



**Canada Council  
for the Arts**

**Conseil des Arts  
du Canada**

**Annual Report on the Administration  
of the  
*Privacy Act***

**1 April 2009 to 31 March 2010**

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## Introduction

The [Privacy Act](#) provides citizens with the right to access personal information held by the government and protection of that information against unauthorized use and disclosure. The Act also protects the privacy of individuals with respect to personal information under the control of the federal government. Personal information is broadly defined as "information about an identifiable individual that is recorded in any form". Pursuant to Section 72(1) of the Act, information provided in this report provides an overview on the administration of the [Privacy Act](#) during the reporting period of 1<sup>st</sup> April 2009 to 31<sup>st</sup> March 2010.

## Mandate of the Canada Council for the Arts

The Canada Council for the Arts is a federal Crown corporation created by an Act of Parliament in 1957 ([Canada Council for the Arts Act](#)) "to foster and promote the study and enjoyment of, and the production of works in the arts."

The Canada Council offers a broad range of grants and services to professional Canadian artists and arts organizations in music, theatre, writing and publishing, visual arts, dance, media arts and integrated (interdisciplinary) arts. It further seeks to raise public awareness of the arts through its communications, research and arts promotion activities.

The Canada Council awards prizes and fellowships every year to approximately 200 artists and scholars. The Canadian Commission for UNESCO and the Public Lending Right Commission operate within the Canada Council. The Canada Council Art Bank, which contains has some 17,300 works of contemporary Canadian art in its collection, rents to the public and private sectors.

The Canada Council is governed by an 11-member Board. The Chair, the members of the Board and the Director of the Canada Council are appointed by the Governor in Council for fixed terms. The Canada Council relies heavily on the advice of artists and arts professionals from all parts of Canada (some 800 serve annually as jurors, or peer assessors) and works in close co-operation with federal, provincial and municipal cultural agencies and departments. The Canada Council reports to Parliament through the Minister of Canadian Heritage. The annual budget allocation from Parliament is supplemented by endowment income, donations and bequests.

## **The Access to Information and Privacy Office**

The Access to Information and Privacy Office (ATIP Office) is responsible for administering the *Privacy Act* within the Canada Council for the Arts (the Canada Council). Its mandate is to act on behalf of the Director of the Canada Council in ensuring compliance with legislation, regulations, and government policy, and to create organizational directions, including standards, in all matters relating to the *Act*. This includes the processing of privacy requests, providing professional advice and training within the Canada Council. The powers, duties and functions of the administration of the *Privacy Act* have been fully delegated by the Director of the Canada Council. See Appendix D for the Canada Council's Delegation Order.

During the reporting period, the ATIP Office consisted of a Coordinator and one part-time, temporary support staff (the equivalent of 1.39 person years). In the Canada Council organizational structure, the ATIP Office reports to the Director, Finance and Administration.

## **Administration of Requests under the *Privacy Act***

### **Privacy Requests**

The Access to Information and Privacy Office received a total of 5 privacy requests during the reporting period of 1<sup>st</sup> April 2009 to 31<sup>st</sup> March 2010. This represents an increase of 1 request over the previous year. See Appendix A for the Report on the *Privacy Act*.

### **Disposition of Completed Requests**

Five requests were received by the end of March 2010. Four of the requests were completed, one was fully disclosed and three were partially disclosed. One request was abandoned by the requester; responses to requests for clarification were not received by the Canada Council in that instance (see Appendix B).

### **Completion Time and Extensions**

The 5 requests for 2009-2010 were completed within 30 days or less.

## Exemptions / Exclusions

In the processing of requests, exemptions to withhold information were invoked 3 times. The only exemption applied during this reporting period by the Canada Council was:

Section of the Privacy Act	Description	Number of times invoked
26	personal information about an individual other than the individual who made the request	3

## Consultations

Requests during this reporting period did not involve consultations with other parties.

## Costs

The ATIP Office incurred \$1,500 in salary costs to administer the *Privacy Act*.

## Disclosure of Personal Information Pursuant to Section 8(2)

Section 8(2) of the Privacy Act stipulates under which circumstances personal information under the control of a government institution may be disclosed. During the reporting period, no disclosures were made pursuant to section 8(2)(e), (f), (g), or (m) of the *Privacy Act*.

