



# Offices of the Information and Privacy Commissioners

2002-2003  
Estimates

Part III – Report on Plans and Priorities

Canada

## The Estimates Documents

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

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

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

**Part III – Departmental Expenditure Plans** which is divided into two components:

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

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

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**OFFICES OF THE INFORMATION AND PRIVACY  
COMMISSIONERS OF CANADA**

**2002-2003 ESTIMATES**

**A Report on Plans and Priorities**

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

Date: \_\_\_\_\_



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**OFFICE OF THE INFORMATION COMMISSIONER'S  
REPORT ON PLANS AND PRIORITIES**

I am pleased to submit my Report on Plans and Priorities for the fiscal period April 1, 2002 to March 31, 2003.

Approved: \_\_\_\_\_  
The Honourable John M. Reid  
Information Commissioner of Canada

Date: \_\_\_\_\_



## **Section I – Information Commissioner's Message**

Access laws are becoming an essential cornerstone to a vibrant and healthy democracy. The benefits of such laws are tangible and profound; they transform the way in which public business is done. While there may be less candour in the records produced and fewer records created, there is also greater care, frugality, integrity and honesty in government because of access laws. The *Access to Information Act* encourages and fosters such a public service.

During the coming year, the Office will strive to ensure that all investigations, carried out under the access to information law, are conducted in a fair, thorough and timely manner, without resorting to the court system.

The Office will persist in encouraging a culture of openness in government so that, over time, the number of complains will diminish. It will also continue to assist Parliament in modernizing and strengthening the access law.

This report provides the reader with a look at the Office's plans, in terms of strategic outcomes, for fiscal year 2002-2003.



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

**MANAGEMENT REPRESENTATION STATEMENT**  
**Report on Plans and Priorities 2002-2003**

I submit, for tabling in Parliament, the 2002-2003 Report on Plans and Priorities (RPP) for the Office of the Information Commissioner of Canada.

To the best of my knowledge the information in this document:

- ◆ accurately portrays the organization's plans and priorities;
- ◆ is consistent with the reporting principles contained in the *Guide to the preparation of the 2002-2003 Report on Plans and Priorities*;
- ◆ is comprehensive and accurate;
- ◆ is based on sound underlying organizational information.

I am satisfied as to the quality assurance processes and procedures used for the RPP production.

The Planning, Reporting and Accountability Structure (PRAS) on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

\_\_\_\_\_  
The Honourable John M. Reid  
Information Commissioner of Canada

Date: \_\_\_\_\_

## Section II - Raison d'être

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

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

Passage of the Act in 1983 gave Canadians the broad legal right to information recorded in any form and controlled by most federal government institutions.

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

Of course, access rights are not absolute. They are subject to specific and limited exemptions, balancing freedom of information against individual privacy, commercial confidentiality, national security and the frank communications needed for effective policy-making.

Such exemptions permit government agencies to withhold material, often prompting disputes between applicants and departments. Dissatisfied applicants may turn to the Office of the Information Commissioner. The Office investigates applicants' complaints that:

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

When a complaint is received, it is assigned to an investigator. It is the investigator's task to try to resolve the complaint and, if that is not possible, to bring the matter to senior management so that further effort can be made to achieve that end.

In the course of an investigation, the investigator first familiarizes him or herself with the complaint by reading the background documentation. Next, the investigator contacts the department involved, obtains copies of the records in question, considers the exemptions claimed, obtains explanations from the official who invoked the exemptions, hears the complainant's views, reviews the statutory provisions involved, and formulates some preliminary thoughts on the validity of the exemptions claimed. (In certain cases, the investigator may discuss fees, time extensions, or other issues involved in the complaint.)

It is at this point that the investigator begins the discussion/persuasion phase of the process. During this process, departmental officials may be asked to reconsider and to remedy any perceived uncooperative behaviour on their part. The investigator acts as an advocate for the Act, not for the complainant. The Office is almost always successful (99.9% of the time) in securing a resolution that it considers to be in accordance with the Act.

If an impasse is reached with the department and the complainant, the Director General, Investigations and Reviews will meet with more senior departmental officials to see if a fresh approach can be found. Many files are resolved at this stage. If the Director General's intervention does not bear fruit, the Deputy Commissioner will become involved with the most senior managers of a department. It is his job to make a final effort at informal resolution. If that proves impossible, he finalizes the necessary evidentiary record for the Commissioner's consideration and, possibly, for deliberation by the Federal Court.

The Commissioner, who keeps a distance from the fact-gathering process of investigations in order to ensure that he comes to the deliberation phase with an open mind, reviews all the evidence and representations. If he considers the complaint to be well-founded, it is his role to recommend remedial action and to communicate his findings and recommendations to the complainant and the head of the institution. He also informs the complainant that if access to the requested records has not or will not be given, he or she has the right to apply to the Federal Court for a review of the institution's decision to refuse access.

