

Canada Council for the Arts

Annual Report
Privacy Act

1 April 2010 to 31 March 2011



**Canada Council
for the Arts**

**Conseil des Arts
du Canada**

Supporting Canadian Creativity

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Introduction

Privacy Act

The *Privacy Act* (the Act) gives individuals the right of access to information about themselves held by the federal government with certain specific and limited exceptions. The Act protects an individual's privacy by setting out provisions related to the collection, retention, use and disclosure of personal information. Personal information is broadly defined as "*information about an identifiable individual that is recorded in any form*".

The section 72 of the *Privacy Act* requires the head of every federal government institution to submit an annual report to Parliament on the administration of the Act following the close of each fiscal year. This report describes how, during the fiscal year 2010-2011, the Canada Council for the Arts fulfilled its privacy responsibilities.

About 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 18,000 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 750 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.

For more information about the Canada Council for the Arts, please visit our website at: www.canadacouncil.ca

Privacy Infrastructure

Access to Information and Privacy Office (ATIP 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 for the collection, retention, use, and disclosure of personal information, in all matters relating to the *Act*. This includes the responding to privacy requests, analysing privacy practices, ensuring that Canada Council for the Art's personal information holdings are published in *Info Source*, providing advice related to privacy issues, and promoting staff awareness and providing training within the Canada Council.

During the reporting period, the ATIP Office consisted of a Coordinator and one part-time, temporary support staff (the equivalent of 1.5 person years). In the Canada Council organizational structure, the ATIP Office reports to the Director, Finance and Administration.

Delegation of Authority

The powers, duties and functions of the administration of the *Privacy Act* have been fully delegated by the Director of the Canada Council. The Delegation Order is attached as Appendix B.

Requests under the Access to Information Act: Statistical Figures, Interpretation and Explanation

Part I: Statistical Report

The Canada Council for the Arts' statistical report summarizing *Privacy Act* activity is attached as Appendix A and covers the period between April 1, 2010 and March 31, 2011.

Part II: Number of Access Requests and Case Load

Number of Access Requests

The Access to Information and Privacy Office received a total of 76 privacy requests during the reporting period of 1st April 2010 to 31st March 2011. No requests were carried over from the previous fiscal year. The total for the current fiscal year represents an increase of 71 requests over the previous year.

Case Load

The total caseload of 76 requests marked a significant increase in the number of requests requiring processing compared to 5 requests in fiscal year 2009-2010. Even with the large increase in the caseload, the Canada Council was able to maintain its number of carried forward requests at zero in 2010-2011. The number of pages reviewed 1,089 as compared to 52 pages in the previous fiscal year.

Disposition of Completed Requests

The 76 completed requests were classified as follows:

Disposition category	Explanation (number of cases and percentage)
<i>All disclosed</i>	2 cases (2.7%) - All information requested was disclosed to the applicant without the application of exemptions and/or exclusions.
<i>Disclosed in part</i>	74 cases (97.3%) - Only a portion of the information requested was disclosed because the remainder was exempt and/or excluded.
<i>Nothing disclosed (excluded)</i>	no instances (0.0%) - There was no disclosure because all of the information requested qualified for an exclusion.
<i>Nothing disclosed (exempt)</i>	no cases (0.0%) - There was no disclosure because all of the information requested qualified for an exemption.
<i>Unable to process</i>	0 cases (0.0%) - requests were made under the wrong jurisdiction (e.g. provincial, municipal), there was insufficient information to locate any relevant information, or requests for records were not under the control of the Canada Council for the Arts.
<i>Abandoned by applicant</i>	0 requests (0.0%) - the applicant formally withdrew the request or the applicant did not respond to a notice indicating that the request will be closed if the applicant did not respond within the timeline specified by the institution.
<i>Treated Informally</i>	0 requests (0.0%) - Requests were treated informally when it was determined through consultation with the applicant that processing a formal request could be discontinued in favour of providing the information informally, i.e. outside the processes defined by the Act.

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

Part III: Exemptions Invoked

This section categorizes the exemptions invoked to refuse disclosure by section(s) of the Act.

Section 26 of the *Privacy Act* sets an exemption to the right of access to personal information about an individual other than the individual who made the request. This is the only cited exemption during this reporting period and was applied 74 times, however all related records were partially disclosed.

Part III – Exemptions invoked

Paragraph 19(1)(e)	not invoked
Paragraph 19(1)(f)	not invoked
Subsection 22.1	not invoked
Subsection 22.2	not invoked
Subsection 22.3	not invoked

Part IV: Exclusions Cited

The *Privacy Act* does not apply to personal information that is available to the public (section 69). Nor does it apply to confidences of the Queen's Privy Council, with some exceptions (section 70). Requests containing proposed exclusions under section 70 require consultation with the Privy Council Office.

The Canada Council for the Arts did not exclude any information under either section 69 or 70.

Part IV – Exclusions cited

Subsection 69.1	not cited
Subsection 70.1	not cited

Part V: Completion Times

Responses to all 76 requests were made within 30 days or less.

Part VI: Extensions

No legal extensions were invoked during the 2010-2011 fiscal year.

