



The Correctional Investigator  
Canada

L'Enquêteur correctionnel  
Canada

**Annual Report to Parliament**  
**on the**  
***Privacy Act***

**April 1, 2020 to March 31, 2021**

# Table of Contents

Introduction	Page 3
Our Mandate	Page 3
Our Mission	Page 3
Privacy Activities	Page 3
During the Reporting Period	Page 4
Covid 19 Response	Page 5
Costs	Page 6
Historical Trend Analysis	Page 6
Appendix A - Delegation Order	Page 8
Appendix B - Statistical Report	Page 10
Appendix C – Supplemental Reporting	Page 20

## **INTRODUCTION**

The Office of the Correctional Investigator is pleased to submit to Parliament its annual report on the administration of the *Privacy Act (PA)* for the fiscal year commencing on April 1, 2020 and ending March 31, 2021. This report is submitted in accordance with section 72 of the *Act*. This report is tabled in Parliament by the Minister of Public Safety and Emergency Preparedness.

The *Privacy Act* took effect on July 1, 1983. The *PA* extends to individuals the right of access to information held by the government, about themselves, subject to certain specific and limited exceptions. The *Act* also protects individuals' personal information and gives individuals substantial control over its collection, use and disclosure.

## **OUR MANDATE**

The Office of the Correctional Investigator is mandated by Part III of the *Corrections and Conditional Release Act* as an Ombudsman for federal offenders. The primary function of the Office is to investigate and bring resolution to individual offender complaints. The Office as well, has a responsibility to review and make recommendations on the Correctional Service's policies and procedures associated with the areas of individual complaints to ensure that systemic areas of concern are identified and appropriately addressed.

## **OUR MISSION**

As the ombudsman for federally sentenced offenders, the Office of the Correctional Investigator serves Canadians and contributes to safe, lawful and humane corrections through independent oversight of the Correctional Service of Canada by providing accessible, impartial and timely investigation of individual and systemic concerns. While an independent organization, the Office of the Correctional Investigator is part of the Public Safety and Emergency Preparedness portfolio.

## **PRIVACY ACTIVITIES**

The Minister of Public Safety and Emergency Preparedness is the designated head of the institution for the *Privacy Act*. The Correctional Investigator has been delegated full authority under the *Privacy Act* by the Minister. Full authority under the *Act* has also been delegated to the Access to Information and Privacy Coordinator. The delegation of authority to administer the *Act* was confirmed by the Minister of Public Safety and Emergency Preparedness on November 30, 2015 (see Appendix C).

While the responsibilities of ATIP Coordinator are assigned to the Director and Legal Counsel, the actual processing of requests and any associated activities are generally carried out by a consultant. Given the limited number of requests, it is felt that this is the most cost-effective utilization of resources and delivery of these activities.

The ATIP Coordinator is accountable for the development, coordination and implementation of effective policies, guidelines, systems and procedures to ensure the OCI's responsibilities under the *Privacy Act* are met and to enable appropriate processing and proper disclosure of information. The Coordinator is also responsible for related policies, systems and procedures emanating from the *Act*.

The main activities of the ATIP Coordinator include:

- Processing requests under the *Act*;