Note: only the person who has been refused access to information can ask for a review by the Federal Court; however, if that person so chooses, he or she may give the Commissioner his or her consent to apply for a review on their behalf. The Commissioner's policy is to offer to go to court in every case where the head of an institution has refused to follow his recommendation that records be disclosed.

## **Section III – Plans and Priorities (By Strategic Outcome)**

Open access to government information held by federal institutions is the key performance expectation of the access to government information business line. This expectation is of benefit to both individual clients and Canadians by making government more accountable. To attain this expectation, consultations and discussions will continue with the Office's client community.

### **STRATEGIC OUTCOME 1 – Public officials' improved awareness of their access obligations**

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

There is a growing recognition of the importance of good information management to the achievement of the government's business strategies and goals. This recognition was stimulated, in part, by release of a Treasury Board/National Archives report on "Information Management in the Government of Canada, A Situation Analysis".

Central agencies, departments and institutions are planning and undertaking new initiatives to strengthen information management. Many projects are focussing on the government's commitments with regard to the electronic delivery of government information and services.

The need for change, however, extends much farther than these operational priorities. This Office will continue to advocate fundamental shifts in culture, policy, law and information-based services to enhance information management in the service of effective and accountable governance.

### **STRATEGIC OUTCOME 2 – Canadians' improved awareness of their access rights**

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

The Office's effectiveness in this regard is measured by: a high proportion of resolved complaints; persuading government to release information informally, without formal application under the Act.

## STRATEGIC OUTCOME 3 – Improved service standards

### Case Management Initiatives

The OIC is dedicated to improving the level of service provided. The Office will do this by implementing the following case management initiatives:

**Continuous Refinement of the OIC’s Selection Process:** not everyone has what it takes to be a good investigator, no matter how well they may know the *Access to Information Act*. One needs to be able to think logically and critically; to be able to gather facts and to evaluate them; to be able to ask questions and follow-up questions; to be able to listen and, as importantly, to understand; to be able to learn from experience; to be able to respect the opinions and points-of-view of others; to be able to put facts into a context and to draw conclusions from those facts; and, finally, to be able to support those conclusions with evidence.

The investigation and resolution process also demands that an investigator be able to communicate clearly, accurately and concisely with the complainant, with departmental officials and with other Information Commission staff. Most importantly, an investigator must have the ability to remain neutral between the complainant and the government, not being biased for or against either party, not having any stake in the outcome of the investigation other than that the law be followed.

This Office is diligent in its hiring practices. When hiring investigators, we look for individuals who have an excellent knowledge of the Act: many have worked in government departments as ATIP officers or coordinators.

**Comprehensive Training Program:** despite their individual backgrounds, each new investigator undergoes an extensive and rigorous training program as their first task with the Office.

This training program begins with a personalized, section-by-section, review of the Act and Regulations designed and presented by a senior lawyer with extensive experience in the field both in a department and with the Office. This training incorporates not just the legislation and the decisions of the Federal Court of Canada, as well as other courts, but previous investigations of the Office, the Treasury Board Manual on the Act and current case files.

During this initial training, the investigator begins working on a reduced number of less complex files, usually delay complaints. New investigators are mentored in these files by senior counsel and investigators to ensure that their training is implemented in their work. Eventually, the new investigator will be assigned a full caseload of up to fifty files.

Experienced investigators also take part in ongoing training, mentoring and file reviews. For example, the Office has hired outside experts to give extensive training to all investigators in negotiating and mediation skills as well as skills in dealing with "difficult people and situations". Emphasis is placed on remaining neutral.

**Adding Specialized Continuing Education Seminars:** in addition to the mandatory training programs mentioned above, specialized continuing education seminars will be held on a regular basis on specific sections of the Act which have proven to be difficult to interpret. Moreover, specialized training sessions will be held frequently on non-statutory issues such as questioning skills, obtaining representations, investigation techniques as well as file management and preparation of investigation reports supported by evidence gathered during a given complaint investigation. As well, monthly investigators' meetings will continue to be held to discuss emerging issues, problem files and new court decisions.

A professional working relationship with government institutions is key to this Office's effectiveness and, thus, the public's success. Equally, the Office'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. 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.