## Data Matching and Data Sharing Activities

The Canada Council has undertaken no new data matching or data sharing activities for the reporting period 1<sup>st</sup> April 2009 to 31<sup>st</sup> March 2010 either within or outside of the organization.

## Privacy Impact Assessments

One preliminary Privacy Impact Assessments was initiated during the reporting period (see Appendix C). No Privacy Impact Assessments were completed during this reporting period nor were any carried forward from the previous year.

## Personal Information Banks / Classes of Personal Information

An inventory of personal information banks held by the Canada Council has been completed. One Personal Information Banks (PIBs) submitted to Treasury Board Secretariat (TBS) has been abandoned, as the category of

information collected will fall under new standard PIBs established by TBS. Specifically, "Applications for Employment" will be covered by the standard PIB "Applications for Employment".

## Education and Training Activities

To increase the knowledge and understanding of privacy across the Canada Council, 11 awareness sessions were delivered, providing basic information on the purpose and provisions of the *Privacy Act*, as well as the roles and responsibilities of the Canada Council employees and the ATIP Office.

Title	Date	Presenter	Attendees	Attendance % (average 220 employees)
ATIP Training	April 27, 2009	Canadian Heritage	21	46%
Formation AIPRP	April 27, 2009	Patrimoine canadien	19	
ATIP Training	April 28, 2009	Canadian Heritage	15	
Formation AIPRP	April 28, 2009	Patrimoine canadien	18	
ATIP Training	September 23, 2009	Canadian Heritage	12	
Formation AIPRP	September 23, 2009	Patrimoine canadien	4	
ATIP Training	September 24, 2009	Canadian Heritage	5	
Formation AIPRP	September 24, 2009	Patrimoine canadien	7	
ATIP 101- Thresholds / Introduction à l'AIPRP- SEUILS (Officer's Forum)	June 29 & 30, 2009	Law Offices of Kris Klein, a professional corporation	82	37%
Managing the Canada Council's Privacy Risk	February 25, 2009	Deloitte Inc.	60	45%
Gestion des risques d'entrave à la vie privée auxquels le Conseil est exposé	February 26, 2009	Deloitte Inc.	40	

These sessions were not mandatory.

Information about Privacy is provided on the Canada Council for the Arts' website site. The website describes the ATIP Office's roles and responsibilities and provides information on the *Privacy Act*.

## Reporting

The ATIP Office met its reporting obligations for the reporting period, by providing timely input to Info Source. The statistical report on the *Privacy Act* was provided to the Treasury Board Secretariat.

Internally, privacy reports and recommendations were provided to program activities on a regular basis. Privacy policies, guidelines and procedures are currently under revision.

## Complaints, Investigation and Reviews to the Federal Court

No complaints or investigations were lodged with the Office of the Privacy Commissioner of Canada and no appeals were made to the Federal Court for the 2009-2010 fiscal year.

## Exempt Banks

The Canada Council has no designated exempt banks based on Section 18(2) of the *Privacy Act*.

## Use and Disclosure

Authority for the collection of personal information relevant to the activities supported by the ATS is primarily derived from s.8 of the *Canada Council for the Arts Act*, which outlines the objectives and powers of the Canada Council, including the granting of awards to artists. Authority for collection is also derived from the *Financial Administration Act* (FAA), which provides a statutory basis for transfer payments by the federal government to individuals. TBS's *Policy on Transfer Payments* outlines a government institution's specific requirements (derived from the FAA) when providing transfer payments. This includes collecting sufficient personal information to identify the recipient, assess eligibility and to conduct periodic audits. The Canada Council is also collecting SINs on behalf of the Canada Revenue Agency (CRA) under the authority of the *Income Tax Act*. All formal and informal requests are handled by the ATIP Office, ensuring that disclosure occurs only in accordance with Section 8 of the *Privacy Act*.

The Canada Council for the Arts' mandate is to support the study, enjoyment and production of works in the arts. Moreover the Canada Council would like to strengthen its positive impact on all professional Canadian artists. The Canada Council can obtain these objectives better if it knows more about who applies to its programs and who receives its funding.

