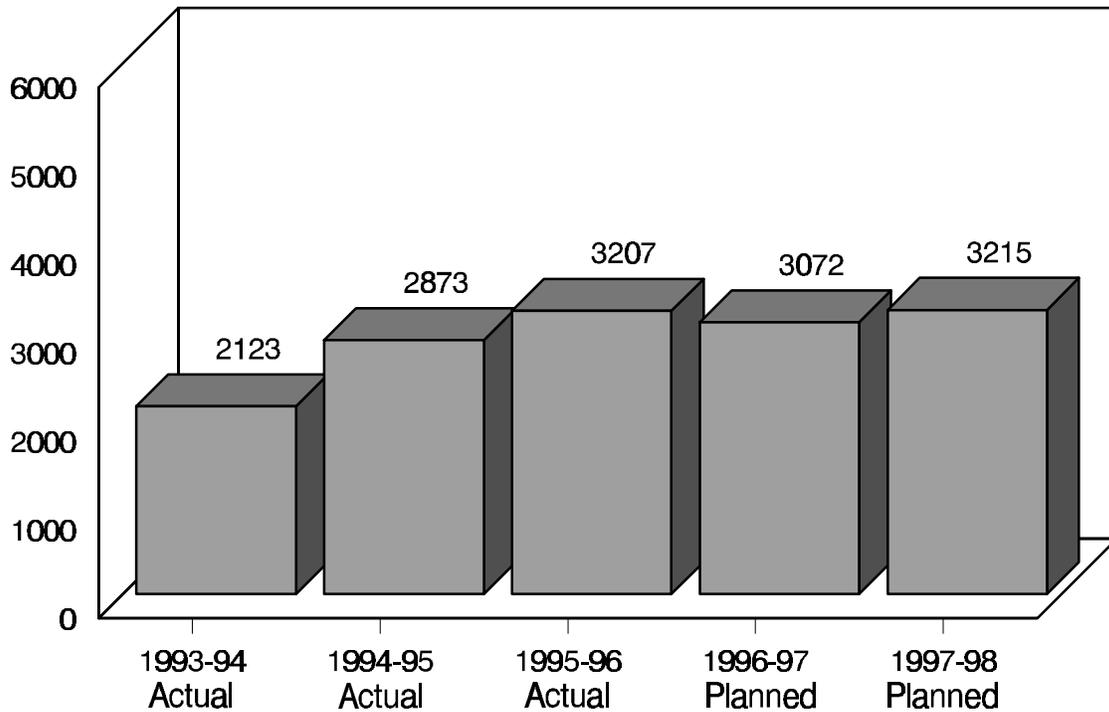
Figure 5: Actual Complaints Received Between 1986-87 and 1995-96



* Statistics previously reported for 1988-89 and 1989-90 included 2,219 and 453 received from one individual. These have been excluded for comparison purposes here since their inclusion would distort figures.

Effective handling of inquiries has had a positive effect on the overall efficiency of the Access to Information process. The Commissioner's staff provide basic information about the Act, along with guidance to help the public in meeting their information objectives. For those who have made formal requests, the process is explained and clarified so as to avoid unnecessary complaints. During 1995-96, the Commissioner's staff responded to 3,207 inquiries specifically on information issues consuming 1,426 hours; the forecast number for 1996-97 and 1997-98 is 3,072 and 3,215 inquiries (Figure 6).

Figure 6: Inquiries Received



The legal resources needed to further the Commissioner's objectives are based on the number and complexity of the legal issues encountered as well as the need for legal assistance in the development of legal policy, the interpretation of the Act, the mediation of complaints and in dealing with matters in the Federal Court.

Under section 41 of the Act, an individual who has been refused access to a record may apply for judicial review of the government institution's decision after receiving the Commissioner's investigation report. Under section 42, and with the consent of that person, the Commissioner may file a court application. The Act protects the commercial interests of third parties (under section 44) by providing for a review before the Federal Court of an institution's intent to disclose records which may contain confidential commercial information.

From July 1, 1983 until March 31, 1996, some 516 cases were taken to the Federal Court under the Access to Information Act (Figure 7). Of these, 155 have been decided, 293 were withdrawn and 68 remain before the Court. The Information Commissioner has taken 57 cases to Court between 1983 and 1996 (Figure 8 shows the breakdown by year). At the beginning of 1995, the Court's backlog consisted of 80 cases. Thirty-three new applications for Federal Court review were made under the access law and 45 cases were disposed of. The current decreasing backlog is now 68 cases.

