



APPLICANT'S GUIDE

CONTRIBUTIONS PROGRAM

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**Also available on Office of the Privacy Commissioner of Canada's web site:
<http://www.privcom.gc.ca>**

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Purpose of this Guide

This guide is designed to help you prepare an application for funding under the Contributions Program of the Office of the Privacy Commissioner of Canada (OPC). Specific instructions for completing the application form as well as information about the assessment process are provided.

Eligible Applicants

Not-for-profit organizations, including education institutions and industry and trade associations, are eligible under the program for funding in support of research into, as well as the promotion of, the protection of personal information. Eligible applicants include consumer, voluntary and advocacy organizations. Eligible organizations are those which:

- demonstrate competence, credibility and accountability in carrying out projects; and
- are guided by objectives which are consistent with OPC program objectives and priority areas.

Non-Eligible Applicants

- For profit organizations
- Political parties and organizations involved in partisan political activity; and
- Current or former public office holders or public servants who are not in compliance with the *Conflict of Interest and Post-employment Code for Public Office Holders* or the *Conflict of Interest and Post-Employment Code for the Public Service*.

Application Date

The deadline for receipt of applications is August 16, 2004 for fiscal year 2004-05. Requests for funding received after that date may be considered if funds are available.

Please forward your application to the following address:

Raymond D'Aoust
Assistant Privacy Commissioner
Office of the Privacy Commissioner of Canada
112 Kent Street
Place de Ville, Tower B, 3rd Floor
Ottawa, Ontario K1A 1H3 (613) 992-6824

Note

Applicants should note that all information requested in the Guide and Application Form must be received by the Office before a request is considered complete.

Only complete applications received on or before the Program deadline of August 16, 2004 will be considered.

Applications are deemed to have been received by the Office of the Privacy Commissioner of Canada on the date they are post-marked; or delivered to a messenger or specialized courier agency; or on the day they are sent by fax or e-mail.

Contributions Program Budget

The total amount available under OPC's Contribution Program is \$200,000 per fiscal year until March 31, 2005 at which time the Program will be reviewed. However, this amount is subject to cancellation, reduction or increase in the event that funding levels are changed by Parliament. The maximum amount that can be awarded for any single research project is \$50,000. Organizations are only eligible to receive funding for one project.

Contributions Program

Program Objectives

To encourage the development of a national privacy research capacity that will contribute to advances in knowledge and policy development in the areas of privacy and data protection.

To build strong links between researchers and organizations with an interest in privacy and data protection and to contribute to the development of the privacy community.

To capitalize on existing research capacity in the voluntary, academic and not-for-profit sectors in order to generate new knowledge and supplement OPC's expertise.

To support the development of expertise in selected areas of privacy and data protection and to foster an understanding of the social value of privacy.

To facilitate the transfer of knowledge and research results to the general public or private sectors to help them address emerging issues and opportunities.

Eligible Projects

OPC will provide funding to eligible organizations to conduct privacy related research on a project basis. OPC will allocate funds in support of knowledge creation and to broker that knowledge among all the stakeholders including provincial commissioners and ombudsmen.

Funding will not be provided for projects with the primary objective of holding conferences or exhibitions, developing educational materials or producing publications.

Priority areas

To stimulate research in addressing knowledge gaps and to provide guidance for policy development and best practices, we encourage research proposals that address privacy issues in the following priority areas:

- the intersection of technology and privacy. Technology is continually racing ahead of privacy. We welcome projects that examine the privacy impact of video surveillance, radio frequency identification (RFID), location technology, biometrics and other technologies.
- *Personal Information Protection and Electronic Documents Act (PIPEDA)* implementation issues. With the expansion of the scope of *PIPEDA* as of January 1, 2004, new sectors of the economy have become subject to the Act, raising new and challenging implementation issues that need to be addressed.

Duration of Projects

Projects must be completed within the fiscal year in which the funding was provided.

Allowable Expenses

Allowable expenses are those incurred in carrying out the project. They may be direct or indirect.

OPC support will not include amounts for cost/debts previously incurred, or cost/debts that will take place prior to authorization/commencement of the agreement. Other costs which are ineligible for funding under the Agreement include the purchase of buildings, land, vehicles and most other major capital costs, as well as honoraria. Administrative expenses should be limited to no more than 15% of the total project cost.

Finally, contribution funds awarded to an applicant are subject to the terms of the Contribution Agreement signed by the applicant and the department. Funds must be spent only on the project and cannot under any circumstances be diverted to any other use. Expenses associated with the project are subject to audit.

Funds Available

The total amount available under OPC's Contribution Program is \$200,000 per fiscal year until March 31, 2005. The maximum amount that can be awarded for any single research project is \$50,000. Organizations are only eligible to receive funding for one project.

Completing the Application

The following information corresponds to each section of the application form - a copy of which is provided at the end of this Guide. You should provide answers to all questions and include any required detailed information in an appendix to the application form.

