



Public Service Commission  
of Canada

Commission de la fonction publique  
du Canada

# Access to Information and Privacy Acts

## Annual Reports

April 1, 2003 to March 31, 2004



Canada 

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## **Introduction**

The *Access to Information Act* and the *Privacy Act* were proclaimed into force on July 1, 1983.

The *Access to Information Act* gives Canadian citizens, permanent residents and any person and corporation present in Canada a right of access to information contained in government records, subject to certain specific and limited exceptions. The *Privacy Act* extends to individuals the right of access to information about themselves held by the government, subject to specific and limited exceptions. The latter Act also protects the individuals' privacy by preventing others from having access to their personal information and gives individuals substantial control over its collection, use and disclosure.

Section 72 of the *Access to Information Act* and Section 72 of the *Privacy Act* require that the head of every government institution prepare for submission to Parliament an annual report on the administration of the Acts within the institution during each financial year.

The following annual reports are intended to describe how the Public Service Commission of Canada administered its responsibilities in the fiscal year 2003-2004 in relation to these Acts.

## **Part I — General Information on the Public Service Commission**

*Note: The Public Service Modernization Act (PSMA) received Royal Assent on November 7, 2003. The PSMA will be implemented in stages bringing changes to the Public Service Employment Act (PSEA) and the Commission's mandate. On that same date, transitional provisions putting in place a new governance framework for the Commission were introduced. The creation of the Canada School of Public Service (CSPS) and the Public Service Human Resources Management Agency of Canada (PSHRMAC), on April 1, 2004, has resulted in significant machinery of government changes for the Public Service Commission (PSC).*

### **Who We Are**

With statutory authorities to make appointments to and within the Public Service, the Public Service Commission is an independent agency reporting to Parliament.

We are an active partner in developing a broad framework for human resources management and ensuring the health of the federal human resources system.

### **Our Mission and Vision**

The mission of the PSC is, through its statutory authorities, to:

- maintain and preserve a non-partisan Public Service, able to provide service in both official languages, staffed with competent employees, that is representative of the Canadian population it serves.
- be an active partner in developing the broad framework for human resources management and ensuring the health of the federal human resources system, within the scope of its mandate;
- as an independent agency reporting to Parliament, be accountable for merit in staffing and a key partner in shaping an effective and respected Public Service for Canadians.

These Mission and Vision statements are currently under review, with the intention of re-drafting them to better reflect our mandate under the new *PSEA*.

### **Our Mandate**

Our mandate is to administer the *Public Service Employment Act*. In the past, and for much of the reporting year, we have fulfilled this by:

- overseeing the staffing system;
- managing recruitment and EX resourcing;
- providing recourse and review of matters under the *PSEA*;

- delivering training and development programs to public servants; and
- carrying out other duties as provided for the PSEA and the *Employment Equity Act*.

### ***Our Changing Role***

Prior to the passage of the new PSEA, the roles and responsibilities of the PSC included staffing, management training and development, and language training.

In response to some of the organizational implications of the new PSEA and to facilitate its implementation, the PSC signed a Memorandum of Understanding (MOU) with the new Public Service Human Resources Management Agency of Canada. This MOU came into effect at the end of 2003 and ran until April 2004. It assumed day-to-day management of programs under the supervision of the PSC. The programs are:

- the Management Trainee Program;
- the Career Assignment Program;
- the Accelerated Economist Training Program;
- the Accelerated Executive Development Program;
- the Assistant Deputy Minister Pre-qualified Pool;
- Interchange Canada; and
- the Labour Market and Demographic Research Unit.

A similar MOU was signed with the new Canada School of Public Service on the same date for the responsibilities of Training and Development Canada and Language Training Canada.

The PSC retained responsibility of the above programs and organizations until April 1, 2004.

When the new PSEA is implemented, staffing appeals will no longer be handled by our Recourse Branch. For the time being, we will continue to hear appeals through the Recourse Branch, and we will complete any appeals that were received before implementation of the new PSEA. Afterwards, as per the new PSEA, we will conduct investigations on matters within our sphere of responsibility.

### ***Our Changing Relationships***

The new PSEA gives us clear direction on staffing and recruitment issues, including delegation, accountability, audit and investigation, and on the political activity of public servants. The Act also places greater emphasis on oversight; and to support this role, we are strengthening our capacity for audit and investigation.