The Commissioner endorses the Federal Court Practice Direction which provides that each access case should be heard within six months from the day an application for review is filed before the Federal Court. The key to success in the case management of access litigation (where access delayed is access denied) is to make certain that, once introduced, each case will be heard with dispatch and that all inactive cases will be disposed of forthwith.

Figure 7: Litigation - Federal Court Applications (1983 to 1996)

	Judgement Rendered		No Judgement		Total
	<u>Disclosure</u>	<u>No Disclosure</u>	<u>Case Withdrawn</u>	<u>Case Pending</u>	
S. 41 Requester	16	37	36	30	119
S. 42 Information Commissioner	10	5	39	3	57
S. 44 Third Party	<u>72</u>	<u>15</u>	<u>218</u>	<u>35</u>	<u>340</u>
Total	<u>98</u>	<u>57</u>	<u>293</u>	<u>68</u>	<u>516</u>

Figure 8: Litigation - Section 42 Applications by the Information Commissioner

Number of Applications	
1983	0
1984	3
1985	3
1986	9
1987	10
1988	10
1989	8
1990	2
1991	0
1992	2
1993	3
1994	2
1995	3
1996	<u>2</u>
Total	<u>57</u>

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III. Privacy Program

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A. Commissioner's Executive Summary

By the end of December 1996, nine months into the fiscal year, the Privacy Commissioner's 1996-97 caseload had already eclipsed that of any entire previous year. New complaints are now projected to exceed 2,000 for the year, eating up the productivity gains realized by streamlining procedures and hiring short-term contract staff. Despite projecting completion of more than 2,000 investigations during 1996-97, the office anticipates at least 1,600 cases will remain open at year-end.

The caseload, in part, reflects individuals' growing worries that they are losing control over personal data both in the public and private sector. There now appears to be a consensus among policy makers and technical experts that privacy is a serious issue that must be dealt with in the provision of new electronic systems and services.

The Commissioner will attempt to provide clients timely and thorough investigations in the face of an extremely heavy caseload and woefully inadequate resources. He will also continue providing federal agencies with input on their handling of personal data so as to forestall complaints.

Finally, two priorities for the office are 1) dealing with an apparent government trend to share personal records from unrelated programs, and 2) the devolution of programs to other governments or the private sector with the consequent weakening or outright loss of privacy rights for clients and employees.

The Commissioner envisages and will continue to press for a reformed Privacy Act and legislated privacy rights in the private sector to cope with growing threats to individual autonomy posed by information technology.

B. Program Plans

1. Business Line Objectives

The Privacy Commissioner investigates, reports and makes recommendations to the heads of government institutions and, in the case of complaints, reports findings to the complainant. The Commissioner reviews personal information held in government information banks and investigates the institutions' collection, use, retention and disposal of personal information. The Commissioner may, with a complainant's consent, appear on his or her behalf in an application for Federal Court review of an institution's decision to deny access. The Commissioner reports annually to Parliament and may initiate special reports at any time. The Commissioner may also be requested to undertake special studies for the Minister of Justice.

The Office's primary business lines are investigating complaints, reviewing and auditing departmental privacy performance, handling inquiries, researching technologies being used or planned by government agencies, and investigating issues which will have an impact on Canadians' privacy. The program's clients include anyone legally present in Canada seeking access to their federal personal records, anyone dissatisfied with federal personal information handling practices, Members of Parliament, provincial privacy commissioners, and the general public and media seeking information about the Act and background on privacy issues.

2. Operating Context and Change Management Issues

Departmental implementation of government restraint measures, the exponential growth in information technology, the government's plans to rely increasingly on electronic service delivery and greater sharing of personal data, government-wide layoffs, and the government's dependence on contracting out work and the related personal records to the private sector are some of the factors that are creating both administrative and legal problems for the Office.

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. The two most significant initiatives that, if not properly planned, will have a substantial impact on the Office's workload and service to clients are data warehousing and shared service delivery.

Like virtually all federal government institutions, the Office is struggling with dwindling financial resources. But 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. The Commissioner is funded only to investigate and cannot turn away--or charge--complainants. 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 Privacy Commissioner submitted a report to the Standing Committee on Justice and Legal Affairs, following his May 1994 appearance at Estimates. The report set out the Office's rapidly approaching financial crisis. Since his appearance, the situation has worsened and the Commissioner, in June of 1995, forwarded to Treasury Board Secretariat Program Branch officials a "Resource Analysis" report that set out the office's current workload and cumulative impact of budget cuts on program delivery, and some options for dealing with the problem. The Treasury Board provided a one-time infusion of \$200,000 at the end of the 1995-96 fiscal year to help reduce the Office's backlog--funds that were used to hire contract investigators.

