



Environment and
Climate Change Canada

Environnement et
Changement climatique Canada

Canada



2016-2017
ANNUAL REPORT
TO PARLIAMENT
PRIVACY ACT

Cat. No.: En1-64/2E-PDF

ISBN: 2371-7521

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INTRODUCTION

The *Privacy Act* (R.S.C. 1985, c. P-21) came into force on July 1, 1983. The Act governs how the federal government may collect personal information, restricts the use and disclosure of this information, and gives individuals a right to review and correct their personal information. Section 72 requires every head of a federal government institution to submit a report to Parliament on the administration of the Act within their institution during the fiscal year.

This report is submitted in accordance with section 72 of the Act. It presents an overview of activities related to the *Privacy Act* carried out within Environment and Climate Change Canada during the reporting period of April 1, 2016 to March 31, 2017. Further, since the Canada Emission Reduction Incentives Agency was not operational during this reporting period, an Agency report will not be prepared for this period.

The Department of the Environment was established by the *Government Reorganization Act* (1970-71-72, c. 42) on June 10, 1971. A number of acts and regulations provide the Department with its mandate and allow it to carry out its programs. Under the *Department of the Environment Act*, the powers, duties and functions of the Minister of the Environment extend to and include matters relating to:

- the preservation and enhancement of the quality of the natural environment, including water, air and soil quality;
- renewable resources, including migratory birds and other non-domestic flora and fauna;
- water;
- meteorology;
- the enforcement of any rules or regulations made by the International Joint Commission relating to boundary waters; and
- the coordination of the policies and programs of the Government of Canada respecting the preservation and enhancement of the quality of the natural environment.

ORGANIZATIONAL STRUCTURE

The Director of the Access to Information and Privacy Division is Environment and Climate Change Canada's Access to Information and Privacy Coordinator, and has delegated authority on all matters concerning Access to Information and Privacy (ATIP). The ATIP Division, which is a part of the Corporate Secretariat, is the central coordinating body for all requests received by Environment and Climate Change Canada under the *Access to Information Act* and the *Privacy Act*.

The ATIP Division directs all activities within Environment and Climate Change Canada relating to the administration, application and promotion of the *Access to Information Act* and the *Privacy Act*. It provides advice to senior management on the implementation of the statutes and prepares reports to Parliament, the Treasury Board Secretariat and senior management. The ATIP Division represents the Department in complaints and investigations conducted by the Information

Commissioner and Privacy Commissioner of Canada, and in any Federal Court applications arising from ATIP matters.

As of March 31, 2017, the ATIP Division was comprised of 18 officers. The Division is organized in two teams each led by a manager who reports to the ATIP Director. The ATIP Division team consists of five senior advisors, three analysts, four junior analysts, one intake officer and two clerical assistants. In order to help meet the increase in volume and complexity of requests, the Division also engaged the support of two full-time consultants during the reporting period.

Capacity Development

Environment and Climate Change Canada remains committed to recruiting, training and maintaining a workforce that possesses specialized skills and that will continue to provide the best possible service to both internal and external clients.

During the reporting period, Environment and Climate Change Canada completed several staffing actions to fill new positions that were created in 2014-2015. As a result of these staffing processes, two new senior advisors at the PM-04 level joined our team. A new intake to the ATIP Professional Development Program allowed the Division to recruit one new analyst and four new junior analysts. Two junior analysts were also promoted to the PM-02 level and were integrated to the ATIP Professional Development Program. In addition, two analysts were promoted to the PM-04, senior advisor level.

Unfortunately, a selection process intended to staff three team leader positions was unproductive. As a result, a new selection process was launched in March 2017 to fill these key positions. The Division will also seek to attract new senior advisors at the PM-04 level to help meet the workload challenge associated with the increased volume and complexity of requests received over the last two years.

Environment and Climate Change Canada continues to focus on developing capacity through its ATIP Professional Development Program. The program aims to train employees over a period of three to five years through a combination of competency-based training, professional development training and work assignments. Candidates enter the program at the PM-01 or PM-02 level and graduate as Senior ATIP Advisors at the PM-04 level. The program enables the ATIP Division to better manage increasing workloads while facilitating succession planning through the transfer of corporate memory and encourages staff to remain with the Department for a longer period of time.