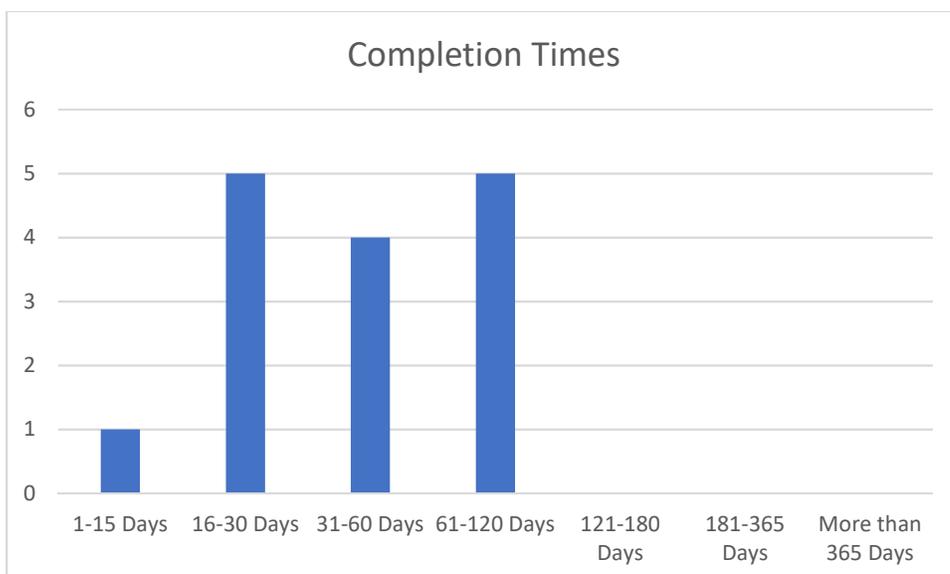
- Developing and maintaining policies, procedures and guidelines to ensure the *Act* is respected;
- Promoting awareness of the *Act* to ensure the organization’s responsiveness to the obligations imposed on the government;
- Monitoring the Office’s compliance with the *Act*, regulations and relevant procedures and policies;
- Preparing annual reports to Parliament and other statutory reports, as well as other material that may be required by central agencies;
- Representing the Office in dealings with the Treasury Board Secretariat, the Privacy Commissioner and other government agencies regarding the application of the *Act* as they relate to the OCI; and
- Supporting the Office in meeting its commitments in relation to greater openness and transparency through proactive disclosure of information and the disclosure of information through informal avenues.

The OCI is not subject to any agreements under section 73.1 of the *Privacy Act*.

During the reporting period:

Thirteen (13) requests were received and there were five (5) outstanding requests from the previous reporting period. Of these requests;

- Eleven (11) were disclosed in part (73.33%)
- Two (2) were disclosed in their entirety (13.33%)
- None were exempted in their entirety
- One (1) was abandoned (6.66%)
- None had no existing records
- Three (3) were carried forward to the next reporting period



No extensions were taken. The Office could not meet the statutory response time for nine (9) requests during the reporting period.

The OCI responded to 40% of requests within the legislated timelines. Although our office has been able to receive new requests both by mail and electronically, completing requests within legislated timelines presented challenges. The reasons for delay included a new electronic retrieval process that had to be implemented to allow processing requests off site; COVID-19 priorities within the institutions; limited access to the main office and to printed files and documents; and challenges related to the health of staff members. Since a majority of requesters are under custody and have no access to electronic communications, the administrative process of a number of requests require presence in the workplace, which was limited due to physical distancing measures.

Monitoring, by the ATIP Coordinator, of the time required to process these privacy requests was completed in preparing the historical trend analysis below. The Executive Director and the ATIP Coordinator are advised by way of a briefing note when requests are not closed within the required time limits. The briefing note advises of the reason for the late response.

Two training sessions were provided during the reporting period to address the expectations under the new streamlined retrieval process for OPIs. All staff attended, for a total of 41 employees. Advice, guidance and recommendations were provided by the consultant on an as required basis to Management and staff.

Because of the move to a work-from-home environment, several new procedures were implemented including scanning and emailing new requests received to the ATIP consultant; and, the electronic retrieval of records. Although this new retrieval process will help the office to be more efficient and fiscally and environmentally responsible, it did take staff several months to adapt to. We expect this process to continue to be streamlined and improved as time goes on.

There were no material privacy breaches reported this year.

The OCI received no complaints during the reporting year.

No Privacy Impact Assessments (PIAs) were completed; no new data sharing activities took place and the Office made no disclosures of personal information pursuant to subsection 8(2)(m) of the *Privacy Act*.

### **COVID-19 Related Measures**

The OCI continues to function in a state of emergency along with the rest of the Federal Government. Our office transitioned well to a work-from-home environment however delays were experienced in implementing new procedures once we understood that the stay-at-home orders were going to have a long-term impact.