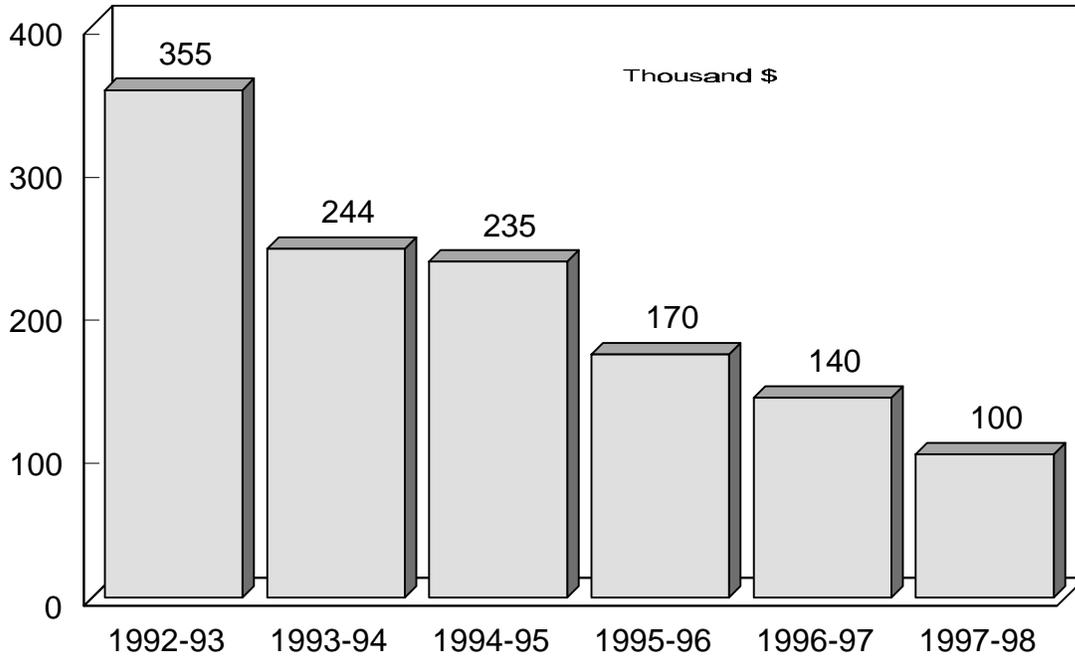
Operating budget reductions to-date are seriously hampering the Office's ability to provide a quality level of service to its publics. The impact will be to damage the public's trust in the Office and call into question the government's commitment to the legislation at a time of rising concern. The cumulative effect of budget reductions between 1992-93 and 1997-98 (see Figure 9) have reduced the Commissioner's "other goods and services" operating budget to \$100,000 or, \$2,500 per Privacy employee for supplies, services, travel, etc. for the whole operating year.

The Office cannot absorb these cuts and still meet its statutory obligations. At risk is the Commissioner's ability to handle Canadians' complaints in a timely fashion, the Office's credibility, relevance and ability to conduct on-site investigations and its preparedness to give

Parliament timely and cogent advice on the privacy issues emerging with rapid technological developments.

The benefits to be derived from the program--greater government prudence in handling personal data, accountability of the process and, therefore, improved public confidence--outweigh the Office's very small costs. Although the recent program review concluded that the program should continue, it cannot be maintained with currently projected resources

Figure 9: Other Goods and Services Operating Budget



3. Business Line Results Expectations

During 1997-98 the Privacy Commissioner expects to ensure that government institutions subject to the Privacy Act are respecting individuals' privacy by completing 2,450 complaint investigations, conducting compliance audits under Section 37 of the Privacy Act (including investigations and horizontal studies), providing ongoing advice to and support for Parliament and government institutions on privacy-related matters, continuing liaison with international and provincial commissioners and ombudsmen, and continuing a series of fact sheets on issues which prompt a significant number of recurring inquiries from the public.

The Office carried forward 1,630 complaints from 1995-96 and forecasts 2,500 new complaints in 1996-97. The office projects carrying forward an open caseload of 1,680 complaints at the end of 1996-97. This caseload, added to an estimated intake of 2,500 new complaints during 1997-98 will bring the open files to 4,180 and an estimated backlog of 1,730 at the end of 1997-98.

