



Employment and  
Social Development Canada

Emploi et  
Développement social Canada

Canada

# Annual Report on the Administration of the *Privacy Act*

Employment and Social  
Development Canada  
2020 to 2021



**Annual Report on the Administration of the *Privacy Act*  
Employment and Social Development Canada 2020 to 2021**

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## Executive Summary

Employment and Social Development Canada (ESDC), including the Labour Program and Service Canada, strives to build a stronger and more inclusive Canada, to help Canadians live productive and rewarding lives, and to improve quality of life for all Canadians. Many of the federal government's largest and most well-known programs and services are provided by the Department in fulfillment of this broad mandate.

ESDC is a major user of personal information and other data to deliver these key programs and services to Canadians in support of its own mandate, as well as on behalf of other federal institutions. As a result, it operates within one of the most complex privacy regimes in government in carrying out collection, use, retention and disclosure activities that are vast in scale and scope. The Department takes this responsibility seriously, and the protection of the privacy rights of Canadians, as well as the safeguarding of their personal information, remains an ongoing priority.

As a federal institution, ESDC is subject to the *Access to Information Act* and the *Privacy Act*. Both acts require the Department to submit annual reports to Parliament on their administration at the conclusion of every fiscal year. These reports describe ESDC's major strategic and operational highlights for both access to information and privacy during the reporting period.

The 2020 to 2021 reporting period was dominated by the COVID-19 pandemic, during which ESDC was tasked with delivering major initiatives under the COVID-19 Economic Response Plan. The Department played an important role in ensuring that Canadians received the emergency supports they needed during this unprecedented time, through initiatives like the Canada Emergency Response Benefit (CERB), the Employment Insurance Emergency Response Benefit (EI ERB), and the one-time payment to persons with disabilities. The successful implementation of these key initiatives required a comprehensive departmental effort, including the temporary reassignment of some access to information and privacy (ATIP) resources.

The Department took a balanced approach in this endeavour, allowing for ongoing ATIP operations, while simultaneously reducing nonessential administrative strain on the system. While the pandemic had consequences for ESDC's compliance with the *Access to Information Act* and the *Privacy Act*, by the end of this reporting period, the Department had returned to regular ATIP operations. In this sense, measures taken were temporary and are not expected to have long-term impacts on the Department's compliance with the acts.

Modernization and transformation continued to be important themes in 2020–2021. The pandemic spurred the implementation of digital solutions to the way programs and services are delivered in order to meet the current and evolving needs of Canadians. This was especially relevant with respect to the processes used in addressing access to information and privacy requests received from Canadians. The Department went from a predominantly paper-based regime to an almost exclusively digital response format.

ESDC continued to experience some of the largest volumes of access to information and privacy requests among federal institutions. In the Treasury Board Secretariat's 2019–2020 ranking of Government of Canada institutions, the Department ranked second for the number of privacy requests received and pages processed. During 2020–2021, the total number of requests under both acts decreased from the previous fiscal year as a result of the pandemic. However, the number of requests received remained high.

Once the effects of the pandemic wane, ESDC anticipates that the trend of large and increasing volumes of requests will re-emerge. Ensuring that ESDC's access to information and privacy request processes are efficient and effective will be important for the Department to continue to respond to requests in a timely manner.

These achievements, and the detailed results described in this report, are a snapshot of the degree of responsibility, stewardship, and effort that ESDC's employees demonstrate every day to fulfill the Department's legal requirements for the management of personal information, as well as to protect the privacy rights of Canadians.



# 1. Introduction

## Presentation of the Report

Section 72 of the *Privacy Act* requires the head of a federal institution to submit an annual report to Parliament on the administration of each Act following the end of every fiscal year. ESDC is pleased to present to Parliament its annual report on the administration of the *Privacy Act* for the 2020 to 2021 fiscal year.

## About ESDC

ESDC, which includes the Labour Program and Service Canada, delivers many federal programs and services. Given the broad scope of its mandate, it is among the largest and most decentralized federal institutions. Each day, ESDC interacts with thousands of Canadians by delivering services and programs that play important roles in their lives. Canadians expect high-quality, easy-to-access, and secure services that are responsive to their needs, whether they are interacting online, through call centres, or in person.

ESDC's programs and services affect Canadians throughout the course of their lives. For example, the Department assists parents who are raising young children, helps students finance their post-secondary education, and provides income support to unemployed and pension income to seniors. ESDC delivers many of the Government of Canada's flagship programs, such as the Canada Student Financial Assistance Program, EI, Old Age Security (OAS), and the Canada Pension Plan (CPP). Overall, the Department is responsible for delivering over \$135.2 billion in benefits directly to individuals and organizations, which represent 6.15% of Canada's Gross Domestic Product.

In addition, during this reporting period, ESDC stood at the forefront of Canada's efforts to mitigate the social and economic impacts of the COVID-19 pandemic. This included work to deliver CERB and targeted support for students and seniors among others.

The Labour Program contributes to social and economic well-being by fostering safe, healthy, fair and inclusive work environments, and cooperative workplace relations in workplaces falling under federal jurisdiction. The Labour Program also supplies labour relations mediation services, enforces minimum working conditions, promotes decent work and fosters respect for international labour standards. As with other parts of the Department, the Labour Program responded with agility and flexibility to the pandemic.

The Department's service delivery arm, Service Canada, provides Canadians with a single point of access to ESDC programs and benefits, as well as to other Government of Canada programs and services. Although the COVID-19 pandemic had a direct impact on Service Canada's ability to provide in-person services, the needs of Canadians continued to be served online at Canada.ca, through the My Service Canada Account (MSCA), and by telephone through "1 800 O-Canada" and its network of call centres.

## About the *Access to Information Act* and the *Privacy Act*

The *Access to Information Act* provides Canadian citizens, permanent residents, and any individual or corporation present in Canada a right to access records of government institutions that are subject to the Act<sup>1</sup>. This right is subject to limited and specific exemptions and exclusions, and in accordance with the principle that government information should be available to the public. The Government of Canada brought forth new legislative requirements under the Act in 2019 mandating departments to, among other things, proactively publish frequently requested information in an effort to further increase transparency and openness.

The *Privacy Act* protects the privacy of Canadian citizens, permanent residents and individuals present in Canada with respect to their personal information held by a federal government institution that is subject to the Act and provides them with a right of access to that information<sup>2</sup>. The *Privacy Act* sets out provisions for the collection, use, retention and disclosure of personal information by government institutions.

## Personal information provisions in the *Department of Employment and Social Development Act*

In addition to the *Privacy Act*, the management of personal information by ESDC is governed by statutory obligations set out in the Department's enabling act. The *Department of Employment and Social Development Act* (DESDA) sets out the rules that apply to personal information controlled by ESDC. These provisions set out the conditions for:

- disclosing personal information, including public interest disclosures;
- making available information contained in the Social Insurance Register;
- using personal information for internal policy analysis, research and evaluation purposes; and
- disclosing personal information for research or statistical analysis.

Where the Department delivers services to the public on behalf of other federal institutions and jurisdictions or when delivering select services for the Government of Canada, the partner's privacy regime (normally the *Privacy Act* for federal partners) would apply instead.

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<sup>1</sup> Section 4(1) *Access to Information Act* and Section 2 *Access to Information Act Extension Order, No. 1*

<sup>2</sup> Section 12(1) *Privacy Act* and Section 2 *Privacy Act Extension Order, No. 2*

## 2. Organizational Structure

### Corporate Secretary and Chief Privacy Officer

ESDC's Corporate Secretariat Branch is responsible for issuing and managing privacy management policy within the Department, the provision of privacy advice and guidance, and the processing of privacy requests in the National Capital Region. These functions are carried out by ESDC's ATIP Operations and the Privacy Management Division (PMD).

The Branch is led by the Corporate Secretary who is ESDC's designated Chief Privacy Officer, the Department's functional authority on all privacy matters and for the implementation of the privacy management framework. The Chief Privacy Officer's responsibilities include providing strategic privacy advice and recommendations, maintaining ESDC's privacy management program, including conducting privacy risk assessments, and monitoring compliance with privacy legislation, policies and standards.

### Access to Information and Privacy Operations Division

The ATIP Operations is the departmental focal point for the management and processing of ESDC access to information and privacy requests. It leads and advises on the processing of all ESDC requests under the *Access to Information Act*, performs "line-by-line" reviews of records requested under the *Access to Information Act*, and delivers training and awareness sessions to departmental employees on the administration of the Act.

### Privacy Management Division

PMD is the Department's centre for privacy expertise. PMD leads the horizontal implementation of departmental privacy policies and initiatives, conducts risk analyses, including privacy impact assessments, and delivers privacy compliance support for ESDC's programs and services. The Division also administers legal requests for documents, administers public interest disclosures, plays a key role in the management and prevention of privacy breaches, with departmental partners, and supports privacy training and awareness activities. During the 2020 to 2021 fiscal year, PMD had, on average, a complement of 37 full-time employees.

### Service Agreement with the Canadian Accessibility Standards Development Organization

During the reporting period, ESDC entered into a memorandum of understanding (MoU) for the provision of access to information and privacy services with the Canadian Accessibility Standards Development Organization (CASDO), an independent departmental corporation within the Employment and Social Development portfolio. CASDO was established under the *Accessible Canada Act* and is mandated to contribute to the realization of a Canada without barriers, on or before January 1, 2040.

Under the MoU, ESDC provides *Access to Information Act* and *Privacy Act* request processing services, annual reporting advice and statistics, liaison and training. ESDC also furnishes analysis and advice on privacy matters including privacy impact assessments, information-sharing arrangements, disclosures, contracting, legislative and policy compliance and the management of security incidents.

## COVID-19 Operational Impact

Due to the nature of the COVID-19 global pandemic, the department transitioned all available resources to deliver critical services and departmental employees were called upon to provide essential support to Canadians. ATIP personnel were part of those deployed to assist and steps were taken to inform requestors of possible delays in processing, including by email and through the ESDC website. To facilitate the transition, ESDC temporarily suspended the internal assignment of ATIP requests from March 16 to April 27, 2020. This measure was taken to not divert resources from essential and critical services. During this period, the department continued to process pre-existing ATIP requests. ESDC resumed processing new requests on Monday, April 27, 2020, including logging and tracking new requests, tasking program areas for retrieval of responsive records, conducting follow-ups and providing response packages.

