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Heritage

Patrimoine  
canadien

Canada



# *Privacy Act*

## Annual Report 2010-2011



Your Right to Privacy!

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# *Privacy Act*

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# *Privacy Act*

## **ANNUAL REPORT (April 1, 2010 to March 31, 2011)**

### **1.0 Introduction**

Canadian Heritage is pleased to present to Parliament its annual report on the administration of the *Privacy Act* for fiscal year April 1, 2010 to March 31, 2011. Section 72 of the *Act* requires that the head of every federal government institution submit an annual report to Parliament on the administration of the *Act* during the fiscal year.

The purpose of the *Privacy Act* is to protect the privacy of individuals with respect to personal information about themselves held by a government institution and to provide individuals with a right of access to their information. It also protects the privacy of individuals by exercising strict control over the collection, disclosure and use of such information.

Canadian Heritage is fully committed to both the spirit and the intent of the *Privacy Act*, which are based on the principles of open government and the assurance of privacy of individuals with respect to their personal information held by the Department.

## 2.0 Mandate of Canadian Heritage

The Department of Canadian Heritage and Canada's major national cultural institutions play a vital role in the cultural, civic and economic life of Canadians. We work together to promote culture, the arts, heritage, official languages, citizenship and participation, as well as Aboriginal, youth and sport initiatives.

The Department of Canadian Heritage is responsible for formulating policies and delivering programs that help all Canadians participate in their shared cultural and civic life. The Department's legislative mandate is set out in the *Department of Canadian Heritage Act*, which offers an extensive but not exhaustive list of responsibilities for the Minister under the heading of “Canadian identity and values, cultural development and heritage.”

The Department oversees the administration of a large set of governing legislation, notably: the *Broadcasting Act*, the *Copyright Act* (shared with Industry Canada), the *Official Languages Act* (Part VII), the *Museums Act*, the *Cultural Property Export and Import Act*, the *Status of the Artist Act*, the *Physical Activity and Sport Act* (shared with Health Canada) and the *Investment Canada Act* in the cultural sector.

The Department of Canadian Heritage is specifically responsible for formulating and implementing cultural legislation related to copyright, foreign investment and broadcasting, as well as policies related to arts, cultural industries, heritage, official languages, sports, state ceremonial and protocol, and Canadian symbols. The Department's main activities involve funding community and other third-party organizations to promote the benefits of culture, identity and sport for Canadians.

The Minister of Canadian Heritage and Official Languages is responsible for the Department, and is assisted by the Minister of State for the Status of Women and the Minister of State for Sport. The Canadian Heritage Portfolio includes the Department, five departmental agencies, nine Crown corporations and one administrative tribunal.

### 3.0 The Access to Information and Privacy Secretariat

The Access to Information and Privacy (ATIP) Secretariat is responsible for administering the *Privacy Act* within Canadian Heritage. Its mandate is to act on behalf of the Minister of Canadian Heritage in ensuring compliance with legislation, regulations and government policy and to create departmental directives, including standards, in all matters relating to the *Act*. The powers, duties and functions of the administration of the *Privacy Act* have been fully delegated by the Minister to the Director of the Access to Information and Privacy Secretariat.

During the reporting period, the Secretariat consisted of the Director, the Deputy Director, six analysts, a project manager, and two administrative support staff. In the departmental organizational structure, the ATIP Secretariat reports to the Corporate Secretary for Canadian Heritage.

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

- receiving and processing requests in accordance with the *Act*;
- promoting awareness of the *Act* within the Department;
- preparing the annual report to Parliament and the annual statistical report and maintaining the Department's *Info Source* chapter;
- monitoring departmental compliance with the *Act*; and
- providing professional advice and guidance to senior management and all departmental staff on the *Act*.
- assisting in the privacy impact assessment process and in creating or modifying personal information banks.

Over the past few years, the ATIP Secretariat has been streamlining its procedures for processing requests. In this fiscal year, a new software system was installed to allow the ATIP Secretariat to more easily review records electronically. A new procedures manual was created for the ATIP staff that takes account of the changes.

## **4.0 Administration of Requests under the *Privacy Act***

### **4.1 Privacy Requests**

Between April 1, 2010 and March 31, 2011, 11 formal requests for information were received under the *Privacy Act*. No requests for correction were received this fiscal year. See Appendix 2.0 for the Report on the *Privacy Act*.

### **4.2 Disposition of Completed Requests**

Nine requests were completed during the reporting period. Of the requests completed, three resulted in full disclosure of information and four requests resulted in the partial disclosure of information. It was not possible to process two of the requests received as no records existed.

