



The Correctional Investigator
Canada

L'Enquêteur correctionnel
Canada

Office of the Correctional Investigator

Annual Report to Parliament

on the

Privacy Act

April 1, 2019 to March 31, 2020

Table of Contents

Introduction	Page 3
Our Mandate	Page 3
Our Mission	Page 3
Privacy Activities	Page 4
During the Reporting Period	Page 5
COVID-19 Measures	Page 6
Fiscal Implications	Page 6
Historical Trend Analysis	Page 6
Appendix A - Statistical Report	Page 9
Appendix B - Supplemental Statistical Report Requests Affected by COVID-19 Measures	Page 21
Appendix C - Delegation Order	Page 24

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, 2019 and ending March 31, 2020. This report is submitted in accordance with section 72 (1) 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 of Legal Services and Coordination, 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

Sixteen (16) requests were received and there were no outstanding requests from the previous reporting period for a total of sixteen (16) requests. Eight (8) of these requests were disclosed in part; none were released in their entirety; none were exempted in their entirety; two (2) were abandoned; one (1) had no existing records, and five (5) were carried forward to the next reporting period. All but three (3) of these requests were processed within the legislative period. Extensions were required for five (5) of the requests. There were no significant issues surrounding the eleven (11) requests closed during the reporting period.

The OCI responded to 72.7% of requests within the legislated timelines.

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 were two (2) material privacy breaches reported this year. In both of the cases, the privacy breach was a result of human error. In one case, an investigator's binder was left in an interview room in one of the institutions. Despite an effort by OCI and CSC staff to locate the binder it was never found. The information contained in the binder would be classified as Protected B information about inmates that the investigator was interviewing that day. In the second case, an error was made in sharing the unsevered version of a letter with a reporter. We were able to have the letter returned with a guarantee from the reporter that the information that was shared would not be used or shared. Both incidents were reported to the Office of the Privacy Commissioner and the Treasury Board as required and are still outstanding as per the period of this report. The staff members involved were reminded about the caution necessary when dealing with personal information.

The OCI had one (1) outstanding complaint from the previous year. That complaint was completed and found to be resolved with no further action required.

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 Measures

As of March 14, 2020, the OCI moved into a state of emergency along with the rest of the Federal Government. Our offices were shut down and restricted to limited access. Within 2 weeks, the OCI was able to have the ATIP Consultant working remotely and continue with file processing.

The office has experienced some delays with response times during this period due to other ATIP offices not able to respond to consultations on time as well as the office managing other state of emergency priorities however for the most part the OCI has been able to maintain regular service levels.

There were four (4) new request received between March 14, 2020 and March 31, 2020. All of those requests were carried forward into the following year.

Costs

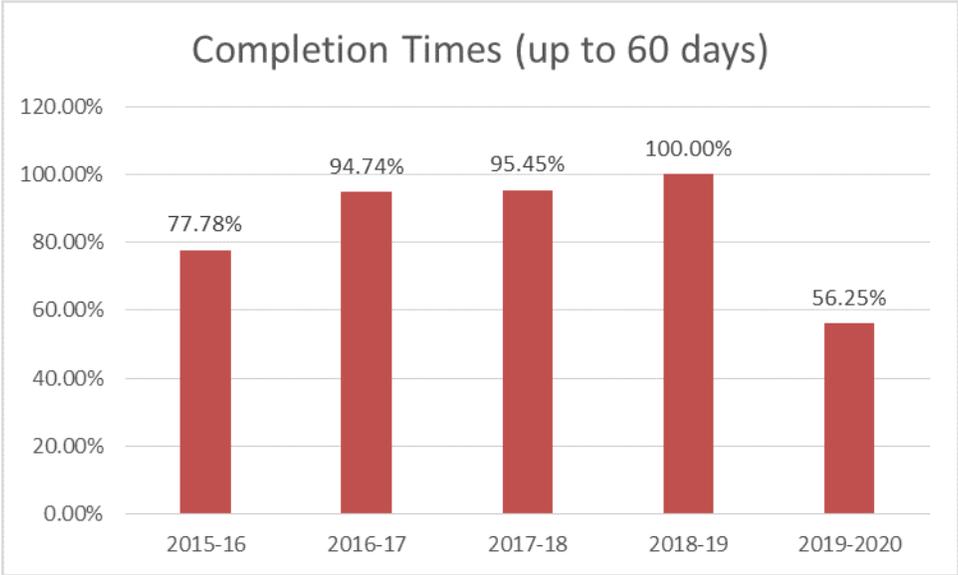
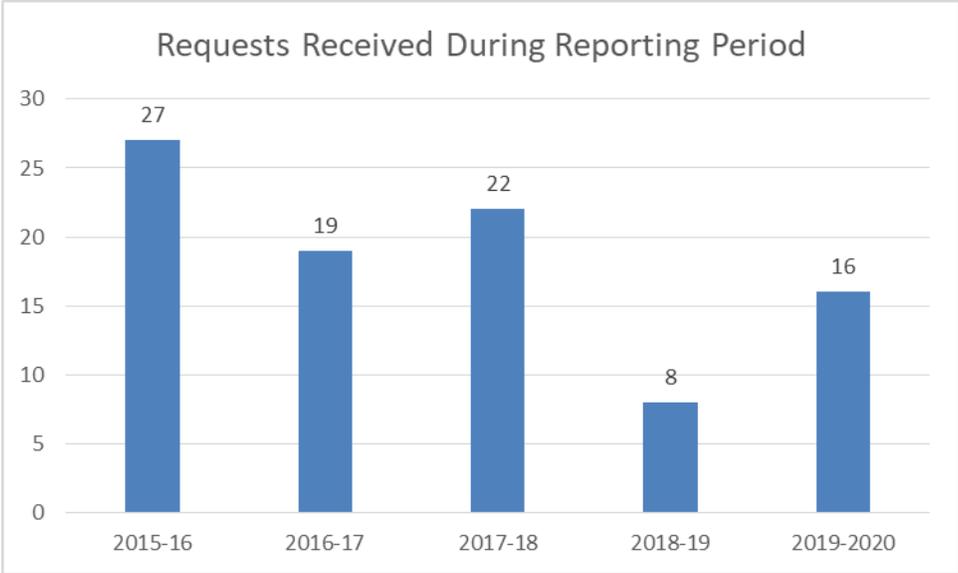
For 2019-2020, the costs directly associated with the administration of the *Privacy Act* are estimated at \$21,172.