In addition, in an effort to stop the spread of COVID-19, all ATIP officials across the department began to work remotely in March 2020. Transitioning to all new electronic processes posed several challenges for ATIP Operations, which was further compounded by the need to catch up on a backlog of approximately 80 requests that had been placed in abeyance while the remote processes were established. Following the successful resumption of ATIP request processing, the department resumed with Proactive Publication requirements.

Although this emergency response posed some operation challenges and impacted the department's ability to process ATIP requests within the timelines mandated by the *Access to Information Act*, a range of critical benefits and services were made available to Canadians in a very short period and at a time they needed help the most. In addition, the vast majority of Canadians received the information they requested, although delayed. Recent monthly compliance rates show a return to pre pandemic levels of performance.

### 3. The Privacy Management Framework and Privacy Governance in ESDC

#### Departmental Policy on Privacy Management

The Departmental Policy on Privacy Management sustains a robust privacy regime for the protection and judicious use of personal information by ESDC. The policy outlines the requirements and standards for the management and protection of personal information and articulates clear and universal privacy principles. The policy sets out the Department's Privacy Management Framework, outlined below, designates the Chief Privacy Officer function, defines roles and responsibilities for the management of personal information, and establishes the Department's privacy governance mechanisms.

#### Privacy Management Framework

ESDC's privacy management framework promotes a proactive approach for the management of privacy by fostering the integration of privacy practices into program, system, and business process design. The framework consists of five elements:

- **Governance and Accountability:** Roles and responsibilities for privacy are clearly defined;
- **Stewardship of Personal Information:** Appropriate privacy protections are implemented to properly manage personal information throughout its life cycle;
- **Assurance of Compliance:** Formal processes and practices are in place to ensure adherence to privacy specifications, policies, standards and laws;
- **Effective Risk Management:** Structured and coordinated risk identification and assessments that are conducted to limit the probability and impact of negative events; and
- **Culture, Training and Awareness:** Privacy training and awareness activities that sustain a privacy-aware organization that values the protection and stewardship of personal information.

#### Privacy Governance in ESDC

The Data and Privacy Committee (DPC) is the primary governance body with respect to privacy matters. Co-chaired by the Chief Privacy Officer and the Chief Data Officer, the DPC oversees the stewardship and management of data and the protection of personal information across the Department. The Committee supports the integration of data management, privacy, and security, as well as oversees ESDC's personal information risk management process. The DPC reports to the Corporate Management Committee, chaired by ESDC's Associate Deputy Minister.

## 4. Delegations

Section 73 of the *Privacy Act* empowers the head of an institution to delegate any of the powers, duties or functions assigned to them by these acts to employees of that institution.

The Minister of Employment, Workforce Development and Disability Inclusion is responsible for the purposes of the *Privacy Act* and the Department's enabling legislation, the DESDA.

The departmental *Privacy Act* delegation order and delegated authorities are reproduced in Annex A.

## 5. Privacy Activities and Initiatives

The wide scope and breadth of ESDC mandate comes with responsibility for managing one of the largest personal information holdings in the Government of Canada. The management and delivery of programs and services by the Department usually involves the collection, use, and disclosure of personal information. In many instances, detailed and often sensitive personal information is required either by ESDC or other government organizations to determine program eligibility or to provide benefits and services. Layered on top is a complex privacy legal regime within which ESDC operates that includes the *Privacy Act* and the DESDA, as well as the federal and provincial legislation of its Government of Canada and provincial government partners, respectively.

The sweeping technological changes of the digital age have created new expectations and challenges for ESDC on the use, management and protection of personal information. There are opportunities to use and exchange data in new, innovative ways for public benefit. The increasing volumes of electronic data and the employment of advanced methodologies, such as artificial intelligence, provide government with the opportunity to improve the quality and manner that information is used for decision-making, policy development, and service delivery. Canadians seek to interact with government and access services by using a number of client-service options, including online, that are commensurate with their experiences with private-sector services. At the same time, the large quantities of digital information along with the velocity of its collection, use and disclosure have heightened the challenges for its safeguarding and the protection of the privacy of individuals.

During the 2020 to 2021 fiscal year, ESDC continued to advance a proactive, risk-based approach to privacy management and sought to adapt its activities and processes to the needs of the changing privacy environment. It applied its privacy lens to the large number of departmental initiatives—some of which involved the large-scale collection, use and disclosure of personal information.

ESDC's contribution to the whole-of-government response to the COVID-19 pandemic was the overriding focus for PMD and ATIP Operations Division. PMD provided rapid privacy analysis and on-demand support for the implementation of emergency programs that were designed and launched on an urgent basis and immediately accessed by millions of Canadians. The Canada Emergency Response Benefit, the Employment Insurance Emergency Response Benefit, the Quarantine call centre, and Fish Harvester Benefit and Grant Program, are among the programs and services that PMD supported. The Division adapted its existing analytical approaches and suite of tools to provide privacy analyses and risk assessments to meet very tight deadlines. Simultaneously, PMD and ATIP Operations rapidly transformed to digitally connected teams that could work remotely effectively and efficiently. Within the first weeks of the pandemic, their privacy teams were fully functional and continued to provide services to the Department and the public.

The pandemic served to accelerate the digitization of government services, including, notably, the use and exchanges of data for program delivery, policy analysis and research with other federal institutions, as well as between ESDC and the provinces and territories. PMD worked with program and data leads to protect the privacy of individuals, to safeguard information, and to mitigate any identified risks.

The COVID-19 crisis demonstrated the importance of modern technology and the flexibility it offers, as well as highlighting the need for ESDC's continued transformation and investments in service infrastructure.

Overall, ESDC completed 18 privacy assessments, copies of which were provided to the Treasury Board Secretariat and the Office of the Privacy Commissioner. Information on these assessments can be found in Annex B of this report and on ESDC's privacy impact assessments website. PMD also supported the completion of over 60 information-sharing agreements and actioned over 350 requests for privacy compliance advice. In addition, the Division provided timely strategic policy advice and analysis to ESDC's senior leadership on a range of internal and interdepartmental privacy strategic issues and questions.

With respect to its privacy program, ESDC implemented an updated Delegation Order for the *DESDA*, which applies to the entire Department except for the Labour Program. The revised Order streamlines ESDC's risk-based approval processes for information-sharing agreements that set out the conditions for the use and disclosure of personal information and for making available personal information for policy analysis, research and evaluation activities. At the same time, the Order strengthens the control of personal information for these purposes by requiring the mandatory approval of a senior departmental privacy official.

ESDC continued to participate actively in Justice Canada's work on *Privacy Act* modernization by contributing advice and insight associated with its programs, service delivery and digital transformation efforts.



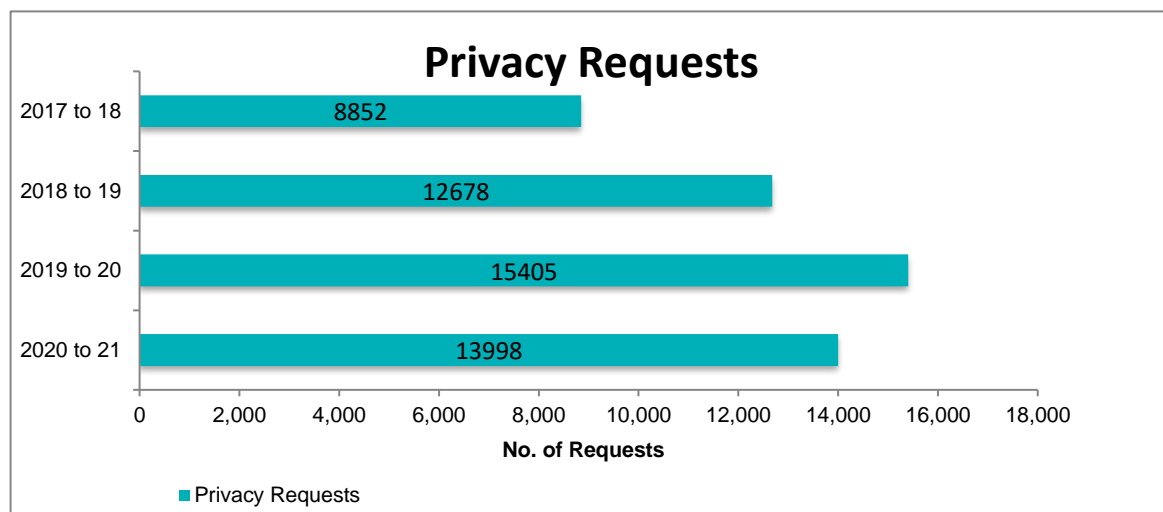
## 6. Performance Reporting

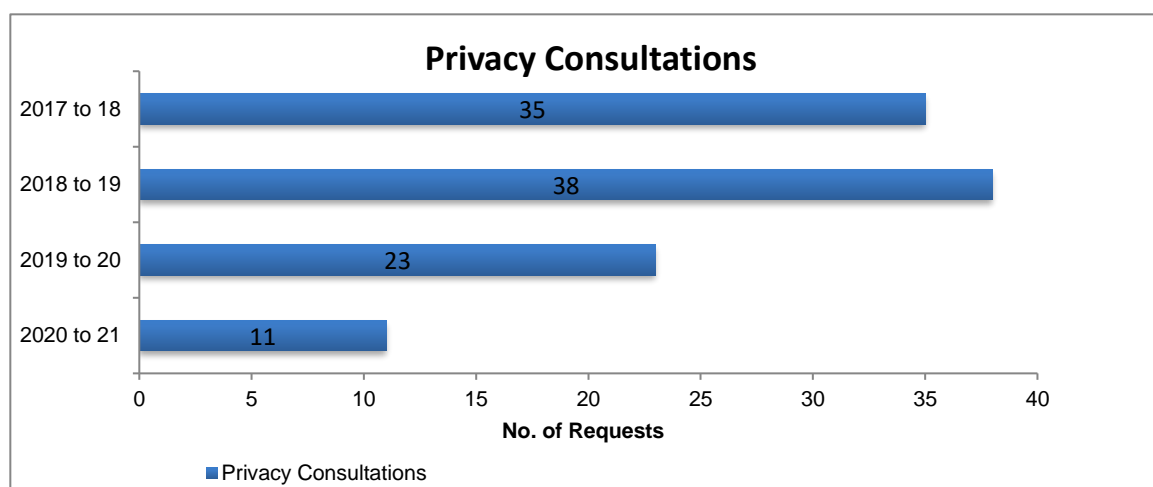
The following section provides key statistics and analysis on ESDC accomplishments in the previous four fiscal years and how the Department contributed to the Government's agenda in terms of privacy. Figures 3 through 5 display a four-year comparison to highlight the *Privacy Act* performance trends. Detailed statistical reports for the Act are found in Annex C. It is important to note the effects of the COVID-19 pandemic during the current reporting period. There were decreases in the number of requests received, as well as delays in meeting legislated response times. Privacy Operations had returned to full capacity by the end of the reporting period and the impact of the pandemic on performance is expected to have been a temporary outcome of an emergent situation.

