

Health Canada

Annual Report on the
Access to Information Act and the *Privacy Act*

2022-2023



Health Canada is the federal department responsible for helping the people of Canada maintain and improve their health. Health Canada is committed to improving the lives of all of Canada's people and to making this country's population among the healthiest in the world as measured by longevity, lifestyle and effective use of the public health care system.

- Health Canada's mission statement

Également disponible en français sur le site Web de Santé Canada sous le titre :
Rapport annuel 2022-2023 sur la *Loi sur l'accès à l'information* et la *Loi sur la protection des renseignements personnels*

Health Canada

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Table of Contents

Introduction	6
About Health Canada.....	6
Purpose of the Acts.....	6
Organizational structure	6
Shared Services Partnership Agreement.....	6
Access to Information and Privacy Operations Division	6
Privacy Management Division.....	7
Total full-time equivalents supporting the ATIA and the <i>Privacy Act</i>	7
Governance	8
Delegation of authority	8
Openness and transparency	8
Part 2 of the <i>Access to Information Act</i> and proactive publication of information	8
Capacity to receive and process records in 2022-2023	10
Performance for 2022-2023	10
<i>Access to Information Act</i>	11
<i>Privacy Act</i>	15
Reporting on fees for the <i>Service Fees Act</i>	19
Costs for administering the <i>Access to Information Act</i>	19
Costs for administering the <i>Privacy Act</i>	20
Awards and recognition	20
Training and awareness	20
Access to Information training.....	20
Privacy training.....	20
Right to Know Week	20
Policies, guidelines, procedures and initiatives	21
Treasury Board of Canada Secretariat: Access to Information review	21
Betterment Solutions working group.....	21
ATIP Coordinators’ working group	21
ATIP Operations Division’s professional development program.....	21
Post-secondary recruitment campaign	21
Summary of key issues and actions taken on complaints and audits	22
Privacy management audit	22
Complaints management	22
Federal court cases	24
Applications & appeals submitted to the Federal Court.....	24

Monitoring compliance	24
Other reporting requirements specific to the <i>Privacy Act</i>.....	25
Material privacy breaches.....	25
Public interest disclosures.....	25
Appendix A: <i>Access to Information Act</i> and <i>Privacy Act</i> – Delegation Order	26
Delegation of authority schedule	27
Appendix B: Statistical report on the <i>Access to Information Act</i>.....	29
Section 1: Requests under the <i>Access to Information Act</i>	29
Section 2: Informal requests.....	30
Section 3: Applications to the Information Commissioner on declining to act on requests.....	31
Section 4: Requests closed during the reporting period.....	31
Section 5: Extensions.....	36
Section 6: Fees	37
Section 7: Consultations received from other institutions and organizations.....	37
Section 8: Completion time of consultations on Cabinet Confidences.....	38
Section 9: Investigations and reports of finding.....	39
Section 10: Court Action.....	39
Section 11: Resources related to the <i>Access to Information Act</i>	40
Appendix C: Statistical report on the <i>Privacy Act</i>	41
Section 1: Requests under the <i>Privacy Act</i>	41
Section 2: Informal requests.....	41
Section 3: Requests closed during the reporting period.....	42
Section 4: Disclosures under subsections 8(2) and 8(5).....	46
Section 5: Requests for correction of personal information and notations.....	46
Section 6: Extensions.....	46
Section 7: Consultations received from other institutions and organizations.....	47
Section 8: Completion time of consultations on Cabinet Confidences.....	48
Section 9: Complaints and investigation notices received	49
Section 10: Privacy Impact Assessments (PIA) and personal Information Banks (PIB).....	49
Section 11: Privacy breaches.....	49
Section 12: Resources related to the <i>Privacy Act</i>	49
Appendix D: Supplemental statistical report on the <i>ATIA</i> and <i>Privacy Act</i>	50
Section 1: Capacity to receive requests under the <i>Access to Information Act</i> and <i>Privacy Act</i>	50
Section 2: Capacity to process records under the <i>Access to Information Act</i> and <i>Privacy Act</i>	50
Section 3: Open requests and complaints under the <i>Access to Information Act</i>	51
Section 4: Open requests and complaints under the <i>Privacy Act</i>	51
Section 5: Social Insurance Number (SIN).....	52

Section 6: Universal access under the <i>Privacy Act</i>	52
Appendix E: Federal court review	53
Actial Farmaceutical S.R.L. v. Minister of Health.....	53
Apotex Inc. v. Minister of Health and Attorney General of Canada.....	53
Apotex Inc. v. Minister of Health and Attorney General of Canada.....	53
Apotex Inc. v. Minister of Health and Attorney General of Canada (discontinued)	53
Apotex Inc. v. Minister of Health and Attorney General of Canada (discontinued)	54
Bayer Inc. v. Minister of Health and Attorney General of Canada.....	54
Elanco Canada Limited v. Canada (Minister of Health).....	54
The Information Commissioner of Canada (Molly Haynes and Patrick Cain) v. Minister of Health (dismissed in favour of Health Canada)	55
Jamp Pharma Corporation v. Minister of Health et al	55
Provital Health v. Canada (Minister of Health), Preventous Collaborative Health v. Canada (Minister of Health), Copeman Healthcare v. Canada (Minister of Health)	55

Introduction

Health Canada is pleased to present to Parliament its consolidated annual report on the administration of Access to Information and Privacy (ATIP) services, in accordance with section 94 of the *Access to Information Act* (ATIA), section 72 of the *Privacy Act* and section 20 of the *Service Fees Act*. The report describes activities that support compliance with these laws for the fiscal year beginning April 1, 2022 and ending March 31, 2023.

About Health Canada

Health Canada is the federal department responsible for helping Canadians maintain and improve their health, while respecting individual choices and circumstances. Health Canada has regional offices in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, and the Atlantic and Northern Regions.

For more information about Health Canada, please [visit our website](#).

Purpose of the Acts

The ATIA gives Canadian citizens and permanent residents of Canada the right to access information contained in federal government records, subject to certain specific and limited exceptions. The ATIA complements, but does not replace, other means of obtaining government information.

The *Privacy Act* protects an individual's privacy by setting out provisions related to the collection, retention, accuracy, disposal, use and disclosure of personal information. It also gives Canadian citizens and permanent residents of Canada the right of access to information about themselves held by the federal government, with certain specific and limited exceptions.

Organizational structure

Shared Services Partnership Agreement

ATIP Operations Division and the Privacy Management Division provide services to both the Public Health Agency of Canada and Health Canada and do so as part of the Shared Services Partnership Agreement. These divisions are housed under the Policy, Planning and Management Strategies Directorate of Health Canada's Corporate Services Branch. ATIP Operations Division manages the processing of requests under both the ATIA and the *Privacy Act*, while the Privacy Management Division is responsible for privacy policy and providing guidance to programs. Although ATIP services are provided to both institutions, the statistics and financial data provided in this report are only for Health Canada.

Access to Information and Privacy Operations Division

The primary function of the ATIP Operations Division is to ensure compliance of Health Canada's program delivery with the provisions of the ATIA and the *Privacy Act* along with the policies and directives issued by the Treasury Board of Canada Secretariat.

The ATIP Operations Division is responsible for responding to access to information and privacy requests. It reviews information to support various disclosures including the appropriate sharing of investigation reports, proactive publication under Part 2 of the ATIA, as well as supporting Parliamentary Affairs in responding to Parliamentary motions. In addition, ATIP Operations Division

promotes awareness of ATIP obligations and provides ATIP training to staff.

The ATIP Operations Division was fully operational throughout 2022-2023. Many of the measures implemented during the COVID-19 pandemic are still in place, including the increased reliance on digital systems, as they have improved the efficiency and effectiveness of the Division.

In 2022–2023, there were 87.67 full-time equivalents within the ATIP Operations Division supporting Health Canada’s administration of both the ATIA and the *Privacy Act*. A breakdown of the different types of full-time equivalents is provided in the table below.

Privacy Management Division

The primary functions of the Privacy Management Division include supporting compliance of Health Canada's program delivery with the provisions of the *Privacy Act* and the policies and directives of the Treasury Board of Canada Secretariat. Responsibilities include:

- The development of privacy policies, procedures and practices
- The delivery of privacy training and awareness programs to staff
- Assessing and reporting on privacy breaches
- Coordinating the Department’s input of InfoSource
- Providing privacy analysis and advice using a number of tools including Privacy Impact Assessments and Privacy Protocols

Throughout 2022-2023, the Privacy Management Division was fully operational and comprised 10.82 full-time equivalents. A breakdown of the different types of full-time equivalents is provided in the table below.

Total full-time equivalents supporting the ATIA and the *Privacy Act*

In 2022-2023, there were a total of 98.49 full-time equivalents supporting the administration of the ATIA and the *Privacy Act*. This comprised 77.46 full-time equivalents supporting the ATIA and 21.03 full-time equivalents supporting the *Privacy Act*.

For clarity and greater accountability, the following table illustrates the total resources from the ATIP Operations Division and the Privacy Management Division supporting the administration of the ATIA and the *Privacy Act*.

Total full-time equivalents (FTE) supporting the ATIA and the *Privacy Act* by division

Type of FTE	ATIA ATIP Operations Division	<i>Privacy Act</i> ATIP Operations Division	<i>Privacy Act</i> Privacy Management Division	Total
Full-time employees	63.65	8.38	7.40	79.43
Part-time and casual employees	4.00	0.53	2.49	7.02
Regional staff	0.00	0.00	0.00	0.00
Consultants and agency personnel	9.61	1.27	0.68	11.56
Students	0.20	0.03	0.25	0.48
Total FTEs ATIA and <i>Privacy Act</i>	77.46	10.21	10.82	98.49

Governance

Initiatives related to access to information and privacy are governed through the ATIP Executive Leaders Committee. This committee is made up of executive-level representatives from across the Department who provide leadership and strategic direction on key topics and communicate them within their respective branches. The Committee is chaired by the Director General, Policy, Planning and Management Strategies Directorate, Corporate Services Branch, who is responsible for the ATIP Operations Division and the Privacy Management Division.

ATI and privacy matters requiring a higher level of oversight are also brought forward to Health Canada's Executive Committee for strategic direction.

Delegation of authority

In keeping with Treasury Board of Canada Secretariat recommendations on best practices, the Delegation Order extends authorities to multiple positions including the Deputy Minister, the Corporate Services Branch's Assistant Deputy Minister, the Director General of Policy, Planning and Management Strategies Directorate, and the ATIP Coordinator. As appropriate, certain administrative authorities are delegated to various levels within the ATIP Operations Division and the Privacy Management Division to support the effective and efficient administration of the ATIA and the *Privacy Act*. The delegation order that was in effect at the end of 2022-2023 is included in this report ([Appendix A](#)).

Openness and transparency

Health Canada is committed to being open and transparent and continues to make more information available to Canadians. The Department continues to publish information in accordance with Part 2 of the ATIA including briefing note titles, travel and hospitality expenses, reclassification of positions, and contracts over \$10,000.

Part 2 of the *Access to Information Act* and proactive publication of information

Health Canada is a government institution that is listed in Schedule I of the *Financial Administration Act* for the purposes of Part 2 of the ATIA.

