

Access to Information and Privacy

Annual Report 2006–07

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Introduction

The *Access to Information Act* gives all individuals and corporations present in Canada a right of access to information contained in federal government records, subject to certain specific and limited exceptions, as well as a right to request an independent review of the decisions made by government institutions regarding disclosure.

The *Privacy Act* serves to protect the privacy of individuals with respect to personal information held by government institutions and allows a right of access to one's own personal information held by a government institution.

Section 72 of both the *Access to Information Act* and the *Privacy Act* requires that the heads of federal government institutions prepare for submission to Parliament an annual report on the administration of these Acts for each fiscal year.

This report summarizes the activities of the Canada Public Service Agency relating to the *Access to Information Act* and the *Privacy Act* between April 1, 2006, and March 31, 2007.

1. About the Organization

Overview of the Canada Public Service Agency

Effective May 1, 2007, the Public Service Human Resources Management Agency of Canada adopted a new applied title—the Canada Public Service Agency (CPSA)—which serves to identify the goal of its work more simply and helps strengthen its clients' recognition of the organization.

The Agency was created in 2003 to put in place a new human resources (HR) management regime in the public service of Canada by bringing together units from the Treasury Board Secretariat and the Public Service Commission. The Agency's mandate is to modernize HR management and strengthen accountability; ensure effective and ethical leadership and a quality work environment; and achieve a representative and accessible public service.

To achieve this mandate, the Agency brings together most of the HR management functions for which the Treasury Board is responsible, including: values and ethics; implementation of the *Public Service Modernization Act*; HR planning, accountability and reporting to Parliament; management and modernization of the classification system; employment policy; corporate learning policy; management of all aspects of the executive group; and management of employment equity and official languages.

For more information about the CPSA, please visit our website at <http://www.psagency-agencefp.gc.ca/>.

Administration and Delegation of Authority

The Access to Information and Privacy (ATIP) Coordinator and the Director General of the Strategic Management Branch are delegated full authority regarding the administration of and compliance with the *Access to Information Act* and the *Privacy Act*. (See Appendix III)

The Access to Information and Privacy (ATIP) Office – Strategic Management Branch

The ATIP Office staff includes an ATIP Coordinator and a Junior ATIP Analyst. The Office is responsible for the development, coordination and implementation of effective policies, guidelines and procedures to manage the Agency's compliance with these Acts.

The ATIP Office makes decisions on the disposition of access requests, promotes awareness of the legislation to ensure departmental responsiveness to the obligations imposed on the government; monitors and advises on compliance with the Acts, regulation, procedures and policies; and acts as spokesperson for the CPSA in dealings with the Treasury Board Secretariat, the Information and Privacy Commissioners and other government departments and agencies.

The ATIP Office is responsible for conducting consultations with other governments and federal departments.

The ATIP Coordinator is the Agency's primary point of contact for Treasury Board officials and other government departments and agencies on issues involving the collection of personal information and privacy.

ATIP Office Accomplishments 2006-07

Awareness Raising Initiatives

In November 2006, the ATIP Office began offering bi-weekly awareness sessions to employees of the Agency. To date over 200 employees have attended. These sessions will continue to be offered on a monthly basis to ensure all current and new employees are aware of their rights and responsibilities under the *Access to Information Act* and the *Privacy Act*.

The ATIP Office launched its ATIP web page on the Agency's intranet site, which provides employees with numerous awareness tools, fact sheets and internal policies, as well as a variety of other resources relating to the *Access to Information Act* and the *Privacy Act*.

Case Load

During fiscal year 2006-07, the Agency received 41 requests under the *Access to Information Act*, 5 requests under the *Privacy Act*, and an additional 47 consultation requests from other federal government institutions.

Fees

The *Access to Information Act* authorizes fees for certain activities related to the processing of formal requests under the Act. In addition to a \$5 application fee, search, preparation and reproduction charges may also apply. However, in accordance with section 11 of this Act, no fees are charged for the first five hours required to search for a record or prepare any part of it for disclosure.

No fees are applicable under the *Privacy Act*.

