



# Administration of the *Privacy Act*

Annual Report to Parliament 2017-2018

Administration of the *Privacy Act* - Annual Report to Parliament 2017-2018

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Canadian Environmental Assessment Agency  
Access to Information and Privacy Coordinator

Physical/mailling address:

160 Elgin St. 22<sup>nd</sup> Floor

Ottawa, ON K1A 0H3

Telephone: 613-948-1362

Email: [atip-aiprp@ceaa-acee.gc.ca](mailto:atip-aiprp@ceaa-acee.gc.ca)

## Table of Contents

Table of Contents.....	1
Introduction .....	2
Organizational Structure .....	2
Delegation Order.....	3
Statistical Report – Interpretation and Analysis.....	4
<i>Privacy Act</i> Requests Received .....	4
Multi-year Trends .....	4
Training and Awareness .....	5
Policies, Guidelines and Procedures .....	5
Complaints, Audits and Investigations .....	5
Monitoring and Reporting.....	5
Privacy Breaches .....	6
Privacy Impact Assessments .....	6
Disclosures under Paragraphs 8(2)(e), (f), (g), and (m) of the <i>Privacy Act</i> .....	6
Data Matching and Sharing Activities .....	6
Appendix A: Designation Order.....	7
Appendix B: Statistical Report on the <i>Privacy Act</i> .....	11

## Introduction

The *Privacy Act* (the Act) gives Canadian citizens and people present in Canada the right to have access to information about them that is held by the federal government. It also protects against unauthorized disclosure of that personal information. In addition, it strictly controls how government will collect, use, store, disclose, and dispose of any personal information.

This report is submitted in accordance with Section 72 of the Act which requires every head of a federal government institution to submit a report to Parliament on the administration of the Act within their institution during the reporting period. It presents an overview of the *Access to Information Act* activities carried out within the Canadian Environmental Assessment Agency (the Agency) during the reporting period of April 1, 2017 to March 31, 2018.

Established in 1994, the Agency came into being to prepare for the implementation of the *Canadian Environmental Assessment Act*, which came into effect in early 1995. The Agency is a federal body accountable to the Minister of Environment and Climate Change. The Agency provides high-quality environmental assessments that contribute to informed decision making, in support of sustainable development. The Agency is the responsible authority for most federal Environmental Assessments. The current *Canadian Environmental Assessment Act, 2012* (CEAA 2012) came into effect on July 6, 2012. CEAA 2012 and its accompanying regulations provide the legislative framework for environmental assessments.

## Organizational Structure

The provision of Access to Information and Privacy (ATIP) services in the Agency is the general responsibility of the Director of the Information Services Division, which reports to the Vice-President and Chief Security Officer, Corporate Services, to fulfill its *Access to Information Act* responsibilities.

The Information Services Division includes Information Management, ATIP, and Information Technology. The ATIP function is the direct responsibility of the ATIP Coordinator and a team of three ATIP Officers.

The ATIP team administers the Act by:

- Receiving Privacy requests under the Act, creating request files and tracking the processing of requests using AccessPro Case Management software;
- Sending statutory notices to applicants, third parties, and the Privacy Commissioner;
- Conducting necessary consultations;
- Processing Privacy records for disclosure under the Act, in response to requests;
- Responding to Privacy requests for correction of personal information held by the Agency;
- Providing training and advice to Agency officials on interpretation and application of the legislation;

- Negotiating the resolution of formal complaints;
- Advising applicants, third parties and complainants of their rights and obligations under the legislation;
- Managing and reporting on privacy breaches;
- Annually updating and publicly reporting the Personal Information Banks under the Agency's control;
- Conducting/securing Privacy Impact Assessments in support of the Act and associated Regulations, Policies and Directives of Justice Canada and the Treasury Board of Canada Secretariat (TBS);
- Responding to Parliamentary Questions related to the administration of the Act;
- Compiling statistics; and
- Preparing, submitting and posting the Agency's annual report to Parliament on the administration of the Act.

## **Delegation Order**

For the purposes of the Act, the Agency's "head of the institution" as defined in section 3 of the Act is the President of the Agency.

