

OFFICES OF THE INFORMATION AND PRIVACY COMMISSIONERS

1998-99 ESTIMATES

A Report on Plans and Priorities

Approved: _____
Information Commissioner

Date: _____

Approved: _____
Privacy Commissioner

Date: _____

Approved: _____
Minister of Justice

Date: _____

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SECTION I - COMMISSIONERS' MESSAGE

During 1998-99, the Offices of the Information and Privacy Commissioners (OIPC) will deal with an increasing workload of complaints, inquiries and issues, respond to changes to legislation, implement important enhancements to investigation processes, and conduct an internal review of business practices. This report provides the reader with a look at OIPC's plans for 1998-99, the factors that will influence change and how the Commissioners will administer their programs.

Information Commissioner

The Commissioner remains committed to ensuring that the rights and obligations under the Access to Information Act are respected.

Government restraint measures, information technology challenges and increasing workload continue to have a substantial impact on service to clients. 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.

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

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. Under the current resource levels, the service provided by the office is at the border between acceptable and unacceptable.

Privacy Commissioner

As the threats to privacy mount daily, Canadians are turning increasingly to the Commissioner's office for recourse, reassurance, advice and comment. Complaints to the Commissioner increase steadily and the trend is anticipated to continue.

Government restraint measures, coupled with powerful new information technology, encourage federal agencies to link or integrate information systems and deliver services on-line-- often in concert with other governments or the private sector. While the result *may* be better service, it will also dismantle protective walls around personal information which once prevented assembly of comprehensive individual profiles. The growing danger is that governments will subject citizens to continual information surveillance in the name of safety and efficiency.

The Privacy Commissioner's office will continue adapting to cope with the growing workload and emphasizing advice and consultation to alert legislators and government institutions to the pitfalls.

The Minister of Justice's announcement that the Federal Government would enact privacy legislation to cover the private sector by the year 2000 at the latest, parliamentary motion to extend Privacy Act coverage to all Crown Corporations, and reform of the national ports system are initiatives that could impose additional work on the Office and have significant resource implications.

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.

SECTION II - OVERVIEW

Roles and Responsibilities

The Information and Privacy Commissioners' positions 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 appointments 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.

i) Information Commissioner:

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 of access to information recorded in any form and controlled by most 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. 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 government refuses to follow his recommendations that withheld records be disclosed.

ii) Privacy Commissioner:

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.

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.

iii) Corporate Services

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

Organization and Program Composition

The Commissioners are accountable for and report directly to Parliament on the results of their respective operations. The organization structure (Table 2) reflects two main business lines (access to information and privacy) and one supporting business line (corporate services), the separate statutory basis for each Commissioner's operation, and the accountability for resource utilization and business line results.

The Commissioners share premises and administrative support services while operating independently under their separate statutory authorities. The support services are centralized to avoid duplication of effort and to realize cost savings to the government and the program.

Objectives and Priorities

i) Access to Information Business Line:

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

- o 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;

- o to persuade federal government institutions to adopt information practices in keeping with the *Access to Information Act*, and
- o to bring appropriate issues of interpretation of the *Access to Information Act* before the Federal Court.

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.

ii) Privacy Business Line:

The *Privacy Act* is the legislative authority for the activities of the Privacy Commissioner and his office. The objectives of the business line are:

- o 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
- o to encourage the growth of fair information practices by government institutions.

The Commissioner's priorities are: to encourage the growth of fair information practices by government institutions; to be more pro-active and service oriented (privacy 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 and less on formal investigation, audits and follow-ups.

iii) Corporate Services Business Line:

The 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.