At the same time, we recognize the need to continue to provide departments with recruitment and assessment services. Our service vision focuses on providing consistent, quality service to federal departments and Canadians while modernizing recruitment strategies and programs. Last year, in preparation for implementing the new PSEA, we began to distinguish more clearly between our

service and oversight roles. We restructured our organization to ensure clear lines of accountability within the PSC. We anticipate the establishment of a quasi-autonomous service agency in 2004-2005.

### ***Our New Governance Structure***

Another significant change is our new governance structure from full-time to part-time Commissioners. The Commission consists of a President and two or more Part-time Commissioners. The President is appointed under the Great Seal and the Commissioners are appointed by the Governor in Council. The President is the Chief Executive Officer. The President and the Commissioners hold office during good behaviour for a maximum period of seven years, and may, at any time, be removed by the Governor in Council on address of the Senate and the House of Commons.

### ***Access to Information and Privacy Activities***

The Departmental Coordinator of Access to Information and Privacy is accountable for the development, coordination and implementation of effective policies, guidelines, systems and procedures to enable efficient processing of requests under the *Access to Information Act* and the *Privacy Act*. The Coordinator is also responsible for related policies, systems and procedures emanating from the Acts, such as the government's policy on information collection and public opinion research.

The activities of the Access to Information and Privacy office include:

- processing requests under both Acts;
- acting as spokesperson for the Public Service Commission in dealings with the Treasury Board Secretariat, the Information and Privacy Commissioners, and other government departments and agencies regarding the application of both Acts as they relate to the PSC;
- responding to consultation requests submitted by other federal institutions on PSC documents located in their files while processing their requests;
- reviewing and approving information collections in accordance with the Government Policy on Information Collection and Public Opinion Research;
- implementing and promoting the use of the new Treasury Board Privacy Impact Assessment Policy;
- preparing annual reports to Parliament and other statutory reports, as well as other material that may be required by central agencies;
- developing policies, procedures and guidelines for the orderly implementation of both Acts by the PSC;
- promoting awareness of both Acts to ensure the PSC's responsiveness to the obligations imposed on the government; and
- monitoring the PSC's compliance with both Acts, regulations and relevant procedures and policies.

## Part II — Report on the *Access to Information Act*

### *Highlights*

During the reporting period of April 1, 2003 to March 31, 2004, the Public Service Commission (PSC) received a total of 62 new requests under the *Access to Information Act*. Two requests were carried over from the previous year. The total number of requests received represents an increase of fourteen (29%) compared to the last fiscal year.

Again this year, the requests received covered the entire range of the PSC's role as the Parliamentary agency responsible for the safeguarding of the integrity of the appointment process and for delivering training and development programs. More specifically:

- Seventeen requests (27%) related to contracts, call-ups for temporary help, lists of new term and casual employees, and telecommunications.
- Seventeen requests (27%) touched on staffing operations including staffing for executive level positions, three of which sought information on competitions held in other departments. These were transferred to the hiring department. Other requests dealt with statistics related to the administration of staffing delegation, establishment of tests and standards for selection, and Employment Equity initiatives.
- Eight requests (13%) pertained to recourse issues all of which sought information related to appeal decisions and transcriptions of cassettes used during the appeal hearing.
- Five requests (8%) were for information on the PSC's audit of the Privacy Commissioner of Canada with respect to their staffing processes.
- Four requests (6%) pertained to various tests, evaluations and assessments done by the PSC. Most of the requests were asking for statistical data concerning Language Testing and Language Training issues.

As was the case last year, the preferred method of access reported by the PSC, as well as by departments and agencies throughout the federal government, is to receive copies of government records as opposed to simply viewing them.

Of the 57 cases completed during the reporting period, 52 requests (91%) were completed within 30 days, three (5%) within 31 to 60 days and two (4%) were completed between 61 to 120 days. Although the PSC saw its number of requests increase, the PSC responded to 95% of the requests within the legislative time frame (only three of the 57 requests were late).

Three complaints were received from the Office of the Information Commissioner (OIC) during this reporting period. The first dealt with programming and processing fees, in which the OIC ruled that the complaint was not-substantiated. The PSC assessment of fees complied with the Act and

was reasonable. On the second request, the PSC sought clarification from the applicant, but the applicant did not respond. In this case, the OIC judged the PSC process reasonable; however, the PSC later provided the applicant with information that may assist him in the future. The complaint was later deemed resolved. The third and final complaint received during the reporting period was on exemptions invoked by the PSC. Since consultations were not initially conducted with the other concerned government institution, the consultation was undertaken during the complaint process, and further records were released to the applicant. The complaint was just recently resolved over the course of the 2004-2005 reporting period.