The responsibilities associated with the administration of the Act are delegated to the senior executive officers reporting directly to the President (Vice-presidents and General Counsel), as well as the Access to Information and Privacy Coordinator by the President for the effective administration of the program. The decision-making responsibility for the application of the various provisions of the Act is formally established and outlined in the departmental Delegation of Authority Instrument which can be found under Appendix A.

## Statistical Report – Interpretation and Analysis

The Statistical Report on Access to Information requests processed by the Agency from April 1, 2017 to March 31, 2018 is included in Appendix B of this report. The following sections provide an overview of key data on the Agency’s performance for the year with some explanations, interpretations and analysis of the Statistical Report for 2017-2018.

### Privacy Act Requests Received

The Agency received 2 requests under the *Privacy Act* during the 2017-2018 reporting period. Figure 1 shown below is the disposition and completion time of both Privacy requests that were both received and closed during the reporting period. The Agency did not invoke any extensions (beyond the initial 30 days) for Privacy requests this reporting year. This is also reflected in Table 2.1 of the Statistical Report in Appendix B.

Figure 1

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	0	1	0	0	0	0	0	1
Disclosed in part	0	1	0	0	0	0	0	1
<b>Total</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>

### Multi-year Trends

Figure 2 below demonstrates that the Agency has received a low number of Privacy requests over the past few reporting periods.

Figure 2

	2014-2015	2015-2016	2016-2017	2017-2018
Number of Requests Received	2	0	0	2

## **Training and Awareness**

Agency employees are provided with training and guidance to assist them in fulfilling their duties under the *Privacy Act*. The ATIP Team provides advice and support on an as-needed basis.

Training material developed in the 2017-2018 reporting period was utilized at the end of the current reporting period for all Agency employees to attend an overview of their ATIP-related roles and responsibilities between the ATIP Office and the Office of Primary Interest. The Agency held 5 training sessions in February 2018 and 105 employees participated in the sessions. Agency employees attended both in person at headquarters or via videoconference for regional office staff.

Employees have been directed to take the Privacy-related training offered by the Canada School of Public Service. Training and reference materials are also made available to employees on the Agency's Intranet site.

## **Policies, Guidelines and Procedures**

There were no policies, guidelines or procedures implemented during this reporting period.

## **Complaints, Audits and Investigations**

There were no complaints filed with the Office of the Privacy Commissioner of Canada during the reporting period. As well, there were no investigations and no appeals have been filed with the Federal Court of Appeal.

## **Monitoring and Reporting**

The Agency continues to ensure compliance with the *Privacy Act* through effective reporting and monitoring mechanisms. Weekly ATIP reports are prepared for the Vice-President and Chief Security Officer, Corporate Services, and shared with members of the Executive Management Committee. These reports include detailed status of individual requests, compliance statistics, and any complaint investigations.

Special reports are also submitted to provide justifications for any time extensions or sensitive requests.

## **Privacy Breaches**

No material privacy breaches occurred during the 2017-2018 reporting period.

## **Privacy Impact Assessments**

No Privacy Impact Assessments were completed during the 2017-2018 reporting period.

## **Disclosures under Paragraphs 8(2)(e), (f), (g), and (m) of the *Privacy Act***

There were no disclosures pursuant to paragraphs 8(2)(e), (f), (g), and (m) of the *Privacy Act* during the 2017-2018 reporting period.

## **Data Matching and Sharing Activities**

There was no data matching or sharing activities undertaken during this reporting period.



## Appendix A: Designation Order

### DESIGNATION ORDER (*Privacy Act*)

As head of the Canadian Environmental Assessment Agency for purposes of the *Privacy Act*, I hereby designate, under section 73 of that Act, the officers and employees of the Canadian Environmental Assessment Agency, who hold the positions set out in the attached Annex, to exercise or perform all of the powers, duties or functions that are conferred upon me by the provisions of the *Privacy Act* specified in the aforementioned Annex.