Part VII: Translations

No translations were required to respond to 2010-2011 privacy requests.

Part VIII: Method of Access

'Methods of Access' refers to the method that applicants have chosen to access their records. Applicants can choose to receive copies of their records or to examine the records at the Canada Council for the Arts facility.

Copies of the original records were the preferred method of access in all cases (76).

Part IX: Corrections and Notations

No requests for the correction or the notation of personal notation were received during the reporting period.

Part X: Costs

The ATIP Office spent a total of \$30,800.00 on the processing of *Privacy Act* requests. Of this total, salaries accounted for \$19,800.00 and administration costs to administer the Privacy Act accounted for \$11,000.00. These figures exclude the time spent by the employees of the other Canada Council divisions on the processing of personal information requests as well as the time and other resources that were involved in the implementation measures to protect the privacy of the Council's employees, applicants and other Canadians.

Training and Awareness

Training and Awareness Initiatives for Canada Council for the Arts Employees

To raise awareness and understanding of accessibility to Information across the Canada Council, 2 information sessions were delivered in collaboration with the Reference and Documentation Centre and Human Resources, providing basic relationship information between information accessibility, Records Management and the roles and responsibilities of the Canada Council employees. The session attracted 100 employees.

Date	Presentation	Attendees	Attendance % (approximately 260 employees)
English Session November 29, 2010	Information Management Extreme Makeover – relationship between information accessibility, Records management and staff (DVD presentation – Public Works and Government Services Canada)	58	22%
French Session December 1, 2010	Information Management Extreme Makeover – relationship between information accessibility, Records management and staff (DVD presentation – Public Works and Government Services Canada)Canada)	42	16%

These sessions were not mandatory.

Privacy Policies, Guidelines and Procedures

During this reporting period the Canada Council implemented a plan to assure information sharing understandings are included in agreements that share or exchange personal information. The privacy principles related to the consent, collection, use, disclosure and disposition of personal information are key components.

The Canada Council reviewed its collection of personal information through a voluntary Self-Identification form taking into account the Privacy Principles for the protection of personal information. The revised form was first distributed with the grant application, during this reporting period.

Privacy Impact Assessments

No Privacy Impact Assessment activities were initiated during the reporting period.

Additional Reporting Requirements – *Privacy Act*

PRIVACY IMPACT ASSESSMENTS 2010-2011	NUMBER
Core Privacy Impact Assessments initiated	none
Core Privacy Impact Assessments completed	none
Privacy Impact Assessments initiated	none
Privacy Impact Assessments completed	none
Privacy Impact Assessments forwarded to the Office of the Privacy Commissioner (OPC)	none

Disclosures Made Pursuant to Subsection 8(2)(m) of the Privacy Act

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*.

In 2010-2011 there were no disclosures of personal information pursuant to that provision of the *Privacy Act*.

Complaints, Investigation and Reviews to the Federal Court

Complaints and Court Applications for Reviews

During 2010-2011, no complaints under the *Privacy Act* were filed with the Office of the Privacy Commissioner of Canada. No complaints were received in relation to sections 4 to 8 of the *Privacy Act* – privacy breaches.

Key Issues Raised as a Result of Privacy Complaints and/or Investigations During the Reporting Period

There are no such issues to report.

Applications/Appeals Submitted to the Federal Court or the Federal Court of Appeal

There were no applications or appeals submitted to the Federal Court or the Federal Court of Appeal during fiscal year 2010-2011.

**Responses to Reporting Requirements Raised by:
other Agents of Parliament (e.g. Auditor General)**

There were no recommendations raised by other Agents of Parliament during fiscal year 2010-2011.

Reporting Requirements

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

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

June 2011

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 / Conseil des Arts du Canada	Reporting period / Période visée par le rapport 1 April 2010 – 31 March 2011 / 1 avril 2010 au 31 mars 2011
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I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels	
Received during reporting period / Reçues pendant la période visée par le rapport	76
Outstanding from previous period / En suspens depuis la période antérieure	0
TOTAL	76
Completed during reporting period / Traitées pendant la période visées par le rapport	76
Carried forward / Reportées	0

II Disposition of request completed / Disposition à l'égard des demandes traitées	
1. All disclosed / Communication totale	2
2. Disclosed in part / Communication partielle	74
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0
4. Nothing disclosed (exempt) / Aucune communication (exemption)	0
5. Unable to process / Traitement impossible	0
6. Abandoned by applicant / Abandon de la demande	0
7. Transferred / Transmission	0
TOTAL	76

III Exemptions invoked / Exceptions invoquées	
S. Art. 18(2)	0
S. Art. 19(1)(a)	0
(b)	0
(c)	0
(d)	0
S. Art. 20	0
S. Art. 21	0
S. Art. 22(1)(a)	0
(b)	0
(c)	0
S. Art. 22(2)	0
S. Art. 23 (a)	0
(b)	0
S. Art. 24	0
S. Art. 25	0
S. Art. 26	74
S. Art. 27	0
S. Art. 28	0

IV Exclusions cited / Exclusions citées	
S. Art. 69(1)(a)	0
(b)	0
S. Art. 70(1)(a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