It should also be noted that the PSC received fourteen consultations from other government departments and agencies. After reviewing the files, the PSC determined that information pertaining to the PSC could be released in full in nine of the fourteen consultation requests. As for the other five consultations, the PSC recommended protecting personal information belonging to other individuals under section 19(1) of the Act.

The Access to Information and Privacy office has continued to maintain its role of providing advice and training on the provisions of the *Access to Information Act* to PSC managers regarding the impact of various program initiatives.



**Statistics - Access to Information**

<b>Requests processed</b>		<b>Extensions</b>		
Carried over from 2002-03	2	Under 30 days	4	
Received during 2003-04	62	Over 30 days	0	
Completed during 2003-04	57	<b>Method of access</b>		
Carried forward to 2004-05	7	Copies given	46	
<b>Completion time</b>		Examination	0	
Under 30 days	52	<b>Complaints processed</b>		
31 - 60 days	3	Received during 2003-04	3	
61 - 120 days	2	Completed during 2003-04	2	
over 121 days	0	Carried forward to 2004-05	1	
<b>Disposition of completed requests</b>		<b>Disposition of complaints by category</b>		
All disclosed	18		Delays	Non-disclosure
Disclosed in part	28	Resolved	0	1
Nothing disclosed (excluded)	0	Withdrawn	0	0
Nothing disclosed (exempted)	1	Founded	0	0
Transferred	4	Unfounded	0	1
Unable to process	5	<b>Fees</b>		
Withdrawn by applicant	1	Application	\$260	
Treated informally	0	Computer processing	\$0	
<b>Source of requests received</b>		Fees waived	\$50	
Media	3	<b>Costs</b>		
Academia	1	Full-time equivalent	1.25	
Business	3	Salary	\$76,625	
Organization	1	Administration	\$36,880	
Public	54	<b>Total</b>	<b>\$113,505</b>	

Historical comparisons						
	1998-99	1999-2000	2000-01	2001-02	2002-03	2003-04
Requests received	38	22	17	40	48	62
Requests completed	33	29	17	38	50	57
Exemptions invoked:						
18 (b)	0	0	0	0	0	1
19 (1)	5	7	2	5	8	27
20 (1)(a)	1	0	0	0	0	0
20 (1)(b)	0	0	0	0	0	2
20 (1)(c)	0	0	0	0	0	1
21 (1)(a)	1	2	0	0	0	2
21 (1)(b)	0	0	0	0	0	2
21 (1)(c)	1	0	0	0	0	0
21 (1)(d)	0	0	0	0	0	1
22	1	1	1	0	0	2
23	1	4	0	0	1	3

## Part III — Report on the *Privacy Act*

### *Highlights*

During the reporting period of April 1, 2003 to March 31, 2004, the Public Service Commission (PSC) received a total of 27 requests under the *Privacy Act*. Two requests were carried over from 2002-03. The total number of requests received represents a decrease of 34% compared to previous year.

This year the requests covered the following range of activities:

- Fifteen (55%) pertained to staffing related activities. The majority of these requests dealt with individuals seeking their personal information contained in competition files, or test results obtained during the assessment part of a competition. One of these requests was transferred to another department. The requester had sent his request to the PSC, thinking that the PSC was responsible for all competitions in the Public Service.
- Eleven requests (41%) pertained to various tests and evaluations results; individuals were seeking feedback regarding their own Second Language Examination.
- One request (4%) pertained to investigation files dealing with the Recourse mechanisms in place at the PSC.

During the reporting period, 24 (89%) requests were completed within 30 days, two (7%) within 31 to 60 days and one (4%) within 61 to 120 days. Of the 27 requests, 25 were completed within their legislative time period (93% compliance rate).

There were a total of seven complaints received by the Privacy Commissioner during this reporting period. There were four related to exemptions/ refusal of access. The other three were complaints pertaining to collection/retention/use and disclosure of records.

There were nine Privacy complaints closed during this reporting period. Of the nine, three were due to delay in responding. The Office of the Privacy Commissioner (OPC) concluded that the three complaints were well-founded, since the PSC had forgotten to cross-reference the individual's ATI request to their three Privacy requests. Three complaints were on collection, retention, use and disclosure of personal information, in which the OPC concluded that two of the three complaints were well-founded. The PSC has since responded to the requesters in a satisfactory manner. The final three complaints were on non disclosure and exemptions in which the OPC concluded that the complaints were not-well founded. The OPC concluded that the exemptions invoked were appropriate.