**Figure 1: Planned Spending – Office of the Information Commissioner**

(\$ thousands)	Forecast Spending 2001-2002*	<b>Planned Spending 2002-2003</b>	Planned Spending 2003-2004	Planned Spending 2004-2005
Salaries and Wages	2,508	<b>2,553</b>	2,553	2,553
Employee Benefit Plans	489	<b>510</b>	510	510
Other Operating	609	<b>609</b>	609	609
<b>Total Main Estimates</b>	3,606	<b>3,672</b>	3,672	3,672
Adjustments**	645	<b>260</b>	260	260
<b>Total</b>	4,251	<b>3,932</b>	3,932	3,932

<b>Full Time Equivalents</b>	45	<b>45</b>	45	45
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\*\*In its 2001-2002 Supplementary Estimates (B), the OIC requested and received \$645K from Treasury Board for: outsourcing of legal services (\$200K); integrated investigations IT (\$195K); salary management system (\$100K); backlog relief (\$90K) and additional salary expenses (\$60K). In its 2002-2003 Supplementary Estimates, the Office of the Information Commissioner (OIC) will submit an item to increase other operating by \$260K for pressures related to the outsourcing of legal services, IM/IT rust-out, investigations backlog, and additional salary related costs. Finally, in the 2003-2004 ARLU exercise, the OIC will submit an item to increase reference levels for future years, by the amount of \$260K.

## Office of the Information Commissioner's Corporate Services

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

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

**Figure 2: Planned Spending – Corporate Services**

(\$ thousands)	Forecast Spending 2001-2002	<b>Planned Spending 2002-2003</b>	Planned Spending 2003-2004	Planned Spending 2004-2005
Salaries and Wages	360	<b>373</b>	373	373
Employee Benefit Plans	70	<b>75</b>	75	75
Other Operating	177	<b>177</b>	177	177
<b>Total</b>	607	<b>625</b>	625	625

<b>Full Time Equivalent</b>	7	7	7	7
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**OFFICE OF THE PRIVACY COMMISSIONER'S  
REPORT ON PLANS AND PRIORITIES**

I am pleased to submit my Report on Plans and Priorities for the fiscal period April 1, 2002 to March 31, 2003.

Approved: \_\_\_\_\_  
George Radwanski  
Privacy Commissioner of Canada

Date: \_\_\_\_\_

## **Section IV – Privacy Commissioner's Message**

During 2002-03, the Office of the Privacy Commissioner's statutory mandate under the *Privacy Act* and the *Personal Information Protection and Electronic Documents Act* will require it to: deal with an increasing workload generated by new complaints, inquiries and privacy issues; respond to possible changes to legislation; implement important enhancements to complaint investigation processes; develop and deliver communications and public education programs with respect to the new private sector privacy legislation; and audit the information handling practices of federal government departments and private sector organizations.

The Office of the Privacy Commissioner has been able to achieve its operational objectives within the parameters of its quality service standards, as a result of receiving additional funds and implementing several initiatives to overcome budgetary and workload pressures. These initiatives include streamlining the complaint investigation and audit process with measures specifically aimed at reducing the backlog of outstanding investigations.

The Office of the Privacy Commissioner has taken on, effective January 1, 2001, an expanded role as a result of the Government's decision to extend privacy protection to cover the private sector (Bill C-6, the *Personal Information Protection and Electronic Documents Act*). The Act received Royal Assent on April 13, 2000. Part I of the Act which deals with the protection of personal information in the private sector is being implemented in three phases, beginning January 1, 2001. The Act balances an individual's right to the protection of personal information that is collected, used or disclosed during commercial activities and the need of organizations to obtain and use personal information for legitimate business purposes.

This report is an overview of the Office of the Privacy Commissioner's plans for 2002-03, including the factors that will influence change and how the Privacy Commissioner will administer the program.

**MANAGEMENT REPRESENTATION STATEMENT**  
**Report on Plans and Priorities 2002-2003**

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The Planning, Reporting and Accountability Structure (PRAS) 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.

\_\_\_\_\_  
George Radwanski  
Privacy Commissioner of Canada

Date: \_\_\_\_\_

## Section V - Raison d'être

***To ensure that Canadians' rights and obligations,  
under the Privacy Act, are respected.***

The Privacy Commissioner of Canada is an Officer of Parliament who reports directly to the House of Commons and the Senate.

The Commissioner is an advocate for the privacy rights of Canadians with the power to:

- investigate complaints and conduct audits under two federal laws;
- publish information about personal information-handling practices in the public and private sector;
- take matters to the Federal Court of Canada;
- conduct research into privacy issues; and
- promote awareness and understanding of privacy issues by the Canadian public.

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

Canadians may complain to the Commissioner about any matter specified in Section 29 of the *Privacy Act*. This Act applies to personal information held by the Government of Canada.

For matters relating to personal information in the private sector, the Commissioner may investigate complaints under Section 11 of the *Personal Information Protection and Electronic Documents Act*. This Act now applies to federally regulated businesses across Canada and all businesses in the three territories.