The ATIP Operations Division worked with the Strategic Policy Branch, Chief Financial Officer Branch, Corporate Services Branch and the Communications and Public Affairs Branch to ensure that records identified under Part 2 of the *Access to Information Act* are proactively published. Health Canada leveraged existing procedures to facilitate the proactive publication of information.

The processing of records for proactive publication involves several steps. Many of these steps are automated and an efficient approval process was implemented. A front-end approach for translation and ATI review has been established. Branches proactively identify information that may be subject to valid exceptions and ensure that briefing materials are prepared such that they can be readily published on the website.

The Strategic Policy Branch is responsible for proactively publishing the records listed in the table below for the Ministers Office and on behalf of Health Canada. In 2022-2023, the Strategic Policy Branch published all applicable proactive requirements within legislated timelines. Please see the following table for the details.

For the Minister's Office	Number of times the requirement was published	Published within legislated timelines
Briefing packages prepared by the institution for new or incoming Ministers	n/a	n/a
Titles and tracking numbers of briefing notes prepared by Health Canada for the Minister	12	Yes
Question period binders	2	Yes
Binders for the Ministers' Parliamentary Committee appearances	5	Yes
On behalf of Health Canada		
Reports tabled in Parliament	2	Yes
Briefing packages for new or changing deputy heads	n/a	n/a
Titles and tracking number of briefing notes to deputy heads	12	Yes
Binders for Parliamentary Committee appearances prepared for the deputy head or equivalent for the purpose of the appearance	3	Yes

The Chief Financial Officer Branch is responsible for proactively publishing the records listed in the table below for the Ministers Office and on behalf of Health Canada. In 2022-2023, the Chief Financial Officer Branch proactively disclosed all applicable proactive requirements within legislated timelines. Please see the following table for the details.

For the Minister's Office	Number of times the requirement was published	Published within legislated timelines
Travel and hospitality expenses	12	Yes
Contracts over \$10,000, including contract amendments	4	Yes
Annual reports on all expenses incurred by the Minister's Office *Published by TBS on behalf of all institutions	1	Yes
On behalf of Health Canada		
Travel and hospitality expenses of senior officials	12	Yes

Contracts over \$10,000, including contract amendments	4	Yes
Grants and contributions over \$25,000, including amendments	4	Yes

The Corporate Services Branch is responsible for proactively publishing records related to the reclassification of positions. In 2022-2023, the Corporate Services Branch published all notices for reclassification of position within legislated timelines. Please see the following table for the details.

On behalf of Health Canada	Number of times the requirement was published	Published within legislated timelines
Reclassification of positions	4	Yes

The Communications and Public Affairs Branch is responsible for publishing records to the Government of Canada's Open Government website. Records that have been proactively published can be found on Canada.ca.

Capacity to receive and process records in 2022-2023

Health Canada received and processed ATIP requests at all classification levels throughout the year. The department received requests by mail, email, and through the digital request service.

Detailed information about Health Canada's capacity to receive and process records can be found in the Supplemental Statistical Report on the *Access to Information Act* and *Privacy Act* ([Appendix D](#)).

Performance for 2022-2023

In 2022-2023, Health Canada received 2,811 requests (Access to Information, Access Informal and Privacy) and closed 2,623. When compared to the previous fiscal year, Health Canada received 2.6% more requests and closed 6% more requests.

Type of Request	Received	Closed
Access to Information	1,687	1,679
Access Informal	916	723
Privacy	208	221
Total	2,811	2,623

The following section of the report includes an interpretation and explanation of the data contained in Health Canada's Statistical Report, which summarizes Access to Information and Privacy-related activity for the period between April 1, 2022 and March 31, 2023 ([Appendix B – ATI](#) and [Appendix C – Privacy](#))

Access to Information Act

Access Informal Requests

Requests can be made for records previously released under the ATIA, which are referred to as Access Informal Requests. Summaries of previously released ATI requests are posted monthly on the [Open Government](#) website where the public can make a request for the previously released records. This forms part of the Government of Canada's commitment to openness and transparency.

Health Canada received 916 Access Informal requests and processed 723 in 2022-2023. A total of 383 requests were carried over to the next reporting period.

Caseload, carry forward and outstanding active ATI requests

Throughout 2022-2023, Health Canada managed a total of 3,600 active ATI requests; 1,913 were outstanding requests from previous years while 1,687 were received during 2022-2023. Of the 1,913 outstanding requests, 923 were received in the 2021-2022 fiscal year while 990 were from previous years. Further details of the breakdown for outstanding requests from previous years can be found in [Section 3.1 of Appendix C](#).

Health Canada closed 1,679 ATI requests and carried forward 1,921 to the 2023-2024 fiscal year. Of the 1,921 that are carried forward, 369 are within legislated timelines while 1,552 are beyond the legislated timelines. Further details of this breakdown can be found in [section 1 of Appendix B](#).

A high volume of requests were carried forward. This is largely due to the pandemic and its impact to operations early on. The Division is well positioned to deal with its accumulated inventory with a dedicated Backlog Team. This team has experience processing some of the oldest, largest and most complex requests.

Although Health Canada received and closed fewer requests when compared to the previous fiscal year, it reviewed more pages in 2022-2023. In the previous fiscal year, 364,151 pages were reviewed and 2036 requests were closed while 385,225 pages were reviewed and 1,679 requests were closed in 2022-2023.

Processing times for requests

In 2022-2023, Health Canada closed a total of 1,679 requests. Below is the breakdown of the time taken to process these requests:

- 111 were closed within 1 to 15 days
- 208 were closed within 16 to 30 days
- 124 were closed within 31 to 60 days
- 533 were closed within 61 to 120 days
- 145 were closed within 121 to 180 days
- 189 were closed within 181 to 365 days
- 369 took more than 365 days

Of the 1,679 requests that Health Canada closed in 2022-2023, 760 requests (45%) were closed within legislated timelines (30 days plus applicable extension) while 919 (55%) were closed past the legislated timelines.

The breakdown of the time taken to the 919 process requests closed past legislated timelines (including any extensions taken) is as follows:

- 107 were closed 1 to 15 days past legislated timelines
- 68 were closed 16 to 30 days past legislated timelines
- 97 were closed 31 to 60 days past legislated timelines
- 121 were closed 61 to 120 days past legislated timelines
- 66 were closed 121 to 180 days past legislated timelines
- 132 were closed 181 to 365 days past legislated timelines
- 328 were closed more than 365 days past legislated timelines

Requests are closed past the legislated timelines for a number of reasons:

- 395 were closed past the legislated timelines due to ‘interference with operations/ workload’
- 132 were closed past the legislated timelines due to ‘external consultations’
- 10 were closed past the legislated timelines due to ‘internal consultations’
- 382 were closed past the legislated timelines for reasons ‘other’ than those specified above

Data quality

Please note that small data variances may exist from year to year, including in the previously reported number of outstanding requests carried forward into the current fiscal year. Several reasons contribute to inevitable shifts in data, including requests by the Office of the Information Commissioner to re-open ATI requests in the context of complaint resolution, and requesters seeking to divide one incoming request into several files while retaining the initial date received.

Access to Information requests received & completed

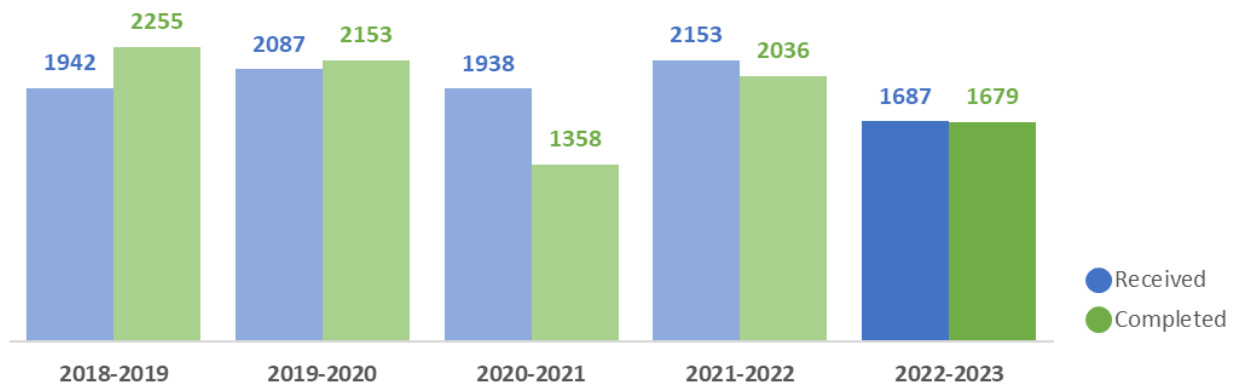


Figure 1: ATI requests received and completed each fiscal year from 2018-2019 to 2021-2023

Key statistics by fiscal year

Fiscal Year	Number of requests received	Number of requests outstanding from previous fiscal years	Total caseload	Number of requests closed	Number of pages reviewed for closed files
2018–2019	1,942	1,610	3,552	2,255	955,667*
2019–2020	2,087	1,289	3,376	2,153	320,066
2020-2021	1,938	1,221	3,159	1,358	225,307
2021-2022	2,153	1,801	3,954	2,036	364,151
2022-2023	1,687	1,913	3,600	1,679	385,225

*A high number of pages were reviewed for eight of the requests closed in 2018-2019. These eight closed requests represent 735,402 of the 955,667 pages reviewed.

Source of requests under the *Access to Information Act*

The majority of Health Canada’s ATI requests come from private businesses, mostly in the health sector (pharmaceutical, medical devices, natural health products, etc.), requesting records related to their competitors and their own products. Private businesses made up 51.7% of requests, a decrease of 4.3% from last year.

A total of 14.7% of requests came from the public, 13.2% from the media, 5.5% from organizations, 2.1% from academia and 12.8% declined to identify which category they associate with.

Proportion of requests among sources

Source	Number of requests	Proportion of requests	Change from 2021-2022
Business (Private Sector)	872	51.7%	-4.3%
Public	248	14.7%	-0.6%
Media	223	13.2%	+0.2%
Decline to Identify	216	12.8%	+5.6%
Organizations (e.g. political party, association, union)	93	5.5%	-1.4%
Academia	35	2.1%	+0.5%
Total	1,687	100%	

Extensions

The majority of extensions, 985 (85%) invoked under the ATIA were to conduct consultations with third parties and other government departments while 169 (15%) were taken due to interference with operations for requests involving a large volume of records.

Completing third party consultations is a necessary step in the process, enabling Health Canada to release as much information as possible. Over the last several years, Health Canada has made more information accessible, continuously reassessing the balance between its commitment to openness and transparency, with the need to safeguard confidential business information. Health Canada’s

commitment to transparency can be at odds with the views of third parties, who can challenge Health Canada’s proposed release of information, by seeking judicial review of Health Canada’s intended disclosure.

Consultations completed from other institutions

In addition to processing its own requests, Health Canada also completes consultations received from other institutions and organizations.