DELEGATION OF AUTHORITY

Decision-making responsibility for the application of the various provisions of the *Access to Information Act* has been formally established and is outlined in the departmental Delegation of Authority Instrument. The current Designation Order was approved by the Honourable Catherine McKenna, Minister of Environment and Climate Change, in January 2017. A copy of the designation order pertaining to the *Access to Information Act* can be found in Appendix B of this report.

This updated delegation order instrument provides full delegated authority under the Acts to the Deputy Minister, the Associate Deputy Minister, the Director General of the Corporate Secretariat, and the Director of the ATIP Division.

INTERPRETATION OF THE STATISTICAL REPORT

Environment Canada's Statistical Report on the *Privacy Act* is included in Appendix A of this report.

Between April 1, 2016 and March 31, 2017, Environment and Climate Change Canada received 55 requests under the *Privacy Act*. There were also 10 requests carried forward from the 2015–2016 reporting period, for a total of 65 active requests. In 2016–2017, a total of 60 requests were completed. Five (5) requests were carried forward to the next reporting period.

Trends

Environment and Climate Change Canada received 21 fewer requests under the *Privacy Act* in 2016–2017 than in the previous fiscal year; this represents a decrease of 28% in the number of privacy requests received. Environment and Climate Change Canada continued to notice a trend in which privacy requests received this year were largely related to active labor relations matters. In some cases, it appears that the requests are filed to supplement existing processes/recourse mechanisms.

The number of requests under the *Privacy Act* **received** by Environment and Climate Change Canada from 2011–2012 to 2016–2017 is found in figure 1.

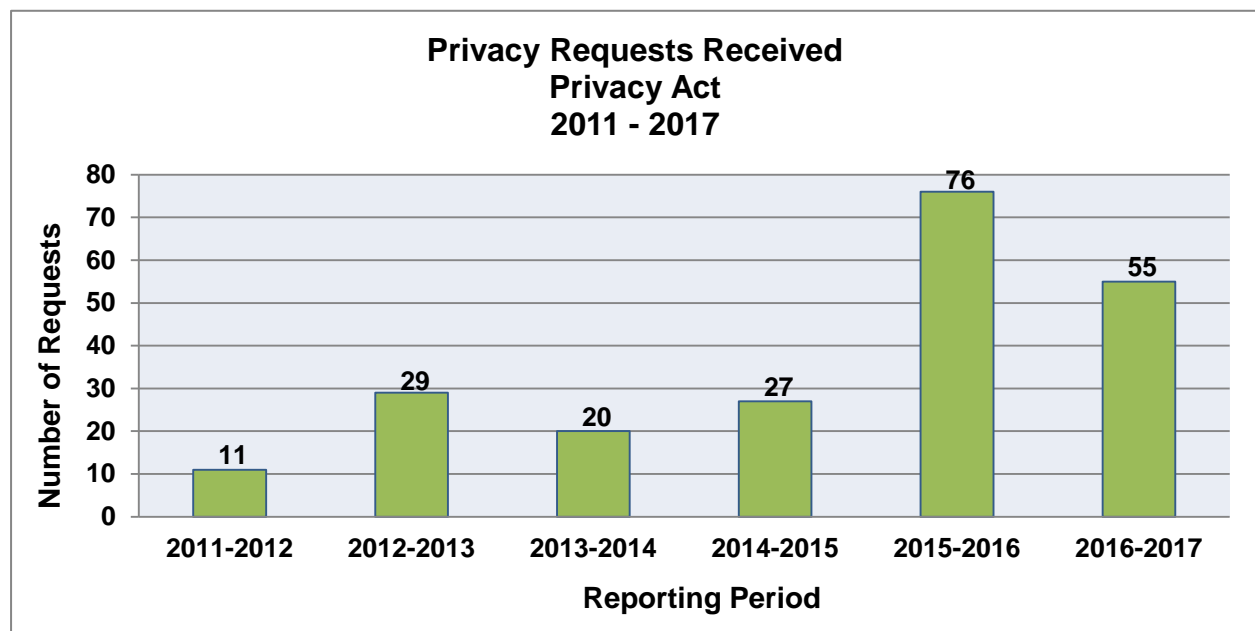


Figure 1

Environment and Climate Change Canada completed 60 requests under the Privacy Act in 2016–2017. Figure 2 displays the number of requests under the Privacy Act completed by Environment and Climate Change Canada from 2011–2012 to 2016–2017.

