



The Correctional Investigator
Canada

L'Enquêteur correctionnel
Canada

Office of the Correctional Investigator

Annual Report to Parliament

on the

Privacy Act

April 1, 2017 to March 31, 2018

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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, 2017 and ending March 31, 2018. 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 B).

While the responsibilities of ATIP Coordinator are assigned to the Director of Corporate Services and Planning, 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.

During the Reporting Period:

Twenty-two (22) requests were received and there were three (3) outstanding requests from the previous reporting period for a total of twenty-five (25) requests. Eighteen (18) of these requests were disclosed in part; two (2) were released in their entirety; none were exempted in their entirety; one (1) was abandoned; three (3) had no existing records, and one (1) was carried forward to the next reporting period. All but two (2) of these requests were processed within the legislative time frame. Extensions were required for fourteen (14) of the requests. There were no significant issues surrounding the twenty-four (24) requests closed during the reporting period.

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, which is typically a late or never received response from other government organizations on a consultation.

No formal training sessions were provided during the reporting period. Advice, guidance and recommendations were provided by the consultant on an as required basis to Management and staff.

There were no new OCI-specific privacy related procedures, policies or guidelines implemented.

There was one (1) material privacy breach; no Privacy Impact Assessments (PIAs) were completed; no new data sharing activities took place and the Office made one (1) disclosure of personal information pursuant to subsection 8(2)(m) of the *Privacy Act*.

The privacy breach was a simple human error incident where the wrong letter was put in the wrong envelope. The incident was reported to the Privacy Commissioner's office as well as to the individual who was affected. The staff member involved was reminded about the caution necessary when dealing with personal information.

The 8(2)(m) disclosure was made to the family of a deceased inmate who was settling the individual's estate.

The OCI received one (1) complaint, which is still outstanding at the time of this report.

For 2017-18, the costs directly associated with the administration of the *Privacy Act* are estimated at \$47,009.

Staff	\$9,214
Consultant fees	\$37,795

The associated employee resources for 2017-18 are estimated at 0.62 FTE for administering the *Privacy Act*.

HISTORICAL TREND ANALYSIS

Over a five year period, from 2013-14 to 2017-18, the OCI received an average of fourteen (14) requests annually; the lowest number of requests received in one reporting period was sixteen (16) and the highest number of requests received in one reporting period was twenty-eight (28). The total average completion rate from 1 to 60 days was 58% of all requests. The average completion time within 30 days was 19% of all requests; the average completion time within 60 days was 39% of all requests.

With regards to the number of pages processed, an average of six thousand, one hundred and forty (6,140) was recorded; the highest number of pages processed in one reporting period was nine thousand five hundred and sixty-two (9,562) and the lowest number of pages processed in one reporting period was two thousand, two hundred and seventy-eight (2,278).

The most frequently used exemptions were:

- 26: 47%
- 22(1)(c): 23%
- 22(1)(a): 11%

A total of seventy-three (73) extensions for consultations were recorded for an average of twelve (12) per reporting period; the highest number of extensions in any given reporting period was twenty-five (25) the lowest number of extensions in any given reporting period was nine (9). Three (3) 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

Statistical Report



Statistical Report on the *Privacy Act*

Name of institution: Office of the Correctional Investigator

Reporting period: 2017-04-01 to 2018-03-31

Part 1: Requests Under the *Privacy Act*

	Number of Requests
Received during reporting period	22
Outstanding from previous reporting period	3
Total	25
Closed during reporting period	24
Carried over to next reporting period	1

Part 2: Requests Closed During the Reporting Period

2.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	1	1	0	0	0	0	0	2
Disclosed in part	2	2	11	2	1	0	0	18
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	3	0	0	0	0	0	0	3
Request abandoned	1	0	0	0	0	0	0	1
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	7	3	11	2	1	0	0	24

2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
18(2)	0	22(1)(a)(i)	1	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)	4	24(b)	0
19(1)(d)	0	22(1)(c)	5	25	2
19(1)(e)	0	22(2)	0	26	18
19(1)(f)	0	22.1	0	27	0
20	0	22.2	0	28	0
21	0	22.3	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

Disposition	Paper	Electronic	Other formats
All disclosed	2	0	0
Disclosed in part	17	1	0
Total	19	1	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	26	26	2
Disclosed in part	2252	2235	18
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	1
Neither confirmed nor denied	0	0	0
Total	2278	2261	21

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	26	0	0	0	0	0	0	0	0
Disclosed in part	12	407	4	521	2	1307	0	0	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	0	0	0	0	0	0	0	0	0	0
Total	15	433	4	521	2	1307	0	0	0	0

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	15	0	0	0	15
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	16	0	0	0	16

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
2	0	2	0	0

2.6.2 Number of days past deadline

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

2.7 Requests for translation

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

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

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Subsection 8(5)	Total
0	1	0	1

Part 4: Requests for Correction of Personal Information and Notations

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

Part 5: Extensions

5.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	15(a)(i) Interference With Operations	15(a)(ii) Consultation		15(b) Translation or Conversion
		Section 70	Other	
All disclosed	0	0	0	0
Disclosed in part	0	0	14	0
All exempted	0	0	0	0

181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Part 8: Complaints and Investigations Notices Received

Section 31	Section 33	Section 35	Court action	Total
1	0	0	0	1

Part 9: Privacy Impact Assessments (PIAs)

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

10.1 Costs

Expenditures	Amount
Salaries	\$9,214
Overtime	\$0
Goods and Services	\$37,795
• Professional services contracts	\$37,795
• Other	\$0
Total	\$47,009

10.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.25
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.37
Students	0.00
Total	0.62

Note: Enter values to two decimal places.

APPENDIX B

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

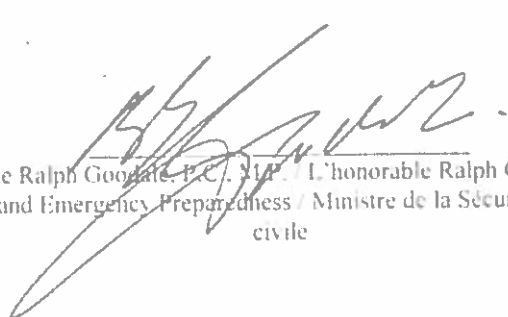
Full Authority (except 8(2)(m))
Autorité absolue (sauf 8(2)(m))

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