Costs

During 2006-07, an estimated \$102,000 in salary costs and \$1,335 in administrative costs were incurred by the ATIP Office to administer the *Access to Information Act* and the *Privacy Act*. (These costs do not include the resources expended by the program areas of the CPSA to meet the requirements of the Acts.)

Reading Room

A reading room is located in the Finance Canada and Treasury Board Secretariat Library at L'Esplanade Laurier, East Tower, 11th Floor, 140 O'Connor Street, Ottawa, Ontario.

This facility contains current volumes of InfoSource as well as access and privacy request forms. Lists of previous requests for information are also available on application. In addition, these facilities house copies of all call-up forms for temporary help services, which are reviewed informally by a specialized clientele on a regular basis.

2. *Access to Information Act*

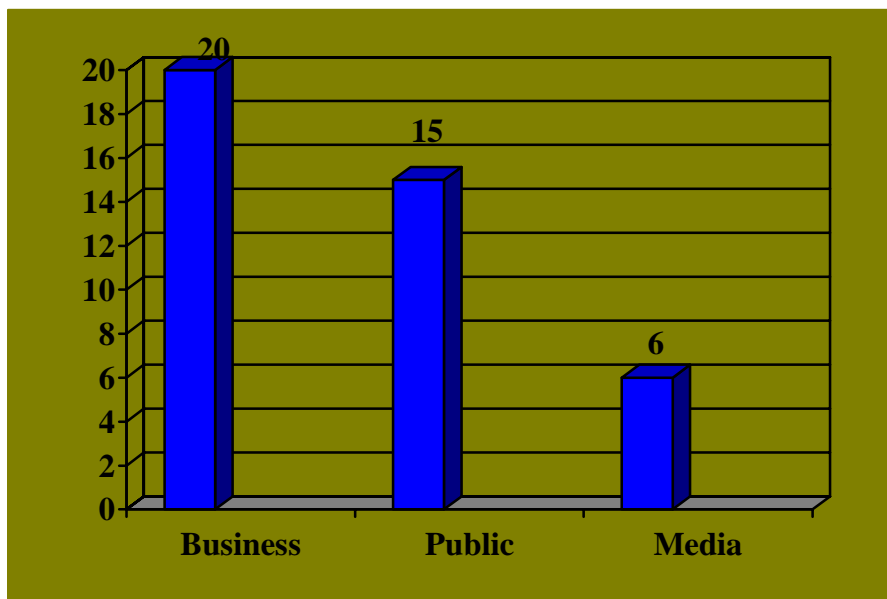
Statistical Report – Interpretation and Explanation

Appendix I provides a summarized statistical report on the *Access to Information Act* applications dealt with during the period from April 1, 2006, to March 31, 2007. The following provides explanations and interpretations for information contained in this report.

Requests Under the *Access to Information Act*

In addition to the 41 requests received by the Agency in 2006-07, 4 requests were carried over from fiscal year 2005-06. Three of the 41 requests were carried over into fiscal year 2007-08.

During this reporting period, the largest number of access requests received originated from business (48%). A breakdown of ATIP requesters for the 2006-07 period is as follows:



Disposition of Completed Requests

Of the 45 requests processed, 42 were completed during this fiscal period. The completed requests are categorized as follows:

All Disclosed	23
Disclosed in Part	11
Nothing Disclosed (Exempted)	1
Transferred	3
Abandoned	1
Unable to process	3

Exemptions Invoked

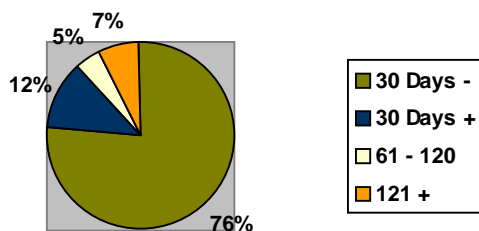
Exemptions were invoked under sections 19(1), 20(1)(b), 21(1)(a)(b)(c)(d) and 26 of the Act.

Exclusions Cited

Pursuant to sections 68 and 69, the *Access to Information Act* does not apply to published material, material available for purchase by the public or confidences of the Queen's Privy Council. Accordingly, the Agency invoked exclusions under both these provisions as outlined in Appendix I.