In 2022-2023, Health Canada managed 241 consultations from other Government of Canada institutions (219 received in the 2022-2023 fiscal year and 22 received in 2021-2022). Health Canada also managed 29 consultations from other organizations (27 received in the 2022-2023 fiscal year and 2 received in 2021-2022).

Health Canada closed 235 consultations, reviewing 34,796 pages of records. A total of 18 consultations were carried over within negotiated timelines while 17 consultations were carried over beyond negotiated timelines.

Health Canada received fewer (-2.7%) consultations from other Government of Canada institutions and other organizations when compared to the previous fiscal year and closed fewer (-17.5%) consultation requests. In most cases, Health Canada consented to full disclosure of the records.

Disposition of completed requests

Of the ATI requests completed in 2022-2023, 82% were either disclosed in part (72% of requests) or all disclosed (10% of requests). Ten percent of ATI requests were abandoned, while no records existed for 8% of requests. The breakdown of the remaining ‘other’ completed files is as follows:

- 0.5% all exempted
- 0.4% request transferred
- 0.3% all excluded
- 0% neither confirmed nor denied
- 0% decline to act with the approval of the Information Commissioner

*Numbers may not add up due to rounding.

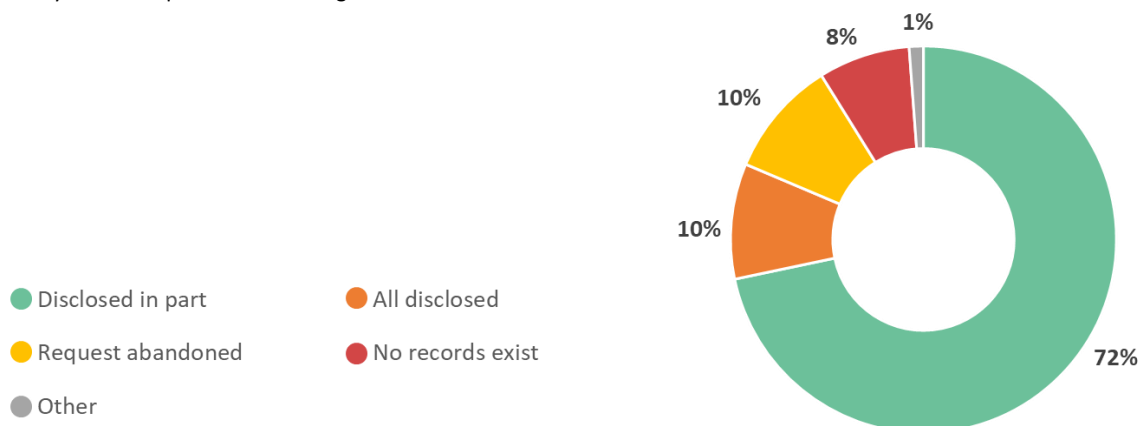


Figure 2: Disposition of completed ATI requests

Exemptions invoked

Sections 13 to 24 of the ATIA provides specific legislated exemptions intended to protect information from disclosure, while section 26 provides a temporary exemption relating to information that will soon be published. In some instances, records may have multiple exemptions applied to them to appropriately safeguard information.

The majority (1,198) of exemptions applied were for section 19(1); this is a mandatory exemption that safeguards personal information. The application of section 20 (to protect third party information) in 287 requests required consultations to ensure that only proprietary and commercially sensitive information is protected. Section 21 (the protection of information related to government operations) was applied to 153 requests. For a detailed breakdown of exemptions see table [4.2 Exemptions](#).

Exclusions cited

The *Access to Information Act* does not apply to published material, material available to the public for purchase, or for public reference (section 68), nor does it apply to confidences of the King's Privy Council of Canada (section 69). Requests containing proposed exclusions under section 69 require consultation with the Department of Justice and, in some cases, the Privy Council Office.

In 2022-2023, 20 requests contained exclusions for publicly available material and 55 requests had records pursuant to confidences of the King's Privy Council of Canada.

Translations

No translations were required to respond to requests in 2022-2023.

Format of information released

Of the requests that were fully or partially disclosed, 1,292 were released as electronic copies, 66 were released in paper format, and 8 were released as a data set. Health Canada releases records in the preferred format of the requestor while encouraging the use of the Government of Canada's ATIP Online Request Service platform to receive timely and secure access to the records.

Privacy Act

Informal requests

No informal requests were made in 2022-2023.

Caseload and carry forward and outstanding active requests

In 2022-2023, Health Canada managed 264 active privacy requests. Of this, 208 were privacy requests received in 2022-2023 while 56 were outstanding requests from previous reporting periods.

A total of 221 privacy requests were closed and 43 privacy requests were carried forward to the 2023-2024 fiscal year. Of the 43 privacy requests carried forward to 2023-2024, 23 were carried forward within legislated timelines while 20 were carried over beyond the legislated timelines. Health Canada closed more requests than received. For detailed information about outstanding requests from previous fiscal years, please see [section 1 of Appendix C](#).

Many of the requests received are for access to public servants' medical records, as the Public Service Occupational Health Program is operated by Health Canada. In addition, requests are received from current and former Health Canada employees who want to obtain their personal information, and from people who have applied for employment at Health Canada or the Public Health Agency of Canada, seeking the details of their applications.

Processing time for requests

In 2022-2023 Health Canada closed a total of 221 privacy requests. Below is a breakdown of the time taken to process these requests:

- 122 were closed within 1 to 15 days
- 41 were closed within 16 to 30 days
- 22 were closed within 31 to 60 days
- 22 were closed within 61 to 120 days
- 6 were closed within 121 to 180 days
- 4 were closed within 181 to 365 days
- 4 took more than 365 days

Of the 221 requests that Health Canada closed in 2022-2023, 172 (77.8%) privacy requests were closed within legislated timelines (30 days plus applicable extensions) while 49 (22.2%) were closed beyond legislated timelines.

The breakdown of the time taken to process the 49 requests closed past legislated timelines (including any extensions taken) is as follows:

- 11 were closed 1 to 15 days past legislated timelines
- 8 were closed 16 to 30 days past legislated timelines
- 12 were closed 31 to 60 days past legislated timelines
- 9 were closed 61 to 120 days past legislated timelines
- 3 were closed 121 to 180 days past legislated timelines
- 3 were closed 181 to 365 days past legislated timelines
- 3 were closed more than 365 days past legislated timelines

Requests are closed past the legislated timelines for a number of reasons:

- 31 were closed past the legislated timelines due to 'interference with operations/ workload'
- 4 were closed past the legislated timelines due to 'internal consultations'
- 0 were closed past the legislated timelines due to 'external consultations'
- 14 were closed past the legislated timelines for reasons 'other' than those specified above

In accordance with the Treasury Board of Canada Secretariat Directive on Personal Information Requests and Correction of Personal Information, Health Canada continues to notify requesters in writing of anticipated delays.

Privacy requests received and completed

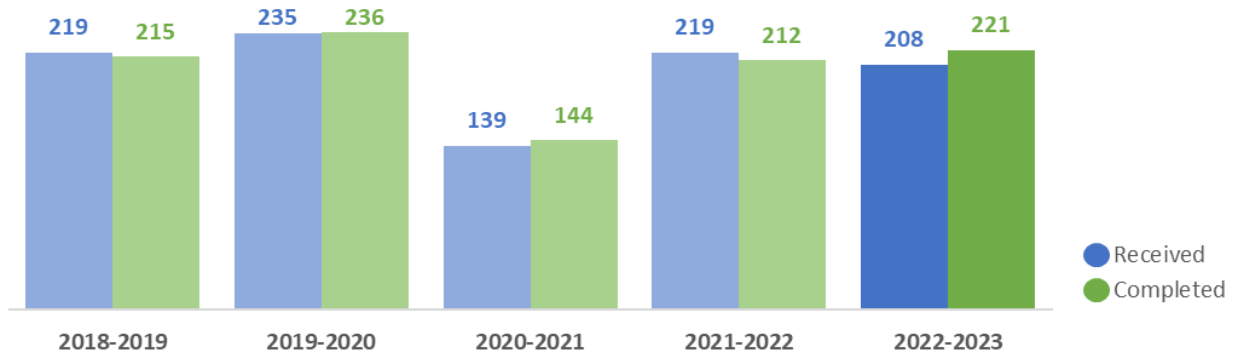


Figure 3: Privacy requests received and completed each fiscal year from 2018-2019 to 2022-2023

Key statistics by fiscal year

Fiscal Year	Number of requests received	Number of requests outstanding from previous fiscal years	Total caseload	Number of requests closed	Number of pages reviewed for closed files
2018-2019	219	49	268	215	21,612
2019-2020	235	54	289	236	19,008
2020-2021	139	54	193	144	9,630
2021-2022	219	56	268	212	15,762
2022-2023	208	56	264	221	16,173

Extensions

For the 25 requests where extensions were taken, 21 were due to the interference with operations for a large volume of requests, while four extensions were taken for internal consultation. Under the *Privacy Act*, 30 days is the longest extension that can be taken.

Consultations completed from other institutions

Health Canada received two consultations from other Government of Canada institutions, totaling 28 pages. Both were completed in 2022-2023.

Disposition of completed requests

Approximately 34% of the privacy requests completed in 2022-2023 were either disclosed in part (29% of requests) or all disclosed (5% of requests). The breakdown of the remaining files is as follows:

- 52% request abandoned
- 13% no records exist
- 0% all exempted
- 0% all excluded
- 0% neither confirmed nor denied

*Numbers may not add up due to rounding.

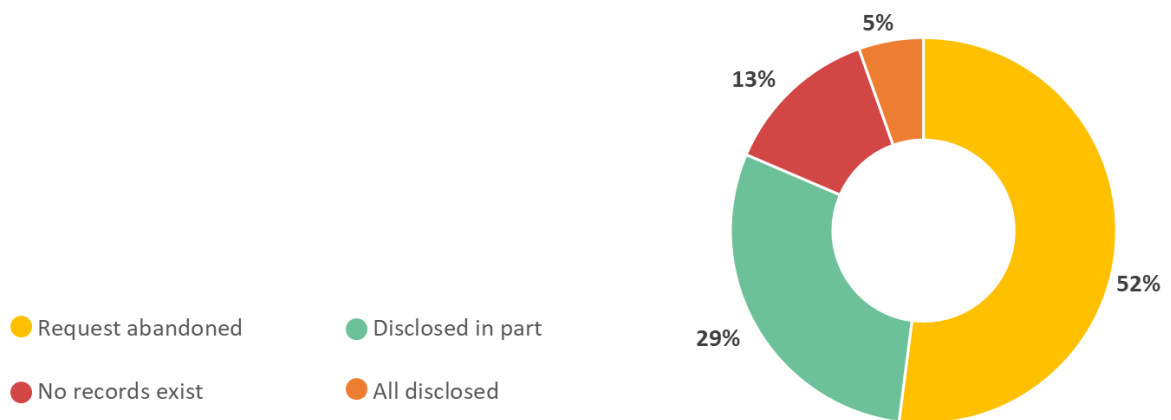


Figure 4: Disposition of completed privacy requests for 2022-2023.