### Requests and Consultations: Total Volume

During the 2020 to 2021 fiscal year, ESDC experienced a decrease of 9% in privacy requests, from 15,405 in the 2019–2020 fiscal year to 13,998 in 2020–2021. Consultation requests related to the *Privacy Act* also decreased.

**Figure 1: Privacy Act Requests – Total Volume Received**



**Figure 2: Privacy Act Consultation Requests – Total Volume Received****Figure 3: Summary of Requests under the Privacy Act**

Activity	2017 to 2018	2018 to 2019	2019 to 2020	2020 to 2021
Formal requests received under the <i>Privacy Act</i>	8,852	12,678	15,405	13,998
Requests completed during the reporting period	8,817	12,260	15,004	12,883
Number of requests completed within legislated timeframes (including extensions)	8,728	12,137	14,949	5,906
Number of requests completed beyond legislated timeframes	89	123	55	6,977
Proportion of requests that were responded to within legislated timeframes	99%	99%	99%	46%
Public interest disclosures	329	261	419	373
Material privacy breaches <sup>4</sup>	128	74	210	161
Complaints to the Privacy Commissioner	29	9	16	12

The Privacy Commissioner reports on findings with respect to any complaints received and may make recommendations. As demonstrated in Figure 3, 12 complaints were made to the Privacy Commissioner during the reporting period, a decrease from the previous year. The number of material privacy breaches decreased from 210 in 2019–2020 to 161 in 2020–2021.

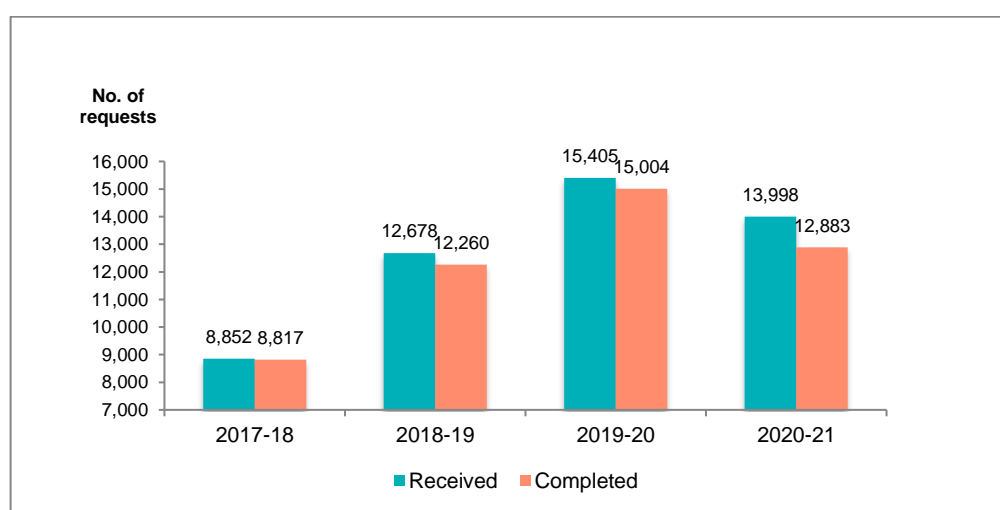
<sup>4</sup> Further explanation on material privacy breaches is located in section 10.

## Total Requests Received and Completed

### *Privacy Act*

The number of requests closed during the reporting period went from 15,004 in 2019–2020 to 12,883 in 2020–2021. The effects of the pandemic caused a great number of responses to be late. While this decrease in responding within the legislated timeframe is of some concern, it is directly attributed to the challenges faced due to the COVID-19 pandemic.

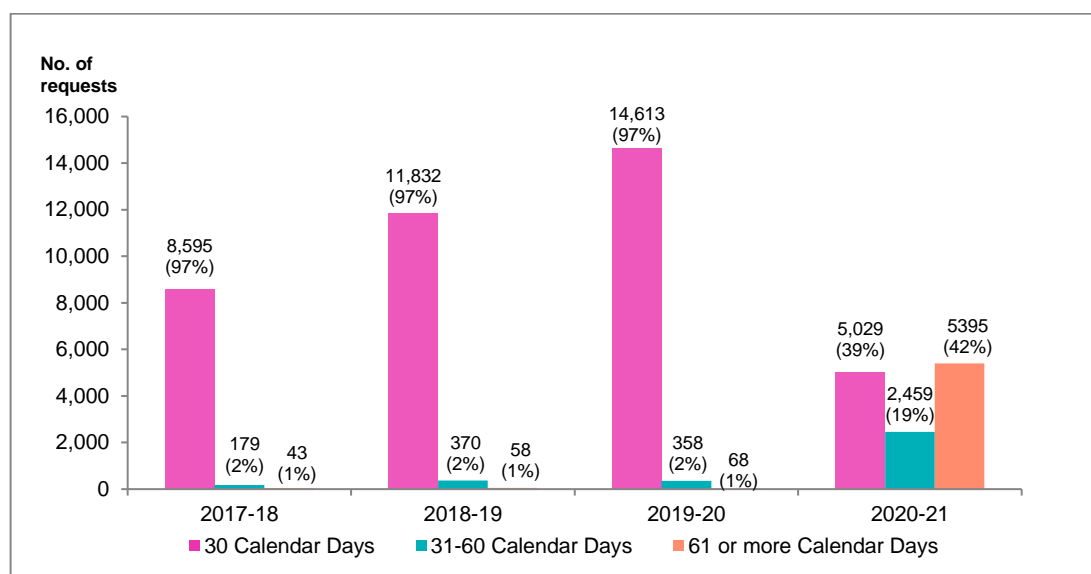
**Figure 4: Requests received and completed, *Privacy Act***



## Requests by Calendar Days taken to Complete

### *Privacy Act*

The compliance rate for *Privacy Act* requests being closed within the legislated 30 days, or within 60 days after an extension was granted, decreased from 99% in 2019–2020 to just 46% (5,906) in 2020–2021. This represents an enormous increase of late files compared to the 2019–2020 fiscal year, but is directly attributed to the challenges faced as a result of the COVID-19 pandemic. It is to be noted that 92% of requests (12,883) were responded to during the fiscal year.

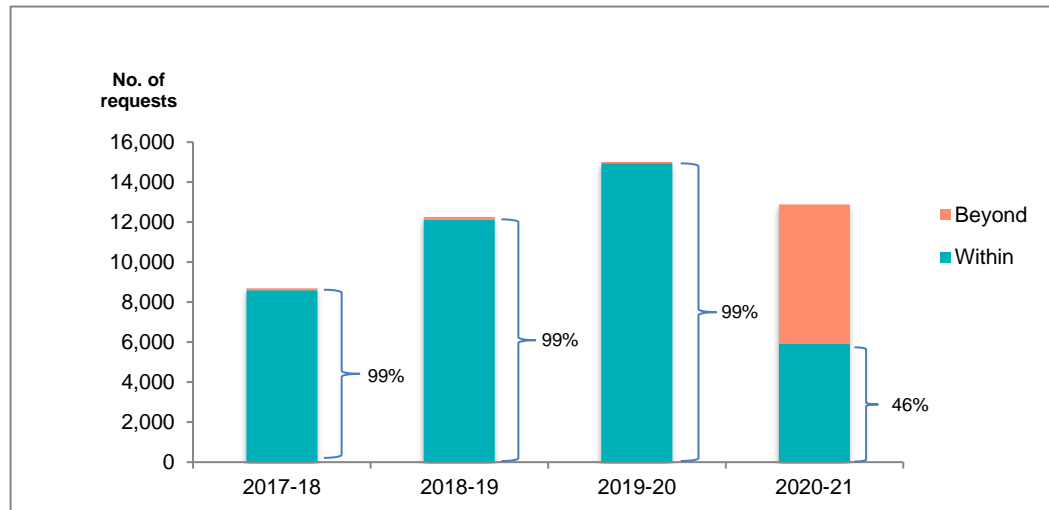
**Figure 5: Privacy Act Access requests by calendar days taken to complete**

## Timeframes

### Privacy Act

During the reporting period, ESDC met legislated timelines for 5906 requests, which represents a 46% compliance rate. This is a decrease from previous years where ESDC regularly achieved a compliance rate of 99%. The effects of the COVID-19 pandemic were directly responsible for the decrease. As activities returned to normal, the number of requests being closed within legislated timelines returned to pre-pandemic compliance rates.

Institutions may apply for an extension beyond the original 30-day statutory timeframe in cases where meeting the statutory date is not feasible due to: the volume of pages to be processed; where consultation is required that could not reasonably be conducted within the initial 30 days; or, for translation purposes or to convert a record to another format. During the reporting period, ESDC requested 990 extensions. This represents an increase from the previous reporting period, when ESDC requested 260 extensions.