In 1996-97 the Privacy Commissioner expects to complete 2,450 investigations and handle 9,200 inquiries; and conduct investigative audits, follow-up earlier audit recommendations and monitor and advise departments on specific issues.

4. Comparative Financial Plans

The Privacy Commissioner's required level of resources is determined by the volume and complexity of complaints and inquiries he receives, the number and scope of compliance investigations and studies required to fulfil section 37, the number of incidents concerning the federal government's handling or security of personal information, the number of issues arising out of compliance investigations that require further study, the number of studies referred to him by the Minister of Justice, the number of proposed initiatives affecting privacy referred to him by the government for review, the number of proposals to release personal information under section 8(2)(m) of the Act, and the impact of new technological developments and legislation on privacy laws.

The Commissioner plans to carry-out his mandate and respond to increases in workload, while maintaining essential services, without requesting additional funds above his TBS reference level. Should workload continue to increase however, or should there be further budget reductions, it may be necessary to request additional funds for 1997-98 to provide statutory, non-discretionary services.

The Privacy program accounts for approximately 44 per cent of total 1997-98 Program expenditures (see Figure 2, page 7). The planned resource levels for the Office of the Privacy Commissioner are:

	(\$000's)			
	<u>1996-97</u>	<u>1997-98</u>	<u>1998-99</u>	<u>1999-</u>
<u>20</u>				
Salaries and Wages	2,231	2,223	2,229	2,229
Contributions to Employee Benefit Plans	323	378	379	379
Other Goods and Services	<u>280*</u>	<u>100</u>	<u>100</u>	<u>100</u>
Total	<u>2,834</u>	<u>2,701</u>	<u>2,708</u>	<u>2,708</u>

* Includes \$140,000 (for 1996-97 only) to host the 1996 International Data Protection and Privacy Commissioners' Conference in Ottawa.

5. Changes to Financial Requirements

(thousands of dollars)	Estimates 1996-97	Estimates 1997-98	Change
Privacy Commissioner	2,834	2,701	(133)
Human Resources* (FTE)	40	39	(1)

* See page 27, for additional information on human resources.

Explanation of Change: The \$133,000 (4.7 per cent) decrease in the 1997-98 Estimates over the 1996-97 Estimates is due to the following:

	(\$000)
o 1993 Budget and 1994 Program Review reductions;	(66)
o removal of the 1994 salary increment freeze;	17
o 1996 Data Protection Conference (TB 823462); and	(140)
o a 1996 Employee Benefit Plan rate increase.	56

C. Program Performance

1. Results Achieved

Mindful of the government's restraint programs and in addition to ongoing activities (complaint investigation, audit of departmental privacy performance, inquiry resolution and issue research), the Office:

- o implemented the recommendations of an internal review of business practices and service standards in order to provide clients better and more timely service;
- o uses information technology to streamline and speed-up processes--a local area network for all staff, a Case Tracking System (CTS) for complaint investigations, a Corporate Memory System (CMS) to help research and investigation work, and a correspondence tracking system;
- o continues to produce annual and special reports and speeches in-house, restrict travel and printing; and
- o was one of the first dozen federal agencies to establish an Internet site as part of the Open Government pilot project. In addition to providing the Office's information and publications (saving printing and distribution costs), the site links to other privacy sites.

The Privacy Commissioner hosted the 18th International Data Protection and Privacy Commissioners' Conference in Ottawa in September 1996--the annual meeting of commissioners responsible for enforcement or oversight of their countries' data protection laws.

The Office implemented a new case investigation and review process to streamline handling of its heavy current caseload and reduce the caseload under investigation (now 1,600).

The new process will reduce the paper burden, remove some of the formality, eliminate steps in the review process and allow greater reliance on the telephone--in short, a fast track approach to handling many of the complaints, one that builds on the strength and flexibility of the ombudsman role.

At the same time, the Office implemented quality service standards aimed at reducing the time and effort required to investigate complaints, created a unit to focus on backlogged complaints, and another to concentrate on complaints about improper collection, use, disclosure and disposal of personal records (sections 4 to 8 of the Privacy Act). The Office will monitor the changes carefully, and fine-tune where needed.

The Privacy Act gives the Commissioner the power (and the discretion) to investigate federal government compliance with the Act's fair information code--the rules governing collection, use, disclosure and disposal of individual's personal information. Traditionally, the Office selects a handful of organizations and examines their information handling practices (or, when the organization is large, one aspect of their operations). Given the near impossibility of systemic auditing, the Office shifted its emphasis to examining specific departmental privacy issues and others that are government-wide.