Financial Spending Plan

(\$ thousands)	Planned Spending 1997-98	Planned Spending 1998-99	Planned Spending 1999-00	Planned Spending 2000-01
Program Spending				
Access to Information	2,529	2,605	2,605	2,605
Privacy	3,103	3,197	2,797	2,797
Corporate Services	909	961	931	918
Total Program Spending	6,541	6,763	6,333	6,320
<i>Plus:</i> Cost of Services Provided by Other Departments	1,026	893	893	893
Total Program Costs	7,567	7,656	7,226	7,213

SECTION III - BUSINESS LINE PLANS, PRIORITIES AND STRATEGIES

Summary of Key Plans, Priorities and Strategies

Open access to 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 key performance expectations benefit both individual clients and society by making government more accountable. To attain these performance expectations, the organization intends to :

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

The organization continues to refine the framework for enhancing program effectiveness and accountability. Figure 1 illustrates the linkage between the organization's business lines and key results.

Figure 1: Linkage Between Business Lines and Key Results

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
Privacy	<ul style="list-style-type: none"> • Protection of personal information held by federal institutions. 	<ul style="list-style-type: none"> • Improved awareness on personal information rights. • Easy access to personal information held by federal institutions. • Compliance with established data management practices. • Innovative and cost-effective complaint resolutions. 	Privacy Commissioner
Corporate Services	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

Details by Business Line

In recent years, the Information and Privacy Commissioners have improved their operations. Both the access to information and privacy business lines have made changes to the manner in which business is conducted, resulting in improvements of performance.

- o Information technology is used 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, research and investigation work, and a correspondence tracking system.
- o Costs of transmitting information and publications have been reduced by putting material on Internet sites (one each for access to information and privacy).
- o Business line performance measures and service standards have been developed.

In addition to Figure 1 on page 10, illustrating the linkage between business lines and key results, the measurement strategies for both the Access to Information and Privacy business lines also include occasional surveys of citizens and periodic evaluation studies of identified changes in ministerial practices and attitudes towards open access to information and the protection of privacy.

i) Access to Information Business Line

1. Key Plans and Strategies

In addition to its ongoing business (complaint investigations, settlement negotiations, departmental reviews, inquiries, court applications and reports to Parliament), the Office will continue to place emphasis on the resolution of complaints without recourse to the courts and investigate complaints more expeditiously, making better use of information technologies.

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 convincing government to release information informally, without application under the Act.

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.

2. *Planned Spending*

(\$ thousands)	Planned Spending 1997-98	Planned Spending 1998-99	Planned Spending 1999-00	Planned Spending 2000-01
Salaries and Wages	1,844	1,909	1,909	1,909
Employee Benefit Plans	323	401	401	401
Other Operating	362	295	295	295
Total	2,529	2,605	2,605	2,605

3. *Objective*

The primary objective of this business line is to investigate, report and make 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 Information Commissioner must investigate all complaints he receives from members of the public. The Information 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 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*.

4. *External Influences*

Government restraint measures, information technology strategies and increasing workload are having a substantial impact on the Office's service level to clients. Under the current structure, levels of service provided by the Office of the Information Commissioner are at the border between acceptable and unacceptable. The Office has gone as far as it can in terms of re-engineering processes to simplify and streamline program delivery and there are no remaining savings to be made 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 with technical assistance including legal service and research services are provided, from time to time, by private sector firms under contract.

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.

Although the number of complaints received in 1996-97 decreased to 1,382 from the 1,712 complaints received in 1995-96, the office continues to face increases in the number of complaints. 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 the exploitation of technology, management delayering, abolition of positions not directly related to investigations have been implemented. Efforts to ensure that investigators have effective conflict resolution skills are ongoing in an effort to help reduce the number of cases that might otherwise result in litigation before the Federal Court.

ii) Privacy Business Line

1. Key Plans and Strategies

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 newly implemented business practices and service standards to provide clients with a better and more timely service; producing annual and special reports and speeches in-house; and fine tuning its fast track approach to handling complaints, one that builds on the strength and flexibility of the ombudsman role.

The Office will continue putting greater emphasis on consultation and assistance to government staff, and less on formal audits. This allows the Commissioner to influence government operations and policies to prevent complaints. A recent example is the Office's work with the Chief Electoral Officer to ensure privacy protection was built into the design and operations of the permanent voters register. Although the new register is one of the largest databases in the country, it prompted only calls to the Commissioner for information and no complaints.