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

The Office of the Privacy Commissioner is divided into five branches, described below. The Executive Director maintains an overview of ongoing branch activities, and reports to the Privacy Commissioner.

### **Investigations and Inquiries Branch**

The Investigations and Inquiries Branch is responsible for investigating, on behalf of the Commissioner, complaints received from individuals under Section 29 of the *Privacy Act* and Section 11 of the *Personal Information Protection and Electronic Documents Act*. Essentially, the Office's investigations serve to establish whether individuals have had

their privacy rights violated and/or whether they have been accorded their right of access to their personal information.

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

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

To date, all complaints brought before the Commissioner have been resolved through voluntary cooperation without having to use these formal investigative powers.

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

### **Privacy Practices and Reviews Branch**

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

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

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

Through the Privacy Commissioner, the Branch has the authority to administer oaths, receive evidence and, at any reasonable time, enter premises where appropriate. It also provides assistance to public and private sector organizations regarding fair information handling practices with respect to any initiative with privacy implications.

### **Communications and Strategic Analysis Branch**

The Communications and Strategic Analysis Branch was created to carry out the public education and research mandate of the Office, strengthened under the *Personal Information Protection and Electronic Documents Act*.

On the Communications side, the branch focuses on:

- issuing news releases, organizing media interviews, speeches, conferences and special events for the Commissioner and senior staff;
- developing communications tools to address issues of concern to Canadians;
- maintaining the Office's web site;
- developing and publishing materials for a variety of audiences, including the annual report to Parliament by the Privacy Commissioner;
- analysing public perceptions of privacy issues through environmental monitoring.

Since January 2001, the Communications Branch has informed Canadians across the country of their new rights under the *Personal Information Protection and Electronic Documents Act* through a series of speaking engagements and advertising. Comprehensive guides to the new Act for business and individual Canadians have been published. These materials are being widely circulated and are posted on the web site.

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

### **Legal Services**

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

### **Corporate Services**

Corporate Services provides advice and integrated administrative services (finance, personnel, information technology and general administration) to managers and staff.

## Section VI – Plans and Priorities (By Strategic Outcome)

### Background

The Privacy Commissioner has investigated complaints against the public sector under the *Privacy Act* since 1983 and has been able to achieve his operational objectives within established quality service standards following the implementation of several initiatives to reduce the backlog of outstanding investigations. The turnaround time for completion of *Privacy Act* investigations is now, on average, two months for time limit complaints, seven months for denial of access complaints, and nine months for privacy complaints.

The public sector's increased use of the Internet and other electronic networks to make more information available, and to be more accountable for its decisions, has increased the threat to privacy. The move to electronic record keeping has eroded the barriers of time, distance and cost that once guarded privacy and, with more information on-line as part of the Government On-Line initiative, the potential for improper disclosure of personal information will increase. The Office has already investigated several *Privacy Act* complaints of this nature in the past and it expects the number of similar complaints under both Acts to grow substantially in the coming years with the rapid advancement of new technologies.

Further, since the events of September 11, 2001, much more personal information is expected to be collected, used or disclosed as a result of several initiatives the federal government has implemented to enhance public security. This may involve the sharing of personal information among government departments or between levels of government and some Canadians will undoubtedly view these initiatives as being privacy-invasive. Given our previous experience following other data-sharing initiatives, for example the use of customs declaration cards to identify recipients of employment insurance benefits while outside the country and therefore unavailable for work, the Office is likely to receive more data-sharing related complaints under both Acts.

When the *PIPED Act* came into force January 1, 2001 it applied to personal information – except personal health information – collected, used or disclosed in the course of commercial activities, or about their employees, by federal works, undertakings and businesses. This includes banks, the broadcasting industry, inter-provincial transportation companies and the telephone companies. It also applied to personal information disclosed across provincial or national boundaries “for consideration”, meaning that you get something in exchange for it – for example, through sale, lease, or barter. The personal information itself must be the subject of the exchange for the Act to apply. In the Northwest Territories, Yukon and Nunavut, it applies to the whole private sector, which, under our constitution, is federally regulated.

The purpose of the Act is to strike a balance between the legitimate information needs of the private sector and the fundamental privacy rights of individuals. Its objective is to help foster – in a rapidly changing social and technological environment – a state of mind in which businesses routinely consider client, customer and employee privacy rights.