Exemptions invoked

Of the 76 exemptions applied to privacy requests in 2022-2023, 67 (88%) were to protect the personal information of individuals other than the requester, seven exemptions (9%) were invoked to give third parties written notice and the two (3%) remaining exemptions were related to investigations

Exclusions cited

No exclusions were applied to privacy request releases made in 2022-2023.

Translations

No translations were required to respond to requests in 2022-2023.

Format of information released

Of the requests that were fully or partially disclosed, 63 were released as electronic copies while 14 were released in paper format.

Privacy Management Division advisory services

During 2022-2023, the Privacy Management Division received a total of 590 requests for privacy advice from Health Canada clients, four were COVID-19 related. In the previous fiscal year, the Privacy Management Division received 564 requests, 44 were COVID-19 related. Year after year, the volume and complexity of files continues to increase, requiring in-depth privacy analysis, on an expanding range of topics.

In 2022-2023, the Privacy Management Division provided privacy advice to Health Canada program clients on contracts, digital solutions, the handling of personal information, use and disclosure of personal information, and privacy risk assessments of programs, activities and research projects.

Health Canada is committed to properly handling personal information under its control and ensuring that privacy requirements and risks are considered when new initiatives are developed and deployed.

Reporting on fees for the *Service Fees Act*

The *Service Fees Act* requires a responsible authority to report annually to Parliament on the fees collected by the institution.

With respect to fees collected under the *Access to Information Act*, the information below is reported in accordance with the requirements of section 20 of the *Service Fees Act*.

Enabling authority: *Access to Information Act*

Fee amount: The \$5.00 application fee is the only fee charged for an ATI request.

Total Revenue: The total fee revenue for 2022-2023 was \$6,920.

Fees waived: In accordance with the changes to the *Access to Information Act* that came into force on June 21, 2019, Health Canada may only charge an application fee of \$5, as set out in paragraph 7(1)(a) of the Regulations. Pursuant to section 11 of the *Access to Information Act*, institutions can waive this application fee as deemed appropriate.

A total of \$1,515 was waived or refunded by Health Canada in 2022-2023.

Costs for administering the *Access to Information Act*

Health Canada spent a total of \$7,489,151 on ATI functions in 2022-2023. Of this total, salaries and overtime costs represent \$5,255,307 and goods and services costs were \$2,233,844. Most of the goods and services costs (\$2,112,793) were used to retain temporary resources to address outstanding active requests.

Costs for administering the *Privacy Act*

Health Canada spent a total of \$2,154,608 on privacy functions in 2022-2023. Of this total, salaries and overtime costs were \$1,693,941. Temporary resources to support the processing of privacy requests accounted for \$437,568 and other goods and services costs were \$23,099.

Awards and recognition

On September 28, 2022, the ATIP Operations Division was honored with an award from the Information Commissioner of Canada. The Information Commissioner's award recognized the ATIP Operations Division for its leadership and innovation.

Training and awareness

Access to Information training

An online 'ATIP Fundamentals' course, offered by the Canada School of Public Service, is available to all staff and is recommended as a foundation for all departmental employees. A total of 363 employees completed this course in 2022-2023. In addition, in 2022-2023 Health Canada conducted Access to Information and Privacy Request training for 2,025 employees. Training is available to groups by request and is tailored for each session to include examples that are relevant to the nature of work of the participants. Health Canada also provides training related to proactive publication as needed. Training is promoted at all Single Window working group meetings and on Health Canada's intranet site.

Privacy training

During 2022-2023, the Privacy Management Division delivered several virtual privacy training sessions to various groups within Health Canada. These sessions included training for the Office of Controlled Substances, Human Resources, and the Access to Information and Privacy Operations Division. In total, 355 Health Canada employees attended the Privacy Management Division's virtual training sessions.

The Privacy Management Division's online privacy training is available to all Health Canada employees. Approximately, 800 Health Canada employees completed the training in 2022-2023. Throughout the year, regular communications are sent to all employees on training and privacy-related matters with the aim of supporting a culture of strong privacy awareness within the department.

Right to Know Week

In 2022, Canada celebrated Right to Know Week from September 26th to October 2nd. Health Canada kicked off the event with a message from the Deputy Minister, highlighting the importance of preserving the "public's right to access to government information as a fundamental component of our democracy". Health Canada promoted the online ATIP courses offered by the Canada School of Public Service, shared resources on responding to ATIP requests, and highlighted Duty to Assist.

Policies, guidelines, procedures and initiatives

Treasury Board of Canada Secretariat: Access to Information review

The Treasury Board of Canada Secretariat finalized the Government of Canada's report on the review of Access to Information in Canada and presented it to Parliament in 2022. Health Canada supported this review by consulting with branches, identifying key issues and proposing potential solutions. In the report, three main goals were identified:

1. Improving Service to Canadians
2. Enhancing trust and transparency
3. Advancing reconciliation with Indigenous peoples

Health Canada is committed to supporting these goals.

Betterment Solutions working group

The ATIP Betterment Solutions working group was launched in April 2022. At this working group, ATIP analysts identify and prioritize issues, identify solutions, and prepare tools for employees and Single Windows. This working group fosters a culture of innovation by promoting employee participation.

ATIP Coordinators' working group

The ATIP Coordinator's Working Group was launched in October 2018 comprises ATIP Coordinators representing 30 institutions. Health Canada's ATIP Coordinator continued to co-chair the working group. This working group fosters open communication and knowledge sharing across institutions, meeting monthly to discuss common and emerging issues and to share best practices and tools.

ATIP Operations Division's professional development program

The ATIP Operations Division's professional development program was launched in January 2017. This program allows employees to progress based on performance, without the need of a competitive hiring process. In 2022-2023, 21 Analysts were enrolled in the program and 12 advanced to the next level. The Professional Development Program helps increase ATIP capacity within the Government of Canada.

Post-secondary recruitment campaign

Health Canada has increased its capacity through targeted post-secondary recruitment campaigns. In addition to meeting its own hiring needs, the list of qualified candidates is made available to other institutions, helping to increase capacity across government.

Summary of key issues and actions taken on complaints and audits

Privacy management audit

An internal privacy audit was concluded during fiscal year 2019-2020 on the management of privacy practices at Health Canada the Public Health Agency of Canada. The audit made four recommendations to further strengthen the management of privacy practices.

The recommendation to incorporate Sex and Gender-Based Analysis Plus (SGBA+) considerations into the Privacy Management Division processes is complete. The Privacy Management Division is working to complete the remaining recommendations in 2023-2024.

A copy of the full audit report can be found at <https://www.canada.ca/en/public-health/corporate/transparency/corporate-management-reporting/internal-audits/reports/management-privacy-practices-2019.html>

Complaints management

Complaints to the Information Commissioner

In 2022–2023, 60 complaints under the ATIA were filed with the Office of the Information Commissioner for Health Canada's requests, representing an increase of 26% from the 46 filed in 2021-2022. Health Canada received 12 final investigation reports from the Office of the Information Commissioner. Two of the 12 final reports contained recommendations issued by the information commissioner while one contained orders.

Areas of complaint include deemed refusal (late), time extensions taken, and exemptions applied, in particular related to personal information and third party information. Health Canada reviews the outcomes of all Office of the Information Commissioner investigations, and where appropriate, incorporates lessons learned into business processes.

Outstanding number of ATI complaints

Individuals and Organizations who believe federal institutions have not respected their rights under the ATIA may ask the Office of the Information Commissioner to investigate within 60 days of receiving a release package from a federal institution. The following table lists the number of open complaints that are with the Information Commissioner of Canada by year.

Number of open complaints with the Information Commissioner of Canada that are outstanding from previous reporting periods

Fiscal year open complaints were received by Health Canada	Number of open complaints
Received in 2022-2023	41
Received in 2021-2022	11
Received in 2020-2021	5
Received in 2019-2020	6
Received in 2018-2019	2

Fiscal year open complaints were received by Health Canada	Number of open complaints
Received in 2017-2018	3
Total	68

Health Canada communicates and collaborates with the Office of the Information Commissioner to ensure the effective handling and resolution of complaints.

Complaints to the Privacy Commissioner

During 2022-2023, 18 complaints related to the handling of personal information by Health Canada were received under Section 31 of the *Privacy Act*. Of the 18 complaints, 13 were resolved using the Office of the Privacy Commissioner of Canada's early resolution process. Five representations were provided under Section 33 of the *Privacy Act*. Four letters of findings were received under Section 35 from the Office of the Privacy Commissioner relating to complaints.

Outstanding number of privacy complaints

Individuals have the right to make a complaint to the Privacy Commissioner of Canada. The following table lists the number of open complaints with the Privacy Commissioner of Canada by year.

Number of open complaints with the Privacy Commissioner of Canada that are outstanding from previous reporting periods

Fiscal year open complaints were received by Health Canada	Number of open complaints
Received in 2022-2023	3
Received in 2021-2022	2
Received in 2020-2021	2
Total	7

Health Canada communicates and collaborates with the Office of the Privacy Commissioner to ensure the effective handling and resolution of complaints.

Federal court cases

Applications & appeals submitted to the Federal Court

Access to Information Act

In 2022–2023, a total of ten court cases were active at the end of the year. These cases are summarized in [Appendix E](#).

Privacy Act

No applications or appeals were made to the Federal Court or the Federal Court of Appeal during the 2022–2023 fiscal year.

Monitoring compliance

ATIP Operations Division produces weekly, monthly and semi-annual reports to senior management in order to monitor performance within Health Canada. This includes incoming volume of requests, number of closed requests, and timelines of retrieval of records. In addition, the ATIP Operations Division assists branches conduct a detailed analysis to identify frequent request types and explore alternate methods to disclose such information.

The Privacy Management Division produces quarterly reports to senior management on privacy breaches, training as well as requests for privacy analysis. The Privacy Management Division supports compliance by periodically reviewing its privacy policies, procedures and practices.

In response to the 2019-2020 audit on the management of privacy practices at Health Canada and the Public Health Agency of Canada, the Privacy Management Division will implement a monitoring and follow-up process for Privacy Impact Assessments and protocol recommendations in 2023-2024.

The Privacy Management Division assists programs, ensuring the appropriate privacy protections are included in contracts, agreements and arrangements (e.g. review contracts and information sharing agreements).

Other reporting requirements specific to the *Privacy Act*

Material privacy breaches

During 2022-2023, Health Canada reported no material privacy breaches to the Office of the Privacy Commissioner and the Treasury Board Secretariat.

Privacy Impact Assessments

During 2022-2023, two Privacy Impact Assessments were completed.

1. Cannabis and hemp licensing process

The *Cannabis Regulations* and the *Industrial Hemp Regulations*, which support the *Cannabis Act*, create a strict framework for controlling the production, distribution, sale and possession of cannabis and industrial hemp in Canada. Under this framework, licences and authorizations are required to conduct various activities with cannabis and hemp. In accordance with the Treasury Board Directive on Privacy Impact Assessments, a Privacy Impact Assessment was completed to ensure compliance with the *Privacy Act* and Treasury Board policies. The Privacy Impact Assessment identified mitigation actions to address any potential privacy concerns. A summary of this Privacy Impact Assessment has not yet been published. For more information, please contact by email: privacy-vie.privee@hc-sc.gc.ca.