V Completion time / Délai de traitement	
30 days or under / 30 jours ou moins	76
31 to 60 days / De 31 à 60 jours	0
61 to 120 days / De 61 à 120 jours	0
121 days or over / 121 jours ou plus	0

VI Exemptions / Prorogations des délais		
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Interference with operations / Interruption des opérations	0	0
Consultation	0	0
Translation / Traduction	0	0
TOTAL	0	0

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

VIII Method of access / Méthode de consultation	
Copies given / Copies de l'original	76
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

IX Corrections and notation / Corrections et mention	
Corrections requested / Corrections demandées	0
Corrections made / Corrections effectuées	0
Notation attached / Mention annexée	0

X Costs / Coûts	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 19,800.00
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 11,000.00
TOTAL	\$ 30,800.00
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.299



Canada Council
for the ArtsConseil des Arts
du Canada

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 Sumner

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

**Delegation of Powers, Duties and Functions Pursuant to
Section 73 of the *Privacy Act***

Delegation		Position/Title
Sections of Privacy Act	Powers, Duties or Functions	
8(2)(j)	Disclosure for research purposes	Director, Finance & Administration ATIP Coordinator
8(2)(m)	Disclosure in public interest or benefit to individual	Director, Finance & Administration ATIP Coordinator
8(4)	Copies of requests under 8(2)(e) to be retained	Director, Finance & Administration ATIP Coordinator
8(5)	Notice of disclosure	Director, Finance & Administration ATIP Coordinator
9(1)	Record of disclosures to be retained	Director, Finance & Administration ATIP Coordinator
9(4)	Consistent uses	Director, Finance & Administration ATIP Coordinator
10	Personal information to be included in personal information banks	Director, Finance & Administration ATIP Coordinator
14	Notice where access requested	Director, Finance & Administration ATIP Coordinator
15	Extension of time limits	Director, Finance & Administration ATIP Coordinator
16	Access refused	Director, Finance & Administration ATIP Coordinator
17(2)(b)	Language of access	Director, Finance & Administration ATIP Coordinator
17(3)(b)	Access to personal information in alternative format	Director, Finance & Administration ATIP Coordinator
18(2)	Exemption (exempt bank) – Disclosure may be refused	Director, Finance & Administration ATIP Coordinator
19(1)	Exemption – Personal information obtained in confidence	Director, Finance & Administration ATIP Coordinator
19(2)	Exemption – Where authorized to disclose	Director, Finance & Administration ATIP Coordinator
20	Exemption – Federal-provincial affairs	Director, Finance & Administration ATIP Coordinator
21	Exemption – International affairs and defence	Director, Finance & Administration ATIP Coordinator
22	Exemption – Law enforcement and investigation	Director, Finance & Administration ATIP Coordinator
22.3	Exemption – <i>Public Servants Disclosure Protection Act</i>	Director, Finance & Administration ATIP Coordinator
23	Exemption – Security clearances	Director, Finance & Administration ATIP Coordinator
24	Exemption – Individuals sentenced for an offence	Director, Finance & Administration ATIP Coordinator
25	Exemption – Safety of individuals	Director, Finance & Administration ATIP Coordinator

26	Exemption – Information about another individual	Director, Finance & Administration ATIP Coordinator
27	Exemption – Solicitor-client privilege	Director, Finance & Administration ATIP Coordinator
28	Exemption – Medical record	Director, Finance & Administration ATIP Coordinator
31	Notice of intention to investigate	Director, Finance & Administration ATIP Coordinator
33(2)	Right to make representation	Director, Finance & Administration ATIP Coordinator
35(1)	Findings and recommendations of Privacy Commissioner (complaints)	Director, Finance & Administration ATIP Coordinator
35(4)	Access to be given	Director, Finance & Administration ATIP Coordinator
36(3)	Report of findings and recommendations (exempt banks)	Director, Finance & Administration ATIP Coordinator
37(3)	Report of findings and recommendations (compliance review)	Director, Finance & Administration ATIP Coordinator
51(2)(b)	Special rules for hearings	Director, Finance & Administration ATIP Coordinator
51(3)	<i>Ex parte</i> representations	Director, Finance & Administration ATIP Coordinator
72(1)	Report to Parliament	Director, Finance & Administration ATIP Coordinator

Privacy Regulations

7	Retention for specific time	Director, Finance & Administration ATIP Coordinator
9	Reasonable facilities and time provided to examine personal information	Director, Finance & Administration ATIP Coordinator
11(2)	Notification that correction to personal information has been made	Director, Finance & Administration ATIP Coordinator
11(4)	Notification that correction to personal information has been refused	Director, Finance & Administration ATIP Coordinator
13(1)	Disclosure of personal information relating to physical or mental health may be made to a qualified medical practitioner or psychologist for an opinion on whether to release information to the requestor	Director, Finance & Administration ATIP Coordinator
14	Disclosure of personal information relating to physical or mental health may be made to a requester in the presence of a qualified medical practitioner or psychologist	Director, Finance & Administration ATIP Coordinator