Our experience thus far suggests that the private sector is not as prepared as it should be to fulfil its responsibilities under the Act. In spite of the lead-in time organizations had to prepare for the coming into force of the Act, their lack of experience in handling requests for access to personal information and a reluctance by some organizations to modify business practices so that they are more privacy sensitive and conform to the requirements of the Act will, in all likelihood, translate to an increasing number of complaints received during the next several years. The investigation process also serves as an opportunity to educate and to explain the Commissioner's expectations of how organizations should fulfil their legislative responsibilities (for example, how to process a request for personal information).

As of January 2002, the *PIPED Act* now applies to personal health information about employees or customers of federal works, undertakings, or businesses, as well as personal health information disclosed across borders for consideration. Given that many Canadians believe their health records to be even more sensitive than their financial records, the Office expects a steady influx of complaints related to the denial of access to or mismanagement of personal health information.

The final phase-in stage for the *PIPED Act* is January 2004, at which time it will extend to all commercial activities in Canada unless the activity takes place in a province with substantially similar privacy legislation. However, federally regulated business in those provinces with substantially similar privacy legislation will continue to be governed by the *PIPED Act*, as will personal information involved in all inter-provincial and international transactions by organizations in the course of commercial activities. A steady growth in the number of complaints against those organizations that will remain subject to the Act is anticipated.

The Office also responds to written and telephone inquiries from individuals as well as public and private sector organizations seeking information about the Act and other privacy-related issues. There has been a steady growth in the number of inquiries as Canadians become more concerned about their privacy and seek the assistance of this Office. The Commissioner's public education activities – his speeches, media interviews, and decisions posted on the Office's web site – as well as other widely-publicized emerging privacy issues that affect the public at large invariably lead to an influx of new inquiries about privacy. For example, last year the Office advertised widely in the print media to inform Canadians about the new *PIPED Act* and the result was a significant increase in inquiries the following weeks. Another media campaign will likely take place in early 2002 and will no doubt result in another influx of inquiries.



## **STRATEGIC OUTCOME 1 – Encouraging compliance with fair information practices by both public and private sector organizations in Canada**

Through the combined efforts of its Investigations and Inquiries, and Privacy Practices and Reviews Branches, the Office seeks to promote the implementation of fair information practices by both public and private sector organizations in Canada in accordance with federal privacy laws.

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

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

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

## **STRATEGIC OUTCOME 2 – Safeguarding the right to Privacy of Canadians**

The process for implementing GOL initiatives will require government institutions to complete Privacy Impact Assessments (PIA). The use of the PIA is intended to assist government institutions in identifying any possible privacy risks associated with the implementation of a GOL initiative. The Office will review the PIA's, assess the

potential privacy risks and make recommendations as appropriate to ensure that the principles of the *Privacy Act* are respected. It is important to note that the Office's role in this process is one of advisor. The Office will not in any way provide formal approval for GOL initiatives that might compromise the Privacy Commissioner's impartiality during subsequent investigations or reviews.

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

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

### **STRATEGIC OUTCOME 3 – Increasing public awareness and understanding of privacy issues**

As mentioned in the "Background" section of this report, the Office was given a broader mandate for public education in order to increase awareness and understanding of privacy issues. To focus on this important new responsibility, the Communications and Strategic Analysis Branch was established to raise awareness of privacy issues, to inform Canadian citizens and businesses about the new private sector legislation, and to expand research into emerging privacy issues under two federal laws.

The *PIPED Act* came into effect in January 1, 2001. It covers the federally regulated private sector and will extend to the whole private sector January 1, 2004, when all commercial activities will be covered by the federal law or by a provincial law that is considered to be substantially similar to it. Personal information held by the Government of Canada is protected under the *Privacy Act*, in place since 1983.

The branch promotes the Office's investigation and audit functions and is accountable for its research and education mandates. For 2002-03, the Office will further develop its public education program to focus on these services and to ensure that citizens are aware of them.

To further its mandate for public education, the Office will also continue to organize speaking engagements for the Commissioner and senior officials to tell citizens and businesses about the new *Act* and how it affects them, to discuss privacy in the workplace, and to raise privacy concerns about specific initiatives, including Government On-Line, use of electronic health records and the growing use of video surveillance.

These activities include disseminating public statements, news releases and feature articles to both mainstream and targeted media; granting media interviews and participating in editorial board meetings; and providing media relations support for speeches, conferences and other special events. In addition, the Office responded to inquiries from the media, providing comment and background information on a wide variety of privacy-related issues.

The Office will further develop these types of activities in 2002-03 to keep citizens apprised of issues that may affect their privacy and to deepen their understanding of the Commissioner's role as the champion of their privacy rights. To complement these activities, the Office will continue to develop, publish and distribute informational materials on specific issues, in keeping with enhancing the Office's role as a centre of expertise.