Staff	\$6,977
Consultant fees	\$14,195

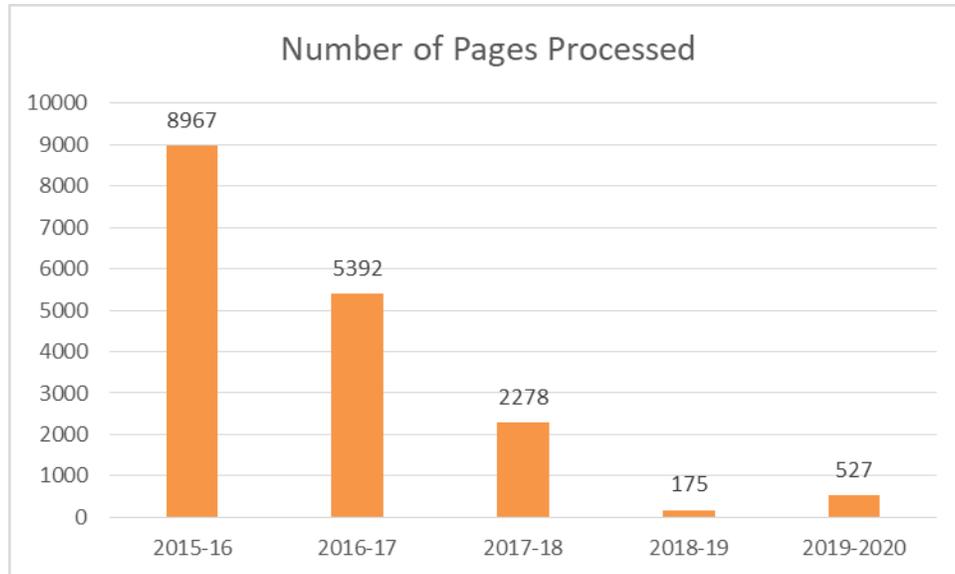
The associated employee resources for 2019-2020 are estimated at 0.19 FTE for administering the *Privacy Act*.

HISTORICAL TREND ANALYSIS

Over a five year period, from 2015-16 to 2019-20, the OCI received an average of eighteen (18) requests annually; the lowest number of requests received in one reporting period was eight (8) and the highest number of requests received in one reporting period was twenty-seven (27). The total average completion rate from 1 to 60 days was 83% of all requests. The average completion time within 30 days was 29% of all requests.



With regards to the number of pages processed, an average of three thousand, four hundred and sixty-eight (3,468) was recorded; the highest number of pages processed in one reporting period was eight thousand nine hundred and sixty-seven (8,967) and the lowest number of pages processed in one reporting period was one hundred and seventy-five (175).



