Department of Justice Canada | Ministère de la Justice Canada

ANNUAL REPORT TO PARLIAMENT
2011-2012

Privacy Act
Department of Justice Canada

Canada

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INTRODUCTION

The *Privacy Act* (PA) was proclaimed into force on July 1, 1983.

The PA extends to individuals the right of access to information about themselves held by the Government, subject to specific and limited exceptions. The PA also protects individuals' privacy by preventing others from having access to their personal information and gives individuals substantial control over its collection, use and disclosure by the federal government.

Section 72 of the PA requires that the head of every government institution prepare for submission to Parliament an annual report on the administration of the PA within the institution during each financial year.

This is the twenty-ninth (29th) Annual Report on the administration of the PA within the Department of Justice. It is intended to describe how the Department administered its responsibilities for the fiscal year 2011-2012.

The organizational chart of the Access to Information and Privacy (ATIP) Office may be found in Appendix A.

PART I

GENERAL INFORMATION

DEPARTMENT OF JUSTICE

To better understand the context in which the PA has been implemented, this section provides background information about the Department.

The Department of Justice has a dual mandate. This mandate derives from the dual role of the Minister of Justice, who is also the Attorney General of Canada.

In support of the Minister of Justice, the Department is responsible for providing policy and program advice and direction through the development of the legal content of bills, regulations and guidelines. In support of the Attorney General, the Department is responsible for litigating civil cases by or on behalf of the Federal Crown and for providing legal advice to federal law enforcement agencies and other government departments.

PRIVACY ACTIVITIES

The ATIP Coordinator is accountable for the development, coordination and implementation of effective policies, guidelines, systems and procedures in order to enable efficient processing of requests under the *Privacy Act*. The Coordinator is also responsible for related policies, systems and procedures emanating from the Act.

The activities of the ATIP Office include:

- processing requests under the PA;
- acting as spokesperson for the Department in dealings with the Treasury Board Secretariat, the Privacy Commissioner and other government departments and agencies regarding the application of the PA;
- responding to consultation requests submitted by other federal institutions on Department of Justice documents located in their files and on records that may be subject to solicitor-client privilege;
- reviewing and approving information collection in accordance with the *Government Policy on Information Collection*;
- coordinating, reviewing and approving new entries and modifications to *Info Source*, an annual Government of Canada publication about its organization and information holdings;
- preparing the Annual Report to Parliament and other statutory reports, as well as other materials that may be required by central agencies;
- developing policies, procedures and guidelines for the orderly implementation of the PA by the Department;
- promoting awareness of the PA to ensure departmental respect of the obligations imposed on the Government;
- monitoring departmental compliance with the PA, its regulations and relevant procedures and policies; and
- participating in and advising on the preparation of Privacy Impact Assessments (PIA).

ORGANIZATION FOR THE IMPLEMENTATION OF PRIVACY ACTIVITIES

The ATIP Coordinator has full authority delegated by the Minister for the administration of the *Privacy Act* and is also referred to as Director. (Refer to page 22 for a copy of the Delegation Order.)

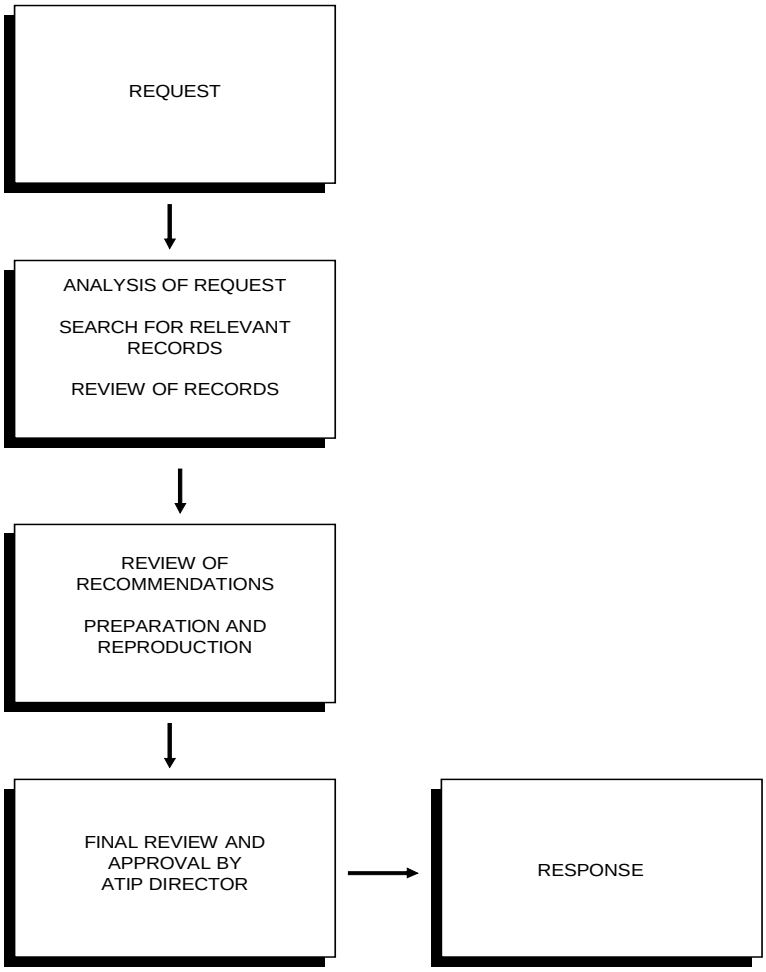
Within the ATIP Office, in proportion with the administration of the *Access to Information Act*, four (4) employees were dedicated on a full-time basis to the administration of the *Privacy Act* and related functions.