Five complaints on refusal of access, exemptions, use and disclosure were carried into the 2004-2005 reporting period. Three of them have since been determined as not well-founded. The other two continue to be investigated.

**Statistics - Privacy**

<b>Requests processed</b>		<b>Method of access</b>			
Carried over from 2002-03	2	Copies given			16
Received during 2003-04	27	Examination			3
Completed during 2003-04	27	Copies and examination			5
Carried forward to 2004-05	2	<b>Complaints processed</b>			
<b>Completion time</b>		Received during 2003-04			7
Under 30 days	24	Completed during 2003-04			9
31 - 60 days	2	Carried forward to 2004-2005			5
61 - 120 days	1	<b>Disposition of complaints by category</b>			
Over 121 days	0		Collection/ Retention/ Use/ Disposal/ disclosure	Delays	Non- disclosure/ exemptions
<b>Disposition of completed requests</b>		Settled	0	0	0
All disclosed	16	Resolved	0	0	0
Disclosed in part	8	Withdrawn	0	0	0
Nothing disclosed (excluded)	0	Founded	2	3	0
Nothing disclosed (exempted)	0	Unfounded	1	0	3
Transferred	1	<b>Costs</b>			
Unable to process	2	Full-time equivalent			0.25
Withdrawn by applicant	0	Salary			\$15,325
<b>Extensions</b>		Administration			\$12,290
Under 30 days (disruption of operations)	0	<b>Total</b>			\$27,615
Under 30 days (consultations)	1				
Translation	0				

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**Historical comparisons**

	1998-99	1999-2000	2000-01	2001-02	2002-03	2003-04
Requests received	38	44	37	39	41	27
Requests completed	39	44	35	42	41	27
Exemptions invoked:						
22 (1)(b)	0	1	0	0	0	0
26	15	12	9	15	15	8
27	2	5	1	1	0	0

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**Appendices**A - Report on the *Access to Information Act*B - Report on the *Privacy Act*



REPORT ON THE ACCESS TO INFORMATION ACT / RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION

Institution PUBLIC SERVICE COMMISSION OF CANADA COMMISSION DE LA FONCTION PUBLIQUE DU CANADA				Reporting period / Période visée par le rapport 04/01/2003 to/à 03/31/2004	
Source	Media / Médias 3	Academia / Secteur universitaire 1	Business / Secteur commercial 3	Organization / Organisme 1	Public 54

<b>I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information</b>	
Received during reporting period / Reçues pendant la période visée par le rapport	62
Outstanding from previous period / En suspens depuis la période antérieure	2
<b>TOTAL</b>	<b>64</b>
Completed during reporting period / Traitées pendant la période visées par le rapport	57
Carried forward / Reportées	7

<b>II Disposition of requests completed / Disposition à l'égard des demandes traitées</b>			
1. All disclosed / Communication totale	18	6. Unable to process / Traitement impossible	5
2. Disclosed in part / Communication partielle	28	7. Abandoned by applicant / Abandon de la demande	1
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0	8. Treated informally / Traitement non officiel	0
4. Nothing disclosed (exempt) / Aucune communication (exemption)	1	<b>TOTAL</b>	<b>57</b>
5. Transferred / Transmission	4		

<b>III Exemptions invoked / Exceptions invoquées</b>							
S. Art. 13(1)(a)	0	S. Art. 16(1)(a)	0	S. Art. 18(b)	1	S. Art. 21(1)(a)	2
(b)	0	(b)	0	(c)	0	(b)	2
(c)	0	(c)	0	(d)	0	(c)	0
(d)	0	(d)	0	S. Art. 19(1)	27	(d)	1
S. Art. 14	0	S. Art. 16(2)	0	S. Art. 20(1)(a)	0	S. Art. 22	2
S. 15(1) Art. International rel. / Relations intern.	0	S. Art. 16(3)	0	(b)	2	S. Art. 23	3
Defence / Défense	0	S. Art. 17	0	(c)	1	S. Art. 24	0
Subversive activities / Activités subversives	0	S. Art. 18(a)	0	(d)	0	S. Art. 26	0

<b>IV Exclusions cited / Exclusions citées</b>			
S. Art. 68(a)	0	S. Art. 69(1)(c)	0
(b)	0	(d)	0
(c)	0	(e)	0
S. Art. 69(1)(a)	0	(f)	0
(b)	0	(g)	0

<b>V Completion time / Délai de traitement</b>	
30 days or under / 30 jours ou moins	52
31 to 60 days / De 31 à 60 jours	3
61 to 120 days / De 61 à 120 jours	2
121 days or over / 121 jours ou plus	0

