



Administrative Tribunals
Support Service of Canada

Service canadien d'appui
aux tribunaux administratifs

Administrative Tribunals Support Service of Canada

**Annual Report to Parliament on
THE ADMINISTRATION OF
THE *PRIVACY ACT***

April 1, 2016 to March 31, 2017

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Table of Contents

1.	Introduction	2
2.	About the ATSSC	3
3.	The Access to Information and Privacy Office	4
4.	ATSSC Statistical Overview.....	4
5.	Disposition of Completed Requests.....	5
6.	Exemptions Invoked	5
7.	Extensions and Completion Time	5
8.	Consultations	5
9.	Training Activities.....	6
10.	Policies, Guidelines and Procedures	6
11.	Complaints.....	6
12.	Monitoring.....	6
13.	Material Privacy Breaches	6
14.	Privacy Impact Assessments	7
15.	Disclosure of Personal Information Pursuant to Paragraph 8(2)(m) of the <i>Act</i>	7

1. Introduction

The Administrative Tribunals Support Service of Canada (ATSSC) is pleased to present to Parliament its annual report on the administration of the *Privacy Act* (the *Act*) for fiscal year April 1, 2016 to March 31, 2017.

Section 72 of the *Act* requires the head of every federal government institution to prepare and table an annual report to Parliament on the administration of the *Act* during the fiscal year. This report provides an overview of the activities of the ATSSC in implementing the *Act* during the organization's second full fiscal cycle.

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.

The ATSSC is fully committed to both the spirit and the intent of the *Act* to foster a culture of openness and transparency while ensuring the privacy of individuals with respect to their personal information held by the organization.

2. About the ATSSC

The Administrative Tribunals Support Service of Canada (ATSSC) was established on November 1, 2014, with the coming into force of the *Administrative Tribunals Support Service of Canada Act*. The ATSSC is responsible for providing support services and facilities to 11 federal administrative tribunals by way of a single, integrated organization.

These services include the specialized services required by each tribunal (e.g., registry, research and analysis, legal and other mandate or case activities specific to each tribunal), as well as internal services (e.g., human resources, financial services, information management and technology, accommodations, security, planning and communications).

The administrative tribunals served by the ATSSC include:

- the Canada Agricultural Review Tribunal;
- the Canada Industrial Relations Board;
- the Canadian Cultural Property Export Review Board;
- the Canadian Human Rights Tribunal;
- the Canadian International Trade Tribunal;
- the Competition Tribunal;
- the Public Servants Disclosure Protection Tribunal;
- the Public Service Labour Relations and Employment Board;
- the Social Security Tribunal of Canada;
- the Specific Claims Tribunal; and
- the Transportation Appeal Tribunal of Canada.

The ATSSC also supports the National Joint Council, the forum for co-development, consultation and information sharing between the government as employer and public service bargaining agents.

The ATSSC reports to Parliament through the Minister of Justice.

3. The Access to Information and Privacy Office

The Access to Information and Privacy (ATIP) Office is responsible for administering the *Privacy Act* (the *Act*) on behalf of the ATSSC. Its mandate is to ensure compliance with the legislation, regulations and government policy and to create organizational standards and directives relating to the *Act*. Responsibility for the powers, duties and functions for the administration of the *Act* has been formally established and is outlined in the Designation Order signed by the Chief Administrator. The Executive Secretary and the ATIP Manager have been delegated authorities as described in the Designation Order included in Appendix A.

Within the ATSSC's organizational structure, the ATIP Office reports to the Executive Secretary's Office, which is under the direction of the Chief Administrator. Oversight of the ATIP Office is administered by the Executive Secretary. The ATIP Office consists of the manager, one analyst and one administrative assistant dedicated to access to information and privacy activities.

The ATIP Office receives, coordinates and processes requests in accordance with the *Act*, promotes awareness of the *Act* within the organization, fulfills reporting responsibilities relating to the *Act*. The ATIP office also provides expert advice and guidance to senior management and ATSSC staff on matters relating to the *Act*.

4. ATSSC Statistical Overview

The ATSSC received a total of 9 formal requests under the *Act*. Eight requests were completed this reporting period.