Officials of the Department were directly involved in the application of the PA by making recommendations concerning the disclosure of records and by ensuring compliance with the provisions of the Act.

The stages for processing requests are set out in a chart found on the next page.

The Reading Rooms at Headquarters and those in the Regional Offices across Canada make available to the public the most recent published version of *Info Source*, as well as departmental publications and manuals. Many of these publications can be found on the Department of Justice and the Treasury Board Secretariat's websites.

PROCESSING CHART



ADMINISTRATIVE ISSUES

Salary and Administrative Expenditures

A total of three point nine (3.9) person-years were utilized in the administration of the *Privacy Act*. The salary expenditures amounted to $ 277,586.

The administrative expenditures amounted to $23,808.

A statistical report outlining the administrative and salary expenditures is included on page 16.

Accomplishments

The Department of Justice continues to strive to provide leadership and improve its performance in order to maintain the highest standards of service. For fiscal year 2011-2012, the ATIP Office has:

- revised its organizational structure by creating a Policy Centre and an Intake Unit in order to improve its performance and maintain a high standard of service;
- drafted an Administrative Procedures Manual for its employees outlining procedures to be followed in the case management system when processing a PA request in order to ensure consistency within the Office;
- continued to update its internal procedures in order to process PA requests more efficiently as well as to formalize best practices and ensure consistency within the Office;
- revised its services standards set out in Memoranda of Understanding with several client institutions and has continued to abide by them;
- continued to share its best practices with other government institutions, including the participation in an inter-institutional Privacy Practices Working Group to assist government institutions in developing privacy related instruments to ensure that our practices are aligned with the latest TBS policies and directives; and
- continued to reduce paper consumption by printing double-sided as well as providing release packages electronically to requesters when appropriate.

Education and Training

ATIP officers regularly provide advice and informal training on the application of ATIP legislation to Departmental employees who must review relevant records requested under the PA.

Formal awareness and information sessions are also provided to program areas within the Department. Particular emphasis is given to those aspects of the Act that are directly related to the employees' areas of responsibility. This year, these sessions were provided to the following groups, for a total of two hundred and nineteen (219) employees:

- Aboriginal Affairs Portfolio (17 employees)
- Admin Continuous Learning (39 employees)
- Assistant Deputy Minister's Office, Management Sector (5 employees)
- British Columbia Regional Office (23 employees)
- Contracting and Materiel Management (24 employees)
- Human Resources, Operations (34 employees)
- Legislative Services (23 employees)
- Office of Integrity and Conflict Management in the Workplace (4 employees)
- Policy Sector (18 employees)
- Regional Security Officers (9 employees)

In addition, formal training was also offered through the Department of Justice's Learning Program, for an additional seventy-four (74) employees:

- The Fundamentals of ATIP (50 employees)
- What Justice Employees Need to Know About the Law (ATIP component) (24 employees)

ATIP training is also part of the recommended courses under the values and ethics component of the Department's Roadmap for new managers. An e-orientation deck is also posted on the Department's Intranet site for employees to consult.

Moreover, ATIP employees regularly participate in collective awareness sessions with the ATIP Counsel to review recent jurisprudence and case law related to the PA. The ATIP Counsel participates in monthly ATIP Practice Group meetings during which information is exchanged and viable solutions are proposed. The Practice Group is open to all departmental counsel, including those from Legal Services Units, and its mandate is to discuss questions such as the right of access to information or privacy issues.

In addition to mentorship and partnership relationships, workshops and presentations are also regularly provided within the ATIP Office on various topics concerning the application of the Act and related policy and procedures. This allows ATIP employees to benefit from each other's respective levels of experience and knowledge.

Finally, ATIP employees participate in training sessions, conferences and seminars organized by the Treasury Board Secretariat or by the Canadian Access and Privacy Association (CAPA) on matters relating to both access and privacy. These exchanges update employees in the development of ATIP and upcoming trends in this area.

Data Collection

The responsibility for the coordination of new data collection at the Department of Justice lies with the ATIP Coordinator. This ensures compliance with the PA and, as necessary, the creation of new Personal Information Banks or Program Records.