**Figure 6: Number of requests processed within and beyond legislated timeframes, *Privacy Act***

## Timeframe Monitoring

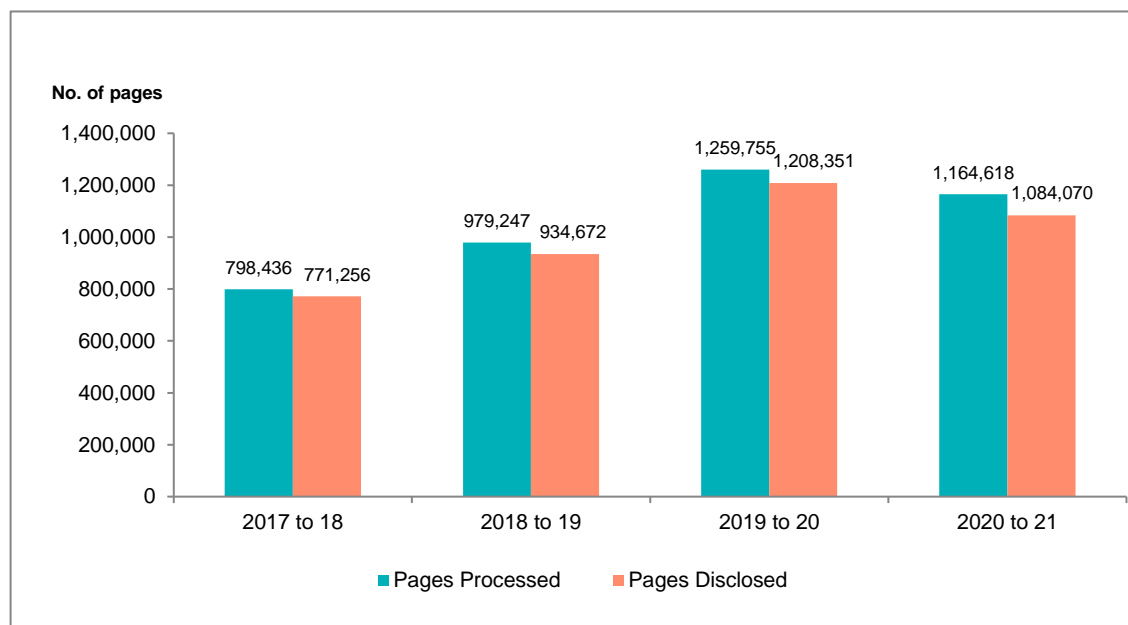
### *Privacy Act*

ESDC's regional offices manage the majority of the privacy request workload and prepare weekly reports concerning new requests, workload and status for the tracking of on-time performance for privacy requests. Regional offices also produce performance reports on a monthly, quarterly and yearly basis.

## Pages Processed and Disclosed

### *Privacy Act*

The total number of pages processed and disclosed for privacy requests decreased during the 2020 to 2021 fiscal year. During this reporting period, 1,164,618 pages were processed for exemptions and exclusions, which represents a decrease of 8% from the previous fiscal year when 1,259,755 pages were processed. A total of 1,084,070 pages were disclosed, which is a decrease from the previous year when 1,208,351 pages were disclosed. However, the number of pages processed and disclosed during the reporting period remained higher than earlier reporting periods.

**Figure 7: Number of pages processed and disclosed, *Privacy Act***

## Exemptions and Exclusions

ESDC is one of the largest holders of personal information in the Government of Canada, which affects the frequency in which exemptions and exclusions are applied under the *Privacy Act*.

### ***Privacy Act***

#### Exemptions

The *Privacy Act* recognizes that individuals value their privacy and the protection of their personal information and that this protection is an essential element in maintaining public trust in government. Although the *Privacy Act* provides individuals with an enforceable right of access to their personal information, there are instances where certain limited and specific exemptions can be applied.

Due to the nature of ESDC's mandate and its personal information holdings, the exemption under the *Privacy Act* that was applied most frequently is Section 26, which protects personal information about another individual as defined by Section 3 of the *Privacy Act*. This exemption occurred in 8,628 instances of completed requests during the 2020 to 2021 fiscal year. This represents a decrease of 1,184 instances when compared to the previous fiscal year.

**Figure 8: Number of Requests and Percentage of Total Exemptions**

Section	2017 to 2018	2018 to 2019	2019 to 2020	2020 to 2021
s. 22 – Law enforcement and investigation	101 (1.7%)	61 (0.7%)	56 (0.6%)	63 (0.7%)
s. 26 – Information about another individual	5,898 (96.7%)	8,082 (98.1%)	9,812 (98.7%)	8,628 (98.8%)
s. 27 – Solicitor-client privilege	81 (1.3%)	72 (0.9%)	63 (0.6%)	42 (0.5%)

Exclusions

The *Privacy Act* allows for the exclusion of certain types of information, such as records that are already available to the public (Section 69) and confidences of the Queen's Privy Council for Canada (Section 70). During the 2020 to 2021 fiscal year, ESDC did not exclude any records for requests under the *Privacy Act*.

## Consultations received from other Government of Canada Institutions and Other Organizations

***Privacy Act***

ESDC received 11 external consultation requests during the 2020 to 2021 fiscal year, which originated from Government of Canada institutions and other organizations, requiring a review of 72 additional pages. This represents a significant decrease from the previous fiscal year when ESDC reviewed 3,137 pages.

The Department closed nine requests for consultations of which three were completed within 30 days. Of the total number of requests for consultation, five resulted in a recommendation to disclose the records entirely and one recommended the consulting institution or organization disclose the information in part.

**Figure 9: Consultation Requests Received from Other Government of Canada Institutions and Other Organizations – Privacy Act**

Types of consultation	2017 to 2018	2018 to 2019	2019 to 2020	2020 to 2021
Consultations requests received under the <i>Privacy Act</i>	35	38	20	11
Additional pages reviewed under the <i>Privacy Act</i>	5,355	1,578	3,137	388
<i>Privacy Act</i> Requests for Consultations Closed	34	36	21	9
<i>Privacy Act</i> Requests for Consultations Closed within 30 days	29	36	18	3

### Requests for the Correction of Personal Information under the *Privacy Act*

Under the *Privacy Act*, individuals have a right to request the correction of erroneous personal information pertaining to them that is retained by a government institution, provided that the individual can adequately substantiate the request. ESDC accepted four requests for correction of personal information during the 2020 to 2021 fiscal year.



## 7. Complaints, Investigations and Court Actions

Under the *Privacy Act*, individuals may lodge a complaint to the Office of the Privacy Commissioner (OPC) on the processing of their access requests if they were refused access or if they feel there was an undue delay in processing. Individuals can also lodge complaints on the personal information handling practices of federal institutions subject to the Act, on matters such as the collection, use or disclosure of personal information.

During the 2020 to 2021 reporting period, ESDC was notified by the OPC of 30 privacy complaints and carried over one complaint from the previous fiscal year. The OPC closed 19 complaints of which 7 were determined to be well founded.

There were three privacy complaints in the courts during the reporting period. Please refer to the following table for more details about the complaints.

### Complaints, Investigations and Court Actions, 2020 to 2021

Complaints	Number
Total complaints received	30
• <i>Denied access</i>	2
• <i>Unreasonable time extension</i>	0
• <i>Processing delays</i>	10
• <i>Improperly applied exemptions</i>	1
• <i>Collection</i>	1
• <i>Use and disclosure / Retention and disposal</i>	16
<b>Investigations</b>	
Total findings received	21
• <i>Well founded</i>	7
• <i>Not well founded</i>	9
• <i>Complaints resolved during investigation</i>	4
Discontinued	1
<b>Court Actions</b>	
Number of court actions	3

Note: The total number of notifications of complaints received and the total number of investigations with findings received will not necessarily be the same in a given fiscal year. Investigations could relate to complaints that were received by the OPC in a fiscal year prior the 2020 to 2021 reporting period.

## 8. Internal Privacy-related Audits

ESDC's Internal Audit and Enterprise Risk Management Branch initiated an advisory assessment on the implementation of the adjustments made in recent years to the Department's privacy impact assessment (PIA) and approval process. The assessment will include a review of PIA risk ratings, internal PIA process documentation, and Data and Privacy Committee meeting minutes. The findings and recommendations from this advisory assessment are expected during 2021–2022.

## 9. Public Interest Disclosures

Disclosures in the public interest are made by ESDC under Section 37(1) of the DESDA instead of under Section 8(2)(m) of the *Privacy Act*. Disclosures made under this provision are reported to the OPC.

During the 2020 to 2021 fiscal year, the Department disclosed personal information in the public interest in 373 instances. ESDC processed 334 public interest disclosures in the regions, the preponderance of which consisted of incidents involving individuals who threatened to harm themselves or others. In instances where there is an imminent threat to the safety and security of individuals, employees have the delegated authority to make the disclosure. Given the urgency of these situations, the OPC is informed after the disclosure is made. PMD approved the disclosure of personal information in an additional 39 cases ("NHQ disclosures").

### Number of Disclosures by Reason

REASON FOR DISCLOSURE	NUMBER OF DISCLOSURES
Regional disclosures (Imminent threats)	334
NHQ disclosures	39
• Locate an individual/next of kin	9
• Fraud/suspected elder abuse	3
• Police Investigation	11
• Missing person	12
• Other	4
<b>TOTAL</b>	<b>373</b>

## 10. Material Privacy Breaches

A privacy breach is defined by the Treasury Board Secretariat-issued policy as the “improper unauthorized collection, use, disclosure, retention or disposal of personal information.” A material privacy breach is defined as one “that involves sensitive personal information and could reasonably be expected to cause injury or harm to the individual and/or to a significant number of individuals.”

During the 2020 to 2021 fiscal year, the Department reported 161 material breaches to the OPC and to the Treasury Board Secretariat, a 23% decline from the previous year. Most of these breaches were the result of operational errors resulting in personal information lost in transit in the postal system or sent to the wrong person.

The majority of these incidents (108 of 161 cases) involved lost or misdirected passports of which the Canada Post Corporation took responsibility for 76 breaches (please refer to the table below). The unauthorized access by ESDC employees of personal information stored in departmental systems accounted for 16 incidents. These cases were identified as a result of the Department’s Audit Log Monitoring initiative to detect the unauthorized accesses of personal information in ESDC’s electronic data holdings by ESDC employees. It is expected that additional incidents of this type will continue to be detected during the 2021 to 2022 fiscal year as this project expands in scope. During August 2020, credential-stuffing attacks were made against the GC Key service. ESDC, which uses GC Key for its online services, took immediate action to contain the breach and implemented additional technical security measures. ESDC clients that were affected or potentially affected by the incident were contacted and offered free credit monitoring.

The Department continually seeks to implement measures to reduce privacy breaches through administrative, technical, and physical means. Importantly, through ESDC’s privacy training and awareness activities, employees are informed and trained in the handling of personal information, including appropriate use and safeguarding protocols.