2. Investigation for allegations of breach of scientific integrity

The Investigation Process for Allegations of Breach of Scientific Integrity is designed to allow for the reporting and subsequent investigation (if required) of potential breaches of scientific integrity. In accordance with the Treasury Board Directive on Privacy Impact Assessments, a Privacy Impact Assessment was completed to ensure compliance with the *Privacy Act* and Treasury Board policies. The Privacy Impact Assessment identified mitigation actions to address any potential privacy concerns. A summary of this Privacy Impact Assessment has not yet been published. For more information, please contact by email: privacy-vie.privee@hc-sc.gc.ca.

Public interest disclosures

During 2022-2023, there were no disclosures made under section 8(2)(m) of the *Privacy Act* and no section 8(5) written notifications were provided to the Office of the Privacy Commissioner.

Appendix A: Access to Information Act and Privacy Act – Delegation Order

Minister of Health



Ministre de la Santé

Ottawa, Canada K1A 0K9

Delegation Order

L'ordonnance de délégation de pouvoirs

Access to Information Act and Privacy Act

Loi sur l'accès à l'information et Loi sur la protection des renseignements personnels

I, the Minister of Health, pursuant to section 95 of the *Access to Information Act* and section 73 of the *Privacy Act*, hereby delegate the persons holding the positions set out in the Delegation of Authority Schedule attached hereto, or the persons occupying on an acting basis those positions, to exercise the powers, duties and functions of the Minister as head of Health Canada, under the provisions of the Act and related regulations set out in the schedule opposite each position. This delegation supersedes all previous delegation orders.

En ma qualité de ministre de la Santé et en vertu de l'article 95 de la *Loi sur l'accès à l'information* et de l'article 73 de la *Loi sur la protection des renseignements personnels*, je délègue par la présente aux titulaires des postes énoncés à l'annexe de délégation de pouvoirs ci-après, ou aux personnes occupant les dits postes à titre intérimaire, les attributions dont je suis investie, à titre de ministre de Santé Canada, aux termes des dispositions des lois et des règlements connexes mentionnés en regard de chaque poste. Le présent document remplace toute ordonnance de délégation de pouvoirs antérieure.

Minister of Health
Ministre de la Santé

JAN 21 2022

Date

Canada

Delegation of authority schedule

The tables below outline which positions can exercise the powers, duty or functions of the Minister, under the provisions of the Act.

Access to Information Act

Part 1 and 3

Provision	Description	DM	Assoc. DM	ADM CSB	DG PIMSD	Executive Dir, ATIP Ops Dir, ATIP Ops	
	All powers, duties and functions under the <i>Access to Information Act</i> , R.S.C. 1985, c. A-1 (prior to and following June 21, 2019) and related regulations (prior to and following June 21, 2019)	Full authority					

Provision	Description	Dir, PMD	Deputy Dir / Manager, ATIP Ops	Team Leader / Senior Advisor	Senior Analyst	Analyst
4(2.1)	Responsibility of government institutions	No	Yes	Yes	Yes	Yes
6.1(1)	Reasons for declining to act on request	No	Yes	No	No	No
6.1(1.3), (1.4), (2)	Notice – suspension, end of suspension	No	Yes	Yes	Yes	No
7	Notice when access requested	No	Yes	Yes	Yes	Yes
8(1)	Transfer of request	No	Yes	Yes	No	No
9(1)	Extension of time limits	No	Yes	Yes	No	No
9(2)	Notice of extension to Information Commissioner	No	Yes	Yes	Yes	Yes
10	Where access is refused	No	Yes	Yes	No	No
11(2)	Application Fee Waiver	No	Yes	Yes	No	No
12(2)(b)	Language of access	No	Yes	Yes	No	No
12(3)(b)	Access to record in alternative format	No	Yes	Yes	No	No
Exemption Provisions of the Access to Information Act						
13	Information obtained in confidence	No	Yes	No	No	No
14	Federal-provincial affairs	No	Yes	No	No	No
15	International affairs and defence	No	Yes	No	No	No
16	Law enforcement and investigations	No	Yes	Yes	No	No
16.5	<i>Public Servants Disclosure Protection Act</i>	No	Yes	No	No	No
17	Safety of individuals	No	Yes	No	No	No
18	Economic interests of Canada	No	Yes	No	No	No
18.1	Economic interest of certain government institutions	No	Yes	No	No	No
19	Personal information	No	Yes	Yes	No	No
20	Third party information	No	Yes	Yes	No	No
21	Advice, etc.	No	Yes	No	No	No
22	Testing procedures, tests and audits	No	Yes	No	No	No
22.1	Internal Audits	No	Yes	No	No	No
23	Protected information – solicitors, advocates and notaries	No	Yes	Yes	No	No
23.1	Protected information – patents and trade-marks	No	Yes	Yes	No	No
24	Statutory prohibitions against disclosure	No	Yes	Yes	No	No
Other Provisions of the Access to Information Act						
25	Severability	No	Yes	Yes	No	No
26	Refusal of access if information to be published	No	Yes	No	No	No
27(1), (4)	Notice to third parties	No	Yes	Yes	Yes	No
28(1)(b),	Representations of third party and decision	No	Yes	No	No	No
33	Notice to Information Commissioner of notices to third parties	No	Yes	Yes	Yes	No
35(2)(b)	Right to make representations	No	No	No	No	No
37(1)(c)	Notice of actions to implement recommendations of Commissioner	No	No	No	No	No
37(4)	Access to be given to complainant	No	Yes	No	No	No
41(2)	Review by Federal Court – government institution	No	No	No	No	No
43(2)	Service or notice of application to Federal Court for review	No	Yes	Yes	No	No
44(2)	Notice to person who requested record	No	Yes	Yes	No	No
52(2)(b), 52(3)	Special rules for hearings	No	No	No	No	No
94	Annual report – government institutions	No	No	No	No	No
96(3)	Notice of Provision of services related to access to information	No	No	No	No	No
96(5)	Spending authority	No	No	No	No	No
Access to Information Regulations						
6(1)	Transfer of request	No	Yes	No	No	No
8	Method of access	No	Yes	No	No	No
8.1	Limitations in respect of format	No	Yes	No	No	No

Privacy Act

Description	DM	Assoc. DM	ADM CSB	DG PIMSD
All powers, duties and functions under the Act and Regulations	Full authority			

Description	Executive Dir, ATIP Ops Dir, ATIP Ops	Dir, PMD
All powers, duties and functions under the Act and Regulations, with noted exceptions	Full authority except Sections 8(2)(j), 8(2)(m), 8(5), 9(1), 9(4), 10	Full authority except Sections 14-28 inclusively

Provision	Description	Deputy Dir / Manager ATIP Ops	Team Leader/ Senior Advisor	Senior Analyst	Analyst
8(2)(j)	Disclosure for research or statistical purposes	No	No	No	No
8(2)(m)	Disclosure in the public interest or in the interest of the individual	No	No	No	No
8(4)	Copies of requests under paragraph 8(2)(e)	No	No	No	No
8(5)	Notice of disclosure under paragraph 8(2)(m)	No	No	No	No
9(1)	Record of disclosures to be retained	No	No	No	No
9(4)	Consistent uses	No	No	No	No
10	Personal information to be included in personal information banks	No	No	No	No
14(a)	Notice where access requested	Yes	Yes	Yes	No
14(b)	Giving access to the record	Yes	Yes	No	No
15	Extension of time limits	Yes	Yes	Yes	No
16	Where access is refused	Yes	Yes	No	No
17(2)(b)	Language of access	Yes	Yes	No	No
17(3)(b)	Access in an alternative format	Yes	Yes	No	No
18(2)	Exempt banks	Yes	No	No	No
19	Information obtained in confidence	Yes	No	No	No
20	Federal-provincial affairs	Yes	No	No	No
21	International affairs and defence	Yes	No	No	No
22	Law enforcement and investigations	Yes	No	No	No
22.3	<i>Public Servants Disclosure Protection Act</i>	Yes	No	No	No
23	Security clearances	Yes	No	No	No
24	Individuals sentenced for an offence	Yes	No	No	No
25	Safety of individuals	Yes	No	No	No
26	Information about another individual	Yes	Yes	No	No
27	Protected information – solicitors, advocates and notaries	Yes	Yes	No	No
27.1	Protected information – patents and trade-marks	Yes	Yes	No	No
28	Medical records	Yes	No	No	No
33(2)	Right to make representations	No	No	No	No
35(1)(b)	Notice of actions to implement recommendations of Commissioner	Yes	No	No	No
35(4)	Access to be given to complainant	Yes	No	No	No
36(3)(b)	Notice of actions to implement recommendations of Commissioner	Yes	No	No	No
51(2)(b),(3)	Special rules for hearings	No	No	No	No
72	Annual report to Parliament	No	No	No	No
73.1(3)	Notice of Provision of services related to privacy	No	No	No	No
73.1(5)	Spending authority	No	No	No	No
Privacy Regulations					
7	Retention of personal information requested under paragraph	No	No	No	No
9	Examination of information	Yes	Yes	Yes	Yes
11(2),11(4)	Notification concerning corrections	Yes	Yes	Yes	Yes
13(1)	Disclosure of personal information relating to physical or mental	Yes	Yes	No	No
14	Examination in presence of medical practitioner or psychologist	Yes	Yes	No	No

Legend

Yes	Delegated
No	No Delegation

Appendix B: Statistical report on the *Access to Information Act*

Reporting period: 2022-04-01 to 2023-03-31. Data extracted on May 29, 2023.