In addition to the formal requests, the ATSSC received 2 consultation requests from other government institutions. A copy of the Statistical Report is included in Appendix B.

Compared to the previous reporting period, the statistics indicate a 200% increase in formal requests and informal requests increased from 0 to 3 requests. The ATSSC also noted an 85% decrease in consultation requests.

5. Disposition of Completed Requests

During this reporting period, the ATSSC completed 8 requests under the *Act*, 2 of which resulted in a partial release and 1 resulted in a full disclosure. No records existed in response to 5 requests.

6. Exemptions Invoked

The *Privacy Act* sets out specific exceptions to the right of access known as exemptions. Each exemption is intended to protect information relating to a particular public or private interest and form the only basis for refusing access to personal information under the *Privacy Act*. In the processing of requests, the only exemption invoked was section 26 (personal information about another individual), which was applied in 2 cases. This is consistent with the previous reporting year.

7. Extensions and Completion Time

Requests can be extended beyond the 30-day statutory time frame in three circumstances: when the request is for a large number of records or necessitates a search through a large number of records (paragraph 15(a)(i) of the *Act*); when consultations are necessary (paragraph 15(a)(ii) of the *Act*); or if additional time is necessary for translation or conversion into another format. During this reporting period, no extensions were required.

The ATSSC responded to 4 requests within 1 to 15 days, 3 requests within 16 to 30 days and 1 request within 31 to 60 days. All 8 requests were completed within the statutory time frame.

8. Consultations

Along with processing requests received under the *Act*, the ATIP Office provides recommendations to other institutions regarding the release of records that concern the ATSSC. During this reporting period, the ATSSC received 2 consultation requests from other federal institutions.

9. Training Activities

Ongoing privacy briefings occurred on an ad-hoc basis with our liaison officers. The liaison officers assist the ATIP Office in producing the requested records and providing insight into the subject matter of the requests. No structured training activities were provided during this reporting period.

10. Policies, Guidelines and Procedures

The ATSSC is guided by the Treasury Board of Canada Secretariat (TBS) suite of privacy policy and guidance instruments. During this reporting period, the ATIP Office refined its process map and implemented an ATIP case management and document redaction system. Additionally, the ATSSC initiated the drafting of the following internal policy instruments: the Policy on Privacy Protection, Privacy Impact Assessment Procedures, and the Protocol for Use of Personal Information for Non-Administrative Purposes. A revision of the Privacy Breach Protocol was also drafted.

11. Complaints

The ATSSC was the subject of one complaint filed with the Office of the Privacy Commissioner during the reporting period. The complaint concerned the refusal of access within legislated time limits. The complaint was well-founded and resolved.

12. Monitoring

The monitoring of privacy requests was conducted through the case management system containing all relevant and necessary information to ensure compliance with the legislated requirements and reporting obligations. The system was updated as new requests were received or the status of a file was changed. Weekly meetings between the ATIP Manager and the Executive Secretary to discuss workload and priorities also assisted the ATSSC in meeting its statutory obligations.

13. Material Privacy Breaches

A privacy breach is deemed material if the breach involves sensitive personal information that could reasonably be expected to cause serious injury or harm to the individual, or involves a large number of affected individuals. During this reporting period, the ATSSC did not experience any material breaches.

14. Privacy Impact Assessments

Privacy Impact Assessments (PIAs) are used to identify the potential privacy risks of new or redesigned federal government activities or services. They also help eliminate or reduce those risks to an acceptable level.

The ATIP Office provided advice to internal stakeholders in response to 5 cases concerning privacy practices associated with the redesign of activities or services. A recommendation to perform a full PIA was not required in any of the 5 cases.

During this reporting period, no PIAs were completed.

15. Disclosure of Personal Information Pursuant to Paragraph 8(2)(m) of the Act

Subsection 8(2) of the *Act* stipulates under which circumstances personal information under the control of a government institution may be disclosed. Paragraph 8(2)(m) states that disclosure of personal information is permitted for any purpose where, in the opinion of the head of the institution, the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or the disclosure would clearly benefit the individual to whom the information relates. During this reporting period, no disclosures were made pursuant to paragraph 8(2)(m) of the *Privacy Act*.