### Material Breaches

<i><b>Number of material breaches</b></i>	<i><b>Nature of information breached</b></i>	<i><b>Communication and notification</b></i>	<i><b>Actions undertaken in response</b></i>
37	<p>Personal information incorrectly shared with third party individuals, via telephone, email, or mail and/or</p> <p>Documents containing personal information of clients were lost or stolen.</p>	When possible, personal letters were sent to affected individuals informing them of the breach.	<ul style="list-style-type: none"> <li>• Provided training to employees on proper procedures and best practices for handling personal information. Specifically focussed on: <ul style="list-style-type: none"> <li>– mailing procedures;</li> <li>– indexing procedures; and</li> <li>– authentication process when on a call with a client.</li> </ul> </li> <li>• Reminded employees of the importance and sensitivity of dealing with personal information.</li> <li>• Reminded employees of the security requirements when sending or carrying personal information.</li> </ul>

			<ul style="list-style-type: none"> <li>• Modified procedures as needed.</li> <li>• Credit monitoring was offered to certain affected individuals who were deemed to be at a higher risk of fraud.</li> </ul>
16	Employees who made unauthorized accesses in departmental systems to client information (mostly discovered as part of internal audits conducted on the Departmental systems).	When possible, personal letters were sent to affected individuals informing them of the breach.	<ul style="list-style-type: none"> <li>• Reliability status was revoked in some cases which resulted in dismissal of the employee as maintaining reliability status is a condition of employment.</li> <li>• Employees were reminded they should not access information they are not authorized to access.</li> <li>• Employees were reminded to review the ESDC Code of Conduct.</li> <li>• Some employees were instructed to retake training courses.</li> </ul>
76	Passports lost, stolen, or misdirected, where Canada Post Corporation was responsible for the breach.	When possible, personal letters were sent to affected individuals informing them of the breach.	<ul style="list-style-type: none"> <li>• Individuals were asked to re-submit their applications and in some cases the cost of new documents, pictures and postage was reimbursed.</li> <li>• In accordance with standard procedures, passports were cancelled and new passports were issued at no charge.</li> <li>• Searches were conducted by Canada Post Corporation in order to locate the documents.</li> </ul>
32	Passports lost, stolen or misdirected as a result of an internal error.	When possible, personal letters were sent to affected individuals informing them of the breach.	<ul style="list-style-type: none"> <li>• Individuals were asked to re-submit their applications and in some cases the cost of new documents, pictures and postage was reimbursed.</li> <li>• In accordance with standard procedures, passports were cancelled and new passports issued at no charge.</li> <li>• Internal corrective measures were taken, including reminding employees of the importance of protecting personal information and the procedures for mailing.</li> <li>• Thorough searches of the office and mailroom were conducted to locate the documents.</li> </ul>
<b>Total Number of Material Breaches: 161</b>			

## 11. Training and Awareness Activities

### Privacy Training

ESDC has a comprehensive and mandatory training program to increase knowledge and awareness of the stewardship of information. All employees are required to maintain valid certification in Stewardship of Information and Workplace Behaviours (SIWB), which addresses privacy, the handling of personal information, access to information, information management, security, and values and ethics. Delivered online, SIWB certification is valid for two years.

ESDC has been updating the content of the SIWB certification course; as such, the course was temporarily removed from the Department's Essential Training Curriculum. SIWB was made available to learners on May 2020 as a stand-alone course for all ESDC employees. A total of 7,821 employees completed SIWB during 2020–2021. ESDC will reintegrate the course into the Essential Training Curriculum early in the new fiscal year.

New employees are obligated to complete online privacy-related training when joining the Department. The “Doing Things Right and Doing the Right Thing: Putting the Department Code of Conduct into Action” course was completed by 10,118 new employees. “Access to Information and Privacy (ATIP): It's Everybody's Business” was completed by 10,024 employees.

In addition to online training and certification, ESDC undertook a number of “in-person” privacy training sessions and activities online. Many of the activities and events that ESDC typically holds during a fiscal year were cancelled as the Department focussed on delivering urgent COVID-19 measures and transforming into an online workforce. ESDC resumed “in-person” training during the second half of 2020–2021 with five “in-person” sessions that were held virtually and were attended by 162 employees.

### Privacy Awareness

Throughout the reporting period, the Department continued to provide practical, easy-to-understand, and readily available privacy information and guidance to employees to reinforce the application of appropriate personal information handling and safeguarding practices. Normally, these activities include organizing various privacy-themed information events for Privacy Awareness Week. However, due to the pandemic and the heavy workload resulting from it, Privacy Awareness Week was cancelled for 2020–2021. ESDC organized a “Data Privacy Day” in February 2021, with corporate messages and virtual “in-person” activities, which had 146 participants.

## Annex A: Delegation Orders

### *Privacy Act and Regulations: Delegation of Authority, Department of Employment and Social Development*

#### **Arrêté sur la délégation en vertu de la Loi sur la protection des renseignements personnels**

En vertu de l'article 73 de la *Loi sur la protection des renseignements personnels* (la Loi), la ministre de l'Emploi et du Développement social délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire lesdits postes, les attributions dont elle est, en qualité de responsable d'une institution fédérale, investie par les dispositions de la Loi et du *Règlement sur la protection des renseignements personnels* (le Règlement) mentionnées à l'annexe en regard de chaque poste.

Le présent arrêté remplace et annule tout arrêté antérieure portant sur la délégation d'attributions conférées au ministre de l'Emploi et du Développement social au titre de la Loi et du Règlement.

Daté, à la Ville de Gatineau, ce \_\_\_\_\_ jour de \_\_\_\_\_ 2020.

#### **Privacy Act Delegation Order**

The Minister of Employment and Social Development, pursuant to section 73 of the *Privacy Act* (the Act), hereby designates the persons holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers, duties or functions of the Minister as the head of a government institution, under the provisions of the Act and the *Privacy Regulations* (the Regulations) set out in the schedule opposite each position.

This order replaces all previous orders pertaining to the delegation of powers, duties or functions conferred on the Minister of Employment and Social Development under the Act and the Regulations.

Dated, at the City of Gatineau, this 12 day of March, 2020.



Ministre de l'Emploi et du Développement social /  
Minister of Employment and Social Development

**Privacy Act**

Department of Employment and Social Development

**Privacy Act – Delegated Authorities**

Description	Section	Delegated Authority
Retention of a record of requests and disclosed records to investigative bodies under Section 8(2)(e) of the <i>Privacy Act</i>	8(4)	<ul style="list-style-type: none"> <li>Deputy Minister, Employment and Social Development Canada (ESDC)</li> <li>Deputy Minister, Labour</li> <li>Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>Associate Deputy Minister, ESDC</li> <li>Corporate Secretary and Chief Privacy Officer <ul style="list-style-type: none"> <li>Director, ATIP Operations, NHQ</li> <li>Manager, ATIP Processing, ATIP Operations, NHQ</li> <li>Manager, ATIP Incident Management &amp; Legislative Disclosures, ATIP Operations, NHQ</li> </ul> </li> </ul>
Retention of records of uses of personal information	9(1)	<ul style="list-style-type: none"> <li>Deputy Minister, ESDC</li> <li>Deputy Minister, Labour</li> <li>Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>Associate Deputy Minister, ESDC</li> <li>Corporate Secretary and Chief Privacy Officer</li> <li>Director, Privacy Management</li> </ul>
Notification of the Privacy Commissioner of any new consistent uses of personal information and ensure use is included in next statement of consistent uses set forth in the Index	9(4)	<ul style="list-style-type: none"> <li>Deputy Minister, ESDC</li> <li>Deputy Minister, Labour</li> <li>Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>Associate Deputy Minister, ESDC</li> <li>Corporate Secretary and Chief Privacy Officer</li> <li>Director, Privacy Management, NHQ</li> </ul>
Include personal information in personal information banks	10	<ul style="list-style-type: none"> <li>Deputy Minister, ESDC</li> <li>Deputy Minister, Labour</li> <li>Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>Associate Deputy Minister, ESDC</li> <li>Corporate Secretary and Chief Privacy Officer</li> <li>Director, Privacy Management, NHQ</li> </ul>
Respond to request for access within 30 days and give written notice and, if access to be given, give access	14	<ul style="list-style-type: none"> <li>Deputy Minister, ESDC</li> <li>Deputy Minister, Labour</li> <li>Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>Associate Deputy Minister, ESDC</li> <li>Corporate Secretary and Chief Privacy Officer <ul style="list-style-type: none"> <li>Director, ATIP Operations, NHQ</li> <li>Manager, ATIP Processing, ATIP Operations, NHQ</li> <li>Team Leaders, NHQ</li> <li>Service Manager (Regional ATIP)</li> </ul> </li> </ul>



Description	Section	Delegated Authority
		<ul style="list-style-type: none"> <li>• Team Leaders (Regional ATIP)</li> <li>• Regional ATIP Advisors</li> <li>• ATIP Officers (Regional ATIP)</li> <li>• Business Expertise Regional Consultant (QC ATIP)</li> <li>• Senior Consultant (QC ATIP)</li> <li>• Senior Business Expertise Consultant (QC ATIP)</li> </ul>
Extension of the 30-day time limit to respond to a privacy request	15	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>• Team Leaders, NHQ</li> <li>• Service Manager (Regional ATIP)</li> <li>• Team Leaders (Regional ATIP)</li> <li>• Regional ATIP Advisors</li> <li>• ATIP Officers (Regional ATIP)</li> <li>• Business Expertise Regional Consultant (QC ATIP)</li> <li>• Senior Consultant (QC ATIP)</li> <li>• Senior Business Expertise Consultant (QC ATIP)</li> </ul>
Decision on whether to translate a response to a privacy request in one of the two official languages	17(2)(b)	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>• Team Leaders, NHQ</li> <li>• Service Manager (Regional ATIP)</li> <li>• Team Leaders (Regional ATIP)</li> <li>• Regional ATIP Advisors</li> <li>• ATIP Officers (Regional ATIP)</li> <li>• Business Expertise Regional Consultant (QC ATIP)</li> <li>• Senior Consultant (QC ATIP)</li> <li>• Senior Business Expertise Consultant (QC ATIP)</li> </ul>
Decision on whether to convert personal information to an alternate format	17(3)(b)	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>• Team Leaders, NHQ</li> </ul>