The most frequently used exemptions were:

- 26: 51%
- 22(1)(c): 16%
- 21(1)(c): 8%

A total of sixty-three (63) extensions for consultations were recorded for an average of thirteen (13) 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 five (5). Four (4) 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: 2019-04-01 to 2020-03-31

Section 1: Requests Under the *Privacy Act*

1.1 Number of requests

	Number of Requests
Received during reporting period	16
Outstanding from previous reporting period	0
Total	16
Closed during reporting period	11
Carried over to next reporting period	5

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	0	0	0	0	0	0	0
Disclosed in part	0	3	3	2	0	0	0	8
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	1	0	0	0	0	0	0	1
Request abandoned	1	1	0	0	0	0	0	2
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	2	4	3	2	0	0	0	11

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)	2	24(b)	0
19(1)(d)	0	22(1)(c)	7	25	0
19(1)(e)	0	22(2)	0	26	8
19(1)(f)	0	22.1	0	27	2
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
8	0	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
527	339	10

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	0	0	0	0	0	0	0	0	0	0
Disclosed in part	7	208	1	131	0	0	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	2	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	9	208	1	131	0	0	0	0	0	0

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	8	0	0	0	8
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	1	0	0	0	1
Neither confirmed nor denied	0	0	0	0	0
Total	9	0	0	0	9

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	8
Percentage of requests closed within legislated timelines (%)	72.7

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
3	0	0	0	3

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	0	1	1
16 to 30 days	1	0	1
31 to 60 days	0	1	1
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	1	2	3

2.8 Requests for translation

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

Section 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
Total	0

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	
5	0	0	0	0	0	5	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	5	0	0
31 days or greater								0
Total	0	0	0	0	0	5	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	1	5	0	0
Total	1	5	0	0
Closed during the reporting period	1	5	0	0
Carried over to the next reporting period	0	0	0	0

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	2
Number of material privacy breaches reported to OPC	2

Section 11: Resources Related to the *Privacy Act*

11.1 Costs

Expenditures		Amount
Salaries		\$6,977
Overtime		\$0
Goods and Services		\$14,195
• Professional services contracts	\$14,195	
• Other	\$0	
Total		\$21,172

11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.04
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.15
Students	0.00
Total	0.19

Note: Enter values to two decimal places.

APPENDIX B

Supplemental Statistical Report Requests Affected by COVID-19 Measures

2019-2020 Supplemental Statistical Report – Requests affected by COVID-19 measures

In addition to completing the forms for the Statistical Reports on the ATIA and Privacy Act for 2019-20, institutions are asked to complete this Supplemental Report to help identify the impact of COVID-19 measures on institutional performance for 2019-20 and going forward. The data requirements are set out in the tables below.

Supplemental Statistical Report on the *Privacy Act*

The following table reports the total number of formal requests received during two periods; 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 4 – Requests Received

		Column (Col.) 1
		Number of requests
Row 1	Received from 2019-04-01 to 2020-03-13	12
Row 2	Received from 2020-03-14 to 2020-03-31	4
Row 3	Total¹	16

¹ – Total for Row 3 should equal the total in the Privacy Statistical Report Section 1.1 Row 1

The following table reports the total number of requests closed within the legislated timelines and the number of closed requests that were deemed refusals during two periods 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 5 – Requests Closed

		Col. 1	Col. 2
		Number of requests closed within the legislated timelines	Number of requests closed past the legislated timelines
Row 1	Received from 2019-04-01 to 2020-03-13 and outstanding from previous reporting periods	8	3
Row 2	Received from 2020-03-14 to 2020-03-31	0	0
Row 3	Total²	8	3

² – Total for Row 3 Col. 1 should equal the total in the Privacy Statistical Report Section 2.6.1 Row 1 -- Total for Row 3 Col. 2 should equal the total in the Privacy Statistical Report Section 2.7.1. Col. 1 Row 1

The following table reports the total number of requests carried over during two periods; 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 6– Requests Carried Over

		Col. 1
		Number of requests
Row 1	Requests from 2019-04-01 to 2020-03-13 and outstanding from previous reporting period that were carried over to the 2020-2021 reporting period	1
Row 2	Requests from 2020-03-14 to 2020-03-31 that were carried over to the 2020-2021 reporting period	4
Row 3	Total ³	5

³ – Total for Row 3 should equal the total in the Privacy Statistical Report Section 1.1 Row 5

APPENDIX C

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

Poste

Correctional Investigator
Enquêteur correctionnel

Executive Director and General Counsel
Directeur exécutif et avocat général

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

Sections of the Privacy Act and Regulations

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

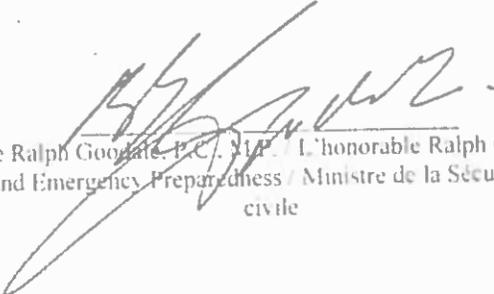
Full Authority
Autorité absolue

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

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