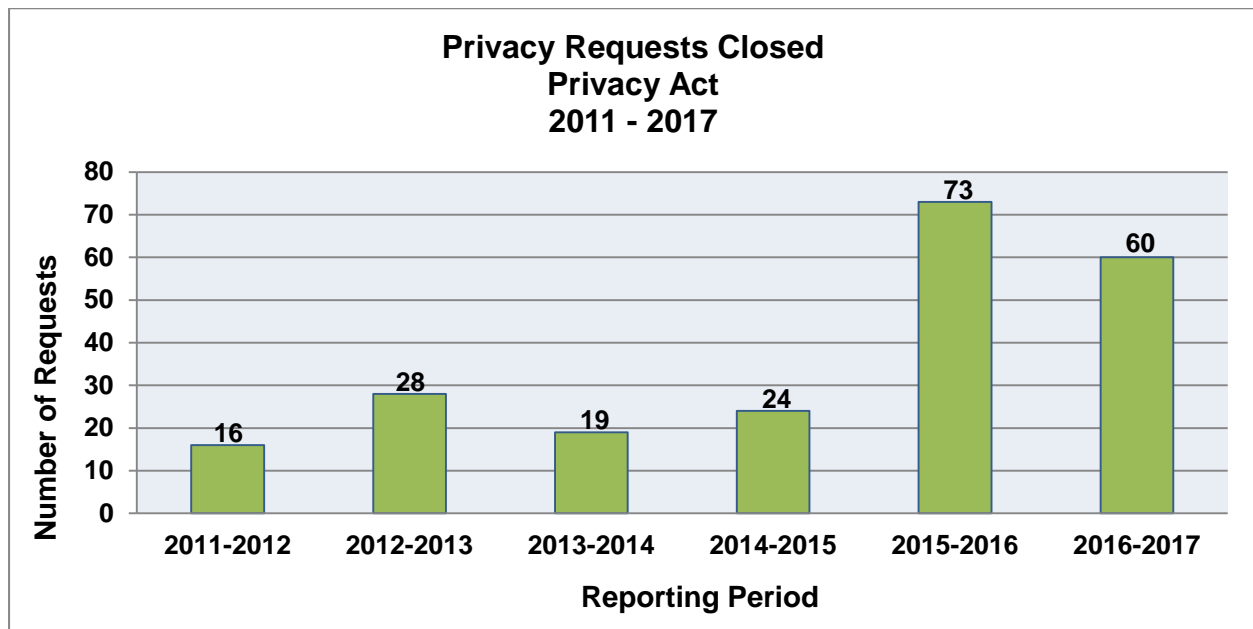


Figure 2

Figure 3 shows the number of pages **processed** by the ATIP Division in processing requests under the *Privacy Act* from 2011–2012 to 2016–2017.