Description	Section	Delegated Authority
		<ul style="list-style-type: none"> <li>Service Manager (Regional ATIP)</li> <li>Team Leaders (Regional ATIP)</li> <li>Regional ATIP Advisors</li> <li>ATIP Officers (Regional ATIP)</li> <li>Business Expertise Regional Consultant (QC ATIP)</li> <li>Senior Consultant (QC ATIP)</li> <li>Senior Business Expertise Consultant (QC ATIP)</li> </ul>
Decision to refuse to disclose personal information contained in an exempt bank	18(2)	<ul style="list-style-type: none"> <li>Deputy Minister, ESDC</li> <li>Deputy Minister, Labour</li> <li>Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>Associate Deputy Minister, ESDC</li> <li>Corporate Secretary and Chief Privacy Officer</li> <li>Director, ATIP OPERATIONS, NHQ</li> <li>Manager, ATIP Processing, ATIP Operations, NHQ</li> </ul>
Decision to refuse access to personal information that was obtained in confidence from the government of a foreign state or institution, an international organization of states or an institution thereof, the government of a province or institution thereof, a municipal or regional government established by or pursuant to an act of the legislature of a province or an institution of such a government, or the council, as defined in the <i>Westbank First Nation Self-Government Agreement</i> given effect by the <i>Westbank First Nation Self-Government Act</i> or the council of a participating in First Nation as defined in the <i>First Nations Jurisdiction over Education in British Columbia Act</i>	19(1)	<ul style="list-style-type: none"> <li>Deputy Minister, ESDC</li> <li>Deputy Minister, Labour</li> <li>Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>Associate Deputy Minister, ESDC</li> <li>Corporate Secretary and Chief Privacy Officer</li> <li>Director, ATIP OPERATIONS, NHQ</li> <li>Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>Team Leaders, NHQ</li> <li>Service Manager (Regional ATIP)</li> <li>Team Leaders (Regional ATIP)</li> <li>Regional ATIP Advisors</li> <li>Business Expertise Regional Consultant (QC ATIP)</li> <li>Senior Consultant (QC ATIP)</li> <li>Senior Business Expertise Consultant (QC ATIP)</li> </ul>
Authority to disclose personal information referred to in 19(1) if the government, organization or institution described in 19(1) consents to the disclosure or makes the information public	19(2)	<ul style="list-style-type: none"> <li>Deputy Minister, ESDC</li> <li>Deputy Minister, Labour</li> <li>Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>Associate Deputy Minister, ESDC</li> <li>Corporate Secretary and Chief Privacy Officer</li> <li>Director, ATIP OPERATIONS, NHQ</li> <li>Manager ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>Team Leaders, NHQ</li> <li>Service Manager (Regional ATIP)</li> <li>Team Leaders (Regional ATIP)</li> <li>Regional ATIP Advisors</li> <li>ATIP Officers (Regional ATIP)</li> <li>Business Expertise Regional Consultant (QC ATIP)</li> <li>Senior Consultant (QC ATIP)</li> <li>Senior Business Expertise Consultant (QC ATIP)</li> </ul>
Refuse to disclose personal information that may be injurious	20	<ul style="list-style-type: none"> <li>Deputy Minister, ESDC</li> <li>Deputy Minister, Labour</li> </ul>

Description	Section	Delegated Authority
to the conduct of federal-provincial affairs		<ul style="list-style-type: none"> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Manager, ATIP Processing, ATIP Operations, NHQ</li> <li>• Team Leaders, NHQ</li> </ul>
Refuse to disclose personal information that may be injurious to international affairs or the defence of Canada or one of its allies	21	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Manager, ATIP Processing, ATIP Operations, NHQ</li> <li>• Team Leaders, NHQ</li> </ul>
Refuse to disclose personal information prepared by an investigative body, information injurious to the enforcement of a law, or information injurious to the security of penal institutions	22	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>• Team Leaders, NHQ</li> <li>• Service Manager (Regional ATIP)</li> <li>• Team Leaders (Regional ATIP)</li> <li>• Regional ATIP Advisors</li> <li>• ATIP Officers (Regional ATIP)</li> <li>• Business Expertise Regional Consultant (QC ATIP)</li> <li>• Senior Consultant (QC ATIP)</li> <li>• Senior Business Expertise Consultant (QC ATIP)</li> </ul>
Refuse to disclose personal information created for the <i>Public Servants Disclosure Protection Act</i>	22.3	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> </ul>
Refuse to disclose personal information prepared by an investigative body for security clearance	23	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> </ul>

Description	Section	Delegated Authority
		<ul style="list-style-type: none"> <li>• Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>• Team Leaders, NHQ</li> <li>• Service Manager (Regional ATIP)</li> <li>• Team Leaders (Regional ATIP)</li> <li>• Regional ATIP Advisors</li> <li>• Business Expertise Regional Consultant (QC ATIP)</li> <li>• Senior Consultant (QC ATIP)</li> <li>• Senior Business Expertise Consultant (QC ATIP)</li> </ul>
Refuse to disclose personal information that was collected by the Canadian Penitentiary Service, the National Parole Service or the National Parole Board while the individual was under sentence if the conditions in the Section are met	24	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Manager ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>• Team Leaders, NHQ</li> <li>• Service Manager (Regional ATIP)</li> <li>• Team Leaders (Regional ATIP)</li> <li>• Regional ATIP Advisors</li> <li>• Business Expertise Regional Consultant (QC ATIP)</li> <li>• Senior Consultant (QC ATIP)</li> <li>• Senior Business Expertise Consultant (QC ATIP)</li> </ul>
Refuse to disclose personal information which could threaten the safety of individuals	25	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>• Team Leaders, NHQ</li> </ul>
Refuse to disclose personal information about another individual and shall refuse to disclose such information where disclosure is prohibited under Section 8	26	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>• Team Leaders, NHQ</li> <li>• Service Manager (Regional ATIP)</li> <li>• Team Leaders (Regional ATIP)</li> <li>• Regional ATIP Advisors</li> <li>• ATIP Officers (Regional ATIP)</li> <li>• Business Expertise Regional Consultant (QC ATIP)</li> <li>• Senior Consultant (QC ATIP)</li> <li>• Senior Business Expertise Consultant (QC ATIP)</li> </ul>
Refuse to disclose personal information that is subject to solicitor-client privilege.	27	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> </ul>

Description	Section	Delegated Authority
		<ul style="list-style-type: none"> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>• Team Leaders, NHQ</li> <li>• Service Manager (Regional ATIP)</li> <li>• Team Leaders (Regional ATIP)</li> <li>• Regional ATIP Advisors</li> <li>• Regional Consultant (QC ATIP)</li> <li>• Senior Consultant (QC ATIP)</li> <li>• Senior Business Expertise Consultant (QC ATIP)</li> </ul>
Refuse to disclose personal information relating to the individual's physical or mental health where the disclosure is contrary to the best interests of the individual	28	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>• Team Leaders, NHQ</li> <li>• Service Manager (Regional ATIP)</li> <li>• Team Leaders (Regional ATIP)</li> <li>• Regional ATIP Advisors</li> <li>• Business Expertise Regional Consultant (QC ATIP)</li> <li>• Senior Consultant (QC ATIP)</li> <li>• Senior Business Expertise Consultant (QC ATIP)</li> </ul>
Receive notice of investigation by the Privacy Commissioner	31	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> </ul>
Right to make representations to the Privacy Commissioner during an investigation	33(2)	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Director, Privacy Management, NHQ</li> <li>• Manager ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>• Team Leaders, NHQ</li> <li>• Service Manager (Regional ATIP)</li> <li>• Team Leaders (Regional ATIP)</li> </ul>

Description	Section	Delegated Authority
		<ul style="list-style-type: none"> <li>Regional ATIP Advisors</li> <li>ATIP Officers (Regional ATIP)</li> <li>Business Expertise Regional Consultant (QC ATIP)</li> <li>Senior Consultant (QC ATIP)</li> <li>Senior Business Expertise Consultant (QC ATIP)</li> </ul>
Receive Privacy Commissioner's report of findings of an investigation and give notice of action taken	35(1)	<ul style="list-style-type: none"> <li>Deputy Minister, ESDC</li> <li>Deputy Minister, Labour</li> <li>Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>Associate Deputy Minister, ESDC</li> <li>Corporate Secretary and Chief Privacy Officer</li> <li>Director, ATIP OPERATIONS, NHQ</li> <li>Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>Team Leaders, NHQ</li> <li>Service Manager (Regional ATIP)</li> <li>Team Leaders (Regional ATIP)</li> <li>Regional ATIP Advisors</li> <li>ATIP Officers (Regional ATIP)</li> <li>Business Expertise Regional Consultant (QC ATIP)</li> <li>Senior Consultant (QC ATIP)</li> <li>Senior Business Expertise Consultant (QC ATIP)</li> </ul>
Provision of addition personal information to a complainant after receiving a 35(1)(b) notice.	35(4)	<ul style="list-style-type: none"> <li>Deputy Minister, ESDC</li> <li>Deputy Minister, Labour</li> <li>Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>Associate Deputy Minister, ESDC</li> <li>Corporate Secretary and Chief Privacy Officer</li> <li>Director, ATIP OPERATIONS, NHQ</li> <li>Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>Team Leaders, NHQ</li> <li>Service Manager (Regional ATIP)</li> <li>Team Leaders (Regional ATIP)</li> <li>Regional ATIP Advisors</li> <li>ATIP Officers (Regional ATIP)</li> <li>Business Expertise Regional Consultant (QC ATIP)</li> <li>Senior Consultant (QC ATIP)</li> <li>Senior Business Expertise Consultant (QC ATIP)</li> </ul>
Receive Privacy Commissioner's report of findings of investigation of exempt bank	36(3)	<ul style="list-style-type: none"> <li>Deputy Minister, ESDC</li> <li>Deputy Minister, Labour</li> <li>Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>Associate Deputy Minister, ESDC</li> <li>Corporate Secretary and Chief Privacy Officer</li> <li>Director, ATIP OPERATIONS, NHQ</li> <li>Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>Director, Privacy Management, NHQ</li> </ul>
Receive report of Privacy Commissioner's findings after compliance investigation	37(3)	<ul style="list-style-type: none"> <li>Deputy Minister, ESDC</li> <li>Deputy Minister, Labour</li> <li>Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>Associate Deputy Minister, ESDC</li> </ul>

Description	Section	Delegated Authority
		<ul style="list-style-type: none"> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>• Director, Privacy Management, NHQ</li> </ul>
Request that a court hearing, undertaken with respect to certain sections of the Act be held in the National Capital Region.	51(2)(b)	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> </ul>
Request and be given right to make representations in Section 51 hearings	51(3)	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> </ul>
Prepare annual report to Parliament	72(1)	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Director, Privacy Management</li> </ul>