As previously mentioned, the office has experienced some delays with response times during this period due to other ATIP offices not being able to respond to consultations on time as well as the office managing other state of emergency priorities.

## Costs

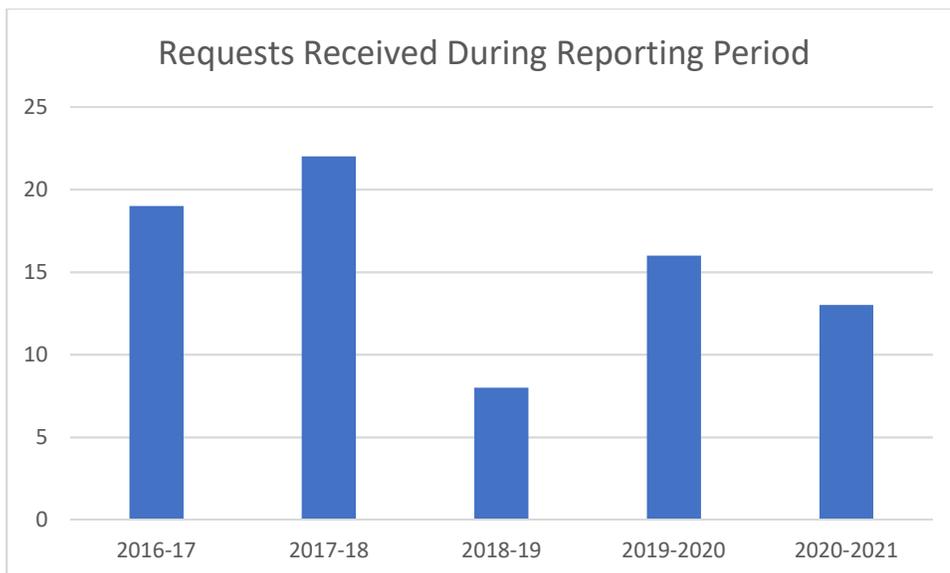
For 2020-2021, the costs directly associated with the administration of the *Privacy Act* are estimated at \$35,604.

Staff	\$11,988
Consultant fees	\$20,809
Other	\$2,807

The associated employee resources for 2020-2021 are estimated at 0.316 FTE for administering the *Privacy Act*.

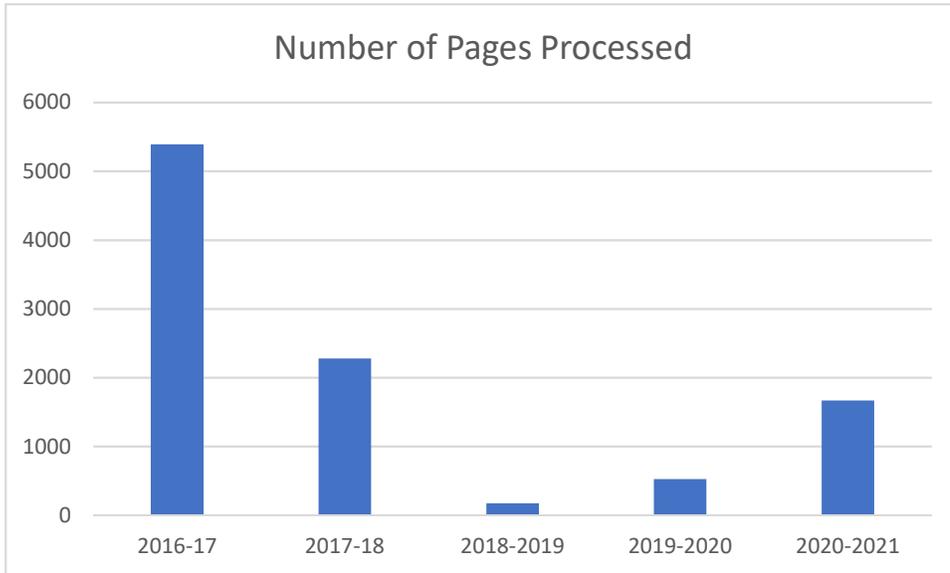
## HISTORICAL TREND ANALYSIS

Over a five-year period, from 2016-17 to 2020-21, the OCI received an average of fifteen (15) requests annually.



