



Public Service Human Resources  
Management Agency of Canada

Agence de gestion des ressources humaines  
de la fonction publique du Canada



# *Access to Information and Privacy Acts*

ANNUAL REPORT  
2005-06

Canada 



**The *Access to Information Act*  
and the *Privacy Act***

Annual Report 2005–06

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## 1. About the Organization

### (i) Introduction

Section 72 of the *Access to Information Act* and 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.

This is the second Annual Report on the administration of the *Access to Information Act* and the *Privacy Act* of the Public Service Human Resources Management Agency of Canada. It is intended to describe how the Agency administered its responsibilities in this regard between April 1, 2005, and March 31, 2006.

### (ii) Overview of the Public Service Human Resources Management Agency of Canada (PSHRMAC)

The Treasury Board is a Cabinet committee of the Queen's Privy Council for Canada. It was established in 1867 and given statutory powers in 1869. The President of the Treasury Board heads this committee.

PSHRMAC was created on December 12, 2003, to ensure that the government's agenda for renewal of human resources (HR) management throughout the public service is carried out.

PSHRMAC brings together most of the HR management functions, including HR planning and accountability (including research, demographic analysis, and the public-service-wide Employee Survey); the implementation and management of the *Public Service Modernization Act* and reform of the classification system for the public service; employment policies; leadership development (including the Performance Management Program for executives); values and ethics (including harassment in the workplace, workplace well-being, and work-life balance); employment equity and diversity; and official languages.

### (iii) Administration and Delegation of Authority

The Access to Information and Privacy Coordinator and the Director General of the Strategic Management and Planning Branch at PSHRMAC have delegated authority to oversee the administration of the *Access to Information Act* and the *Privacy Act* and to ensure compliance with the legislation. The ATIP Office coordinates the timely processing of requests under these legislations. In addition, it conducts interdepartmental consultations, handles complaints filed with the Information Commissioner and the Privacy Commissioner, and responds to informal inquiries. The Office is also involved in providing advice and guidance to PSHRMAC officials on matters that involve the *Access to Information Act* and the *Privacy Act*.

In order to better facilitate the administration and ensure proper tracking of requests, the ATIP Office uses the Privasoft ATIPflow software. The ATIP Coordinator created internal policies and a guidelines handbook to be followed by all employees when administering the Acts. Training sessions are available to PSHRMAC employees upon request. These sessions provide employees with an overview of the Acts and an understanding of individual obligations under both the *Access to Information Act* and the *Privacy Act*.

#### (iv) Statistical Report on Access to Information and Privacy Requests

The appended statistical reports contain detailed statistics on the requests processed under the *Access to Information Act* (Annex A) and the *Privacy Act* (Annex B) for the period under review.

#### (v) Reading Room

A reading room is located in the Finance and Treasury Board of Canada Secretariat Library at L'Esplanade Laurier, East Tower, 11th Floor, 140 O'Connor Street, Ottawa, Ontario K1A 0R5; telephone 613 995-5877.

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.

#### (vi) Costs

During 2005-06, an estimated \$127,000 in salary costs and \$5,500 in administrative costs were incurred by the ATIP Office to administer both the *Access to Information Act* and the *Privacy Act*.

These costs do not include the resources expended by the program areas of PSHRMAC to meet the requirements of the Acts.

## 2. Report on the *Access to Information Act*

### (i) Requests under the Act

During the reporting period from April 1, 2005, to March 31, 2006, PSHRMAC received a total of 46 requests under the *Access to Information Act*, of which one request was carried over from the 2004-05 fiscal year.

Of the 46 requests received, 8 were transferred or redirected to other federal institutions or could not be processed. Four requests were carried forward to the 2006-07 fiscal year.



The public and the business sector are PSHRMAC's largest ATIP client groups. During the reporting period, 21 requests were received from the public (46%), followed by 20 received from the business sector (44%), 3 from the media (6%), and 2 from organizations (4%).

The majority of requests received were on the topics of term and casual employment and harassment issues. The remainder involved issues relating to official languages, the Interchange Canada program, and information relating to contracts or audits.

## (ii) Disposition of Completed Requests

Disposition of the 43 requests completed in 2005-06 was as follows:

- ▶ 25 were fully disclosed (58.2%);
- ▶ 9 were partially disclosed (20.9%);
- ▶ 1 was exempted in its entirety (2.3%);
- ▶ 2 were transferred to another institution (4.7%); and
- ▶ 6 could not be processed (13.9%).