Ron Hallman  
President/Président  
Canadian Environmental Assessment Agency/  
Agence canadienne d'évaluation environnementale

### ARRÊTÉ DE DÉLÉGATION (*Loi sur la protection des renseignements personnels*)

En tant que responsable de l'Agence canadienne d'évaluation environnementale aux fins de la *Loi sur la protection des renseignements personnels*, je délègue, en vertu de l'article 73 de cette Loi, à des cadres et employés de l'Agence canadienne d'évaluation environnementale qui détiennent les postes présentés à l'annexe ci-jointe, mes attributions conférées par les dispositions de la *Loi sur la protection des renseignements* spécifiées dans cette annexe.

23 July '14  
Date

**Annex to Designation Order (Privacy Act) Dated – July 2014**

**Annexe à l'Arrêté de délégation (Loi sur la protection des renseignements personnels) datée juillet 2014**

The Access to Information and Privacy Coordinator and the Senior Executive Officers reporting directly to the President of the Canadian Environmental Assessment Agency are designated to exercise or perform all powers, duties or functions of the President as the head of the Canadian Environmental Assessment Agency under the provisions of the *Privacy Act* listed below. This designation replaces all previous delegation orders.

Toutes attributions du responsable de l'Agence canadienne d'évaluation environnementale conférées par les dispositions ci-dessous de la *Loi sur la protection des renseignements personnels* sont déléguées au Coordonnateur de l'accès à l'information et de la protection des renseignements personnels ainsi qu'aux Agents principaux exécutifs qui se rapportent au président de l'Agence canadienne d'évaluation environnementale. Le présent document remplace et annule tout arrêté antérieur.

8(2)(e)	Disclose personal information for law enforcement or investigation	Communiquer des renseignements personnels en vue de faire respecter les lois fédérales ou la tenue d'enquêtes licites
8(2)(m)	Disclose personal information in the public interest or in the interest of the individual	Communiquer des renseignements personnels pour des raisons d'intérêt public ou pour l'avantage d'un individu
8(4)	Retain copy of 8(2)(e) requests and disclosed records	Conserver une copie des demandes reçues en vertu de l'alinéa 8(2)e) et une mention des renseignements communiqués en vertu de cet alinéa
8(5)	Notify Privacy Commissioner of 8(2)(m) disclosures	Inform le Commissaire à la protection de la vie privée d'une communication en vertu de l'alinéa 8(2)m)
9(1)	Retain record of use	Faire un relevé des cas d'usage
9(4)	Notify Privacy Commissioner of consistent use and amend index	Aviser le Commissaire à la protection de la vie privée d'un usage compatible et modifier le répertoire
10(1)	Include personal information in personal information banks	Verser des renseignements personnels dans des fichiers de renseignements personnels
14(a)	Provide notice when access is requested	Répondre à une demande de communication
14(b)	Provide access to the information or part thereof	Donner accès à la totalité ou à une partie du document
15	Extend time limit	Proroger le délai
17(2)(b)	Cause translation or interpretation to be made	Demande qu'une traduction ou interprétation soit faite
18(2)	Apply exemption - Personal information contained in an exempt bank	Appliquer une exception - Renseignements personnels contenus dans un fichier inconsultable
19(1)	Apply exemption - Personal information obtained in confidence from other governments	Appliquer une exception - Renseignements personnels obtenus à titre confidentiel d'autres gouvernements
19(2)	Apply exemption - Personal information if the other government, organization or institution consents to the disclosure or makes the information public	Appliquer une exception - Renseignements personnels si l'autre gouvernement, organisation ou organisme consent à leur divulgation ou les rend publics.
20	Apply exemption - Personal information injurious to the conduct of federal-provincial affairs	Appliquer une exception - Renseignements personnels dont la divulgation risque de porter préjudice à la conduite des