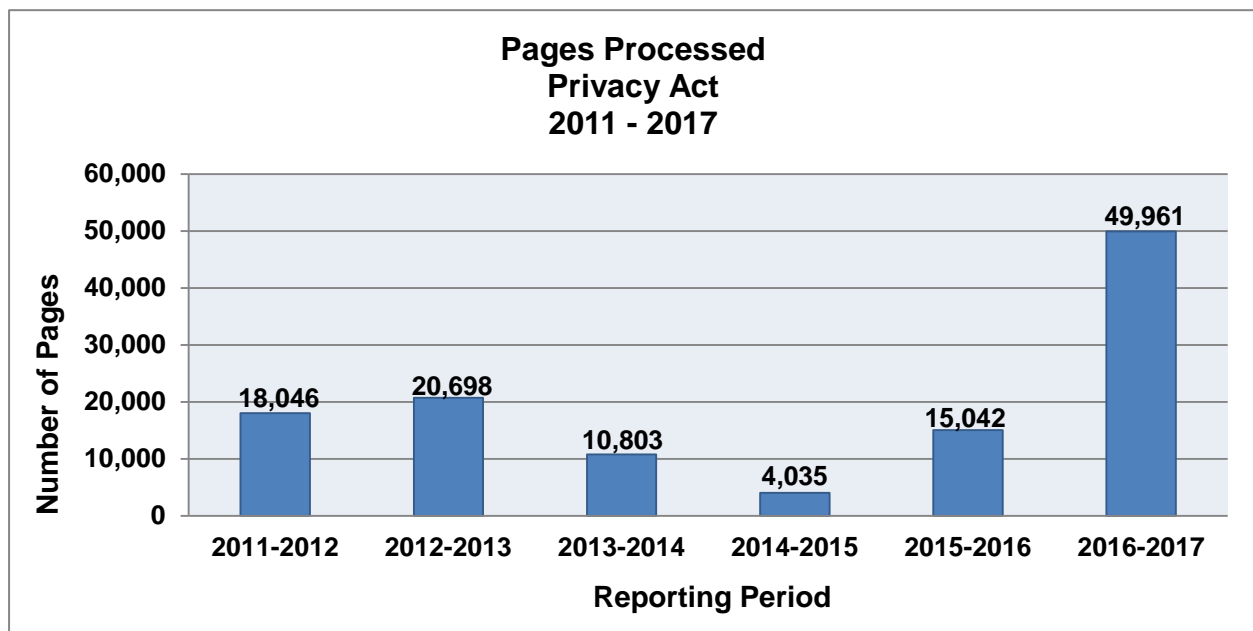


Figure 3

Although fewer requests were closed in the 2016–2017 reporting period, 49,961 pages of records were retrieved and reviewed in response to privacy requests which represents a significant

increase of 232% over the 2015–2016 fiscal year. This increase is largely attributable to one large request that was completed this fiscal year. Therefore, the number of pages processed this year represents an anomaly.

The number of pages **disclosed** by the ATIP Division in processing requests under the *Privacy Act* from 2011–2012 to 2016–2017 is found in figure 4.

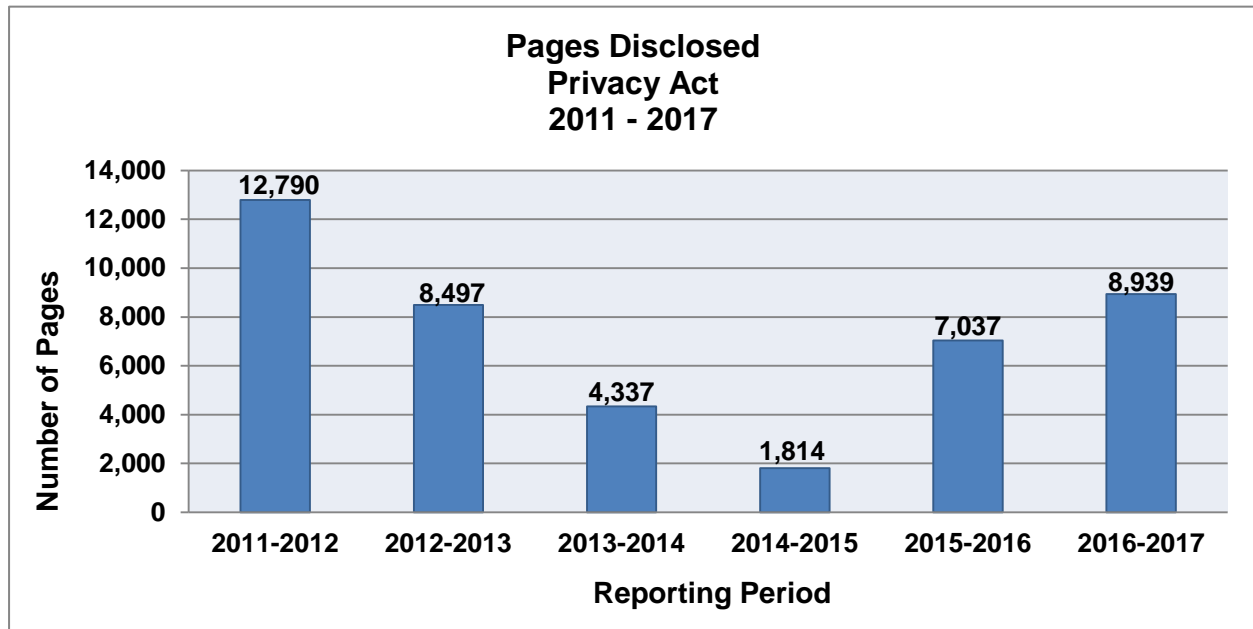


Figure 4

Corrections

Paragraph 12(2)(a) of the *Privacy Act* gives individuals a right to request a correction of personal information about them held by the federal government.