PART II

REPORT ON THE *PRIVACY ACT*

REQUESTS UNDER THE *PRIVACY ACT*

I. Statistical Report

The annual statistical report for fiscal year 2011-2012 is included at the end of this chapter.

II. Interpretation of the Statistical Report

1. Requests Processed

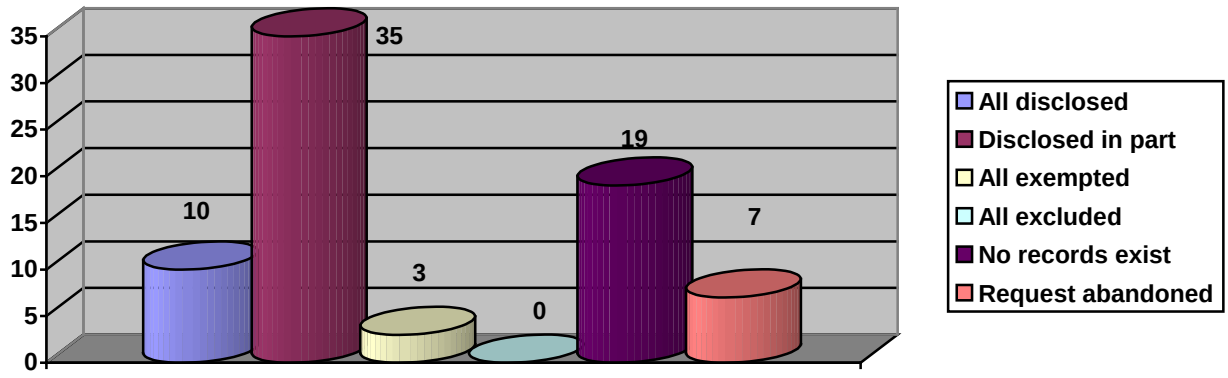
Eighty-four (84) requests were received and twelve (12) had been carried forward from the previous year, for a total of ninety-six (96) requests to be processed during the fiscal year.

2. Requests Completed

Seventy-four (74) requests were completed during the year and twenty-two (22) were carried forward to be processed during fiscal year 2012-2013.

3. Disposition of Requests Completed

	Number of Requests	Percentage
All disclosed	10	13.51%
Disclosed in part	35	47.30%
All exempted	3	4.05%
All excluded	0	0.00%
No records exist	19	25.68%
Request abandoned	7	9.46%
	74	100%



a) No records exist

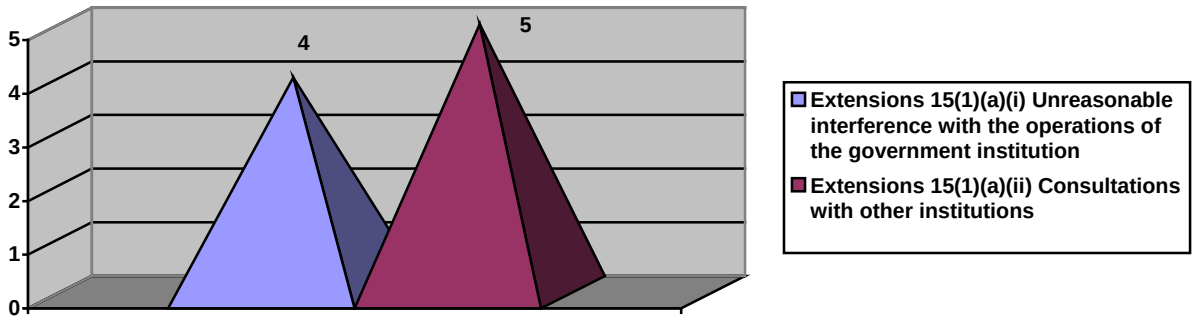
Nineteen (19) requests could not be processed as no relevant records existed under the control of the Department of Justice.

b) Request abandoned

In seven (7) cases, the applicants did not pursue the requests as a result of obtaining further clarification regarding the subject matter of their requests and the role of the Department.

4. Extensions

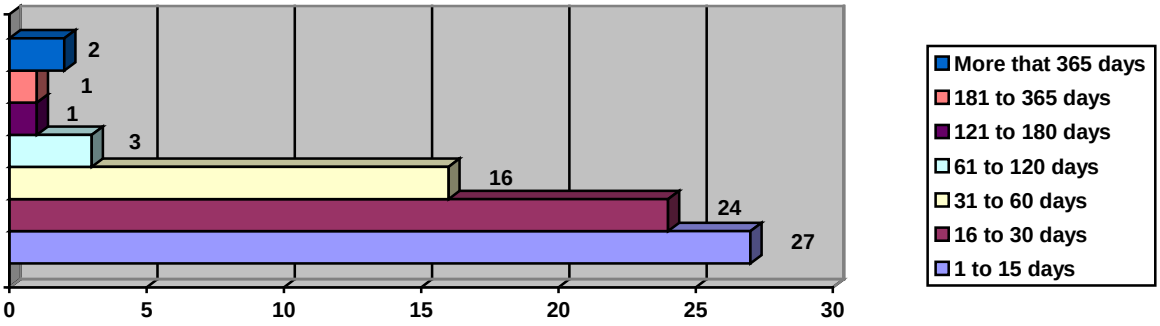
Of the nine (9) extended requests, four (4) included extensions under sub-paragraph 15(1)(a)(i) [unreasonable interference with the operations of the government institution] and five (5) included extensions under sub-paragraph 15(1)(a)(ii) [consultations with other institutions]. No extensions were claimed under paragraph 15(1)(b) [translation or conversion of the information into an alternative format].