APPLICATION FORM

I. APPLICATION FOR FUNDING

Identification of Applicant

- Provide the full name of your organization along with any abbreviations frequently used, as well as the Section name or Division name;
- Previous name, if changed in last year;
- Address, telephone number (with extension)/fax numbers and e-mail/web site addresses;
- The address should include full information on the organization's physical location, such as floor, suite or room number, street number and postal code. Should a Post Office Box be designated as the official mailing address, please provide this information as well.

II. THE PROPOSAL

Applicants will have to provide a project proposal which, once agreed to by OPC, will serve as a basis for the Contribution agreement and cash flow. The project proposal will contain:

1. name, address, telephone number, facsimile number and e-mail address of the applicant's authorized representative, organizational structure including legal status, names of principal personnel and project administrators;
2. background history of the organization including its mandate, objectives, and accomplishments;
3. an indication of any previous financial support received from OPC including the amount, the purpose of the funded activity and the results achieved;
4. a detailed project description including project title, goals and objectives, identification of the target groups for the proposed project, identification of the anticipated specific benefits for Canadians, why the project is innovative, the anticipated results, how OPC could benefit in terms of knowledge to advance policy development and improve the protection of personal information and a listing of deliverables of the project;
5. time frame, work plan detailing activities to be undertaken to support the attainment of project objectives and monitoring activities;

6. a detailed budget of the project including amount(s) being requested from OPC (see Schedule B) other proposed sources of revenue including in-kind support and a detailed list of anticipated expenditures;
7. where appropriate, an indication of the level of community involvement (commitment, endorsement, scope and level of participation, co-operation and volunteer involvement);
8. where appropriate, an indication of the degree of provincial and territorial support for the project;
9. the identification of anticipated follow-up activities, that is, next steps, which might include the dissemination of information;
10. the potential for support to assist in the project continuance or follow up after the research phase, where applicable; and
11. how the project will acknowledge the contribution of OPC.

III. DECLARATIONS

You are required to answer the questions regarding:

- **Conflict of Interest and Post Employment Code for Public Office Holders** on the application form (i.e., do you presently employ or have on your Board of Directors a former public office holder who left the federal government in the last twelve months?); and
- the registration of any person lobbying on your organization's behalf pursuant to the *Lobbyist Registration Act*.

IV. OTHER SOURCES OF FUNDING

Applicants may seek other sources of funding for proposed projects. Potential recipients are required to disclose all sources of funding for a proposed project when applying for funding from OPC. This includes financial assistance (grants, contributions, etc.) from all levels of government, anticipated or received, that is related to the subject matter of the proposed project. This should include applications for financial assistance which are still pending.

In the event that total government assistance (including provincial and municipal assistance) received for the project exceeds the cost of the project, the recipient will repay the Crown on a pro-rated basis (based on OPC's share of total Government assistance received).

The Assessment Process

Each request for financial support will be reviewed to determine the scope, nature, objectives, and feasibility of the proposed project. Applicant organizations and applications for funding will be reviewed in accordance with the general program objectives as well as the specific eligibility criteria as outlined above and described below:

I. ASSESSING THE ORGANIZATION

Key considerations include:

- an assessment of the competence, credibility and accountability of the organization requesting financial assistance;
- the organization's ability to manage the project and its past experience, if any, with the type of project proposed;
- previous experience with the applicant;
- the organization's ability to deliver project results on time; and
- the organization's financial situation and its ability to obtain funding from other sources.

II. ASSESSING PROJECT CONTRIBUTIONS PROPOSALS

In selecting recipients for contributions, OPC may, where appropriate, consult with other federal departments, provincial and territorial governments and other privacy commissioners or ombudsmen.

In reviewing and recommending proposals, OPC will take into consideration the following factors:

- the extent to which the project advances OPC's knowledge base and directly supports the protection of personal information;
- the extent to which the proposed project is in line with OPC's stated priority areas;
- the amount of money requested;
- the quality of the application, i.e., description of the project, the work plan, the business plan, if applicable, the budget, etc.;
- the ability of the applicant to carry out the activities on time and within budget;
- the involvement of other stakeholders including, in particular, provincial and territorial privacy commissioners and ombudsmen; and
- the project deliverables, including distribution plans for any reports produced.

OPC will assess the following elements of the contribution project proposal. Organizations should review their proposals in light of the questions below.

Timeliness and Relevance of the Issue

- 1) How does the project relate to OPC policy priorities?
- 2) Will the project report be completed in time to ensure input to upcoming legislation, regulatory review, relevant enquiries or consultation processes?
- 3) Is the issue currently being addressed by other organizations and will the proposed work complement that of those organizations?

Methodology, Capability and Cost

- 1) Is the scope of the project proposal realistic in terms of deliverables and time frames (e.g. is the project too big or complex to be effectively addressed in the specified time frame)?
- 2) Is the methodology sound and will it yield reliable data?
- 3) Will the methodology produce data relevant to the stated objectives?
- 4) Does the organization tap the expertise/experience/previous work of other stakeholders, including OPC, where appropriate?
- 5) Are the estimated costs realistic?
- 6) Is the time frame realistic taking into account the scope of the project?
- 7) Does the proposal demonstrate that the project team is qualified and capable of producing quality work?
- 8) Does the proposal demonstrate that the organization has a good understanding of:
 - a) the issue?
 - b) the major stakeholders involved?