Over the last five years, the OCI has maintained a 84% completion rate of requests processed between 1-60 days.

With regards to the number of pages processed, an average of two thousand and eight (2,008) was recorded.



The most frequently used exemptions remain:

- 26 at 47%
- 22(1)(c) at 18%
- 21(1)(c) at 10%

A total of thirty-eight (38) extensions for consultations were recorded for an average of seven (7) per reporting period. A total of two (2) consultations were received from other government organizations.

This baseline data will continue to be used in future years to assess trends, inform ongoing improvement in the processing of Privacy requests and implement corrective measures where necessary.

APPENDIX A  
Delegation Order

Privacy Act Delegation Order

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

The Minister of Public Safety and Emergency Preparedness, pursuant to section 73 of the Privacy Act, hereby designates the persons holding the positions set out in the schedule hereto to exercise the powers and perform the duties and functions of the Minister as head of a government institution, that is, the Office of the Correctional Investigator, under the sections of the Act set out in the schedule opposite each position.

En vertu de l'article 73 de la Loi sur la protection des renseignements personnels, le Ministre de la Sécurité publique et de la Protection civile délègue aux titulaires des postes mentionnés à l'annexe ci-après les attributions dont il est, en qualité de responsable d'une institution fédérale, c'est à dire, Bureau de l'enquêteur correctionnel, investi par les articles de la Loi mentionnés en regard de chaque poste.

Schedule

Annexe

Position

Sections of the Privacy Act and Regulations

Poste

Articles de la Loi sur la Protection des renseignements personnels et Règlement

Correctional Investigator  
Enquêteur correctionnel

Full Authority  
Autorité absolue

Executive Director and General Counsel  
Directeur exécutif et avocat général

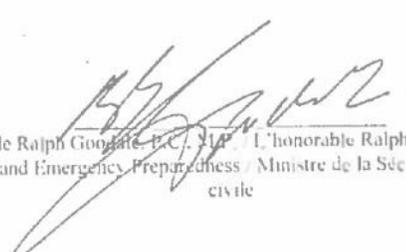
Full Authority (except 8(2)(m))  
Autorité absolue (sauf 8(2)(m))

Access to Information and Privacy Coordinator  
Coordonnateur, accès à l'information et protection  
des renseignements personnels

Full Authority (except 8(2)(m))  
Autorité absolue (sauf 8(2)(m))

Dated at the City of Ottawa this 30th day of  
Nov, 2015

Daté en la ville d'Ottawa ce \_\_\_\_\_ième jour de  
\_\_\_\_\_, 2015

  
The Honourable Ralph Goodale, P.C., M.P. / L'honorable Ralph Goodale, C.P., député  
Minister of Public Safety and Emergency Preparedness / Ministre de la Sécurité publique et de la Protection  
civile

APPENDIX B  
Statistical Report

## Statistical Report on the *Privacy Act*

Name of institution: Office of the Correctional Investigator

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

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

#### 1.1 Number of requests

	Number of Requests
Received during reporting period	13
Outstanding from previous reporting period	5
<b>Total</b>	<b>18</b>
Closed during reporting period	15
Carried over to next reporting period	3

### Section 2: Requests Closed During the Reporting Period

#### 2.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	0	2	0	0	0	0	0	2
Disclosed in part	0	3	4	4	0	0	0	11
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	0	0	0	0	0	0	0	0
Request abandoned	1	0	0	0	0	0	0	1
Neither confirmed nor denied	0	0	0	1	0	0	0	1
<b>Total</b>	<b>1</b>	<b>5</b>	<b>4</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15</b>

## 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)	0	24(b)	1
19(1)(d)	0	22(1)(c)	6	25	0
19(1)(e)	0	22(2)	0	26	10
19(1)(f)	0	22.1	0	27	0
20	0	22.2	0	27.1	0
21	0	22.3	0	28	0
		22.4	0		