**Privacy Regulations – Delegated Authorities**

Description	Section	Delegated Authority
Allow examination of the documents (Reading Room)	9	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>• Team Leaders, NHQ</li> <li>• Service Manager (Regional ATIP)</li> <li>• Team Leaders (Regional ATIP)</li> <li>• Regional ATIP Advisor</li> <li>• Business Expertise Regional Consultant (QC ATIP)</li> <li>• Senior Consultant (QC ATIP)</li> <li>• Senior Business Expertise Consultant (QC ATIP)</li> </ul>
Notification of Correction	11(2)	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>• Team Leaders, NHQ</li> <li>• Service Manager (Regional ATIP)</li> <li>• Team Leaders (Regional ATIP)</li> <li>• Regional ATIP Advisor</li> <li>• Business Expertise Regional Consultant (QC ATIP)</li> <li>• Senior Consultant (QC ATIP)</li> <li>• Senior Business Expertise Consultant (QC ATIP)</li> </ul>
Correction refused, notation placed on file	11(4)	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>• Team Leaders, NHQ</li> <li>• Service Manager (Regional ATIP)</li> <li>• Team Leaders (Regional ATIP)</li> <li>• Regional ATIP Advisor</li> <li>• Business Expertise Regional Consultant (QC ATIP)</li> <li>• Senior Consultant (QC ATIP)</li> <li>• Senior Business Expertise Consultant (QC ATIP)</li> </ul>
Disclosure to a medical practitioner or psychologist	13(1)	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> </ul>



Description	Section	Delegated Authority
		<ul style="list-style-type: none"> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>• Team Leaders, NHQ</li> <li>• Service Manager (Regional ATIP)</li> <li>• Team Leaders (Regional ATIP)</li> <li>• Regional ATIP Advisor</li> <li>• Business Expertise Regional Consultant (QC ATIP)</li> <li>• Senior Consultant (QC ATIP)</li> <li>• Senior Business Expertise Consultant (QC ATIP)</li> </ul>
Disclosure in the presence of a medical practitioner or psychologist	14	<ul style="list-style-type: none"> <li>• Deputy Minister, ESDC</li> <li>• Deputy Minister, Labour</li> <li>• Senior Associate Deputy Minister of ESDC and Chief Operating Officer for Service Canada</li> <li>• Associate Deputy Minister, ESDC</li> <li>• Corporate Secretary and Chief Privacy Officer</li> <li>• Director, ATIP OPERATIONS, NHQ</li> <li>• Manager, ATIP Processing, ATIP OPERATIONS, NHQ</li> <li>• Team Leaders, NHQ</li> <li>• Service Manager (Regional ATIP)</li> <li>• Team Leaders (Regional ATIP)</li> <li>• Regional ATIP Advisor</li> <li>• Business Expertise Regional Consultant (QC ATIP)</li> <li>• Senior Consultant (QC ATIP)</li> <li>• Senior Business Expertise Consultant (QC ATIP)</li> </ul>

## Annex B: Summaries of Completed Privacy Impact Assessments

ESDC completed 18 PIAs of different types over the course of the past fiscal year. Of this total, three were prepared in an adapted Privacy Compliance Evaluation (PCE) format that was specified in the Interim Directive on Privacy Impact Assessment. Additional information can be found on ESDC's [privacy impact assessments](#) website.

### **Government of Canada Telephone General Enquiries Services Program – 1-800 O Canada Business Model Review and Procurement Project**

The Government of Canada Telephone General Enquiries Services Program consists of three components:

- The 1 800 O-Canada primary toll-free service for general information on Government of Canada programs, services and initiatives, and a critical public communication service in the Federal Emergency Response Plan;
- Customized Information Services, which deliver a variety of communications services for Government of Canada clients relating to specific programs, services, initiatives, campaigns and crisis situations; and
- Integrated Content Management, which provides content management services for the two initiatives described above and for Service Canada centres.

The Program will include fully outsourced and managed call centres by a contractor within contractor-provided facilities and contractor-provided workstations, telephones, and printers. ESDC retains full control of content management tools, the call centre platform, and the workforce management tool to which the contractor will connect using Shared Services Canada virtual desktop infrastructure.

The main objective of the Privacy Analysis was to identify privacy risks and impacts of the Government of Canada Telephone General Enquiries Services Program on the access, use, and handling of personal information. The assessment identified two medium-level risks. The Program will be implementing appropriate mitigations.

### **British Columbia Trusted Digital Identity Project with the Department of Employment and Social Development Canada**

The British Columbia Trusted Digital Identity Project will provide residents in the province with the opportunity to streamline access to their MSCA by using their provincial government-approved identity-bound credential as a Trusted Digital Identity (BC TDI).

This PIA was conducted because the project requires a substantial modification to MSCA processes, introduces new technology, and involves a new collaboration with the Government of British Columbia. The PIA focussed on the identification of the privacy risks related to the handling of personal information during the collection and use of BC

TDI for MSCA client registration, return use or substitution from existing credential login solutions. The PIA identified two medium-level risks and one compliance issue. Mitigation strategies to address these risks were scheduled for completion by the 2021–2022 fiscal year.

### **Canada Emergency Response Benefit**

The CERB was created in March 2020 to provide financial support to workers whose income was affected by the COVID-19 pandemic. The program, while authorized under ESDC, is administered by the Canada Revenue Agency.

A multi-institutional PIA was developed in collaboration with the Canada Revenue Agency to identify privacy risks associated with the collection and use of personal information with a focus on safeguards. The assessment identified three medium-level risks and provided a mitigation plan to address them.

### **Canada Pension Plan Service Improvement Strategy, Enhanced Death Notification – Proof of Concept**

The Canada Pension Plan Service Improvement Strategy, Enhanced Death Notification – Proof of Concept (CPP SIS EDN POC) will enable funeral services providers to submit domestic death notifications through a secure online electronic portal that eliminates the need to fax the information to Service Canada. Funeral services providers will collect personal information from the deceased's family or estate in order to complete an online version of the death notification form.

A Privacy Analysis for IT Solutions (PAITS) was completed to identify and assess privacy risks associated with the design, procurement or acquisition phases for the CPP SIS EDN POC initiative. The proposed process to collect data elements electronically by the funeral services providers was assessed to ensure that the initiative adheres to legislative and departmental privacy requirements upon implementation. Privacy risks were also identified and assessed.

The PAITS identified one low-level risk. A mitigation plan is under development.

### **Electronic Social Insurance Number Application**

The Electronic Social Insurance Number Application (eSIN Application) was implemented during the COVID-19 pandemic in order to provide Canadians with a self-service electronic Social Insurance Number application form. This service replaces in-person processes and may become permanent.

A PAITS was completed to identify privacy risks associated with the collection of personal information from clients who submit the required information to the eSIN Application platform in order to process their requests. The PAITS focussed on the electronic application process and the technical environment of the third-party solution used to collect and process personal information. It did not examine processes already

established for the processing of applications once information is received by ESDC through the platform. The analysis identified three medium-level and two low-level risks. In addition, there were three privacy compliance issues. Mitigations are being implemented.

### **Employment Insurance Emergency Response Benefit**

The EI ERB program is the portion of the CERB that was administered by ESDC to support workers during the COVID-19 pandemic. In the context of urgent delivery of income support at the outset of the pandemic, a PCE was completed. The PCE examined the administration and delivery of EI ERB and identified two medium-level risks, the mitigations for which are being implemented. A follow-up analysis will examine compliance and enforcement processes.

### **Enterprise Document Upload Solution**

The Enterprise Wide Document Upload Service (Enterprise DUS) will enhance the client interactions with ESDC by providing the means to submit information electronically to the Department through the individual's MSCA as an alternative to mailing documents or submitting them in person. ESDC's programs and services will be able to use the Enterprise DUS to collect information that offers a consistent, standardized and scalable method.

A PAITS was completed to identify privacy risks associated with implementation of Enterprise DUS. The analysis identified one medium-level risk. A mitigation plan to address this risk is being implemented.

### **Service Delivery Arrangement for the Grant Program to Support Self-Employed Fish Harvesters in Canada Affected by COVID-19**

On May 14, 2020, the Prime Minister announced new measures to support Canada's fish harvesters who are economically impacted by the pandemic but cannot access existing federal measures. The Department of Fisheries and Oceans sought ESDC's service delivery assistance to implement the Grant Program to Support Self-employed Fish Harvesters in Canada Affected by COVID-19. There are two distinct but complementary streams to the Program: the Fish Harvester Benefit and the Fish Harvester Grant. The Program's benefit calculations will be based on the applicant's fishing income from the 2018 or 2019 tax years.

A PIA was completed to identify the privacy risks associated with the Program with a focus on its delivery. The assessment identified eleven risks of which five were low-level and six were medium-level. A mitigation plan was developed and put into effect.

### **Mental Health Peer Support Program**

The Peer Support Program is an ESDC initiative that provides mental health-related social support by employee volunteers who share their own mental health challenges to support their colleagues who are experiencing their own health issues or challenges.

A PIA examined the privacy related to the management of personal information collected by the Peer Support Program. The PIA identified one medium-level risk and three low-level risks. Mitigations are being implemented.

### **Old Age Security and Canada Pension Plan Personal Information Exchange between the Service Canada International Operations and International Social Security Agreement Foreign Partners using Canada Post's epost Connect**

Service Canada regularly exchanges information with foreign entities for the administration of OAS and the CPP for individuals who have lived or worked in another country, as well as enables clients to obtain a foreign pension from a country in which they have lived or worked. As the situation with the COVID-19 pandemic evolved, the precautionary measures implemented by international postal operators necessitated Service Canada to change from paper-based instruments to using Canada Post's epost Connect.

A PIA was completed that focussed on the use of epost Connect. Three medium-level risks were identified. A mitigation plan has been developed and is being implemented.

### **The Disclosure of Canada Pension Plan and Old Age Security Personal Information with the Office of the Chief Actuary and Canada Revenue Agency for Statutory Valuations and to Prepare Actuarial Reports**

ESDC discloses personal information on CPP and OAS recipients to the Office of the Chief Actuary, which forms part of the Office of the Superintendent of Financial Institutions (OSFI). OSFI uses the personal information to fulfill its legislative requirement to conduct statutory valuations and prepare actuarial reports.

A Privacy Analysis was completed to identify and assess the privacy risks associated with the disclosure of personal information to OSFI. Two medium-level and one low-level risks were identified. Three compliance issues were also raised.

### **Passport Program Modernization Initiative**

The undertaking of the Passport Program Modernization Initiative entails making changes to the functions carried out by ESDC in its service delivery role. The Department is phasing out an outdated system used in the delivery of the passport program and is piloting the Global Case Management System, which has enhanced business intelligence capabilities.