APPENDIX A

Privacy Act

Designation Order

Privacy Act **Designation Order**

BY THIS ORDER made pursuant to section 73* of the *Privacy Act*, I hereby designate the persons holding the positions set out in Schedule A, or the person occupying the position on an acting basis, to exercise the powers, duties and functions of the Chief Administrator, as the head of the Administrative Tribunals Support Service of Canada, under the provisions of the Act and related regulations, as specified in Schedule B, effective from November 1, 2014.

Dated, at the City of Ottawa, this 3rd day of November, 2014.


NAME

Chief Administrator

* R.S., 1985, c. p. 21

SCHEDULE A

Position:

Chief Administrator

Executive Secretary

Access to Information and Privacy (ATIP) Manager

SCHEDULE B

***Privacy Act* Designation Order**

"F" = Full Authority

"N" = No Authority. Authority to be obtained from the next level up.

Item #	DESCRIPTION OF AUTHORITY	PA SECTION	CHIEF ADMINISTRATOR	EXECUTIVE SECRETARY	ATIP MANAGER
DISCLOSURE					
1.	Disclosure to investigative body	8(2)(e)	F	F	N
2.	Disclosure for research or statistical purposes	8(2)(j)	F	F	F
3.	Disclosure in the public interest or in the interest of the individual	8(2)(m)	F	F	N
4.	Copies of requests under paragraph 8(2)(e)	8(4)	F	F	F
5.	Notice of disclosure under paragraph 8(2)(m)	8(5)	F	F	F
6.	Record of disclosures	9(1)	F	F	F
7.	Consistent uses	9(4)	F	F	F
PERSONAL INFORMATION BANKS					
8.	Personal information banks	10(1)	F	F	F
9.	Produce <i>Index of Personal Information</i> (InfoSource) entries	11	F	F	F

ACCESS					
10.	Notice when access requested	14(a)	F	F	F
11.	Giving access to the record	14(b)	F	F	F
12.	Extension of time limits	15	F	F	F
13.	Notify where access refused	16(1)	F	F	F
14.	Language of access	17(2)(b)	F	F	F
15.	Access in an alternative format	17(3)(b)	F	F	F

EXEMPTIONS					
16.	Refuse access - Exempt banks	18(2)	F	F	F
17.	Refuse access - Information obtained in confidence	19	F	F	N
18.	Refuse access - Federal-provincial affairs	20	F	F	N
19.	Refuse access - International affairs and defence	21	F	F	N
20.	Refuse access - Law enforcement and investigations	22	F	F	N
21.	Refuse access - Security clearances	23	F	F	N
22.	Refuse access - Individuals sentenced for an offence	24	F	F	N
23.	Refuse access - Safety of individuals	25	F	F	N
24.	Refuse access - Information about another individual	26	F	F	F
25.	Refuse access - Solicitor-client	27	F	F	F

	privilege				
26.	Refuse access - Medical records	28	F	F	F

COMPLAINTS					
27.	Right to make representations	33(2)	F	F	F
28.	Notice of actions to implement recommendations of Commissioner	35(1)(b)	F	F	F
29.	Access to be given to complainant	35(4)	F	F	F
30.	Notice of actions to implement recommendations of Commissioner concerning exempt banks	36(3)(b)	F	F	F
31.	Special rules for hearings	51(2), 51(3)	F	F	F

EXCLUSIONS					
32.	Cabinet confidences	69, 70	F	F	F
33.	Annual report to Parliament	72	F	F	F
34.	Authority to delegate by Head of institution	73	F	N/A	N/A

Privacy Regulations **Designation Order**

"F" = Full Authority

"N" = No Authority. Authority to be obtained from the next level up.