No corrections were requested or made in the 2016–2017 reporting period.

Disclosure under Subsection 8(2)

Paragraphs 8(2)(e), (f), (g), and (m) of the *Privacy Act* permit the disclosure of personal information to various investigative/regulatory bodies or to Members of Parliament, or if disclosure is in the public interest.

No disclosures under subsection 8(2), including under paragraph 8(2)(m), were completed in the 2016–2017 reporting period.

Consultations

In 2016–2017, Environment and Climate Change Canada received 12 privacy consultations from other government institutions and none from other organizations. Eleven (11) consultations were completed during the 2016–2017 reporting period. One (1) consultation was carried forward to the next reporting period.

Costs

In 2016–2017, the total cost of administering the *Privacy Act* was \$196,360. This included \$128,360 for salaries and \$68,000 for goods and services.

TRAINING ACTIVITIES

The ATIP Division provides daily advice to departmental officials on the processing of ATIP requests as well as the interpretation of the Acts to ensure the efficient and consistent processing of all requests received by the Department.

The ATIP Division further continued its formal training and development activities in the 2016–2017 reporting period. Twenty-one (21) information and training sessions were held, attended by 278 Environment and Climate Change Canada employees. The sessions included an overview of the *Access to Information Act* and the *Privacy Act* as well as a description of internal procedures and associated deadlines for responding to requests. Information and training activities will continue throughout 2017–2018.

POLICIES, GUIDELINES, PROCEDURES AND REPORTING

Policy Framework

Environment Canada's privacy policy framework was approved in November 2012.

During the 2016-2017 fiscal year, Environment and Climate Change Canada finalized and published departmental guidance on the collection, use and disclosure of the Social Insurance Number. This guidance document provides Environment and Climate Change Canada employees with detailed information on the protection of Social Insurance Numbers within the Department.

Reporting

The ATIP Division regularly monitors the timeliness and trends associated with the processing of requests through ongoing communication with branch and directorate liaison contacts. This includes providing performance reports on the status of branch retrievals to branch head offices on a regular basis. Quarterly ATIP updates are provided to Environment and Climate Change Canada's Executive Management Committee.

Publicly Accessible Information and Inquiry Points

Info Source is a series of publications containing information on the Government of Canada and on the Government's data collection activities. Info Source is intended to help the public access government information and to exercise their rights under the *Privacy Act* and *Access to Information Act*.

Each year, the ATIP Division prepares updates on Environment Canada's activities and information holdings for publication in Info Source which is published on the Department's website. In 2016-2017, Environment and Climate Change Canada made minor changes to its Info Source chapter.

Environment Canada's comprehensive website provides information on the Department's policies, its organizational structure and the means to contact departmental officials. In accordance with the federal government's policy of proactive disclosure, the Department's website also allows access to internal evaluations and audits, as well as information on hospitality expenses, contracts and grants.

Environment Canada's website also has an access to information and privacy webpage that provides background information on both the *Access to Information Act* and the *Privacy Act*. It also contains a Frequently Asked Questions section and links to access to information request forms, personal information request forms and summaries of completed access to information requests.

In order to facilitate public access to information and to comply with the Act, the Environment and Climate Change Canada Library has been designated a public reading room. The library is located on the 1st floor of the Place Vincent Massey Annex, 351 St. Joseph Boulevard, Gatineau, Quebec.

Online Request Service

Environment and Climate Change Canada has participated in the Treasury Board Secretariat Online Request Service Pilot Project since April 2014. This initiative makes the process of requesting government records simpler and more convenient by enabling Canadians to submit their ATIP requests and application fees online. Environment and Climate Change Canada received 32 privacy requests online during the 2016–2017 reporting period. This represents 58% of the total number of privacy requests received by the Department.