2. Planned Spending

(\$ thousands)	Planned Spending 1997-98	Planned Spending 1998-99	Planned Spending 1999-00	Planned Spending 2000-01
Salaries and Wages	2,033	2,229	2,229	2,229
Employee Benefit Plans	378	468	468	468
Other Operating	692	500	100	100
Total	3,103	3,197	2,797	2,797

3. Objective

The primary objective of this business line is investigate, report and make recommendations to the heads of government institutions and, in the case of complaints, report findings to the complainant. The Commissioner also reviews personal information held in government information banks and investigates the institutions' collection, use, retention and disposal of personal information, reviews proposed data matches and "public interest" disclosures.

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 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.

4. External Influences

Several factors are creating both administrative and legal problems for the Office. These include 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.

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. Both threaten to remove protective walls around existing personal data and increase distribution of the information, in some instances beyond the reach of privacy legislation.

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 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.

iii) Corporate Services Business Line

1. Key Plans and Strategies

During the year, Corporate Management Branch staff will provide the requisite administrative support services (finance, personnel, information technology and general administration) to both the access to information and privacy business lines.

2. Planned Spending

(\$ thousands)	Planned Spending 1997-98	Planned Spending 1998-99	Planned Spending 1999-00	Planned Spending 2000-01
Salaries and Wages	584	637	640	640
Employee Benefit Plans	108	134	134	134
Other Operating	217	190	157	144
Total	909	961	931	918

3. Objective

The objective and priority 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.

4. External Influences

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.

SECTION IV - SUPPLEMENTARY INFORMATION

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

Vote (thousands of dollars)	1998-99 Main Estimates	1997-98 Main Estimates
Offices of the Information and Privacy Commissioners of Canada		
40 Program Expenditures	5,760	5,511
(S) Contributions to employee benefit plans	1,003	809
Total Agency	6,763	6,320