More time was spent on consultation and assistance to government staff and less on formal audits and follow-ups. This reflects evolving trends in the public service; becoming more pro-active and service oriented. Privacy staff are now more often consulted early in program design and service delivery; in some cases, sitting on internal or interdepartmental committees to examine new initiatives. Preempting problems is the priority. The Office continued to follow up previous audit recommendations to ensure they had been implemented.

Figure 10 shows the success the Privacy office has already achieved in improving productivity (measured in turnaround time for investigations) despite an increasing workload.

Figure 10: Complaints Completed - Turnaround Time (Months)

<u>Complaint Category</u>	1993-94	1994-95	1995-96	1996-97	1997-98
	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Planned</u>	<u>Planned</u>
Access	13.0	11.9	13.7	10.0	10.0
Privacy	16.3	18.6	15.6	12.0	12.0
Time Limit	7.3	5.5	4.7	2.0	2.0
Overall	<u>11.9</u>	<u>10.2</u>	<u>9.6</u>	<u>6.5</u>	<u>6.5</u>

2. Comparative Performance Indicators

Complainants are increasingly restive with the time it takes to service their complaints. The Commissioner's office risks becoming part of the problem and damaging its own credibility and that of the legislation. The Commissioner must investigate any complaint in his jurisdiction--there is no provision for refusing complaints, nor does he believe there should be. Figures 11 (page 23) and 13 (page 25) illustrate the growing complaint caseload and backlog--which now equals more than one and a half year's investigations; and inquiries from the public--an increase of approximately 15 per cent since 1993-94.

The office received 1,625 new complaints during 1995-96 compared with 1,783 received in 1994-95. During the 1995-96 period, the office completed 1,681 cases--of which 638 cases were well-founded, 764 not well-founded, 97 discontinued and 182 resolved.

Figure 11 shows the number of complaints the Privacy Commissioner has received, investigated and on which he has rendered a finding during the period 1993-94 to 1995-96, as well as a forecast of workload expectations for 1996-97 and 1997-98. The total number of complaints received since the Privacy Act came into effect on July 1, 1983, is 13,578 to March 31, 1996. Figure 12 (page 24) displays the actual complaint intake over the past ten years (1986-87 to 1995-96).