Annex to Designation Order (Privacy Act) Dated – July 2014

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		affaires fédérales-provinciales
21	Apply exemption - Personal information injurious to international affairs or defense	Appliquer une exception - Renseignements personnels dont la divulgation risque de porter préjudice à la conduite des affaires internationales ou à la défense
22(1)	Apply exemption - Personal information injurious to law enforcement or investigation	Appliquer une exception - Renseignements personnels dont la divulgation risque de porter préjudice à l'application de la loi ou aux enquêtes
22(2)	Apply exemption - Personal information obtained or prepared by the RCMP while performing policing services for a province or municipality	Appliquer une exception - Renseignements personnels obtenus ou préparés par la GRC dans l'exercice de fonctions de police provinciale ou municipale
22 (3)	Apply exemption - Personal information requested under subsection 12(1) that was created for the purpose of making a disclosure under the <i>Public Servants Disclosure Protection Act</i> or in the course of an investigation into a disclosure under that Act.	Appliquer une exception - Renseignements personnels demandés au titre du paragraphe 12(1) qui ont été créés en vue de faire une divulgation au titre de la <i>Loi sur la protection des fonctionnaires divulgateurs d'actes répréhensibles</i> ou dans le cadre d'une enquête menée sur une divulgation en vertu de cette loi.
23	Apply exemption - Personal information prepared by an investigative body for security clearances	Appliquer une exception - Renseignements personnels préparés par un organisme d'enquête lors des enquêtes de sécurité
24	Apply exemption - Personal information collected by the Canadian Penitentiary Service, the National Parole Service or the National Parole Board while individual was under sentence	Appliquer une exception - Renseignements personnels obtenus par le Service canadien des pénitenciers, le Service national des libérations conditionnelles ou la Commission nationale des libérations conditionnelles pendant que l'individu était sous le coup d'une condamnation
25	Apply exemption - Personal information which could threaten the safety of individuals	Appliquer une exception - Renseignements personnels dont la divulgation risquerait de nuire à la sécurité des individus
26	Apply exemption - Personal information about another individual	Appliquer une exception - Renseignements personnels qui portent sur un autre individu
27	Apply exemption - Personal information subject to solicitor-client privilege	Appliquer une exception - Renseignements personnels protégés par le secret professionnel qui lie un avocat à son client
28	Apply exemption - Personal information relating to the individual's physical or mental health	Appliquer une exception - Renseignements personnels sur l'état physique ou mental d'un individu
31	Receive notice of intention of investigation by the Privacy Commissioner	Recevoir les avis d'enquête du commissaire à la protection de la vie privée
33(2)	Make representations to the Privacy Commissioner in the course of an investigation	Présenter des observations au commissaire à la protection de la vie privée au cours d'une enquête
35	Give notice to the Information Commissioner of action taken/to be taken to implement recommendations and provide access to complainant after 35(1)(b) notice	Aviser par écrit le Commissaire à l'information des mesures prises ou envisagées pour la mise en œuvre des recommandations et accorder l'accès aux renseignements au plaignant après un avis donné en vertu de l'alinéa 35(1)b).

**Annex to Designation Order (Privacy Act) Dated – July 2014**  
**Annexe à l'Arrêté de délégation (Loi sur la protection des renseignements personnels) datée juillet 2014**

36(3)	Receive Privacy Commissioner's report of findings of investigation of exempt bank	Recevoir du commissaire à la protection de la vie privée un rapport ou il présente ses conclusions au sujet d'une enquête sur un fichier inconsultable
37(3)	Receive report of Privacy Commissioner's findings after compliance investigation	Recevoir du commissaire à la protection de la vie privée un rapport ou il présente ses conclusions à la suite d'une vérification portant sur l'application de la Loi
51(2)(b)	Request that hearing be held in the National Capital Region	Demander qu'une audition ait lieu dans la région de la capitale nationale
51(3)	Request and be given opportunity to make representations in section 51 hearings	Demander et obtenir le droit de présenter des arguments lors des auditions en vertu de l'article 51
70(1)	Exclusion - Confidences of the Queen's Privy Council for Canada	Exclusion - Renseignements confidentiels du Conseil privé de la Reine pour le Canada
72(1)	Prepare annual report to Parliament	Établir le rapport d'application de la Loi pour présentation au Parlement
77	Fulfill any responsibilities that are conferred upon the head of the institution by the regulations made under section 77 and are not included above	S'acquitter des responsabilités qui sont attribuées par règlement au responsable de l'institution fédérale en vertu de l'article 77 et qui ne sont pas incluses ci-dessus

## Appendix B: Statistical Report on the *Privacy Act*