Table 2 : Organization Structure and Planned Spending by Business Line

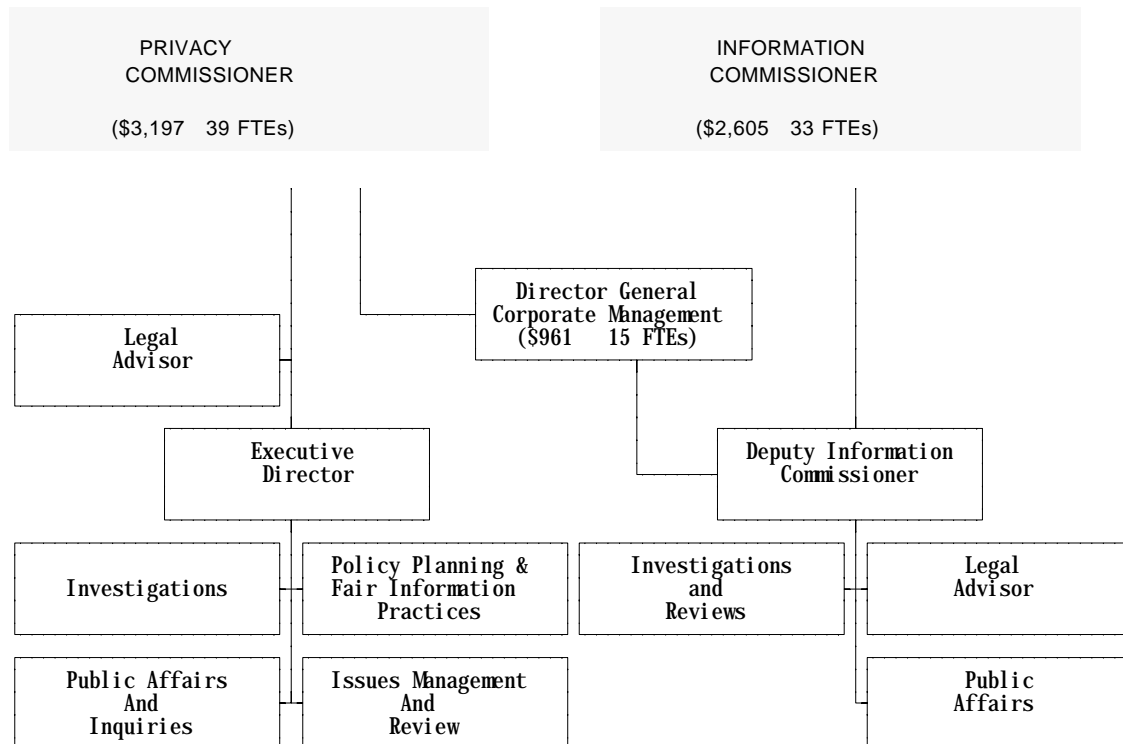


Table 3 : Planned Full Time Equivalents (FTEs) by Business Line

	Planned 1997-98	Planned 1998-99	Planned 1999-00	Planned 2000-01
Access to Information	31	33	33	33
Privacy	34	39	39	39
Corporate Services	15	15	15	15
Total	80	87	87	87

Table 4 : Financial Resources by Standard Object of Expenditure

(\$ thousands)	Planned Spending 1997-98	Planned Spending 1998-99	Planned Spending 1999-00	Planned Spending 2000-01
Personnel				
Salaries and Wages	4,461	4,775	4,778	4,778
Contributions to employee benefit plans	809	1,003	1,003	1,003
	5,270	5,778	5,781	5,781
Goods and Services				
Transportation and Communications	223	220	195	190
Information	72	70	70	70
Professional and Special Services	826	560	160	155
Rentals	29	20	20	20
Purchased Repair and Maintenance	14	15	15	15
Utilities, Materials and Supplies	62	60	60	60
Minor Capital	44	40	32	29
Other Subsidies and Payments	1	-	-	-
	1,271	985	552	539
Total Operating	6,541	6,763	6,333	6,320
Capital				
Controlled Capital	-	-	-	-
	-	-	-	-
Total Budgetary Expenditures	6,541	6,763	6,333	6,320

Table 5 : Program Resources by Business Line for 1998-99 (\$000's)

Business Line	FTE's	Salaries and Wages	Employee Benefit Plans	Other Operating	Total
Access to Information	33	1,909	401	295	2,605
Privacy	39	2,229	468	500	3,197
Corporate Services	15	637	134	190	961
Total Program	87	4,775	1,003	985	6,763

Table 6 : Net Cost of the Program for 1998-99

(thousands of dollars)	Main Estimates 1998-99	Add Other Costs*	Estimated Total Program Costs	
			1998-99	1997-98
Offices of the Information and Privacy Commissioners of Canada	6,763	893	7,656	7,146

* Other costs of \$893,000 consist of:

- | | |
|---|---------|
| | (\$000) |
| o accommodation received without charge from Public Works and Government Services Canada; | 569 |
| o employee benefits covering the employer's share of insurance premiums and costs paid by Treasury Board Secretariat; and | 315 |
| o cheque issue and accounting services received without charge from Public Works and Government Services Canada. | 9 |

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

The Commissioners have oversight responsibility to Parliament for the following Acts:

Access to Information Act
Privacy Act

R.S.C., 1985, ch. A-1, amended 1997, c.23, s. 21
R.S.C. 1985, ch. P-21, amended 1997, ch. 20, s. 55

Table 8 : Management Representation Statement

MANAGEMENT REPRESENTATION Report on Plans and Priorities 1998-99	
<p>We submit, for tabling in Parliament, the 1998-99 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 outlined below, the information:</p> <ul style="list-style-type: none">o accurately portrays the mandates, plans, priorities, strategies and expected key results of the organization;o is consistent with Treasury Board policy and instructions and the disclosure principles contained in the Guidelines for Preparing a Report on Plans and Priorities;.o is comprehensive and accurate;o is based on sound underlying departmental information and management systems; ando 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>	
_____ Information Commissioner	Date: _____
_____ Privacy Commissioner	Date: _____