Completion Time and Extensions

Of the 42 requests completed during this reporting period, 98 percent were completed within the statutory time limits. In 76 percent of completed cases, the Agency was able to respond within 30 days or less. Approximately 24 percent of completed cases required extension under the Act in order to undertake necessary consultations with other federal government institutions or third parties.



Translation

Translation was not required during this reporting period.

Method of Access

All applicants requested copies of the information except one who viewed the records on site.

Fees

The fees collected during the reporting period totalled \$584.40.

Costs

Total salary costs associated with *Access to Information Act* activities were estimated at \$102,000 for 2006-07. Other costs associated with administering the program were approximately \$1,335. The associated full-time employee resources for this reporting period is two.

Complaints and Investigations

No complaints were received during this fiscal reporting period.

Appeals to the Federal Court

No appeals were filed with the Federal Court.

3. *Privacy Act*

Statistical Report – Interpretation and Explanation

The ATIP Office provides regular advice and guidance on important and sensitive policy issues relating to privacy, including the handling and protection of personal information gathered and held in departmental files.

Appendix II provides a summarized statistical report on the requests for personal information received under the *Privacy Act* that were dealt with during the period from April 1, 2006, to March 31, 2007. The following provides explanations and interpretations for information contained in this report.

Requests Under the *Privacy Act*

All five requests processed by the ATIP Office during this reporting period were new.

Disposition of Completed Requests

All five requests received by the Agency during 2006-07 were completed during the reporting period. The completed requests are categorized as follows:

Disclosed in Part	2
Unable to Process	1
Abandoned	2

Exemptions Invoked

As noted in Appendix II, exemptions pursuant to section 26 were applied in two instances.

Exclusions Invoked

No exclusions were invoked by the CPSA.

Completion Time and Extensions

All requests were completed within the statutory time limits.

Translation

No translations were done during this reporting period.

Corrections and Notation

No requests for corrections or notations were received.

Costs

Salary costs associated with Privacy Act activities were estimated at \$18,000 for 2006-07. Other costs were estimated at \$445.

Complaints and Investigations

No complaints were received during this fiscal reporting period.

Appeals to the Federal Court

No appeals were filed with the Federal Court.

8(2) Disclosures

All section 8(2) disclosures made by the Agency in 2006-07 were made under section 8(2)(a) of the *Privacy Act*. The Agency made no other types of 8(2) disclosures during this reporting period.

Data-matching and Data-sharing Activities

The Agency did not conduct any new data-matching or data-sharing activities during this reporting period.

Privacy Impact Assessments

Two Privacy Impact Assessments (PIA) were completed in March 2007. One of these PIA's is currently being reviewed by the Privacy Commissioner of Canada. A summary of these PIA's is described below and is available on the CPSA website.

Baseline Study of Leadership Programs

This PIA relates to a study the Canada Public Service Agency will be conducting as a result of a Results-Based Management Accountability Framework commitment to measure the effectiveness of changes to the Management Trainee Program and the Career Assignment Program, with a 2010 date set for this evaluation. In order to measure the success of the program changes, a baseline study is needed to gather data in 2007 against which to compare the 2010 results.

The baseline study execution strategy will support the goals of The Leadership Network through identification and verification of existing information gathering and management tools and instruments, gap identification and resolution strategies, and increased recognition by partners and stakeholders of required roles, responsibilities and activities to monitor and report on results.

The overall conclusion of the PIA was that the project contained the following privacy risks:

- 1) no retention period had yet been established;
- 2) the Agency must ensure that it clearly defines the issues of data protection and security in the contract with the third party; and
- 3) no threat risk assessment had been done.

These issues were examined and appropriate measures were taken which included establishing a retention period with officials of the Corporate Information Centre and completing both a statement of sensitivity and a threat risk assessment. As well, program officials will ensure that the appropriate provisions relating to data protection and security are clearly defined in the contract with the third party.

Curriculum Vitae Plus Database

The second PIA relates to a web-based database that The Leadership Network is developing to gather talent-related data and intelligence on the executive (EX) community, analyze demographic trends and facilitate corporate talent management within the public service. The database will be an organizational-based data holding of information on current EX community learning, performance and career information, with select views available to individual EXs, and a supporting corporate dashboard to monitor and report on the status of the EX community.