5. Completion Time

The completion time can be summarized as follows:

	Number of Requests	Percentage
1 to 15 days	27	36.49%
16 to 30 days	24	32.43%
31 to 60 days	16	21.62%
61 to 120 days	3	4.05%
121 to 180 days	1	1.35%
181 to 365 days	1	1.35%
More than 365 days	2	2.70%
Total	74	100%



6. Method of Access

Access to the relevant documents was given, in whole or in part, in response to forty-five (45) requests. Copies were provided in all cases on either CD-Rom or in paper form.

III. Consultations by Other Federal Institutions or Departments

Two hundred and one (201) privacy consultations were received during the period under review. In addition, twelve (12) privacy consultations were outstanding from previous years, for a total of two hundred and thirteen (213). Of those 213, one hundred and ninety-one (191) privacy consultations were completed during the 2011-2012 fiscal year, and the remaining twenty-two (22) were carried forward to be completed in fiscal year 2012-2013.

Memoranda of Understanding created in 2008, strengthen our commitment towards better service delivery to the institutions that consult the Department of Justice.

IV. Complaints and Investigations

The complaint findings are defined as follows:

- Not Well-Founded: A finding that a complaint is not well-founded means that the investigation uncovered no evidence leading the Privacy Commissioner to conclude that the Government institution violated the complainant's rights under the *Privacy Act*.

- Well-Founded: A finding that a complaint is well-founded means that the Government institution failed to respect the PA rights of an individual. This would also be the Commissioner's finding in a situation where the Government institution refuses to grant access to personal information, despite a recommendation that it be released. In such a case, the next step could be for the requester or the Commissioner to seek a review by the Federal Court of Canada.

- Well-Founded/Resolved: The Commissioner will find a complaint to be well-founded/resolved when the allegations are substantiated by the investigation and the Government institution has agreed to take corrective measures to rectify the problem.

- Resolved: Resolved is a formal finding that reflects the Commissioner's role as an ombudsman. It is a designation for those complaints where well-founded would be too harsh to fit what essentially is a miscommunication or misunderstanding. It signifies that the Commissioner's Office, after a full and thorough investigation, has helped negotiate a solution that satisfies all parties.

- Settled during the Course of the Investigation: This is not a formal finding, but an acceptable means to dispose of a complaint when the investigation has been completed, and the complainant is satisfied with the efforts of the Office of the Privacy Commissioner and does not wish to pursue the issue any further. The complainant retains the right to request a formal finding. When that happens, the investigator re-opens the file, and submits a formal report. The Commissioner reports the findings in a letter to the complainant.

- Discontinued: This signifies that the investigation was terminated before all the allegations were fully investigated. A case may be discontinued for any number of reasons - for instance, the complainant may no longer be interested in pursuing the matter or cannot be located to provide additional information critical to reaching a conclusion. The Commissioner does not issue a formal finding in discontinued complaints.

The following table summarizes the reasons for the complaints and the results of the investigations:

	11-12	Reporting period				On-going
REASON FOR COMPLAINT	RECEIVED	Discontinued	Not well founded	Settled	Well founded	
Delay	0	0	0	0	1	1
Extension	0	0	0	0	0	0
Fees	0	0	0	0	0	0
Language	0	0	0	0	0	0
Miscellaneous	3	4	0	0	1	2
Publications	0	0	0	0	0	0
Refusal – 70	1	0	0	0	0	1
Refusal - Exemption	2	0	3	0	1	4
Refusal - General	1	0	0	0	0	1
Subtotal		4	3	0	3	
Total	7	10				9

1. Complaints filed

Seven (7) complaints were lodged with the Privacy Commissioner during the fiscal year.

2. Investigations Completed

The Office of the Privacy Commissioner completed the investigation of ten (10) complaints during the fiscal year. Many of these complaints had been carried forward from previous years.

The decision reached was in favour of the Department in three (3) cases. Three (3) complaints were well-founded and four (4) were discontinued.

3. On-going Investigations

At the end of the fiscal year, nine (9) complaints were still under investigation by the Office of the Privacy Commissioner.

4. Review by the Federal Court of Canada

No applications were filed before the Federal Court pursuant to section 41 of the *Privacy Act* during the reporting period.