Figure 11: Complaints Received, Completed and Under Investigation

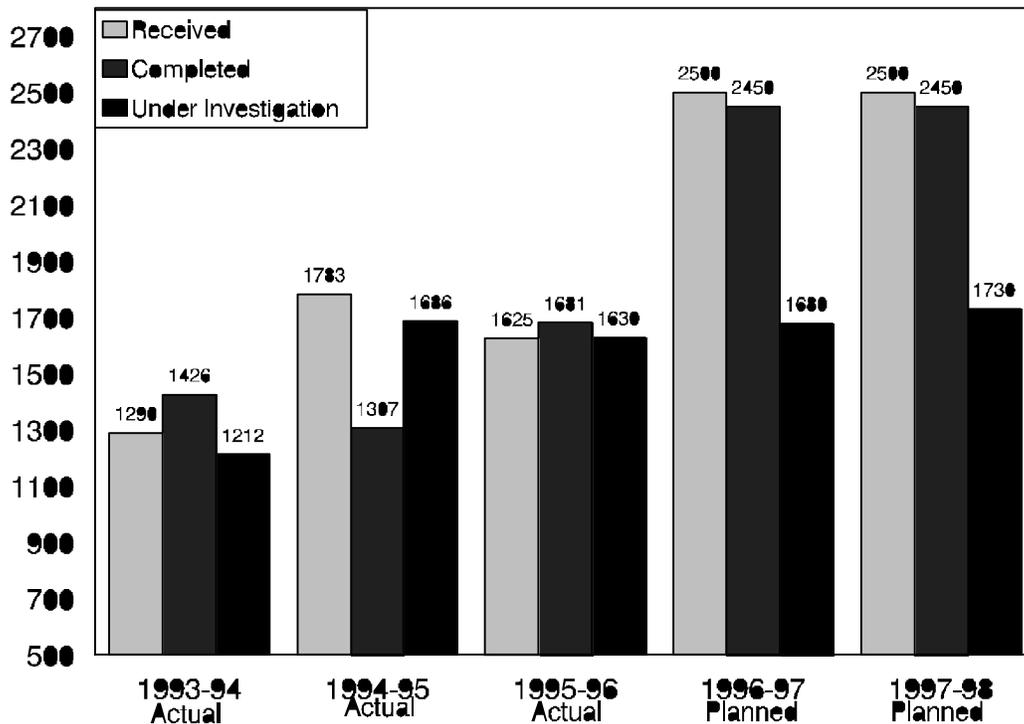
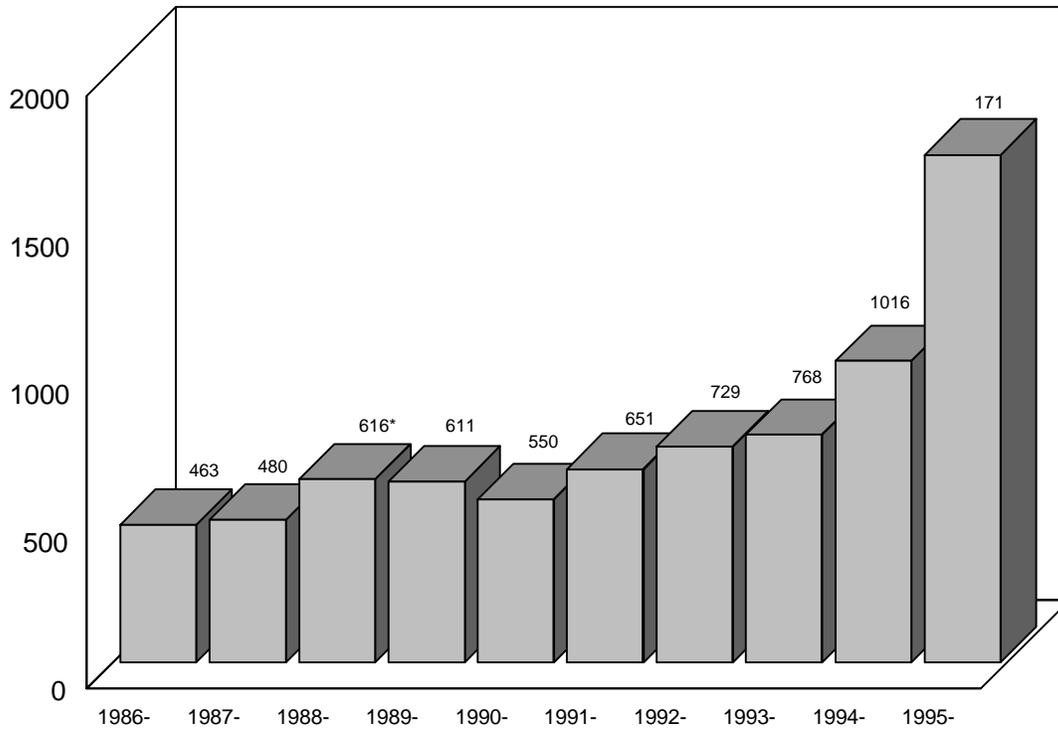
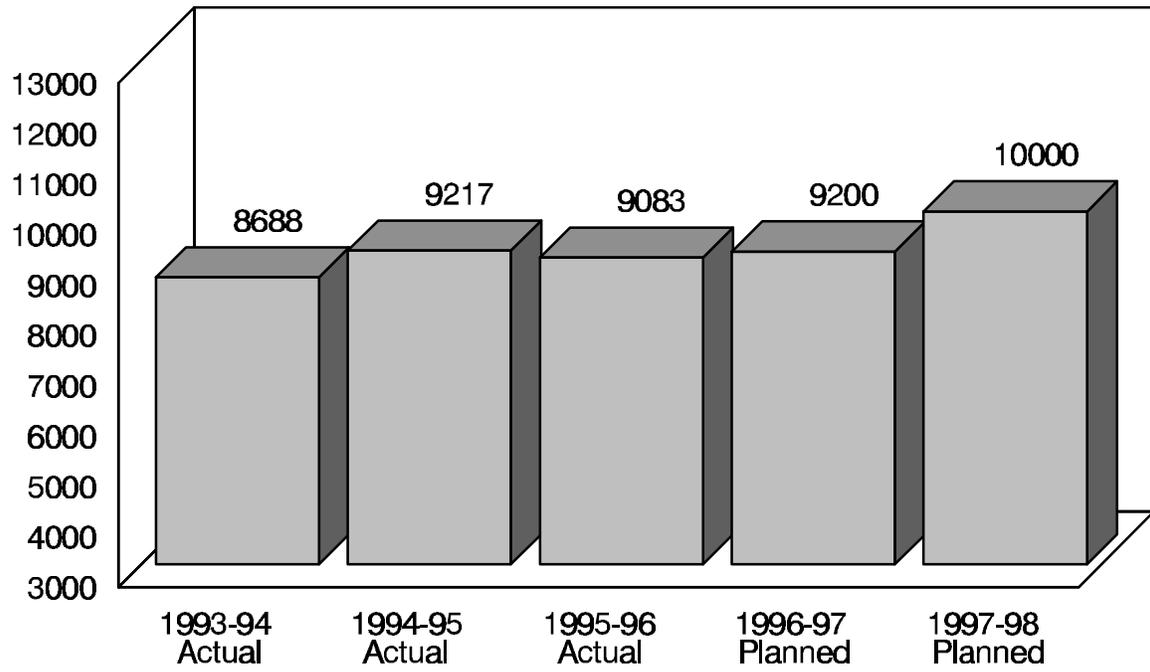