Section 1: Requests under the *Access to Information Act*

1.1 Number of requests

Category	Number of requests
Received during reporting period	1,687
Outstanding from previous reporting periods	1,913
<ul style="list-style-type: none"> Outstanding from previous reporting period 	923
<ul style="list-style-type: none"> Outstanding from more than one reporting period 	990
Total	3,600
Closed during reporting period	1,679
Carried over to next reporting period	1,921
<ul style="list-style-type: none"> Carried over within legislated timeline 	369
<ul style="list-style-type: none"> Carried over beyond legislated timeline 	1,552

1.2 Sources of requests

Source	Number of requests
Media	223
Academia	35
Business (private sector)	872
Organization	93
Public	248
Decline to Identify	216
Total	1,687

1.3 Channels of requests

Source	Number of requests
Online	1,657
E-mail	11
Mail	19
In person	0
Phone	0
Fax	0
Total	1,687

Section 2: Informal requests

2.1 Number of informal requests

Category	Number of requests
Received during reporting period	916
Outstanding from previous reporting periods	190
<ul style="list-style-type: none"> Outstanding from previous reporting period 	171
<ul style="list-style-type: none"> Outstanding from more than one reporting period 	19
Total	1,106
Closed during reporting period	723
Carried over to next reporting period	383

2.2 Channels of informal requests

Source	Number of requests
Online	916
E-mail	0
Mail	0
In person	0
Phone	0
Fax	0
Total	916

2.3 Completion time of informal requests

Completion time							
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
54	65	63	200	186	155	0	723

2.4 Pages released informally

Less than 100 pages released		100 to 500 pages released		501 to 1,000 pages released		1,001 to 5,000 pages released		More than 5,000 pages released	
Number of requests	Pages released	Number of requests	Pages released	Number of requests	Pages released	Number of requests	Pages released	Number of requests	Pages released
62	1,422	22	4,814	7	4,429	3	4,416	0	0

2.5 Pages re-released informally

Less than 100 pages re-released		100 to 500 pages re-released		501 to 1,000 pages re-released		1,001 to 5,000 pages re-released		More than 5,000 pages re-released	
Number of requests	Pages re-released	Number of requests	Pages re-released	Number of requests	Pages re-released	Number of Requests	Pages re-released	Number of requests	Pages re-released
391	10,422	173	45,538	35	21,664	28	58,005	2	13,170

Section 3: Applications to the Information Commissioner on declining to act on requests

Category	Number of requests
Outstanding from previous reporting period	0
Sent during reporting period	0
Total	0
Approved by the Information Commissioner during reporting period	0
Declined by the Information Commissioner during reporting period	0
Withdrawn during reporting period	0
Carried over to next reporting period	0

Section 4: Requests closed during the reporting period

4.1 Disposition and completion time

Disposition of 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	2	21	27	49	15	19	29	162
Disclosed in part	17	102	66	462	121	164	272	1,204
All exempted	0	0	1	5	1	0	1	8
All excluded	0	1	1	0	0	1	2	5
No records exist	25	64	21	13	2	3	1	129
Request transferred	6	0	0	0	1	0	0	7
Request abandoned	61	20	8	4	5	2	64	164
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Decline to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0
Total	111	208	124	533	145	189	369	1,679

4.2 Exemptions

Section	Number of requests
13(1)(a)	8
13(1)(b)	5
13(1)(c)	14
13(1)(d)	0
13(1)(e)	0
14	12
14(a)	18
14(b)	15
15(1)	11
15(1) - International Affairs	9
15(1) - Defence of Canada	2
15(1) - Subversive Activities	0
16(1)(a)(i)	0
16(1)(a)(ii)	0
16(1)(a)(iii)	0
16(1)(b)	4

Section	Number of requests
16(1)(c)	7
16(1)(d)	1
16(2)	7
16(2)(a)	0
16(2)(b)	0
16(2)(c)	31
16(3)	0
16.1(1)(a)	0
16.1(1)(b)	0
16.1(1)(c)	0
16.1(1)(d)	0
16.2(1)	0
16.3	0
16.4(1)(a)	0
16.4(1)(b)	0
16.5	0
16.6	0
17	0
18(a)	2
18(b)	6
18(c)	0
18(d)	0
18.1(1)(a)	0
18.1(1)(b)	0
18.1(1)(c)	0
18.1(1)(d)	0
19(1)	1,198
20(1)(a)	9
20(1)(b)	172
20(1)(b.1)	0
20(1)(c)	91
20(1)(d)	15
20.1	0
20.2	0
20.4	0
21(1)(a)	59
21(1)(b)	75
21(1)(c)	18
21(1)(d)	1
22	2
22.1(1)	0
23	35
23.1	0
24(1)	4

Section	Number of requests
26	0

4.3 Exclusions

Section	Number of requests
68(a)	19
68(b)	0
68(c)	0
68.1	1
68.2(a)	0
68.2(b)	0
69(1)	17
69(1)(a)	5
69(1)(b)	0
69(1)(c)	4
69(1)(d)	0
69(1)(e)	0
69(1)(f)	0
69(1)(g) re (a)	10
69(1)(g) re (b)	0
69(1)(g) re (c)	5
69(1)(g) re (d)	5
69(1)(g) re (e)	5
69(1)(g) re (f)	4
69.1(1)	0

4.4 Format of information released

Paper	Electronic: e-record	Electronic: data set	Electronic: video	Electronic: audio	Other
66	1,292	8	0	0	0

4.5 Complexity

4.5.1 Relevant pages processed and disclosed for paper and e-record formats

Number of pages processed	Number of pages disclosed	Number of requests
385,225	356,835	1,543

4.5.2 Relevant pages processed per request disposition for paper and e-record formats by size of requests

Disposition	Less than 100 pages processed		100 to 500 pages processed		501 to 1,000 pages processed		1,001 to 5,000 pages processed		More than 5,000 pages processed	
	Number of requests	Pages processed	Number of requests	Pages processed	Number of requests	Pages processed	Number of requests	Pages processed	Number of requests	Pages processed
All disclosed	117	2,951	34	7,237	6	3,496	3	7,106	2	37,807
Disclosed in part	572	17,333	517	121,258	79	53,286	33	59,905	3	62,369
All exempted	6	47	2	377	0	0	0	0	0	0
All excluded	5	43	0	0	0	0	0	0	0	0
Request abandoned	152	272	4	842	3	2,632	5	8,264	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0	0	0
Total	852	20,646	557	129,714	88	59,414	41	75,275	5	100,176

4.5.3 Relevant minutes processed and disclosed for audio formats

Number of minutes processed	Number of minutes disclosed	Number of requests
0	0	0

4.5.4 Relevant minutes processed per request disposition for audio formats by size of requests

Disposition	Less than 60 minutes processed		60 to 120 minutes processed		More than 120 minutes processed	
	Number of requests	Minutes processed	Number of requests	Minutes processed	Number of requests	Minutes processed
All disclosed	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0
All exempted	0	0	0	0	0	0
All excluded	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0
Total	0	0	0	0	0	0

4.5.5 Relevant minutes processed and disclosed for video formats

Number of minutes processed	Number of minutes disclosed	Number of requests
0	0	0

4.5.6 Relevant minutes processed per request disposition for video formats by size of requests

Disposition	Less than 60 minutes processed		60 to 120 minutes processed		More than 120 minutes processed	
	Number of requests	Minutes processed	Number of requests	Minutes processed	Number of requests	Minutes processed
All disclosed	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0
All exempted	0	0	0	0	0	0
All excluded	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0
Total	0	0	0	0	0	0

4.5.7 Other complexities

Disposition	Consultation required	Legal advice sought	Other	Total
All disclosed	61	0	16	77
Disclosed in part	757	9	113	879
All exempted	3	0	0	3
All excluded	3	2	1	6
Request abandoned	0	0	0	0
Neither confirmed nor denied	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0
Total	824	11	130	965

4.6 Closed requests

4.6.1 Requests closed within legislated timelines

Category	Requests closed within legislated timelines
Number of requests closed within legislated timelines	760
Percentage of requests closed within legislated timelines (%)	45.3%

4.7 Deemed refusals

4.7.1 Principal reasons for not meeting legislated timelines

Total number of requests closed past the legislated timelines	Interference with operations / workload	External consultation	Internal consultation	Other
919	395	132	10	382

4.7.2 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 timeline where an extension was taken	Total
1 to 15 days	39	68	107
16 to 30 days	27	41	68
31 to 60 days	33	64	97
61 to 120 days	55	66	121
121 to 180 days	31	35	66
181 to 365 days	59	73	132
More than 365 days	159	169	328
Total	403	516	919

4.8 Requests for translation

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

Section 5: Extensions

5.1 Reasons for extensions and disposition of requests

Disposition of requests where an extension was taken	9(1)(a) Interference with operations / workload	9(1)(b) Consultation: Section 69	9(1)(b) Consultation: Other	9(1)(c) Third party notice
All disclosed	7	1	9	71
Disclosed in part	142	13	55	789
All exempted	0	0	0	4
All excluded	0	0	0	0
Request abandoned	20	0	5	38
No records exist	0	0	0	0
Decline to act with the approval of the Information Commissioner	0	0	0	0
Total	169	14	69	902

5.2 Length of extensions

Length of extensions	9(1)(a) Interference with operations / workload	9(1)(b) Consultation: Section 69	9(1)(b) Consultation: Other	9(1)(c) Third party notice
30 days or less	104	1	9	0
31 to 60 days	33	2	19	858
61 to 120 days	12	9	22	44
121 to 180 days	10	1	10	0
181 to 365 days	7	0	7	0
365 days or more	3	1	2	0
Total	169	14	69	902

Section 6: Fees

Fee type	Fee collected		Fee waived		Fee refunded	
	Number of requests	Amount	Number of requests	Amount	Number of requests	Amount
Application	1,384	\$6,920.00	303	\$1,515.00	0	\$0.00
Other fees	0	\$0.00	0	\$0.00	0	\$0.00
Total	1,384	\$6,920.00	303	\$1,515.00	0	\$0.00

Section 7: Consultations received from other institutions and organizations

7.1 Consultations received from other Government of Canada institutions and organizations

Consultations	Other Government of Canada institutions	Number of pages to review	Other organizations	Number of pages to review
Received during the reporting period	219	31,431	27	1,544
Outstanding from the previous reporting period	22	2,548	2	740
Total	241	33,979	29	2,284
Closed during the reporting period	207	32,518	28	2,278
Carried over within negotiated timelines	18	782	0	0
Carried over beyond negotiated timelines	16	679	1	6

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

Recommendation	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
Disclose entirely	53	42	25	12	1	1	1	135
Disclose in part	2	5	6	6	2	3	2	26
Exempt entirely	0	0	0	0	0	0	0	0

Recommendation	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
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	8	14	11	5	0	0	1	39
Other	1	2	1	1	0	2	0	7
Total	64	63	43	24	3	6	4	207

7.3 Recommendations and completion time for consultations received from other organizations outside the Government of Canada

Recommendation	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
Disclose entirely	6	7	2	2	0	0	0	17
Disclose in part	1	0	1	0	0	0	0	2
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	3	3	0	1	1	0	0	8
Other	1	0	0	0	0	0	0	1
Total	11	10	3	3	1	0	0	28

Section 8: Completion time of consultations on Cabinet Confidences

8.1 Requests with Legal Services

Number of days	Fewer than 100 pages processed		100 to 500 pages processed		501 to 1,000 pages processed		1,001 to 5,000 pages processed		More than 5,000 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	8	117	0	0	0	0	0	0	0	0
16 to 30	7	85	0	0	0	0	0	0	0	0
31 to 60	6	163	1	0	0	0	0	0	0	0
61 to 120	3	78	1	0	0	0	0	0	0	0
121 to 180	1	33	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	25	476	2	0	0	0	0	0	0	0

8.2 Requests with Privy Council Office

Number of days	Fewer than 100 pages processed		100 to 500 pages processed		501 to 1,000 pages processed		1,001 to 5,000 pages processed		More than 5,000 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	1	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

Number of days	Fewer than 100 pages processed		100 to 500 pages processed		501 to 1,000 pages processed		1,001 to 5,000 pages processed		More than 5,000 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
Total	1	0	0	0	0	0	0	0	0	0

Section 9: Investigations and reports of finding

9.1 Investigations

Section 32 Notice of intention to investigate	Subsection 30(5) Ceased to investigate	Section 35 Formal representations
60	42	50

9.2 Investigations and reports of finding

Section 37(1) Initial reports: received	Section 37(1) Initial reports: containing recommendations issued by the Information Commissioner	Section 37(1) Initial reports: containing orders issued by the Information Commissioner	Section 37(2) Final reports: received	Section 37(2) Final reports: containing recommendations issued by the Information Commissioner	Section 37(2) Final reports: containing orders issued by the Information Commissioner
4	1	3	12	2	1

Section 10: Court Action

10.1 Court actions on complaints

Section 41: Complainant (1)	Section 41: Institution (2)	Section 41: Third party (3)	Section 41: Privacy Commissioner (4)	Total
0	0	0	0	0

10.2 Court actions on third party notifications under paragraph 28(1)(b)

Section 44 - under paragraph 28(1)(b)
1

Section 11: Resources related to the *Access to Information Act*

11.1 Allocated costs

Expenditures	Amount
Salaries	\$5,194,379
Overtime	\$60,928
Goods and Services	\$2,233,844
Professional services contracts	\$2,112,793
Other	\$121,051
Total	\$7,489,151

11.2 Human resources

Resources	Person years dedicated to Access to Information activities
Full-time employees	63.647
Part-time and casual employees	4.004
Regional staff	0.000
Consultants and agency personnel	9.610
Students	0.200
Total	77.461

Appendix C: Statistical report on the *Privacy Act*

Reporting period: 2022-04-01 to 2023-03-31. Data extracted on May 29, 2023.