V. Requests for Correction of Personal Information

Paragraph 12(2)(a) of the Act provides that every individual given access to personal information about himself or herself that has been used, is being used, or is available for use for an administrative purpose is entitled to request correction of such information where the individual believes there is an error or omission therein.

The Department of Justice has not received a request for correction of personal information during the reporting period.

VI. Use and Disclosure

It is the Department of Justice's policy that personal information be used solely for the purpose for which it is collected or for a consistent use as described in the *Info Source* publication.

VII. Disclosure under Paragraph 8(2)(d)

Sub-paragraph 8(2)(d) permits the disclosure of personal information to the Attorney General of Canada for use in legal proceedings involving the Crown in right of Canada or the Government of Canada.

The Department of Justice did not disclose personal information under paragraph 8(2)(d) during the reporting period.

VIII. Disclosure under Paragraph 8(2)(m)

Paragraph 8(2)(m) permits the disclosure of personal information in situations where the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure or when the disclosure would clearly benefit the individual to whom the information relates. The Privacy Commissioner must be informed of disclosures to be made under these provisions.

Two (2) communications were made pursuant to paragraph 8(2)(m).

In the first instance, the individual's name, date of birth, telephone number and the reason for the disclosure was done to the proper authorities before informing the Privacy Commissioner.

In the second instance, the individual's name and reason for disclosure was done to the proper authorities after informing the Privacy Commissioner.

IX. Exempt Banks

The Department of Justice has no exempt banks under the *Privacy Act*.

X. Audits Conducted by the Privacy Commissioner

Pursuant to subsection 37(1) of the *Privacy Act*, the Privacy Commissioner may carry out investigations in respect of personal information under the control of government institutions to ensure compliance with paragraphs 4 to 8.

No formal investigations by the Commissioner were conducted during the reporting period.

XI. Privacy Impact Assessments (PIA)

Privacy Impact Assessments are a mean to ensure that privacy principles are taken into account during the design, implementation and evolution of programs and services that involve personal information. Programs and services with potential privacy risks are required to undergo a PIA.

No Privacy Impact Assessments were completed during this reporting period.

PRIVACY ACT

ANNUAL STATISTICAL REPORT

APRIL 1, 2011 TO MARCH 31, 2012

Statistical Report on the *Privacy Act*

Name of Institution: **Department of Justice Canada**

Reporting Period: **01-04-2011** to **31-03-2012**

PART 1 - Requests under the Privacy Act

	Number of Requests
Received during reporting period	84
Outstanding from previous reporting period	12
Total	96
Closed during reporting period	74
Carried over to next reporting period	22

PART 2 - Requests closed during the reporting period

2.1 Disposition and completion time

Disposition of 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**
All disclosed	4	5	0	1	0	0	0	10
Disclosed in part	4	9	16	2	1	1	2	35
All exempted	1	2	0	0	0	0	0	3
All excluded	0	0	0	0	0	0	0	0
No records exist	11	8	0	0	0	0	0	19
Request abandoned	7	0	0	0	0	0	0	7
Total	27	24	16	3	1	1	2	74

2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests
18(2)	0	22(1)(a)(i)	0	23(a)	0
19(1)(a)	0	22(1)(a)(ii)	0	23(b)	0
19(1)(b)	0	22(1)(a)(iii)	0	24(a)	0
19(1)(c)	0	22(1)(b)	1	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	3
19(1)(e)	0	22(2)	0	26	31
19(1)(f)	0	22.1	0	27	22
20	0	22.2	0	28	0
21	2	22.3	0		

2.3 Exclusions

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

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	8	2	0
Disclosed in part	22	13	0
Total	30	15	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of requests	Number of pages processed	Number of pages disclosed	Number of requests
All disclosed	2351	2215	10
Disclosed in part	33959	12904	35
All exempted	519	0	3
All excluded	0	0	0
Request Abandoned	0	0	7

2.5.2 Relevant pages processed and disclosed by size of requests

	Less than 100 pages processed		101-500 pages processed		501-1000 pages processed		1001-5000 pages processed		More than 5000 pages processed	
Disposition	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed
All disclosed	7	153	1	15	1	740	1	1307	0	0
Disclosed in part	11	390	12	1296	5	3013	6	3568	1	4637
All exempted	1	0	2	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	7	0	0	0	0	0	0	0	0	0
Total	26	543	15	1311	6	3753	7	4875	1	4637

2.5.3 Other complexities

Disposition	Consultation required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	1	0	0	0	1
Disclosed in part	2	1	18	1	22
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
Total	3	1	18	1	23

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of requests closed past the statutory deadline	Principal Reason			
	Workload	External consultation	Internal consultation	Other
17	15	0	0	2

2.6.2 Number of days past deadline

Number of days past deadline	Number of requests past deadline where no extension was taken	Number of requests past deadline where an extension was taken	Total
1 to 15 days	8	2	10
16 to 30 days	2	0	2
31 to 60 days	0	0	0
61 to 120 days	1	1	2
121 to 180 days	0	0	0
181 to 365 days	1	0	1
More than 365 days	2	0	2
Total	14	3	17