A privacy analysis was conducted that resulted in the identification and assessment of one medium-level risk, one low-level risk, and three compliance issues. A mitigation plan has been developed to address the risks and compliance issues.

### **Pension Process Automation**

ESDC's Benefits Delivery Services program is seeking to use robotic process automation (RPA) to automatically complete processes in a number of different applications in the same manner a human would, with human assistance for exception

management. The CPP and OAS will be automatically processed using RPA software to replace manual processing by an agent.

A significant number of files will be processed through this RPA solution, all of which are administrative decisions taken that will affect individuals directly. Sensitive personal information will be housed in a server and the robot will have access to personal information from the applications.

A PAITS analyzed different aspects of the Pension Process Automation project. All issues and risks that were identified were mitigated during the assessment. There are no outstanding risks or issues for the program.

### **Quarantine Call Centre**

As part of the Government of Canada's measures to respond to COVID-19, the Public Health Agency of Canada (PHAC) contacted symptomatic travellers entering Canada to ensure they were in compliance with the Mandatory Isolation Order. PHAC Designated Screening Officers call travellers and ask a series of questions to determine whether they were following the guidelines for self-isolation. ESDC is supporting PHAC with compliance verification.

This PCE was completed to identify and assess privacy risks. Six medium-level risks, three low-level risks and three compliance issues were identified. A mitigation strategy was developed and implemented.

### **Receipt of Entry-Exit Data from the Canada Border Services Agency by the Old Age Security Program**

In order to investigate potential fraud and abuse of the OAS program, ESDC will receive Entry-Exit traveller information from the Canada Border Services Agency. This information will be matched with OAS client data to identify non-portable beneficiaries who should have self-reported their absence from Canada.

A PIA was completed to identify the privacy risks associated with the collection and use of Entry-Exit data from Canada Border Services Agency. Four medium-level risks and one low-level risk were identified. Mitigations are expected to be fully implemented by the end of the 2022–2023 fiscal year.

### **Service Canada Compliance Verification Service for the Public Health Agency of Canada during COVID-19 Pandemic**

The Service Canada Compliance Verification Service for PHAC during COVID-19 pandemic was expanded for the implementation of the PHAC COVID-19 Inbound Dial Campaign for Quarantine Confirmation and Symptom Reporting with the objective of supporting the enforcement of the *Quarantine Act*. PHAC sought to encourage travellers to verify their identity and proactively provide their quarantine confirmation. It also shifted to using the statistical sampling of travellers for outbound agent dialling. In addition, PHAC asked travellers to report on their symptoms daily by using their channel of choice.

A Privacy Compliance Checklist identified two medium-level risks, five low-level risks and four compliance issues. A mitigation plan is being implemented to address the risks and compliance issues.

### **Unauthorized Access Program**

ESDC implemented an Unauthorized Access Program to monitor systems logs to determine whether employees accessed files containing personal information without authorization. Log monitoring will help the Department identify incidents of internal “snooping,” fraud, and misuse of personal information entrusted to ESDC.

A PIA analyzed the detection, identification, analysis, categorization of the severity of wrongdoing, the referral of cases for administrative actions, and reporting. The PIA did not review established processes, actions, and measures related to administrative investigations, disciplinary processes and measures, or criminal investigations. Two risks were identified: one low-level risk and one medium-level risk. Mitigations are being implemented.

### **VidCruiter Hiring Platform**

ESDC will pilot pre-recorded, asynchronous video and audio interview technology using cloud-based technology for staffing purposes. In addition to the anticipated accrual of efficiencies, COVID-19 had made the acquisition of a video interview platform necessary. The use of video and audio recordings as part of the staffing interview process involves a new collection of sensitive personal information by a contracted and hosted third-party solution.

The PIA focussed on the collection and use of personal information obtained from video and VidCruiter, the third-party provider. The PIA reviewed ESDC’s changes to its staffing processes specific to the use of the solution as an alternative to in-person interviewing. The PIA identified three medium-level and two high-level risks and outlined a mitigation plan to address them.

## Annex C: Statistical Reports

### Statistical Report on the *Privacy Act*

**Name of institution:** Employment and Social Development Canada

**Reporting period:** 2020-04-01 to 2021-03-31

#### Section 1: Requests Under the *Privacy Act*

##### 1.1 Number of requests

	Number of Requests
Received during reporting period	13998
Outstanding from previous reporting period	1129
<b>Total</b>	15127
Closed during reporting period	12883
Carried over to next reporting period	2244

#### Section 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	85	319	239	703	7	1	1	1355
Disclosed in part	818	2358	1868	4068	109	21	14	9256
All exempted	0	1	0	0	0	0	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	762	465	295	435	1	2	0	1960
Request abandoned	162	59	57	30	2	0	1	311
Neither confirmed nor denied	0	0	0	0	0	0	0	0
<b>Total</b>	1827	3202	2459	5236	119	24	16	12883



## 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)	63	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	8628
19(1)(f)	0	22.1	0	27	39
20	0	22.2	0	27.1	3
21	0	22.3	0	28	0
		22.4	0		

## 2.3 Exclusions

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

## 2.4 Format of information released

Paper	Electronic	Other
8414	2193	4

## 2.5 Complexity

### 2.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
1164618	1084070	10923

### 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	1073	30181	273	49701	7	4511	1	1198	1	1970
Disclosed in part	6038	235241	3001	561552	163	99347	50	75393	4	24398
All exempted	1	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	308	360	3	218	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>7420</b>	<b>265782</b>	<b>3277</b>	<b>611471</b>	<b>170</b>	<b>103858</b>	<b>51</b>	<b>76591</b>	<b>5</b>	<b>26368</b>

### 2.5.3 Other complexities

Disposition	Consultation Required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	1	0	0	0	1
Disclosed in part	3	0	155	0	158
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
<b>Total</b>	<b>4</b>	<b>0</b>	<b>155</b>	<b>0</b>	<b>159</b>

## 2.6 Closed requests

### 2.6.1 Number of requests closed within legislated timelines

	Requests closed within legislated timelines
Number of requests closed within legislated timelines	5906
Percentage of requests closed within legislated timelines (%)	45.8

## 2.7 Deemed refusals

### 2.7.1 Reasons for not meeting legislated timelines

Number of Requests Closed Past the Legislated Timelines	Principal Reason			
	Interference with Operations / Workload	External Consultation	Internal Consultation	Other
6977	53	0	0	6924

### 2.7.2 Requests closed beyond legislated timelines (including any extension taken)

Number of Days Past Legislated Timelines	Number of Requests Past Legislated Timeline Where No Extension Was Taken	Number of Requests Past Legislated Timelines Where an Extension Was Taken	Total
1 to 15 days	589	141	730
16 to 30 days	1100	155	1255
31 to 60 days	3196	87	3283
61 to 120 days	1613	29	1642
121 to 180 days	31	6	37
181 to 365 days	8	9	17
More than 365 days	5	8	13
<b>Total</b>	6542	435	6977

## 2.8 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	3	1	4
<b>Total</b>	3	1	4

## Section 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

NB: The *Department of Employment and Social Development Act* takes precedence over *Privacy Act* s.8(2)

## Section 4: Requests for Correction of Personal Information and Notations

Disposition for Correction Requests Received	Number
Notations attached	0
Requests for correction accepted	4
<b>Total</b>	4

## Section 5: Extensions

### 5.1 Reasons for extensions and disposition of requests

Number of requests where an extension was taken	15(a)(i) Interference with operations				15 (a)(ii) Consultation			15(b) Translation purposes or conversion
	Further review required to determine exemptions	Large volume of pages	Large volume of requests	Documents are difficult to obtain	Cabinet Confidence Section (Section 70)	External	Internal	
990	57	33	881	9	0	2	5	3

## 5.2 Length of extensions

Length of Extensions	15(a)(i) Interference with operations				15 (a)(ii) Consultation			15(b) Translation purposes or conversion
	Further review required to determine exemptions	Large volume of pages	Large volume of requests	Documents are difficult to obtain	Cabinet Confidence Section (Section 70)	External	Internal	
1 to 15 days	0	9	0	0	0	0	0	0
16 to 30 days	57	24	881	9	0	2	5	3
31 days or greater								0
<b>Total</b>	57	33	881	9	0	2	5	3

## Section 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	10	383	1	5
Outstanding from the previous reporting period	2	3	0	0
<b>Total</b>	12	386	1	5
Closed during the reporting period	8	67	1	5
Carried over to the next reporting period	4	319	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	0	0	0	3	1	0	0	4
Disclosed in part	0	1	0	0	0	0	0	1
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
Consult other institution	2	0	0	0	0	0	0	2
Other	0	0	0	1	0	0	0	1
<b>Total</b>	2	1	0	4	1	0	0	8

## 6.3 Recommendations and completion time for consultations received from other organizations

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	0	0	0	0	0	1	0	1
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
<b>Total</b>	0	0	0	0	0	1	0	1

## Section 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
<b>Total</b>	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
<b>Total</b>	0	0	0	0	0	0	0	0	0	0

## Section 8: Complaints and Investigations Notices Received

Section 31	Section 33	Section 35	Court action	Total
12	22	10	1	45

## Section 9: Privacy Impact Assessments (PIA) and Personal Information Banks (PIB)

### 9.1 Privacy Impact Assessments

Number of PIA(s) completed	18
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### 9.2 Personal Information Banks

Personal Information Banks	Active	Created	Terminated	Modified
	64	6	0	38

## Section 10: Material Privacy Breaches

Number of material privacy breaches reported to TBS	161
Number of material privacy breaches reported to OPC	161

## Section 11: Resources Related to the *Privacy Act*

### 11.1 Costs

Expenditures		Amount
Salaries		\$5,788,710
Overtime		\$181,815
Goods and Services		\$321,070
• Professional services contracts	\$302,906	
• Other	\$18,164	
<b>Total</b>		<b>\$6,291,595</b>



**11.2 Human Resources**

<b>Resources</b>	<b>Person Years Dedicated to Privacy Activities</b>
Full-time employees	36.06
Part-time and casual employees	0.00
Regional staff	41.95
Consultants and agency personnel	5.58
Students	0.00
<b>Total</b>	<b>83.59</b>

<b>New reporting requirement - <i>Privacy Act</i></b>	
<b>Section</b>	<b>Number of requests</b>
22.4 National Security and Intelligence Committee	0
27.1 Patent or Trademark privilege	0