Section 1: Requests under the *Privacy Act*

1.1 Number of requests

Category	Number of requests
Received during reporting period	208
Outstanding from previous reporting periods	56
• Outstanding from previous reporting period	41
• Outstanding from more than one reporting period	15
Total	264
Closed during reporting period	221
Carried over to next reporting period	43
• Carried over within legislated timeline	23
• Carried over beyond legislated timeline	20

1.2 Channels of requests

Source	Number of requests
Online	197
E-mail	1
Mail	9
In person	0
Phone	0
Fax	1
Total	208

Section 2: Informal requests

2.1 Number of informal requests

Category	Number of requests
Received during reporting period	0
Outstanding from previous reporting periods	0
• Outstanding from previous reporting period	0
• Outstanding from more than one reporting period	0
Total	0
Closed during reporting period	0
Carried over to next reporting period	0

2.2 Channels of informal requests

Source	Number of requests
Online	0
E-mail	0
Mail	0
In person	0
Phone	0
Fax	0
Total	0

2.3 Completion time of informal requests

Completion time							
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
0	0	0	0	0	0	0	0

2.4 Pages released informally

Less than 100 pages released		100 to 500 pages released		501 to 1,000 pages released		1,001 to 5,000 pages released		More than 5,000 pages released	
Number of requests	Pages released	Number of requests	Pages released	Number of requests	Pages released	Number of requests	Pages released	Number of requests	Pages released
0	0	0	0	0	0	0	0	0	0

Section 3: Requests closed during the reporting period

3.1 Disposition and completion time

Disposition of 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	4	6	1	1	0	0	0	12
Disclosed in part	7	18	16	14	5	4	1	65
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	22	4	2	0	1	0	0	29
Request abandoned	89	13	3	7	0	0	3	115
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	122	41	22	22	6	4	4	221

3.2 Exemptions

Section	Number of requests
18(2)	0
19(1)(a)	0
19(1)(b)	0
19(1)(c)	0
19(1)(d)	0
19(1)(e)	0
19(1)(f)	0
20	0
21	0
22(1)(a)(i)	0
22(1)(a)(ii)	0
22(1)(a)(iii)	0
22(1)(b)	2
22(1)(c)	0
22(2)	0
22.1	0
22.2	0
22.3	0

Section	Number of requests
22.4	0
23(a)	0
23(b)	0
24(a)	0
24(b)	0
25	0
26	67
27	7
27.1	0
28	0

3.3 Exclusions

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

3.4 Format of information released

Paper	Electronic: e-record	Electronic: data set	Electronic: video	Electronic: audio	Other
14	63	0	0	0	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed for paper and e-record formats

Number of pages processed	Number of pages disclosed	Number of requests
16,173	13,854	192

3.5.2 Relevant pages processed by request disposition for paper and e-record formats by size of requests

Disposition	Less than 100 pages processed		100 to 500 pages processed		501 to 1,000 pages processed		1,001 to 5,000 pages processed		More than 5,000 pages processed	
	Number of requests	Pages processed	Number of requests	Pages processed	Number of requests	Pages processed	Number of requests	Pages processed	Number of requests	Pages processed
All disclosed	12	146	0	0	0	0	0	0	0	0
Disclosed in part	37	1,361	23	5,382	2	1,174	3	6,410	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	113	0	1	400	0	0	1	1,300	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	162	1,507	24	5,782	2	1,174	4	7,710	0	0

3.5.3 Relevant minutes processed and disclosed for audio formats

Number of minutes processed	Number of minutes disclosed	Number of requests
0	0	0

3.5.4 Relevant minutes processed per request disposition for audio formats by size of requests

Disposition	Less than 60 minutes processed		60 to 120 minutes processed		More than 120 minutes processed	
	Number of requests	Minutes processed	Number of requests	Minutes processed	Number of requests	Minutes processed
All disclosed	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0
All exempted	0	0	0	0	0	0
All excluded	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0
Total	0	0	0	0	0	0

3.5.5 Relevant minutes processed and disclosed for video formats

Number of minutes processed	Number of minutes disclosed	Number of requests
0	0	0

3.5.6 Relevant minutes processed per request disposition for video formats by size of requests

Disposition	Less than 60 minutes processed		60 to 120 minutes processed		More than 120 minutes processed	
	Number of requests	Minutes processed	Number of requests	Minutes processed	Number of requests	Minutes processed
All disclosed	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0
All exempted	0	0	0	0	0	0
All excluded	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0
Total	0	0	0	0	0	0

3.5.7 Other complexities

Disposition	Consultation required	Legal advice sought	Interwoven information	Other	Total
All disclosed	0	0	0	4	4
Disclosed in part	10	0	0	8	18
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Total	10	0	0	12	22

3.6 Closed requests

3.6.1 Number of requests closed within legislated timelines

Category	Requests closed within legislated timelines
Number of requests closed within legislated timelines	172
Percentage of requests closed within legislated timelines (%)	77.8%

3.7 Deemed refusals

3.7.1 Reasons for not meeting legislated timelines

Total number of requests closed past the statutory deadline	Interference with operations / workload	External consultation	Internal consultation	Other
49	31	0	4	14

3.7.2 Requests closed beyond legislated timelines (including any extension taken)

Number of days past deadline	Number of requests past legislated timeline where no extension was taken	Number of requests past legislated timeline where an extension was taken	Total
1 to 15 days	8	3	11
16 to 30 days	5	3	8
31 to 60 days	9	3	12
61 to 120 days	6	3	9
121 to 180 days	1	2	3
181 to 365 days	2	1	3
More than 365 days	3	0	3
Total	34	15	49

3.8 Requests for translation

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

Section 4: Disclosures under subsections 8(2) and 8(5)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Subsection 8(5)	Total
12	0	0	12

Section 5: Requests for correction of personal information and notations

Disposition for correction requests received	Number
Notations attached	0
Requests for correction accepted	0
Total	0

Section 6: Extensions

6.1 Reasons for extensions and disposition of requests

Reason for extension	Number of requests where an extension was taken
15(a)(i) Interference with Operations: Further Review Required to Determine Exemptions	0
15(a)(i) Interference with Operations: Large Volume of Pages	0
15(a)(i) Interference with Operations: Large Volume of Requests	21
15(a)(i) Interference with Operations: Documents are Difficult to Obtain	0
15(a)(ii) Consultation: Cabinet Confidence (Section 70)	0
15(a)(ii) Consultation: External	0
15(a)(ii) Consultation: Internal	4
15(b) Translation Purposes or Conversion	0
Total	25

6.2 Length of extensions

Reason for extension	1 to 15 days	16 to 30 days	31 days or greater	Total
15(a)(i) Interference with operations: further review required to determine exemptions	0	0	n/a	0
15(a)(i) Interference with operations: large volume of pages	0	0	n/a	0
15(a)(i) Interference with operations: large volume of requests	0	21	n/a	21
15(a)(i) Interference with operations: documents are difficult to obtain	0	0	n/a	0
15(a)(ii) Consultation: Cabinet Confidence (Section 70)	0	0	n/a	0
15(a)(ii) Consultation: External	0	0	n/a	0
15(a)(ii) Consultation: Internal	0	4	n/a	4
15(b) Translation purposes or conversion	0	0	0	0

Section 7: Consultations received from other institutions and organizations

7.1 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 reporting period	2	28	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	2	28	0	0
Closed during the reporting period	2	28	0	0
Carried over within negotiated timelines	0	0	0	0
Carried over beyond negotiated timelines	0	0	0	0

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

Recommendation	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
Disclose entirely	1	1	0	0	0	0	0	2
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	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	1	1	0	0	0	0	0	2

7.3 Recommendations and completion time for consultations received from other organizations outside the Government of Canada

Recommendation	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
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	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

Section 8: Completion time of consultations on Cabinet Confidences

8.1 Requests with Legal Services

Number of days	Fewer than 100 pages processed		100 to 500 pages processed		501 to 1,000 pages processed		1,001 to 5,000 pages processed		More than 5,000 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

8.2 Requests with Privy Council Office

Number of days	Fewer than 100 pages processed		100 to 500 pages processed		501 to 1,000 pages processed		1,001 to 5,000 pages processed		More than 5,000 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

Section 9: Complaints and investigation notices received

Section 31	Section 33	Section 35	Court Action	Total
18	5	4	0	27

Section 10: Privacy Impact Assessments (PIA) and personal Information Banks (PIB)

10.1 Privacy Impact Assessments

Number of PIA(s) completed	2
Number of PIA(s) modified	0

10.2 Institution-specific and central Personal Information Banks

Personal Information Banks	Active	Created	Terminated	Modified
Institution-specific	48	1	0	25
Central	2	0	0	0
Total	50	1	0	25

Section 11: Privacy breaches

11.1 Material privacy breaches reported

Number of material privacy breaches reported to TBS	0
Number of material privacy breaches reported to OPC	0

11.2 Non-material privacy breaches

Number of non-material privacy breaches	74
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Section 12: Resources related to the *Privacy Act*

12.1 Allocated costs

Expenditures	Amount
Salaries	\$1,674,435
Overtime	\$19,506
Goods and Services	\$460,667
Professional services contracts	\$437,568
Other	\$23,099
Total	\$2,154,608

12.2 Human Resources

Resources	Personal dedicated to privacy activities
Full-time employees	15.779
Part-time and casual employees	3.014
Regional staff	0.000
Consultants and agency personnel	1.948
Students	0.280
Total	21.021

Appendix D: Supplemental statistical report on the ATIA and *Privacy Act*

In addition to completing the forms for the Statistical Reports on the ATIA and *Privacy Act* for 2022-2023, institutions were asked to complete this Supplemental Report to help identify the institutional capacity during COVID-19. The data requirements are set out in the tables below.

Section 1: Capacity to receive requests under the *Access to Information Act* and *Privacy Act*

1.1 The following table reports the number of weeks Health Canada was able to receive ATIP requests through different channels.