2.7 Request for translation

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

PART 3 - Disclosures under subsection 8(2)

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

PART 4 - Requests for correction of personal information and notations

	Number
Requests for correction received	0
Requests for correction accepted	0
Requests for correction refused	0
Notations attached	0

PART 5 - Extensions

5.1 Reasons for extensions and disposition of requests

Disposition of requests where an extension was taken	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation or conversion
		Section 70	Other	
All disclosed	0	0	1	0
Disclosed in part	4	0	4	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	4	0	5	0

5.2 Length of extensions

Length of extensions	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation or conversion
		Section 70	Other	
1 to 15 days	0	0	0	0
16 to 30 days	4	0	5	0
Total	4	0	5	0

PART 6 - Consultations received from other institutions and organizations

6.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during the reporting period	201	29758	0	0
Outstanding from the previous reporting period	12	2263	0	0
Total	213	32021	0	0
Closed during the reporting period	191	17923	0	0
Pending at the end of the reporting period	22	14098	0	0

6.2 Recommendations and completion time for consultations received from other government institutions

	Number of days required to complete consultation requests							
Recommendations	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	10	11	2	0	0	0	0	23
Disclose in part	65	43	34	7	2	4	0	155
Exempt entirely	4	4	0	0	0	0	0	8
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	1	1	0	1	0	0	2	5
Total	80	59	36	8	2	4	2	191

6.3 Recommendations and completion time for consultations received from other organizations

	Number of days required to complete consultation requests							
Recommendations	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

PART 7 - Completion time of consultations on Cabinet confidences

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
Total	0	0

PART 8 - Resources related to the *Privacy Act*

8.1 Costs

Expenditures		Amount
Salaries		$ 276183.00
Overtime		$ 1403.00
Goods and Services		$ 23808.00
• Contracts for privacy impact assessments	$ 0.00	
• Professional services contracts	$ 0.00	
• Other	$ 23808.00	
Total		$ 301394.00

8.2 Human Resources

Resources	Dedicated full-time	Dedicated part-time	Total
Full-time employees	3.745	0	3.745
Part-time and casual employees	0.248	0	0.248
Regional staff	0	0	0
Consultants and agency personnel	0	0	0
Students	0	0	0
Total	3.993	0	3.993

PART III

DELEGATION ORDER

Access to Information and Privacy Act Delegation Order

Arrêté sur la délégation en vertu de la Loi sur l'accès à l'information et la protection des renseignements personnels

The Minister of Justice of Canada, pursuant to section 73 of the *Access to Information Act* and the *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers and functions of the Minister as the head of a government institution, under the section of the Act set out in the schedule opposite each position. This designation replaces the attached designation.

En vertu de l'article 73 de la *Loi sur l'accès à l'information* et la *Loi sur la protection des renseignements personnels*, le ministre de la Justice du Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire lesdits postes, les attributions dont il est, en qualité de responsable d'une institution fédérale, investi par les articles de la Loi mentionnés en regard de chaque poste. Le présent document remplace et annule le document ci-joint.

Schedule/Annexe

Position/Poste	*Privacy Act* and Regulations/Loi sur la protection des renseignements personnels et règlements	*Access to Information Act* and Regulations/Loi sur l'accès à l'information et règlements
The Director, Access to Information and Privacy Office/Le directeur, Bureau de l'accès à l'information et de la protection des renseignements personnels	Full authority/Autorité absolue	Full authority/Autorité absolue
The Assistant Director and the Legal Counsel, Access to Information and Privacy Office/Le directeur adjoint et le Conseiller juridique, Bureau de l'accès à l'information et de la protection des renseignements personnels	15, and the mandatory provisions of 26 for all records/15 et les dispositions obligatoires de l'article 26 pour tous les dossiers	8(1), 9, 11(2) to (6) inclusive, and the mandatory provisions of 19(1) for all records/8(1), 9, 11(2) à (6) inclusivement et les dispositions obligatoires de l'article 19(1) pour tous les dossiers
The Senior Access to Information and Privacy Advisors/Les conseillers principaux en accès à l'information et protection des renseignements personnels	15 for all records/15 pour tous les dossiers	8(1) and 9 for all records/8(1) et 9 pour tous les dossiers

Dated, at the City of Ottawa, this 9th day of May, 2006

Daté, en la ville d'Ottawa, ce jour de 2006

MINISTRE DE LA JUSTICE
L'HONORABLE VIC TOEWS

THE HONOURABLE VIC TOEWS
MINISTER OF JUSTICE

ANNEXE DE L'ORDONNANCE DE DÉLÉGATION DE POUVOIRS

DÉLÉGATION DE POUVOIRS, DE RESPONSABILITÉS ET DE FONCTIONS EN VERTU DE L'ARTICLE 73 DE LA *LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS*