The PIA identified three issues that require attention prior to the implementation of the database. The first issue is to establish a retention period, the second is to ensure that a Personal Information Bank is created, and the third is to ensure that there are mechanisms in place to control who is given access to the system.

Program officials are working closely with officials of the ATIP Office and with the program developers to ensure that these issues are addressed prior to implementation.

Appendix I Report on the Access to Information Act – Statistics Form

Government of Canada / Gouvernement du Canada		REPORT ON THE ACCESS TO INFORMATION ACT / RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION									
Institution		CANADA PUBLIC SERVICE AGENCY / AGENCE DE LA FONCTION PUBLIQUE DU CANADA						Reporting period / Période visée par le rapport 4/1/2006 to/à 3/31/2007			
Source	Media / Médias	6	Academia / Secteur universitaire	0	Business / Secteur commercial	20	Organization / Organisme	0	Public	15	
I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information			II Disposition of requests completed / Disposition à l'égard des demandes traitées								
Received during reporting period / Reçues pendant la période visée par le rapport		41	1. All disclosed / Communication totale		23	6. Unable to process / Traitement impossible					3
Outstanding from previous period / En suspens depuis la période antérieure		4	2. Disclosed in part / Communication partielle		11	7. Abandoned by applicant / Abandon de la demande					1
TOTAL		45	3. Nothing disclosed (excluded) / Aucune communication (exclusion)		0	8. Treated informally / Traitement non officiel					0
Completed during reporting period / Traitées pendant la période visée par le rapport		42	4. Nothing disclosed (exempt) / Aucune communication (exemption)		1	TOTAL					42
Carried forward / Reportées		3	5. Transferred / Transmission		3						
III Exemptions invoked / Exemptions invoquées			IV Exclusions cited / Exclusions citées								
S. Art. 13(1)(a)	0	S. Art. 16(1)(a)	0	S. Art. 18(b)	0	S. Art. 21(1)(a)	5				
(b)	0	(b)	0	(c)	0	(b)	5				
(c)	0	(c)	0	(d)	0	(c)	1				
(d)	0	(d)	0	S. Art. 19(1)	0	(d)	2				
S. Art. 14	0	S. Art. 16(2)	0	S. Art. 20(1)(a)	0	S. Art. 22	0				
S. 15(1) international rel. / Relations intern.	0	S. Art. 16(3)	0	(b)	0	S. Art. 23	0				
Defence / Défense	0	S. Art. 17	0	(c)	0	S. Art. 24	0				
Subversive activities / Activités subversives	0	S. Art. 18(a)	0	(d)	0	S. Art. 25	3				
VI Extensions / Prorogations des délais			VII Translations / Traductions			V Completion time / Délai de traitement					
S. Art. 68(a)		1	S. Art. 69(1)(c)		0	30 days or under / 30 jours ou moins					32
(b)		0	(d)		0	31 to 60 days / De 31 à 60 jours					5
(c)		0	(e)		0	61 to 120 days / De 61 à 120 jours					2
S. Art. 69(1)(a)		3	(f)		0	121 days or over / 121 jours et plus					3
(b)		0	(g)		5						
VI Extensions / Prorogations des délais			VII Translations / Traductions			VIII Method of access / Méthode de communication					
30 days or under / 30 jours ou moins			31 days or over / 31 jours ou plus			Translations requested / Traductions demandées					0
Searching / Recherche	0	0	Translations prepared / Traductions préparées			English to French / De l'anglais au français					0
Consultation	5	4	French to English / Du français à l'anglais			0					1
Third party / Tiers	0	3				0					0
TOTAL	5	7									
IX Fees / Frais			X Costs / Coûts								
Net fees collected / Frais nets perçus			Preparation / Préparation			Salary / Traitement			Financial (all reasons) / Financiers (raisons) (\$000)		
Application fees / Frais de la demande	\$170.00		Computer processing / Traitement informatique	\$0.00		Administration (O and M) / Administration (fonctionnement et maintien)					102,000.0
Reproduction	\$414.40		TOTAL	\$584.40		TOTAL					1,335.0
Searching / Recherche	\$0.00										103,335.0
Fees waived / Dispense de frais			No. of times / Nombre de fois			Person year utilization (all reasons) / Années-personnes utilisées (raisons)			Person year (decimal format) / Années-personnes (nombre décimal)		
\$25.00 or under / 25 \$ ou moins		6	\$	\$30.00							1.50
Over \$25.00 / De plus de 25 \$		1	\$	\$127.40							