For this reason, personal information assists the Canada Council to identify whether its programs and services are reaching a diverse and wide range of Canadian artists, as intended.

The Canada Council is committed to equity, diversity and inclusion when providing grants and services to professional artists and arts organizations. Its policies reflect Canada's rich and complex reality, and the Canada Council uses its unique national perspective to identify and address issues related to access. The issues can be but are not limited to regional, cultural, racial, generational, language-based, Aboriginal-based, disability-based and/or gender-based.

The Canada Council uses personal information to:

- Generate statistics that will measure the impact of, and identify gaps in, funding to various groups.
- Ensure there is diversity in the membership of peer assessment committees, advisory committees and focus groups.
- Consider applications, after they have been assessed by the peer assessment committee, for the Canada Council's equity priorities.
- Gather information to help the Canada Council with the design, review and evaluation of its programs.
- Plan outreach targets and activities.
- Report to the Canada Council Board and committees.
- Share information with other government departments, organizations and contractors that the Canada Council has a data-sharing agreement with.

The Canada Council must first obtain written consent from individuals use their personal information for purposes other than those described.

**June 2010**



## Appendix A Annexe A



### REPORT ON THE PRIVACY ACT RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution Canada Council for the Arts	Reporting period / Période visée par le rapport 1 April 2009 – 31 March 2010 / 1 avril 2009 au 31 mars 2010
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<b>I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels</b>	
Received during reporting period / Reçues pendant la période visée par le rapport	5
Outstanding from previous period / En suspens depuis la période antérieure	0
<b>TOTAL</b>	<b>5</b>
Completed during reporting period / Traitées pendant la période visées par le rapport	5
Carried forward / Reportées	0

<b>II Disposition of request completed / Disposition à l'égard des demandes traitées</b>	
1. All disclosed / Communication totale	1
2. Disclosed in part / Communication partielle	3
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	
4. Nothing disclosed (exempt) / Aucune communication (exemption)	
5. Unable to process / Traitement impossible	
6. Abandoned by applicant / Abandon de la demande	1
7. Transferred / Transmission	
<b>TOTAL</b>	<b>5</b>

<b>III Exemptions invoked / Exceptions invoquées</b>	
S. Art. 18(2)	
S. Art. 19(1)(a)	
(b)	
(c)	
(d)	
S. Art. 20	
S. Art. 21	
S. Art. 22(1)(a)	
(b)	
(c)	
S. Art. 22(2)	
S. Art. 23 (a)	
(b)	
S. Art. 24	
S. Art. 25	
S. Art. 26	3
S. Art. 27	
S. Art. 28	

<b>IV Exclusions cited / Exclusions citées</b>	
S. Art. 69(1)(a)	
(b)	
S. Art. 70(1)(a)	
(b)	
(c)	
(d)	
(e)	
(f)	

<b>V Completion time / Délai de traitement</b>	
30 days or under / 30 jours ou moins	5
31 to 60 days / De 31 à 60 jours	
61 to 120 days / De 61 à 120 jours	
121 days or over / 121 jours ou plus	

<b>VI Extensions / Prorogations des délais</b>		
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Interference with operations / Interruption des opérations		
Consultation		
Translation / Traduction		
<b>TOTAL</b>		

<b>VII Translations / Traductions</b>	
Translations requested / Traductions demandées	0
Translations prepared / Traductions préparées	English to French / De l'anglais au français
	French to English / Du français à l'anglais

<b>VIII Method of access / Méthode de consultation</b>	
Copies given / Copies de l'original	4
Examination / Examen de l'original	
Copies and examination / Copies et examen	

<b>IX Corrections and notation / Corrections et mention</b>	
Corrections requested / Corrections demandées	
Corrections made / Corrections effectuées	
Notation attached / Mention annexée	

<b>X Costs / Coûts</b>	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 1500
Administration (O and M) / Administration (fonctionnement et maintien)	\$
<b>TOTAL</b>	<b>\$ 1500</b>
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.03





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**Appendix B**

<b>Discrepancies</b>
There are no discrepancies to report in 2009-2010.

**Annexe B**

<b>Divergences</b>
Il n'y a aucune anomalie à rapporter en 2009-2010.