## (iii) Completion Time and Extensions

In 2005-06, 43 requests were completed within the following time frames:

- ▶ 34 within 30 days or under (79.1%);
- ▶ 4 within 31 to 60 days (9.3%);
- ▶ 4 within 61 to 120 days (9.3%); and
- ▶ 1 over 120 days (2.3%).

PSHRMAC found it necessary to seek extensions of the prescribed time limit to consult with other government institutions in seven instances (15.2%). Six of these requests were completed within the extended time limits, and one was completed beyond the extended time limit.

For requests processed in 2005-06, the number completed within prescribed time limits, including the seven requests that required an extension of the time limits, was 42 out of 43 requests, or 98%.

#### (iv) Exemptions Invoked

PSHRMAC invoked exemptions under the Act a total of 18 times, as follows:

- ▶ 7 under section 19, exempting records containing personal information;
- ▶ 6 under section 21, exempting records containing information relating to the internal decision-making process of government;
- ▶ 3 under section 23, exempting records containing solicitor–client privilege; and
- ▶ 2 under section 26, exempting records that will be published.

#### (v) Exclusions Cited

PSHRMAC invoked two exclusions pursuant to section 69(1) of the Act during this reporting period.

#### (vi) Other Requests

During this reporting period, PSHRMAC was consulted 42 times by other federal government institutions regarding PSHRMAC records or issues and also handled eight informal access requests.

The ATIP Office also acted as a resource for PSHRMAC officials and offered advice and guidance on the provisions of the Act.

#### (vii) Complaints and Investigations

Two complaints of non-disclosure of requested information were filed with the Office of the Information Commissioner in the 2005-06 fiscal year. These complaints are still under investigation by the Information Commissioner.

#### (viii) Fees

During the reporting period, \$205 was collected in application fees. Fees of \$167.80, for search and retrieval, were waived.

#### (ix) Appeals to the Federal Court of Canada

No appeals to the Federal Court of Canada were made during this reporting period.

### 3. Report on the *Privacy Act*

#### (i) Overview of Privacy Activities

Very few privacy requests have been received at PSHRMAC since effective procedures were put in place to allow employees informal access to their personnel records. The PeopleSoft software on all employees' personal computers allows them to access their own personnel information, largely that of a pay and benefits nature. An employee's PeopleSoft file is accessible only by the employee and requires an individual password chosen by him or her.

PSHRMAC responded to two privacy consultations from other federal institutions.

The ATIP Office was consulted on several issues involving employee computer surveillance, electronic information collection, and several other matters relating to the collection and use of personal information.

#### (ii) Requests Under the *Privacy Act*

During the reporting period from April 1, 2005, to March 31, 2006, PSHRMAC received a total of six requests under the Act.

#### (iii) Disposition of Completed Requests

Of the six requests, two requests were closed and all information was disclosed without exemptions, and four could not be processed, as the information did not exist.

#### (iv) Completion Time and Extensions

All six requests were processed within the statutory time limits set out in the Act, and no extensions were taken.

#### (v) Complaints and Investigations

No privacy-related complaints were filed with the Office of the Privacy Commissioner in 2005-06 against PSHRMAC. However PSHRMAC failed to report one complaint received during the 2004-05 fiscal year. This complaint is still under investigation by the Privacy Commissioner.

#### (vi) Disclosures under Paragraph 8(2)(e) of the *Privacy Act*

No requests for disclosure of information under the Act were made in the reporting period covered by this report.

(vii) Exempt Banks

The nature of the information contained in the personal information banks under PSHRMAC's control is such that no bank has been designated as an exempt bank within the meaning of section 18 of the *Privacy Act*.

(viii) Privacy Impact Assessment (PIA) and Preliminary Privacy Impact Assessment (PPIA)

PSHRMAC did not initiate or participate in Privacy Impact Assessments during 2005-06. However, the Official Languages Branch, in consultation with the ATIP Office, conducted a Preliminary Privacy Impact Assessment (PPIA) of their Management Dashboard, an internal dashboard designed to measure the progress of individual institutions as well as the overall performance of the federal government vis-à-vis official languages. The Official Languages Management Dashboard is a best-practice tool that will contain a collection of information and management tools that will enable institutions to gauge their progress over time. This PPIA was finalized in November 2005, and it was concluded that a Privacy Impact Assessment would not be required.