Articles et Pouvoirs, responsabilités ou fonctions	
8(2)	Divulguer des renseignements personnels sans le consentement de l'individu qui le concerne
8(4)	Conserver des copies des demandes reçues en vertu de l'alinéa 8(2)(e), une mention des renseignements communiqués et mettre cette copie et cette mention à la disposition du Commissaire à la protection de la vie privée
8(5)	Aviser par écrit le commissaire à la protection de la vie privée de la communication des renseignements en vertu de l'alinéa 8(2)(m)
9(1)	Faire un relevé de l'usage des renseignements personnels
9(4)	Aviser le Commissaire à la protection de la vie privée de l'usage de l'information à des fins compatibles avec celles auxquelles les renseignements ont été recueillis et mettre le répertoire à jour

SCHEDULE TO DELEGATION ORDER

DELEGATION OF POWERS, DUTIES AND FUNCTIONS PURSUANT TO SECTION 73 OF THE *PRIVACY ACT*

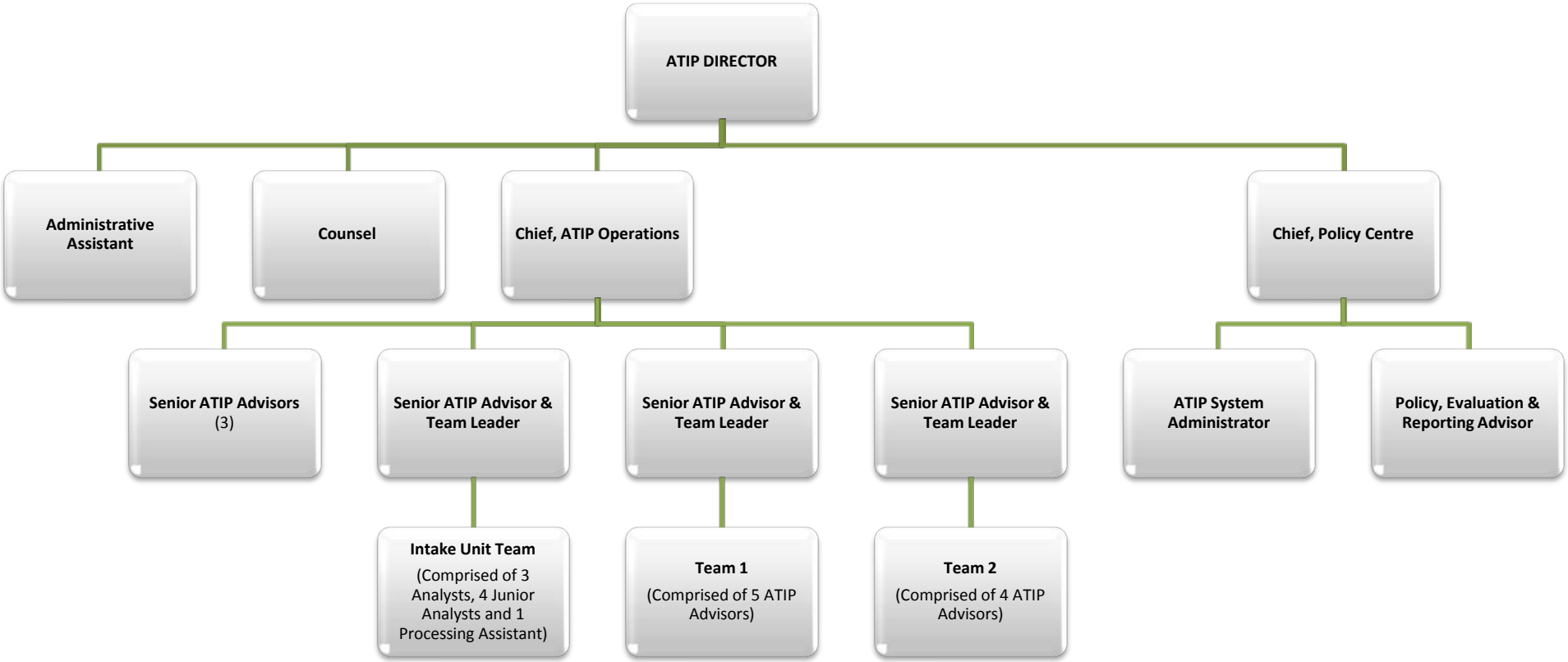
Sections and Powers, Duties or Functions	
8(2)	Disclose personal information without the consent of the individual to whom it relates
8(4)	Keep copies of requests made under 8(2)(e), keep records of information disclosed pursuant to such requests and to make those records available to Privacy Commissioner
8(5)	Notify the Privacy Commissioner in writing of disclosure under paragraph 8(2)(m)
9(1)	Retain a record of use of personal information
9(4)	Notify the Privacy Commissioner of consistent use of personal information and update index accordingly