Plans are also underway to develop targeted materials to tell citizens how to protect their personal information in their dealings with the federally regulated private sector, and what to do when they believe that their right to privacy has been violated. These materials are intended to help Canadians understand what constitutes a complaint and how the Office can help. The Office also plans to use advertising, public service announcements where appropriate, and various other avenues to reach the public directly.

Over the past year, the Web site has undergone a complete redesign and expansion as part of the greater mandate for public education and raising awareness. A notable addition to the Web site during 2001-02 was the posting of the Commissioner's first findings under the new private sector *Act*, which provided citizens and businesses concrete examples of how it was being applied. In 2002-03, working with Investigations and Inquiries, the branch will further develop these findings into easily digestible information tools that offer practical guidance for both individuals and business.

The Web will also be used as the repository for comprehensive information on issues of the day, and as a way to educate various audiences on why privacy is important.

**Figure 3: Planned Spending – Office of the Privacy Commissioner**

(\$ thousands)	Forecast Spending 2001-2002	<b>Planned Spending 2002-2003</b>	Planned Spending 2003-2004	Planned Spending 2004-2005*
Salaries and Wages	5,880	<b>5,925</b>	5,925	2,875
Employee Benefit Plans	1,147	<b>1,185</b>	1,185	575
Other Operating	2,724	<b>2,724</b>	2,724	414
<b>Total</b>	9,751	<b>9,834</b>	9,834	3,864

<b>Full Time Equivalents</b>	93	93	93	45
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\*The decrease in funding reflects the government's plan to review privacy protection to cover the private sector (Bill C-6, the *Personal Information Protection and Electronic Documents Act*). Also, Other Operating for fiscal years 2001-2002, 2002-2003, and 2003-2004 includes \$500K Transfer Payments.

## Office of the Privacy Commissioner's Corporate Services

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

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

**Figure 4: Planned Spending – Corporate Services**

(\$ thousands)	Forecast Spending 2001-2002	<b>Planned Spending 2002-2003</b>	Planned Spending 2003-2004	Planned Spending 2004-2005*
Salaries and Wages	820	<b>834</b>	834	374
Employee Benefit Plans	160	<b>167</b>	167	75
Other Operating	319	<b>319</b>	319	177
<b>Total</b>	1,299	<b>1,320</b>	1,320	1,320

<b>Full Time Equivalents</b>	15	<b>15</b>	15	7
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\*The decrease in funding reflects the government's plan to review privacy protection to cover the private sector (Bill C-6, the *Personal Information Protection and Electronic Documents Act*).

## **Section VII - Organization**

**Table 1: Spending Authorities**

Vote (thousands of dollars)		<b>2002-2003 Main Estimates</b>	2001-2002 Main Estimates
<b>Offices of the Information and Privacy Commissioners of Canada</b>			
<i>Office of the Information Commissioner of Canada Program</i>			
40	Program Expenditures	<b>3,712</b>	3,654
(S)	Contributions to employee benefit plans	<b>585</b>	559
Total Main Estimates		<b>4,297</b>	4,213
Adjustments**		<b>260</b>	645
<i>Total Program</i>		<b>4,557</b>	4,858

\*\*In its 2001-2002 Supplementary Estimates (B), the OIC requested and received \$645K from Treasury Board for the outsourcing of legal services (\$200K); integrated investigations IT (\$195K); salary management system (\$100K); backlog relief (\$90K) and additional salary expenses (\$60K). In its 2002-2003 Supplementary Estimates, the Office of the Information Commissioner (OIC) will submit an item to increase other operating by \$260K for pressures related to the outsourcing of legal services, IM/IT rust-out, investigations backlog, and additional salary related costs. Finally, in the 2003-2004 ARLU exercise, the OIC will submit an item to increase reference levels for future years, by the amount of \$260K.

Vote (thousands of dollars)		<b>2002-2003 Main Estimates</b>	2001-2002 Main Estimates
<i>Office of the Privacy Commissioner of Canada Program</i>			
45	Program Expenditures	<b>9,802</b>	9,743
(S)	Contributions to employee benefit plans	<b>1,352</b>	1,307
<i>Total Program</i>		<b>11,154</b>	11,050
<b>Total Organization</b>		<b>15,711</b>	15,908

**Table 2: Planned Spending, by Business Line, for the Estimates Year (\$000's)**

***Office of the Information Commissioner of Canada Program***

Business Line	FTE's	Salaries and Wages	Employee Benefit Plans	Other Operating	Total
Access to Government Information	45	2,553	510	609	3,672
Corporate Services	7	373	75	177	625
Adjustments**				260	260
<b>Total Program</b>	<b>52</b>	<b>2,926</b>	<b>585</b>	<b>1,046</b>	<b>4,557</b>

\*\*In its 2002-2003 Supplementary Estimates, the Office of the Information Commissioner (OIC) will submit an item to increase other operating by \$260K for pressures related to the outsourcing of legal services, IM/IT rust-out, investigations backlog, and additional salary related costs.