## 2.3 Exclusions

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

## 2.4 Format of information released

Paper	Electronic	Other
11	2	0

## 2.5 Complexity

### 2.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
1669	1293	15

### 2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	2	33	0	0	0	0	0	0	0	0
Disclosed in part	9	189	1	273	0	0	1	798	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	1	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	1	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>13</b>	<b>222</b>	<b>1</b>	<b>273</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>798</b>	<b>0</b>	<b>0</b>

### 2.5.3 Other complexities

Disposition	Consultation Required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	2	0	0	0	2
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
<b>Total</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>

## 2.6 Closed requests

### 2.6.1 Number of requests closed within legislated timelines

	Requests closed within legislated timelines
Number of requests closed within legislated timelines	6
Percentage of requests closed within legislated timelines (%)	40

## 2.7 Deemed refusals

### 2.7.1 Reasons for not meeting legislated timelines

Number of Requests Closed Past the Legislated Timelines	Principal Reason			
	Interference with Operations / Workload	External Consultation	Internal Consultation	Other
9	0	0	0	9

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

Number of Days Past Legislated Timelines	Number of Requests Past Legislated Timeline Where No Extension Was Taken	Number of Requests Past Legislated Timelines Where an Extension Was Taken	Total
1 to 15 days	1	0	1
16 to 30 days	3	0	3
31 to 60 days	4	0	4
61 to 120 days	1	0	1
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
<b>Total</b>	<b>9</b>	<b>0</b>	<b>9</b>

## 2.8 Requests for translation

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

### Section 3: Disclosures Under Subsections 8(2) and 8(5)

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

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

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

### Section 5: Extensions

#### 5.1 Reasons for extensions and disposition of requests

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

## 5.2 Length of extensions

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

## Section 6: Consultations Received From Other Institutions and Organizations

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

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during the reporting period	0	0	0	0
Outstanding from the previous reporting period	0	0	0	0
<b>Total</b>	0	0	0	0
Closed during the reporting period	0	0	0	0
Carried over to the next reporting period	0	0	0	0

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

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	0	0	0	0	0	0	0	0

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

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

## Section 7: Completion Time of Consultations on Cabinet Confidences

### 7.1 Requests with Legal Services

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

### 7.2 Requests with Privy Council Office

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

## Section 8: Complaints and Investigations Notices Received

Section 31	Section 33	Section 35	Court action	Total
0	0	0	0	0

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

### 9.1 Privacy Impact Assessments

Number of PIA(s) completed	0
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### 9.2 Personal Information Banks

Personal Information Banks	Active	Created	Terminated	Modified
	59	0	0	0

## Section 10: Material Privacy Breaches

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

## Section 11: Resources Related to the Privacy Act

### 11.1 Costs

Expenditures	Amount
Salaries	\$11,988
Overtime	\$0
Goods and Services	\$23,616
• Professional services contracts	\$20,809
• Other	\$2,807
<b>Total</b>	<b>\$35,604</b>

### 11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.076
Part-time and casual employees	0.000
Regional staff	0.000
Consultants and agency personnel	0.240
Students	0.000
<b>Total</b>	<b>0.316</b>

Note: Enter values to three decimal places.

APPENDIX C  
Supplemental Statistical Report



## Supplemental Statistical Report on the Access to Information Act and Privacy Act

Name of institution: Office of the Correctional Investigator

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

### Section 1: Capacity to Receive Requests

Enter the number of weeks your institution was able to receive ATIP requests through the different channels.

	Number of Weeks
Able to receive requests by mail	50
Able to receive requests by email	50
Able to receive requests through the digital request service	50

### Section 2: Capacity to Process Records

2.1 Enter the number of weeks your institution was able to process paper records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Paper Records	2	0	50	52
Protected B Paper Records	2	0	50	52
Secret and Top Secret Paper Records	2	50	0	52

2.2 Enter the number of weeks your institution was able to process electronic records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Electronic Records	2	0	50	52
Protected B Electronic Records	2	0	50	52
Secret and Top Secret Electronic Records	2	50	0	52