**Appendix C**

**Additional Reporting Requirements for  
2009-2010  
*Privacy Act***

Treasury Board Secretariat is monitoring compliance with the Privacy Impact Assessment (PIA) Policy (which came into effect on May 2, 2002) through a variety of means. Institutions are therefore required to report the following information for this reporting period.

Indicate the number of:

Preliminary Privacy Impact Assessments initiated: \_\_\_\_\_1\_\_\_\_\_

Preliminary Privacy Impact Assessments completed: \_\_\_\_\_0\_\_\_\_\_

Privacy Impact Assessments initiated: \_\_\_\_\_0\_\_\_\_\_

Privacy Impact Assessments

**Annexe C**

**Exigences additionnelles en  
matière d'établissement de  
rapports pour 2009-2010  
*Loi sur la protection des  
renseignements personnels***

Le Secrétariat du Conseil du Trésor surveille la conformité à la Politique sur l'Évaluation des facteurs relatifs à la vie privée (ÉFVP) (qui est entrée en vigueur le 2 mai 2002) par divers moyens. Les institutions sont donc tenues de déclarer les renseignements suivants pour cette période de déclaration.

Prière d'indiquer le nombre :

d'évaluations préliminaires des facteurs relatifs à la vie privée amorcées :  
\_\_\_\_\_1\_\_\_\_\_

d'évaluations préliminaires des facteurs relatifs à la vie privée achevées :  
\_\_\_\_\_0\_\_\_\_\_

d'évaluations des facteurs relatifs à la vie privée amorcées : \_\_\_\_\_0\_\_\_\_\_

d'évaluations des facteurs relatifs à la vie

completed: \_\_\_\_\_0\_\_\_\_\_

Privacy Impact Assessments forwarded  
to the Office of the Privacy Commissioner  
(OPC): \_\_\_\_\_0\_\_\_\_\_

The Canada Council for the Arts did not  
undertake any of the activities noted  
above during the reporting period.

privée achevées : \_\_\_\_\_0\_\_\_\_\_

d'évaluations des facteurs relatifs à la vie  
privée acheminées au Commissariat à la  
protection de la vie privée  
(CPVP) : \_\_\_\_\_0\_\_\_\_\_

Le Conseil des Arts du Canada n'a pas  
entrepris l'une ou l'autre des activités  
susmentionnées durant la période de  
rapport.

## APPENDIX D

## ANNEXE D

Canada Council  
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*Access to Information Act  
and  
Privacy Act  
Designation Order*

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



BY THIS ORDER made pursuant to sections 73 of the **Access to Information Act** and the **Privacy Act**, I hereby designate the person holding the position of Director, Finance & Administration Division and Access to Information and Privacy Coordinator to exercise or perform all of the powers, duties and functions of the head of a government institution under the Act, insofar as they may be exercised or performed in relation to the **Canada Council for the Arts** as per attached Appendix A.

This delegation order supersedes any previous order executed pursuant to section 73 of the Acts.

PAR LE PRÉSENT ARRÊTÉ pris en vertu des l'articles 73 de la **Loi sur l'accès à l'information** et de la **Loi sur la protection des renseignements personnels**, je délègue au titulaire des postes de Directeur, La Division des finances et de l'administration et de Coordinatrice de l'accès à l'information et de la protection des renseignements personnels les attributions se apportant au **Conseil des Arts du Canada** qui me sont confiées aux termes de cette loi en ma qualité de responsable d'une institution fédérale selon l'Annexe A attaché.

Cet arrêté de délégation remplace tout arrêté précédent pris en vertu des l'articles 73 de les Loi.

May 11, 2009  
Date

Robert Surman

Director / Directeur

350 Albert Street  
Post Office Box 1047  
Ottawa, Ontario K1P 5V8  
1-800 263-5588 or  
(613) 566-4414  
Fax: (613) 566-4390  
www.canadacouncil.ca

350, rue Albert  
Case postale 1047  
Ottawa (Ontario) K1P 5V8  
1 800 263-5588 ou  
(613) 566-4414  
Télécopieur : (613) 566-4390  
www.conseildesarts.ca

Canada