<b>VI Extensions / Prorogations des délais</b>		
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	2	0
Consultation	2	0
Third party / Tiers	0	0
<b>TOTAL</b>	<b>4</b>	<b>0</b>

<b>VII Translations / Traduction</b>		
Translations requested / Traductions demandées		0
Translations prepared / Traductions préparées	English to French / De l'anglais au français	0
	French to English / Du français à l'anglais	0

<b>VIII Method of access / Méthode de consultation</b>	
Copies given / Copies de l'original	46
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

<b>IX Fees / Frais</b>			
Net fees collected / Frais net perçus			
Application fees / Frais de la demande	\$260	Preparation / Préparation	0
Reproduction	0	Computer processing / Traitement informatique	0
Searching / Recherche	0	<b>TOTAL</b>	<b>\$260</b>
Fees waived / Dispense de frais		No. of times / Nombre de fois	\$
\$25.00 or under / 25 \$ ou moins		10	<b>\$ 50</b>
Over \$25.00 / De plus de 25 \$		0	<b>\$ 0</b>

<b>X Costs / Coûts</b>	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	<b>\$ 76,625</b>
Administration (O and M) / Administration (fonctionnement et maintien)	<b>\$ 36,880</b>
<b>TOTAL</b>	<b>\$ 113,505</b>
Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	<b>1.25</b>





**REPORT ON THE PRIVACY ACT  
RAPPORT CONCERNANT LA LOI SUR LA PROTECTION  
DES RENSEIGNEMENTS PERSONNELS**

Institution <b>PUBLIC SERVICE COMMISSION OF CANADA COMMISSION DE LA FONCTION PUBLIQUE DU CANADA</b>	Reporting period / Période visée par le rapport 04/01/2003 to/à 03/31/2004
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<b>I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels</b>	
Received during reporting period / Reçues pendant la période visée par le rapport	27
Outstanding from previous period / En suspens depuis la période antérieure	2
<b>TOTAL</b>	<b>29</b>
Completed during reporting period / Traitées pendant la période visées par le rapport	27
Carried forward / Reportées	2

<b>II Disposition of request completed / Disposition à l'égard des demandes traitées</b>	
1. All disclosed / Communication totale	17
2. Disclosed in part / Communication partielle	7
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0
4. Nothing disclosed (exempt) / Aucune communication (exemption)	0
5. Unable to process / Traitement impossible	2
6. Abandoned by applicant / Abandon de la demande	0
7. Transferred / Transmission	1
<b>TOTAL</b>	<b>27</b>

<b>III Exemptions invoked / Exceptions invoquées</b>	
S. Art. 18(2)	0
S. Art. 19(1)(a)	0
(b)	0
(c)	0
(d)	0
S. Art. 20	0
S. Art. 21	0
S. Art. 22(1)(a)	0
(b)	0
(c)	0
S. Art. 22(2)	0
S. Art. 23 (a)	0
(b)	0
S. Art. 24	0
S. Art. 25	0
S. Art. 26	8
S. Art. 27	0
S. Art. 28	0

<b>IV Exclusions cited / Exclusions citées</b>	
S. Art. 69(1)(a)	0
(b)	0
S. Art. 70(1)(a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

<b>V Completion time / Délai de traitement</b>	
30 days or under / 30 jours ou moins	24
31 to 60 days / De 31 à 60 jours	2
61 to 120 days / De 61 à 120 jours	1
121 days or over / 121 jours ou plus	0

<b>VI Extentions / Prorogations des délais</b>		
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Interference with operations / Interruption des opérations	0	
Consultation	1	
Translation / Traduction	0	0
<b>TOTAL</b>	<b>1</b>	<b>0</b>

<b>VII Translations / Traductions</b>		
Translations requested / Traductions demandées		0
Translations prepared /	English to French / De l'anglais au français	0
Traductions préparées	French to English / Du français à l'anglais	0

<b>VIII Method of access / Méthode de consultation</b>	
Copies given / Copies de l'original	16
Examination / Examen de l'original	3
Copies and examination / Copies et examen	5

<b>IX Corrections and notation / Corrections et mention</b>	
Corrections requested / Corrections demandées	0
Corrections made / Corrections effectuées	0
Notation attached / Mention annexée	0

<b>X Costs / Coûts</b>	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 15,325
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 12,290
<b>TOTAL</b>	<b>\$ 27,615</b>
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.25