### **4.3 Extensions**

In one case, the Department required a 30-day time extension in order to process a large volume of records.

### **4.4 Exemptions**

In the processing of requests, two exemptions to withhold information under the *Privacy Act* were invoked. Section 26 (personal information about another individual) was invoked in four requests, while section 27 (solicitor-client privilege) was invoked in one file.

### **4.5 Complaints and Federal Court Cases**

No complaints were filed with the Privacy Commissioner against Canadian Heritage in the fiscal year. There are no Federal Court cases concerning the refusal of access.

### **4.6 Costs**

The costs of \$50,129, reported in the statistical report, include those incurred for the processing of requests, and for all other activities associated with the administration of the *Act* such as providing advice, and training and awareness. During the fiscal year the Secretariat completed staffing its vacant positions. It also upgraded its case management and redaction software.



## **5.0 Education and Training Activities**

To increase the knowledge and understanding of the *Privacy Act* across the department, training and awareness sessions were delivered to departmental employees. These sessions provided basic information on the purpose and provisions of the *Privacy Act*, as well as the roles and responsibilities of departmental employees and the ATIP Secretariat. For sessions requested by branches, information was tailored to meet the specific needs of the branch concerned. Also, a special *Info Source* session was given to ensure that program areas understood how to provide information for the annual *Info Source* update.

The ATIP Secretariat has increased its network of colleagues with similar interests within the Department. As a result, information sessions are provided to new departmental staff and managers through the Canadian Heritage orientation program. This program provides an introduction to the key aspects of the Department including who and what we are and how we get things done. Additionally, a kiosk was organized in collaboration with our colleagues in Security during Security Awareness Week.

This reporting period, the ATIP Secretariat delivered 26 awareness sessions on the *Privacy Act* to departmental employees in the National Capital Region and regional offices. In total, 411 employees attended information sessions.

The internal website for the Access to Information and Privacy Secretariat was regularly revised with new tools and information. The website describes the ATIP Secretariat's roles and responsibilities and provides information on the *Privacy Act* and related departmental policies and procedures. Additionally, the Department's annual reports on the administration of the *Privacy Act* have been made available on the Internet site.

## **6.0 Disclosure of Personal Information Pursuant to Section 8(2)**

Section 8(2) of the *Privacy Act* stipulates under which circumstances personal information under the control of a government institution may be disclosed. During the reporting period, no disclosures were made pursuant to section 8(2)(e), (f), (g) of the *Privacy Act*. One disclosure was made pursuant to 8(2)(m) of the *Act*. Canadian Heritage made public information in relation to a criminal case. The Privacy Commissioner of Canada was notified by the Deputy Minister before the disclosure.

## **7.0 Privacy Impact Assessments**

This reporting period, one new Privacy Impact Assessment (PIA) was initiated in the Canadian Audio-Visual Certification Office.

Three Privacy Impact Assessment Checklists were completed and evaluated for new or changed programs or systems, none of which resulted in the requirement for a privacy impact assessment.

## **8.0 Personal Information Banks / Classes of Personal Information**

No new Personal Information Banks or Classes of Personal Information have been identified during the reporting period.

## **9.0 Data Sharing Activities**

There were no data matching activities during the reporting period.





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

Institution Canadian Heritage / Patrimoine canadien	Reporting period / Période visée par le rapport 2010-04-01 to/à 2011-03-31
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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	11
Outstanding from previous period / En suspens depuis la période antérieure	0
<b>TOTAL</b>	<b>11</b>
Completed during reporting period / Traitées pendant la période visées par le rapport	9
Carried forward / Reportées	2

<b>II Disposition of request completed / Disposition à l'égard des demandes traitées</b>	
1. All disclosed / Communication totale	3
2. Disclosed in part / Communication partielle	4
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	0
<b>TOTAL</b>	<b>9</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	4
S. Art. 27	1
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	8
31 to 60 days / De 31 à 60 jours	0
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	1	0
Consultation	0	0
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 / Traductions préparées	0
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	7
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

<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	\$ 41,331.85
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 8,797.50
<b>TOTAL</b>	<b>\$ 50,129.35</b>
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.54



**Additional Reporting– Privacy Act**

**Exigences additionnelles en matière d'établissement de rapports – Loi sur la protection des renseignements personnels**

**Canadian Heritage / Patrimoine canadien**

**III Exemptions invoked /  
Exceptions invoquées**

S. Art. 19(1)(e)	0
S. Art. 19(1)(f)	0
S. Art. 22.1	0
S. Art. 22.2	0
S. Art. 22.3	0

**IV Exclusions cited /  
Exclusions citées**

S. Art. 69.1	0
S. Art. 70.1	0