Figure 12: Actual Complaints Received Between 1986-87 and 1995-96



Despite government's apparently firm conviction that the Privacy Commissioner has no education role, and certainly needs no money to inform Canadians, taxpayers think otherwise. The Office handled 1,304 publications and media requests and there were more than 30,000 visits on the Commissioner's new Web site. Additionally, the Office handled 9,083 inquiries in 1995-96 compared to 9,217 in 1994-95. Most callers asked how to use or interpret the Act (40 per cent), 15 per cent wanted Office publications, 12 per cent complained about organizations not covered by the Privacy Act and 8 per cent concerned use and abuse of the Social Insurance Number. Many callers cannot be helped because the Commissioner has no jurisdiction over the private sector; banks, insurance companies or transportation companies. Equally, callers are often puzzled to find that some federal Crown corporations are not covered by the Act. Figure 13 traces the growth in inquiries over the past three years and the office's projections for the next two.

Figure 13: Inquiries Received



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IV Supplementary Information
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A. Profile of Program Resources

1. Financial Requirements by Object of Expenditure

(thousands of dollars)	Estimates 1997-98	Planned 1996-97	Actual 1995-96
Personnel			
Salaries and Wages	4,759	4,749	4,775
Contributions to employee benefit plans	809	693	659
	5,568	5,442	5,434
Goods and Services			
Transportation and communications	220	258	221
Information	70	71	88
Professional and special services	110	633	561
Rentals	20	30	17
Purchased repair and upkeep	20	18	11
Utilities, materials and supplies	60	61	75
Minor capital*	50	30	109
Other subsidies and payments	2	3	1
	552	1,104	1,083
Capital			
Controlled capital**	-	-	-
	-	-	-
Total expenditures	6,120	6,546	6,517

* Minor capital is the amount spent or budgeted for non-controlled capital expenditures.

** Controlled capital contains budgetary expenditures for major expenditures such as investment in: the acquisition of land, buildings and engineering structures and works; the acquisition or creation of other capital assets considered essential to ongoing program delivery; major alterations, modifications or renovations that extend the use of capital assets or change their performance or capacity.

2. Personnel Requirements by Professional Category

	FTE Estimates 1997-98	FTE Planned 1996-97	FTE Actual 1995-96	Current Salary Range	1997-98 Average Salary Provision
OIC Appointments	2	2	2	45,600-170,500	155,800
Executive	6	6	6	63,300-128,900	81,067
Scientific and Professional					
Law	4	5	5	29,870-128,900	73,679
Administrative and Foreign Service					
Administrative Services	16	15	14	17,994-75,002	49,419
Computer Systems	2	2	3	24,060-78,759	52,698
Financial Administration	1	1	1	15,981-71,883	
Information Services	2	2	2	17,849-67,814	54,891
Personnel Administration	1	1	1	16,882-69,291	
Program Administration	41	40	36	17,994-75,002	52,259
Management Trainee	-	-	1	36,201-47,514	
Technical					
Social Science Support	1	1	1	16,608-75,927	
Administrative Support					
Clerical	10	10	10	16,999-41,724	26,268
Secretarial	1	4	4	16,847-41,991	
	87	89	86		

* Full-time equivalent (FTE) is a measure of human resource consumption based on average levels of employment. FTE factors out the length of time an employee works during each week by calculating the rate of assigned hours of work over scheduled hours of work. FTEs are not subject to Treasury Board control but are disclosed in Part III of the Estimates in support of personnel expenditure requirements specified in the Estimates.