Data Sharing Activities

The Department did not undertake any new internal or external data sharing activities in 2016–2017.

Exempt Personal Information Banks

Environment and Climate Change Canada has no exempt Personal Information Banks.

Privacy Impact Assessments

To fulfill its mandate, some of Environment and Climate Change Canada's responsibilities require the collection, use and disclosure of personal information. As a trusted custodian of this information, the Department uses Privacy Impact Assessments (PIAs), in accordance with Treasury Board policy, as a risk management tool. Although Environment and Climate Change Canada did not complete any Privacy Impact Assessments during the reporting period, the ATIP Division regularly provides advice to departmental employees on privacy matters.

Material Privacy Breaches

There was no material privacy breach during the 2016-2017 fiscal year.

COMPLAINTS, AUDITS, INVESTIGATIONS AND APPEALS

Applicants have the right to register a complaint with the Privacy Commissioner of Canada regarding any matter relating to the processing of a request.

During the 2016–2017 reporting period, there were 6 complaints filed against Environment and Climate Change Canada with the Office of the Privacy Commissioner. Five (5) of the complaints related to processing delays and one (1) related to exemptions applied.

Two (2) complaints were closed during the reporting period. Table 1 provides a breakdown of the reasons and results of the complaints that were completed in 2016-2017.

Table 1

Reason for Complaint	Number of Decisions	Results of Investigations					
		Well founded, resolved without recommendations	Well founded, with recommendations – resolved	Well founded, with recommendations – not resolved	Not well founded	Discontinued	Settled
Delay	2	0	0	0	2	0	0
Extensions	0	0	0	0	0	0	0
Total	2	0	0	0	2	0	0

Five (5) complaints remain outstanding.

The department reviews the outcomes of all of the Privacy Commissioner investigations and where appropriate, incorporates lessons learned into business processes.

There were no recommendations raised by other Agents of Parliament during the reporting period.

Audits

In 2015-2016, Environment and Climate Change Canada's Audit and Evaluation Branch completed a [Review and Benchmarking of Privacy Management](#) within the department. The results of the review and benchmarking confirmed that the department's privacy practices were consistent with the other departments that participated in the benchmarking exercise.

The review of department's privacy policies found that the required policies and processes for privacy management were in place within the department. The two areas identified for improvement were the approach to monitoring the implementation of Privacy Impact Assessments and reviewing ECCC's privacy policy framework to better define the requirements for collecting SINs.

Early in fiscal year 2016-2017, the ATIP Division conducted further internal and external consultations relative to the collection, use and disclosure of Social Insurance Numbers. The

ATIP Division further ensured that any new processes related to the implementation of the Phoenix and MyGCHR applications were reflected in the guidance material. Environment and Climate Change Canada Guidance on the Collection, Use and Disclosure of SIN was approved in late 2016 and is now available to all employees

Application/Appeals to the Federal Court or Federal Court of Appeal

There were no applications or appeals to the Federal Court or Federal Court of Appeal under the *Privacy Act* during the 2016–2017 reporting period.

APPENDIX A: STATISTICAL REPORT



Government of Canada
Gouvernement du Canada

Statistical Report on the *Privacy Act*

Name of institution: Environment and Climate Change Canada

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

Part 1: Requests Under the *Privacy Act*

	Number of Requests
Received during reporting period	55
Outstanding from previous reporting period	10
Total	65
Closed during reporting period	60
Carried over to next reporting period	5

Part 2: Requests Closed During the Reporting Period

2.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	0	4	1	0	0	0	0	5
Disclosed in part	1	5	11	9	4	1	3	34
All exempted	0	1	3	0	0	0	0	4
All excluded	0	0	0	0	0	0	0	0
No records exist	3	5	0	0	0	0	0	8
Request abandoned	8	1	0	0	0	0	0	9
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	12	16	15	9	4	1	3	60

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)	1	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)	4	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	37
19(1)(f)	0	22.1	0	27	7
20	0	22.2	0	28	0
21	1	22.3	1		