Item #	DESCRIPTION OF AUTHORITY	<i>PRIVACY REGULATIONS SECTION</i>	CHIEF ADMINISTRATOR	EXECUTIVE SECRETARY	ATIP MANAGER
1.	Retention of personal information requested under paragraph 8(2)(e)	7	F	F	F
2.	Examination of information	9(a)	F	F	F
3.	Set time for examination	9(b)	F	F	F
4.	Notification concerning corrections	11(2),11(4)	F	F	F
5.	Disclosure of personal information relating to physical or mental health	13(1)	F	F	F
6.	Examination in presence of medical practitioner or psychologist	14	F	F	F

APPENDIX B

Privacy Act

Statistical Report



Statistical Report on the *Privacy Act*

Name of institution: Administrative Tribunals Support Service of Canada

Reporting period: 2016-04-01 to 2017-03-31

Part 1: Requests Under the *Privacy Act*

	Number of Requests
Received during reporting period	9
Outstanding from previous reporting period	0
Total	9
Closed during reporting period	8
Carried over to next reporting period	1

Part 2: Requests Closed During the Reporting Period

2.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	0	1	0	0	0	0	0	1
Disclosed in part	0	1	1	0	0	0	0	2
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	4	1	0	0	0	0	0	5
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	4	3	1	0	0	0	0	8

2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
18(2)	0	22(1)(a)(i)	0	23(a)	0
19(1)(a)	0	22(1)(a)(ii)	0	23(b)	0
19(1)(b)	0	22(1)(a)(iii)	0	24(a)	0
19(1)(c)	0	22(1)(b)	0	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	2
19(1)(f)	0	22.1	0	27	0
20	0	22.2	0	28	0
21	0	22.3	0		

2.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
69(1)(a)	0	70(1)	0	70(1)(d)	0
69(1)(b)	0	70(1)(a)	0	70(1)(e)	0
69.1	0	70(1)(b)	0	70(1)(f)	0
		70(1)(c)	0	70.1	0

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	1	0	0
Disclosed in part	0	2	0
Total	1	2	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of Requests	Number of Pages Processed	Number of Pages Disclosed	Number of Requests
All disclosed	42	42	1
Disclosed in part	167	167	2
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	0
Neither confirmed nor denied	0	0	0
Total	209	209	3

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	1	42	0	0	0	0	0	0	0	0
Disclosed in part	1	8	1	159	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	2	50	1	159	0	0	0	0	0	0

2.5.3 Other complexities

Disposition	Consultation Required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	0	0	0
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Total	0	0	0	0	0

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of Requests Closed Past the Statutory Deadline	Principal Reason			
	Workload	External Consultation	Internal Consultation	Other
0	0	0	0	0

2.6.2 Number of days past deadline

Number of Days Past Deadline	Number of Requests Past Deadline Where No Extension Was Taken	Number of Requests Past Deadline Where An Extension Was Taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	0	0

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Part 3: Disclosures Under Subsections 8(2) and 8(5)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Subsection 8(5)	Total
0	0	0	0

Part 4: Requests for Correction of Personal Information and Notations

Disposition for Correction Requests Received	Number
Notations attached	0
Requests for correction accepted	0
Total	0

Part 5: Extensions

5.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	15(a)(i) Interference With Operations	15(a)(ii) Consultation		15(b) Translation or Conversion
		Section 70	Other	
All disclosed	0	0	0	0
Disclosed in part	0	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	0	0	0	0

5.2 Length of extensions

Length of Extensions	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation purposes
		Section 70	Other	
1 to 15 days	0	0	0	0
16 to 30 days	0	0	0	0
Total	0	0	0	0

Part 6: Consultations Received From Other Institutions and Organizations

6.1 Consultations received from other Government of Canada institutions and other organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during the reporting period	2	35	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	2	35	0	0
Closed during the reporting period	2	35	0	0
Pending at the end of the reporting period	0	0	0	0

6.2 Recommendations and completion time for consultations received from other Government of Canada institutions

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	2	0	0	0	0	0	0	2
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	2	0	0	0	0	0	0	2

6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

Part 7: Completion Time of Consultations on Cabinet Confidences

7.1 Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

7.2 Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Part 8: Complaints and Investigations Notices Received

Section 31	Section 33	Section 35	Court action	Total
1	0	1	0	2

Part 9: Privacy Impact Assessments (PIAs)

Number of PIA(s) completed	0
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Part 10: Resources Related to the *Privacy Act***10.1 Costs**

Expenditures		Amount
Salaries		\$80,673
Overtime		\$0
Goods and Services		\$2,694
• Professional services contracts	\$0	
• Other	\$2,694	
Total		\$83,367

10.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.97
Part-time and casual employees	0.02
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	0.99

Note: Enter values to two decimal places.