***Office of the Privacy Commissioner of Canada Program***

Business Line	FTE's	Salaries and Wages	Employee Benefit Plans	Other Operating	Total
- Federal Public Sector	45	2,875	575	414	3,864
- Private Sector	48	3,050	610	*2,310	5,970
Corporate Services	15	834	167	319	1,320
<b>Total Program</b>	<b>108</b>	<b>6,700</b>	<b>1,352</b>	<b>3,043</b>	<b>11,154</b>

\*Includes \$500K Transfer Payments

**Table 3: Summary of Transfer Payments for the Personal Information (Private Sector) Business Line**

(\$ thousands)	Forecast Spending 2001-2002	<b>Planned Spending 2002-2003</b>	Planned Spending 2003-2004	Planned* Spending 2004-2005
<b>Grants</b>				
<b>Total Grants</b>	-	-	-	-
<b>Contributions</b>				
Research into privacy issues and the promotion of the protection of personal information of Canadians	-	<b>500</b>	500	-
<b>Total Contributions</b>	-	<b>500</b>	500	-
<b>Other Transfer Payments</b>				
<b>Total Other Transfer Payments</b>	-	-	-	-
<b>Total Grants, Contributions and Other Transfer Payments</b>	-	<b>500</b>	500	-

\*The decrease in funding in fiscal year 2004-2005 reflects the government's plan to review privacy protection to cover the private sector (Bill C-6, the *Personal Information Protection and Electronic Documents Act*).



**Table 4: Net Cost of Programs for the Estimates Year**

***Office of the Information Commissioner of Canada Program***

(thousands of dollars)	Main Estimates 2002-2003	Add Other Costs*	Estimated <u>Total Program Costs</u>	
			<b>2002-2003</b>	2001-2002
Office of the Information Commissioner of Canada	4,297	571	<b>4,868</b>	4,784
Adjustments**	260		<b>260</b>	645
<b>Total Program Costs</b>	<b>4,557</b>	<b>571</b>	<b>5,128</b>	<b>5,429</b>

\* Other costs of \$571 consist of:

◆ accommodation provided by Public Works and Government Services Canada; and	352
◆ contributions covering employees' share of insurance premiums and expenditures paid by Treasury Board Secretariat.	219

\*\*In its 2001-2002 Supplementary Estimates (B), the OIC requested and received \$645K from Treasury Board for outsourcing of legal services (\$200K); integrated investigations IT (\$195K); salary management system (\$100K); backlog relief (\$90K) and additional salary expenses (\$60K). In its 2002-2003 Supplementary Estimates, the Office of the Information Commissioner (OIC) will submit an item to increase other operating by \$260K for pressures related to the outsourcing of legal services, IM/IT rust-out, investigations backlog, and additional salary related costs. Finally, in the 2003-2004 ARLU exercise, the OIC will submit an item to increase reference levels for future years, by the amount of \$260K.

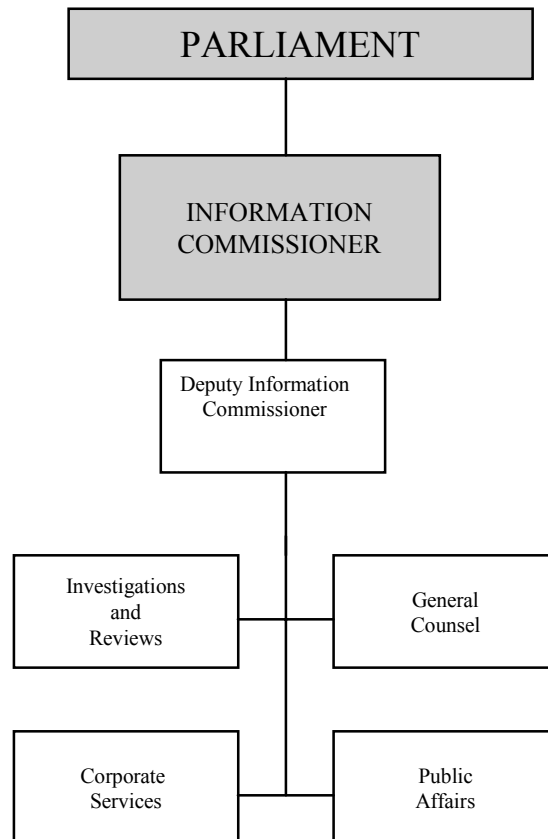
***Office of the Privacy Commissioner of Canada Program***