Intended Uses of Project Results

Does the project proposal identify the intended use of the report in detail, including usefulness to Canadians in general, government policy makers, and Canadian organizations?

Communication of Project results

Does the project proposal include recommendations for making stakeholders aware of project results in partnership with OPC?

Additional Considerations

Applicants should bear in mind the competitive nature of the application process. Where more than one proposal is received for the same issue, the relative costs of the proposals to the funding program will be considered along with other factors in assessing their relative merits.

Control Procedures

Contribution Agreement

On approval of a request for a contribution, a detailed Contribution Agreement will be drawn up and signed by the recipient and OPC. A Contribution Agreement is a contractual agreement between the organization and the Office regarding the project contribution awarded.

By accepting a contribution, your organization agrees to carry out the funded project and to be accountable for the amounts received. Accordingly, the Office agrees under certain conditions to contribute all or part of the project's costs. Conditions for project contributions type funding are detailed in the Contribution Agreement.

As specified in the Agreement, the recipient cannot make material changes to the scope of the project without the prior written consent of OPC.

Reporting Requirements

By signing the Agreement, your organization agrees to submit a progress report and financial report, at the end of each quarter (or more frequently if specified in the Agreement) for the duration of the project. More specifically, recipients will provide statements of progress with each claim for payment.

OPC reserves the right to publish the name of your organization, as well as the amount of the contribution awarded to same in any manner it deems fitting including, but not limited to, OPC's web site, Main Estimates, and so forth.

Method of Payment

The Director of Policy and Research shall have the authority to sign-off that the recipient has satisfied the terms and conditions of the Contribution Agreement.

If an advance of funds is required, for example, by a not-for-profit organization, the advance will not exceed 10% of the total contribution, or one month's cash flow, whichever is less. At current market rates, interest consideration would be nominal.

Payment will be in accordance with the approved cash flow as well as the work plan, and will be consistent with the Treasury Board guidelines for cash payment under the policy on Transfer Payments. See www.tbs-sct.gc.ca/common/policies-politiques_e.asp.

Final payment of the hold back, not exceeding 20% of the total contribution, or recovery of surplus, if necessary, will be made when the recipient has satisfied all the requirements of the project and on receipt and acceptance by OPC of financial statements.

Payments will be made on the basis of documented claims for reasonable eligible costs incurred, to be submitted by recipients not more frequently than quarterly.

The Privacy Commissioner may make advance payment on account of the contributions where it is necessary for the success of the project. When such advances are made, they will be made in accordance with the Treasury Board Policy on Transfer Payments.

Contributions are normally awarded for specific projects on an annual basis. In the case of projects extending over more than one year, payment is subject to the appropriation of funds by Parliament, and satisfaction of review and reporting requirements by the recipient, in accordance with the terms and conditions of the contribution agreement.

Public Acknowledgement and Recognition

The recipient shall acknowledge the Privacy Commissioner of Canada's contribution to the project in all materials, be they written, oral or electronic, used to describe the project to the public and within his/her own community. The acknowledgment shall be consistent with communications guidelines of the Office of the Privacy Commissioner, a copy of which will be given to recipients. The Privacy Commissioner, or a designated representative of his Office, will be given the opportunity to participate in a public announcement of the project.

Audit Requirements

According to the Contribution Agreement, your organization shall keep proper books, accounts and records of revenues and expenses received in connection with the funded project. Such accounts and records shall be open to audit and inspection by OPC to ensure compliance with the terms of the Contribution Agreement. OPC may make copies and take extracts at all reasonable times for a period of three years after completion of the project.

OPC may request at any time that recipients provide satisfactory evidence to demonstrate that all eligible costs claimed have been paid.

Recovery

Where for any reason:

- i) a recipient is not entitled to the contribution, or
- ii) the amount of the contribution exceeds the amount to which the recipient is entitled,

the amount of the contribution or the excess, as the case may be, constitutes a debt to Her Majesty the Queen in right of Canada and will be recovered as such from the recipient.

The Contribution Agreement will specify events of default, including failure of the recipient to comply with the terms and conditions of the agreement, and set out the remedies for the Privacy Commissioner on default, including:

- i) suspend or terminate any obligations of the Commissioner to contribute or continue to contribute to the eligible costs of the project, including any obligation to pay any amount owing prior to the date of such suspension; and
- ii) require the recipient to repay all or part of the contribution forthwith to the Office, and that amount is a debt due to Her Majesty the queen in right of Canada any may be recovered as such.

Language Policy

Projects results may be submitted in the Official Language of your choice. Organizations working at the national level and receiving substantial financial assistance from OPC are encouraged to provide services in both English and French and to foster the recognition and use of those languages especially in areas of significant demand recognized by the Office.