Note: The current salary range column shows the salary ranges by occupation group at July-1996. The average salary column reflects the estimated base salary costs including allowance for collective agreements, annual increments, promotions and merit pay. Year-to-year comparison of averages may be affected by changes in the distribution of the components underlying the calculations.

3. Total Estimated Cost of the Program for 1997-98

The Estimates of the Program include only those expenditures to be charged to its voted authorities. Figure 14 provides details of other cost items which need to be taken into account to arrive at the estimated total cost of the Program.

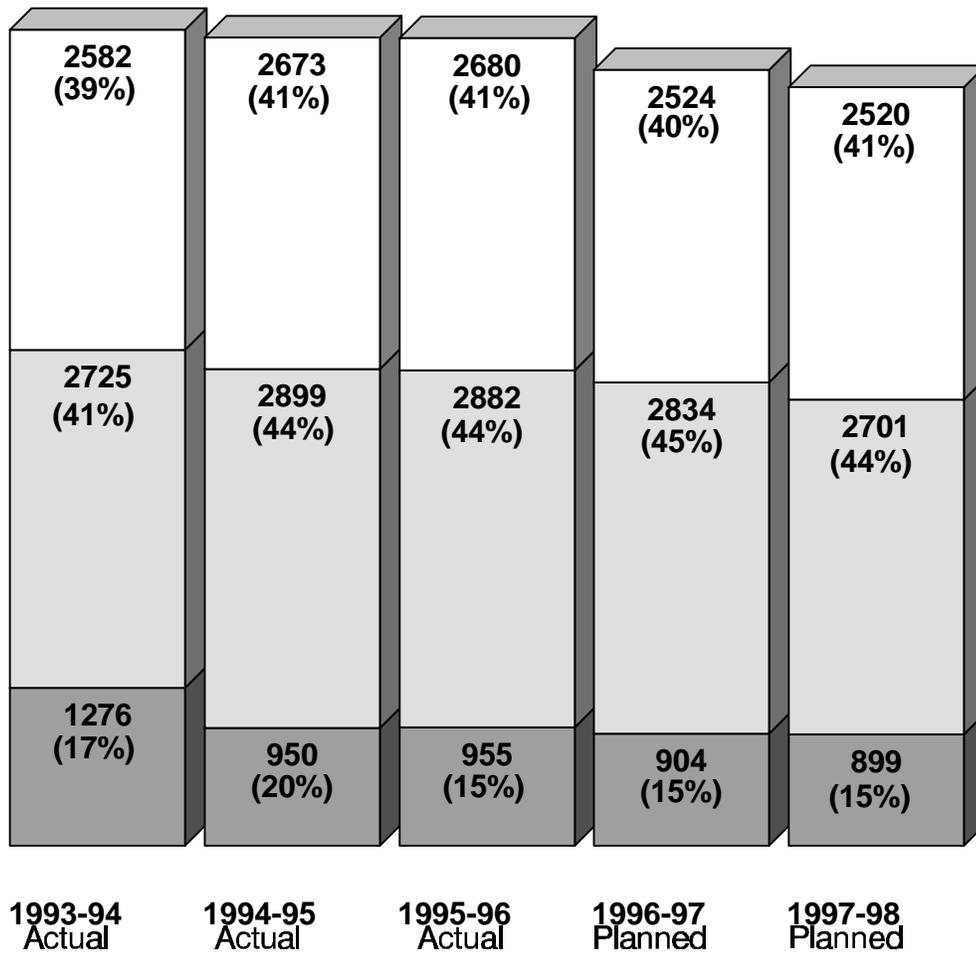
Figure 14: Total Estimated Cost

(thousands of dollars)	Main Estimates 1997-98	Add Other Costs*	<u>Estimated Total Program Costs</u>	
			1997-98	1996-97
Offices of the Information and Privacy Commissioners of Canada	6,120	1,026	7,146	7,288

* Other costs of \$1,026,000 consist of:

	(\$000)
o accommodation received without charge from Public Works and Government Services Canada;	700
o employee benefits covering the employer's share of insurance premiums and costs paid by Treasury Board Secretariat; and	317
o cheque issue and other accounting services received without charge from Public Works and Government Services Canada.	9

4. Breakdown of Expenditures by Organization/Program (\$000's)



■ Administration ■ Privacy □ Information