(thousands of dollars)	Main Estimates 2002-2003	Add Other Costs*	Estimated <u>Total Program Costs</u>	
			<b>2002-2003</b>	2001-2002
Office of the Privacy Commissioner of Canada	11,154	1,159	<b>12,313</b>	12,209

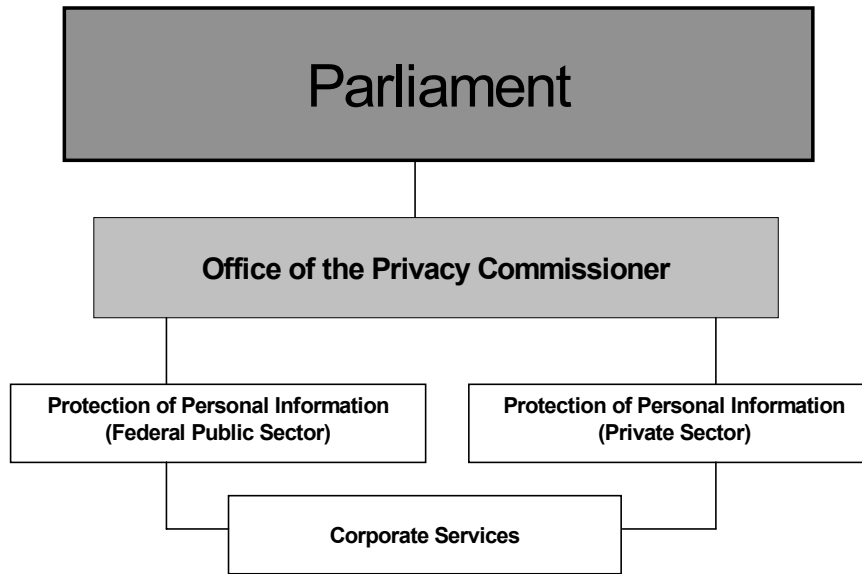
\* Other costs of \$1,159 consist of:

◆ accommodation provided by Public Works and Government Services Canada; and	656
◆ contributions covering employees' share of insurance premiums and expenditures paid by Treasury Board Secretariat.	503

**Figure 5: Accountability for Business Line Results and Resources Allocated**



**Figure 6: Accountability for Business Line Results and Resources Allocated**



## Section VIII – Annexes

### Statutory Annual Reports and Other Publications

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

- **Information Commissioner's 2000-2001 Annual Report.** Ottawa: Minister of Public Works and Government Services Canada. Available from the Office of the Information Commissioner, Ottawa, Canada K1A 1H3; (613) 995-2410.
- **Performance Report to Parliament, for the period ending March 31, 2001.** Ottawa: Minister of Public Works and Government Services Canada. Available through local booksellers or by mail from Public Works and Government Services - Publishing, Ottawa, Canada K1A 0S9.
- **2001-02 Estimates: A Report on Plans and Priorities.** Ottawa: Minister of Public Works and Government Services Canada. Available through local booksellers or by mail from Public Works and Government Services - Publishing, Ottawa, Canada K1A 0S9.
- Office of the Information Commissioner of Canada Internet home page:  
<http://www.infocom.gc.ca>

### Legislation Administered by the Information Commissioner of Canada

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

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

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## **Statutory Annual Reports and Other Publications**

The Privacy Commissioner's annual reports and position papers on privacy issues are available on the Privacy Commissioner's internet web sites.

- **Privacy Commissioner's 2000-01 Annual Report.** Ottawa: Minister of Public Works and Government Services Canada. Available on audio cassette, computer diskette and hardcopy from the Office of the Privacy Commissioner, Ottawa, Canada K1A 1H3; (613) 995-8210 and on the Office of the Privacy Commissioner's Internet home page.
- **Performance Report to Parliament, for the period ending March 31, 2001.** Ottawa: Minister of Public Works and Government Services Canada. Available through local booksellers or by mail from Public Works and Government Services - Publishing, Ottawa, Canada K1A 0S9.
- **2001-02 Estimates: A Report on Plans and Priorities.** Ottawa: Minister of Public Works and Government Services Canada. Available through local booksellers or by mail from Public Works and Government Services - Publishing, Ottawa, Canada K1A 0S9.
- Office of the Privacy Commissioner of Canada Internet home page:  
<http://privcom.gc.ca/>

## **Legislation Administered by the Privacy Commissioner**

The Privacy Commissioner has an oversight responsibility to Parliament for the following Acts:

<i>Privacy Act</i>	R.S.C. 1985, ch. P-21, amended 1997, c. 20, s. 55
<i>Personal Information Protection and Electronic Documents Act</i>	S.C. 2000, ch. 5

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