Time period	Number of weeks
Able to receive requests by mail	52
Able to receive requests by email	52
Able to receive requests through the digital request service	52

Section 2: Capacity to process records under the *Access to Information Act* and *Privacy Act*

2.1 The following table reports the number of weeks Health Canada was able to process paper records in different classification levels.

Type of paper record	No capacity	Partial capacity	Full capacity	Total
Unclassified Paper Records	0	0	52	52
Protected B Paper Records	0	0	52	52
Secret and Top Secret Paper Records	0	0	52	52

2.2 The following table reports the total number weeks Health Canada was able to process electronic records in different classification levels.

Type of electronic record	No capacity	Partial capacity	Full capacity	Total
Unclassified electronic record	0	0	52	52
Protected B electronic record	0	0	52	52
Secret and Top Secret electronic record	0	0	52	52

Section 3: Open requests and complaints under the *Access to Information Act*

3.1 The following table reports the number of open requests that are outstanding from previous reporting periods.

Fiscal year open requests were received	Open requests that are within legislated timelines as of March 31, 2023	Open requests that are beyond legislated timelines as of March 31, 2023	Total
Received in 2022-2023	329	406	735
Received in 2021-2022	27	473	500
Received in 2020-2021	6	381	387
Received in 2019-2020	6	151	157
Received in 2018-2019	1	74	75
Received in 2017-2018	0	46	46
Received in 2016-2017	0	13	13
Received in 2015-2016	0	5	5
Received in 2014-2015	0	0	0
Received in 2013-2014 or earlier	0	3	3
Total	369	1,552	1,921

3.2 The following table reports the number of open complaints with the Information Commissioner of Canada that are outstanding from previous reporting periods.

Fiscal year open complaints were received by institution	Number of open complaints
Received in 2022-2023	41
Received in 2021-2022	11
Received in 2020-2021	5
Received in 2019-2020	6
Received in 2018-2019	2
Received in 2017-2018	3
Received in 2016-2017	0
Received in 2015-2016	0
Received in 2014-2015	0
Received in 2013-2014 or earlier	0
Total	68

Section 4: Open requests and complaints under the *Privacy Act*

4.1 The following table reports the number of open requests that are outstanding from previous reporting periods.

Fiscal year open requests were received	Open requests that are within legislated timelines as of March 31, 2023	Open requests that are beyond legislated timelines as of March 31, 2023	Total
Received in 2022-2023	22	5	27
Received in 2021-2022	0	5	5
Received in 2020-2021	1	2	3
Received in 2019-2020	0	7	7
Received in 2018-2019	0	0	0
Received in 2017-2018	0	0	0
Received in 2016-2017	0	0	0

Fiscal year open requests were received	Open requests that are within legislated timelines as of March 31, 2023	Open requests that are beyond legislated timelines as of March 31, 2023	Total
Received in 2015-2016	0	1	1
Received in 2014-2015	0	0	0
Received in 2013-2014 or earlier	0	0	0
Total	23	20	43

4.2 The following table reports the number of open complaints with the Privacy Commissioner of Canada that are outstanding from previous reporting periods.

Fiscal year open Complaints were received by institution	Number of open complaints
Received in 2022-2023	3
Received in 2021-2022	2
Received in 2020-2021	2
Received in 2019-2020	0
Received in 2018-2019	0
Received in 2017-2018	0
Received in 2016-2017	0
Received in 2015-2016	0
Received in 2014-2015	0
Received in 2013-2014 or earlier	0
Total	7

Section 5: Social Insurance Number (SIN)

Health Canada did not receive authority for a new collection or new consistent use of the SIN.

Section 6: Universal access under the *Privacy Act*

Health Canada received one request confirmed from foreign nationals outside of Canada in 2022-2023.

Appendix E: Federal court review

Actial Farmaceutical S.R.L. v. Minister of Health

In January 2020, Actial Farmaceutical filed for judicial review of a Health Canada decision issued to Ferring Inc. to partially release records related to the natural health products VSL#3®. This application raises the issues of whether Actial has standing to bring the application given the decision was issued to Ferring Inc. and whether the disputed information is exempt from disclosure.

The case was dismissed in June 2022, and the reasons for judgement remain confidential pending the court's decision.

Actial filed an appeal in October 2022. The court case remains ongoing.

Apotex Inc. v. Minister of Health and Attorney General of Canada

In August 2019, Apotex filed for judicial review of the decision to release records related to a drug product that had been withdrawn from assessment. The fact that it was withdrawn impacts the records that may already publicly exist.

A motion for an Order for production of documents under [Rules](#) 317 and 318 of the [Federal Courts Rules, S.O.R./98-106](#) was scheduled to be heard on December 18, 2020, however the Court adjourned the motion and ordered this matter to be held in abeyance pending a decision being rendered in another case concerning a similar request.

On September 6, 2022 the Federal Court of Appeal issued its decision in Preventous (see below) and held that the applicants could not receive the documents from Health Canada. The court case remains ongoing.

Apotex Inc. v. Minister of Health and Attorney General of Canada

On January 25, 2022, the Applicant filed for judicial review in the Federal Court. The Applicant is challenging the decision of the Minister of Health dated January 6, 2022 to release records and documents with respect to certain drug products in response to an ATI request.

The Applicant opposes the disclosure of information it considers confidential and has also alleged that the Minister lacked procedural fairness in rendering the decision.

A motion for an Order for production of documents under [Rules](#) 317 and 318 of the [Federal Courts Rules, S.O.R./98-106](#) was filed. This motion was held in abeyance pending a decision being rendered in another case. On September 6, 2022 the Federal Court of Appeal issued its decision in Preventous (see below) and held that the applicants could not receive the documents from Health Canada. The court case remains ongoing.

Apotex Inc. v. Minister of Health and Attorney General of Canada (discontinued)

On March 17, 2022 the Applicant filed for judicial review in the Federal Court. The Applicant was challenging the decision of the Minister of Health dated February 23, 2022 to release records and documents with respect to certain drug products in response to an ATI request.

The Applicant opposed the disclosure of information it considers confidential and has also alleged that the Minister lacked procedural fairness in rendering the decision and that the decision was devoid of

reasons and that the delay was prejudicial.

A motion for an Order for production of documents under [Rules](#) 317 and 318 of the [Federal Courts Rules, S.O.R./98-106](#) was filed. This motion was held in abeyance pending a decision being rendered in another case. On September 6, 2022 the Federal Court of Appeal issued its decision in Preventous (see below) and held that the applicants could not receive the documents from Health Canada.

Following this decision, Apotex discontinued the application on December 22, 2022.

Apotex Inc. v. Minister of Health and Attorney General of Canada (discontinued)

On December 9, 2021, the Applicant filed for judicial review challenging the decision of the Minister of Health dated November 19, 2021 to release records with respect to certain drug products in response to an ATI request. The Applicant opposes the disclosure of information alleging confidentiality and that the information is not responsive to the request and is therefore out of scope.

On December 29, 2021, the Applicant filed a second application for judicial review challenging the decision of the Minister of Health dated December 10, 2021 on similar records and for similar reasons.

On January 17, 2022, the Court ordered that the files be jointly case managed. A motion for an Order for production of documents under [Rules](#) 317 and 318 of the [Federal Courts Rules, S.O.R./98-106](#) was filed. The motion was held in abeyance pending a similar decision in another case. On September 6, 2022 the Federal Court of Appeal issued its decision in Preventous (see below) and held that the applicants could not receive the documents from Health Canada.

Following this decision, Apotex discontinued both applications on November 8, 2022.

Bayer Inc. v. Minister of Health and Attorney General of Canada

On December 15, 2021, the Applicant filed for judicial review challenging the decision of the Minister of Health dated November 25, 2021 to release records in response to an ATI request. The Applicant opposes the disclosure of information it considers confidential and alleges the disclosure could harm its competitive position.

A motion for an Order for production of documents under [Rules](#) 317 and 318 of the [Federal Courts Rules, S.O.R./98-106](#) was filed. This motion was held in abeyance pending a decision being rendered in another case. On September 6, 2022 the Federal Court of Appeal issued its decision in Preventous (see below) and held that the applicants could not receive the documents from Health Canada. The court case remains ongoing.

Elanco Canada Limited v. Canada (Minister of Health)

Elanco sought review of a decision by the Minister of Health, to disclose information related to Fortekor Flavour Tabs, that Elanco considered to be confidential. On November 19, 2019 the Federal Court found the Minister of Health's decision to disclose the records was invalid and costs were awarded against Canada. Canada appealed the decision, and the Federal Court of Appeal has set aside the original judgement, which it found was worded too broadly, contrary to section 25 of the *Access to Information Act*.

The matter has been remitted back to the Federal Court and remains ongoing.

The Information Commissioner of Canada (Molly Haynes and Patrick Cain) v. Minister of Health (dismissed in favour of Health Canada)

Three complainants filed individual applications for judicial review on June 15, 2020, which the Federal Court consolidated. In all three requests, Health Canada refused to disclose the first three characters of postal codes (Forward Sortation Area) of producers and users of medical cannabis on the grounds that the Forward Sortation Area constitutes personal information because of the serious risk of re-identifying the individuals to whom the Forward Sortation Area relates. The Information Commissioner, representing the three complainants, takes the position that the Forward Sortation Areas should have been disclosed where individuals could not be identified. An independent expert, Dr. El-Emam, was retained by Health Canada to opine on the risk of re-identification and his report was served on March 24, 2021.

The Office of the Privacy Commissioner was granted intervener status. Canada's position is that the additional characters of the postal codes in all three requests also cannot reasonably be severed further under section 25. The severance proposed by the Office of the Information Commissioner of Canada could give rise to a serious possibility of re-identification if the Forward Sortation Area is used in combination with other available information. Severing the remaining characters would not only risk re-identification of these individuals but would prove too onerous and beyond the requirements of section 25. Further, the public interest in obtaining this information does not outweigh any invasion of privacy that could result from the disclosure. The hearing took place on February 7, 2022 and the Court reserved its judgment.

On January 13, 2023 the Federal Court decided in favour of the Minister of Health. The case was dismissed, noting that Health Canada was justified in refusing to release more information because of a serious possibility of a breach of privacy.

Jamp Pharma Corporation v. Minister of Health et al

A judicial review application was filed on March 30, 2023 by Jamp Pharma following a decision by the Minister of Health to release records related to Jamp's drug product that it considers to be confidential.

Provital Health v. Canada (Minister of Health), Preventous Collaborative Health v. Canada (Minister of Health), Copeman Healthcare v. Canada (Minister of Health)

In January 2019, three private medical clinics (the Applicants) filed individual applications for judicial review of the federal Minister of Health's decision to release part of their audit reports to a requester under the *Access to Information Act*. Health Canada obtained the audit reports from Alberta Health, which did not request that the audit reports be kept confidential. The audit reports relate to the annual enrollment and membership fees charged by the Applicants.

Following an appeal, the Federal Court granted the Applicants' request for documents held by Health Canada under Rule 317 of the Federal Court Rules. In April 2021, Canada appealed this decision and on September 6, 2022 the Federal Court of Appeal decided that the applicants could not receive the documents from Health Canada. Further procedural motions filed by the applicants to obtain the records have been denied by the courts. The court case remains ongoing.