10	Verser les renseignements personnels dans les fichiers de renseignements personnels	10	Include personal information in personal information banks
14	Répondre à la demande de communication de renseignements dans les délais prévus par la loi; communiquer les renseignements ou aviser le demandeur	14	Respond to request for access, within statutory deadline; give access or give notice
15	Proroger le délai et en aviser le demandeur	15	Extend time limit and notify applicant
16	Refus de communication	16	Where access is refused
17(2)(b)	Version de la communication ou autre forme de communication	17(2)(b)	Language of access or alternative format of access
17(3)(b)	Autre forme de Communication	17(3)(b)	Access to personal information in alternative format
18(2)	Refus de divulguer de l'information se trouvant dans un fichier inconsultable	18(2)	May refuse to disclose information contained in an exempt bank
19(1)	Refus de divulguer des renseignements personnels obtenus à titre confidentiel d'un autre gouvernement	19(1)	Shall refuse to disclose information obtained in confidence from another government
19(2)	Divulguer au besoin des renseignements personnel mentionnés à l'alinéa 19(1) si le gouvernement en question consent à la divulgation ou rend les renseignements publics	19(2)	May disclose any information referred to in 19(1) if the other government consents to the disclosure or makes the information public
20	Refus de divulguer des renseignements portant préjudice aux affaires fédérales provinciales	20	May refuse to disclose information injurious to federal-provincial affairs
21	Refus de divulguer des renseignements portant préjudice à la conduite des affaires internationales et à la défense	21	May refuse to disclose information injurious to international affairs and/or defence

22	Refus de divulguer des renseignements portant préjudice au maintien de l'ordre public et à des enquêtes	22	May refuse to disclose information injurious to law enforcement and investigation
23	Refus de divulguer des renseignements recueillis pour des enquêtes de sécurité	23	May refuse to disclose information injurious to security clearances
24	Refus de divulguer des renseignements recueillis par le Service canadien des pénitenciers, le Service national de libération conditionnelle ou la Commission nationale des libérations conditionnelles	24	May refuse to disclose information collected by the Canadian Penitentiary Service, the National Parole Service or the National Parole Board
25	Refus de divulguer des renseignements pouvant nuire à la sécurité des individus	25	May refuse to disclose information injurious to which could threaten the safety of individuals
26	Refus de divulguer de l'information concernant d'autres individus, et refuser de les divulguer lorsque leur communication est interdite en vertu de l'article 8	26	May refuse to disclose information about other individuals, and shall refuse to disclose such information where disclosure is prohibited under section 8
27	Refus de divulguer des renseignements personnels qui sont protégés par le secret professionnel liant un avocat à son client	27	May refuse to disclose information subject to solicitor-client privilege
28	Refus de divulguer des renseignements sur la santé physique ou mentale de l'individu lorsque leur communication lui desservirait	28	May refuse to disclose information relating to an individual's physical or mental health where disclosure is contrary to the best interests of the individual
31	Prendre connaissance de l'avis du Commissaire à la protection de la vie privée de son intention d'enquêter	31	Receive notice of investigation by the Privacy Commissioner

33(2)	Présenter des observations au Commissaire à la protection de la vie privée pendant une enquête	33(2)	Make representations to the Privacy Commissioner during an investigation
35(1)	Prendre acte des constations du rapport du Commissaire à la protection de la vie privée à la suite de son enquête et l'aviser des mesures prises	35(1)	Receive the Privacy Commissioner's report of findings of the investigation and give notice of action taken
35(4)	Communiquer les renseignements au plaignant après en avoir avisé le Commissaire à la protection de la vie privée en vertu de l'alinéa 35(1)(b)	35(4)	Give complainant access to information after 35(1)(b) notice
36(3)	Prendre acte des conclusions du rapport du Commissaire à la vie privée découlant d'une enquête concernant un fichier inconsultable	36(3)	Receive Privacy Commissioner's report of findings of investigation of exempt
37(3)	Prendre acte des conclusions du Commissaire à la protection de la vie privée à l'issue de son enquête sur la mesure dans laquelle une institution fédérale a appliqué les articles 4 à 8	37(3)	Receive report of Privacy Commissioner's findings after compliance investigation where the institution has not complied with sections 4 to 8
51(2)(b)	Demander qu'une affaire fasse l'objet d'une audition et soit tranchée dans la région de la capitale nationale	51(2)(b)	Request that matter be heard and determined in National Capital Region
51(3)	Demander le droit de présenter des arguments aux auditions menées en application de l'article 51	51(3)	Request and be given right to make representations in Section 51 hearing
72(1)	Dresser un rapport annuel destiné au Parlement	72(1)	Prepare Annual Report to Parliament
77	S'acquitter de responsabilités dévolues au chef de l'institution en application des règlements pris en vertu de l'article 77 dont il n'est pas question ci-dessus	77	Carry out responsibilities conferred on the head of the institution by the regulations made under section 77 which are not included above

APPENDIX A

ORGANIZATIONAL CHART

ACCESS TO INFORMATION AND PRIVACY OFFICE