Appendix II Report on the *Privacy Act* – Statistics Form



REPORT ON THE PRIVACY ACT

RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution

CANADA PUBLIC SERVICE AGENCY
AGENCE DE LA FONCTION PUBLIQUE DU CANADA

Reporting period Période visée par le rapport

4/1/2006 to/à 3/31/2007

I Requests under the Privacy Act Demandes en vertu de la Loi sur la protection des renseignements personnels

Received during reporting period Reçues pendant la période visée par le rapport	5
Outstanding from previous period En suspens depuis la période antérieure	0
TOTAL	5
Completed during reporting period Traitées pendant la période visée par le rapport	5
Carried forward Reportées	0

II Disposition of requests completed Disposition à l'égard des demandes traitées

1. All disclosed Communication totale	0
2. Disclosed in part Communication partielle	2
3. Nothing disclosed (excluded) Aucune communication (exclusion)	0
4. Nothing disclosed (exempt) Aucune communication (exemption)	0
5. Unable to process Traitement impossible	1
6. Abandoned by applicant Abandon de la demande	2
7. Transferred Transmission	0
TOTAL	5

III Exemptions invoked Exceptions invoquées

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	2
S. Art. 27	0
S. Art. 28	0

IV Exclusions cited Exclusions citées

S. Art. 69(1)(a)	0
(b)	0
S. Art. 70(1)(a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

V Completion time Délai de traitement

30 days or under 30 jours ou moins	3
31 to 60 days De 31 à 60 jours	2
61 to 120 days De 61 à 120 jours	0
121 days or over 121 jours ou plus	0
TOTAL	5

VI Extensions Prorogations des délais

	30 days or under 30 jours ou moins	31 days or over 31 jours ou plus
Interference with operations Interruption des opérations	0	0
Consultation	2	0
Translation Traduction	0	0
TOTAL	2	0

VII Translations Traductions

Translations requested Traductions demandées	0
Translations prepared De l'anglais au français	0
Translations prepared Du français à l'anglais	0

VIII Method of access Méthode de consultation

Copies given Copies de l'original	2
Examination Examen de l'original	0
Copies and examination Copies et examen	0

IX Corrections and notation Corrections et mention

Corrections requested Corrections demandées	0
Corrections made Corrections effectuées	0
Notation attached Mention annexée	0

X Costs Coûts

	Financial (all reasons) Financiers (raisons)	(\$000)
Salary Traitement		18,000.0
Administration (O and M) Administration (fonctionnement et maintien)		445.0
TOTAL		18,445.0
	Person year utilization (all reasons) Années-personnes utilisées (raisons)	
	Person year (decimal format) Années-personnes (nombre décimal)	0.50

Appendix III Delegation Instrument – *Access to Information Act*

Public Service Human Resources Management Agency of Canada

DELEGATION ORDER

ACCESS TO INFORMATION ACT

I, the undersigned, President of the Treasury Board, pursuant to Section 73 of the *Access to Information Act*, hereby authorize the Director General of Strategic Management Branch and the departmental Access to Information and Privacy Coordinator, to exercise signing authorities or perform any of the President's powers, duties or functions specified in the attached Schedule A.