2.3 Exclusions

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

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	5	0	0
Disclosed in part	23	11	0
Total	28	11	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of Requests	Number of Pages Processed	Number of Pages Disclosed	Number of Requests
All disclosed	121	115	5
Disclosed in part	49840	8824	34
All exempted	0	0	4
All excluded	0	0	0
Request abandoned	0	0	9
Neither confirmed nor denied	0	0	0
Total	49961	8939	52

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	5	115	0	0	0	0	0	0	0	0
Disclosed in part	16	442	12	1755	1	132	3	2420	2	4075
All exempted	4	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	9	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	34	557	12	1755	1	132	3	2420	2	4075

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	11	0	2	0	13
All exempted	0	2	2	0	4
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Total	12	2	4	0	18

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of Requests Closed Past the Statutory Deadline	Principal Reason			
	Workload	External Consultation	Internal Consultation	Other
13	10	1	1	1

2.6.2 Number of days past deadline

Number of Days Past Deadline	Number of Requests Past Deadline Where No Extension Was Taken	Number of Requests Past Deadline Where An Extension Was Taken	Total
1 to 15 days	0	0	0
16 to 30 days	1	1	2
31 to 60 days	0	3	3
61 to 120 days	0	4	4
121 to 180 days	0	0	0
181 to 365 days	0	2	2
More than 365 days	0	2	2
Total	1	12	13

2.7 Requests for translation

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

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

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

Part 4: Requests for Correction of Personal Information and Notations

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

Part 5: Extensions

5.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	15(a)(i) Interference With Operations	15(a)(ii) Consultation		15(b) Translation or Conversion
		Section 70	Other	
All disclosed	0	0	0	0
Disclosed in part	29	0	0	0
All exempted	3	0	0	0
All excluded	0	0	0	0
No records exist	1	0	0	0
Request abandoned	0	0	0	0
Total	33	0	0	0

5.2 Length of extensions

Length of Extensions	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation purposes
		Section 70	Other	
1 to 15 days	0	0	0	0
16 to 30 days	33	0	0	0
Total	33	0	0	0

Part 6: Consultations Received From Other Institutions and Organizations

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

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during the reporting period	12	1084	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	12	1084	0	0
Closed during the reporting period	11	1084	0	0
Pending at the end of the reporting period	1	0	0	0

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

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	0	2	1	0	0	0	0	3
Disclosed in part	4	3	1	0	0	0	0	8
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	4	5	2	0	0	0	0	11

6.3 Recommendations and completion time for consultations received from other organizations

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

Part 7: Completion Time of Consultations on Cabinet Confidences

7.1 Requests with Legal Services

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

7.2 Requests with Privy Council Office

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

Part 8: Complaints and Investigations Notices Received

Section 31	Section 33	Section 35	Court action	Total
6	5	1	0	12

Part 9: Privacy Impact Assessments (PIAs)

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

Expenditures		Amount
Salaries		\$128,360
Overtime		\$0
Goods and Services		\$68,000
• Professional services contracts	\$68,000	
• Other	\$0	
Total		\$196,360

10.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	1.20
Part-time and casual employees	0.25
Regional staff	0.00
Consultants and agency personnel	0.50
Students	0.00
Total	1.95

Note: Enter values to two decimal places.

APPENDIX B: DESIGNATION ORDER INSTRUMENT



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Access to Information and Privacy Designation Order

The Minister of the Environment, pursuant to section 73 of the *Access to Information Act* and section 73 of the *Privacy 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 and functions of the Minister of the Environment as the head of Environment and Climate Change Canada, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders.

Schedule		
Position	<i>Access to Information Act</i> and Regulations	<i>Privacy Act</i> and Regulations
Deputy Minister of Environment	Full authority	Full authority
Associate Deputy Minister of Environment	Full authority	Full authority
Director General, Corporate Secretariat	Full authority	Full authority
Director, Access to Information and Privacy	Full authority	Full authority
Manager, Access to Information and Privacy	Full authority	Full authority
Team Leader, Access to Information and Privacy	7(a), 8, 9, 11	15

JAN 11 2017

Dated, at the City of Gatineau, Quebec, this day of , 2017

Catherine McKenra
Minister of Environment and Climate Change Canada

Canada