The paper version was signed by
The Honourable Vic Toews, P.C., Q.C., M.P.
President of the Treasury Board

Schedule A
Sections of the *Access to Information Act* delegated

<u>Section of the Act</u>	<u>Powers, Duties, Functions</u>
7(a)	Notice where access requested
8(1)	Transfer to – transfer from institution
9	Extension of time limits
11(2),(3),(4),(5),(6)	Additional fees
12(2)	Language of access
12(3)	Access in Alternative Format
13	Information obtained in confidence
14	Federal Provincial Affairs
15	International Affairs and defence
16	Law enforcement and investigation
17	Safety of individuals
18	Economic interests of Canada
19	Personal Information
20	Third Party Information
21	Advice, etc,
22	Testing procedures and audits
23	Solicitor/client privilege
24	Statutory prohibitions
25	Severance
26	Information to be published
27(1)(4)	Third party notification
28(1)(2)(4)	Third party notification
29(1)	Disclosure on recommendation of Information Commissioner
33	Advise Information Commissioner of third party involvement
35(2)	Right to make representations

37(4)	Access to be given complainant
43(1)	Notice to third party (application to Federal court for review)
44(2)	Notice to applicant (application to Federal court by Third Party)
52(2)(3)	Special rules for hearings
69	Excluded information
71(2)	Exempt information severed from manuals
77	Responsibilities conferred on the head of the institution by the regulations made under section 77 which are not included in the above.

Appendix IV Delegation Instrument – *Privacy Act*

Public Service Human Resources Management Agency of Canada

DELEGATION ORDER

PRIVACY ACT

I, the undersigned, President of the Treasury Board, pursuant to Section 73 of the *Privacy Act*, hereby authorize the Director General of Strategic Management Branch and the departmental Access to Information and Privacy Coordinator, to exercise signing authorities or perform any of the President's powers, duties or functions specified in the attached Schedule B.

The paper version was signed by
The Honourable Vic Toews, P.C., Q.C., M.P.
President of the Treasury Board

Schedule B
Sections of the *Privacy Act* delegated

<u>Section of the Act</u>	<u>Powers, Duties, Functions</u>
8(2)(j)	Disclose personal information for research purposes
8(2)(m)	Disclose personal information in the public interest or in the interest of the individual
8(4)	Retain copy of 8(2)(e) requests and disclosed records
8(5)	Notify Privacy Commissioner of 8(2)(m) disclosures
9(1)	Retain record of use
9(4)	Notify Privacy Commissioner of consistent use and amend index
10	Include personal information in personal information banks
14	Respond to request for access within 30 days; give access or give notice
15	Extend time limit for responding to request for access
17(2)(b)	Decide whether to translate requested information
18(2)	May refuse to disclose information contained in an exempt bank
19(1)	Shall refuse to disclose information obtained in confidence from another government
19(2)	May disclose any information referred to in 19(1) if the other government consents to the disclosure or makes the information
20	May refuse to disclose information injurious to international affairs or defence
21	May refuse to disclose if injurious to International affairs or defence
22	May refuse to disclose information prepared by an investigative body, information injurious to the enforcement of a law, or information injurious to the security of penal institutions
23	May refuse to disclose information prepared by an investigative body for security clearances

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- 24 May refuse to disclose information collected by the Canadian Penitentiary Service, the National Parole Service, or the National Parole Board while the individual was under sentence if conditions in section are met
- 25 May refuse to disclose information which could threaten the safety of individuals
- 26 May refuse to disclose information about an individual; and shall refuse to disclose such information where the disclosure is prohibited under section 8
- 27 May refuse to disclose information subject to solicitor-client privilege
- 28 May refuse to disclose information relating to the individual's physical or mental health where disclosure is contrary to the best interest of the individual
- 31 Receive notice of investigation by the Privacy Commissioner
- 33(2) Right to make representations to the Privacy Commissioner during an investigation
- 35(1) Receive Privacy Commissioner's report of findings of the investigation and give notice of action taken
- 35(4) Give complainant access to information after 35(1)(b)
- 36(3) Receive Privacy Commissioner's report of findings of investigation of exempt bank
- 37(3) Receive report of the Privacy Commissioner's findings after compliance investigation
- 51(2)(b) Request that Section 51 hearing be held in the National Capital Region
- 51(3) Request and be given right to make representations in Section 51 hearings
- 72(1) Prepare Annual Report to Parliament.
- 77 Responsibilities conferred on the head of the institution by the regulations made under section 77 which are not included in the above.