

Transportation Safety Board
of Canada



Bureau de la sécurité des transports
du Canada



**ANNUAL REPORT TO PARLIAMENT
ON THE APPLICATION OF
THE *PRIVACY ACT***

01 APRIL 2010 TO 31 MARCH 2011

Canada

Transportation Safety Board
of Canada



Bureau de la sécurité des transports
du Canada

Chair

Présidente

Place du Centre
200 Promenade du Portage
4th Floor
Gatineau, Quebec
K1A 1K8

The Honourable Peter Penashue, P.C., M.P.
President of the Queen's Privy Council for Canada
House of Commons
Ottawa, Ontario
K1A 0A6

Honourable Minister:

In accordance with section 72 of the *Privacy Act*, the Transportation Safety Board of Canada is pleased to submit to Parliament this report on its activities relating to the application of the Act for the period 01 April 2010 to 31 March 2011.

Sincerely,

Wendy A. Tadros

Canada

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1.0 Introduction

Pursuant to section 72 of the *Privacy Act*, the Transportation Safety Board of Canada (TSB) is pleased to table in Parliament this report on its activities relating to the application of the Act. The report covers the period from 01 April 2010 to 31 March 2011.

The purpose of the [Privacy Act](#) is to protect the privacy of individuals with respect to personal information about themselves held by government institutions such as the TSB, and to provide individuals with a right of access to that information.

The [Canadian Transportation Accident Investigation and Safety Board Act](#) provides the legal framework that governs TSB activities. Our mandate is to advance transportation safety in the marine, pipeline, rail and air modes of transportation by:

- conducting independent investigations, including public inquiries when necessary, into selected transportation occurrences in order to make findings as to their causes and contributing factors;
- identifying safety deficiencies, as evidenced by transportation occurrences;
- making recommendations designed to eliminate or reduce any such safety deficiencies; and
- reporting publicly on our investigations and on the findings in relation thereto.

More information on the TSB is available at www.bst-tsb.gc.ca.

The TSB's administration of its Access to Information and Privacy (ATIP) activities is in accordance with the government's stated principles that government information should be available to the public with only specific and limited exceptions. Furthermore, the TSB treats personal information in compliance with the code of fair information practice expressed in the *Privacy Act*.

The majority of formal information requests to the TSB pertain to transportation occurrences and are made pursuant to the [Access to Information Act](#). Such requests present many challenges to the TSB ATIP Office. In many cases, for example, requests are made for a copy of the complete investigation file. Depending on the nature and scope of the investigation, there may be many thousands of often complex records in a variety of media. Very often, these files contain a large amount of personal and third party information. As considerable expertise is required in the processing of requests, the TSB ATIP function is organized so that ATIP analysts are responsible for reviewing and severing all records, whereas in other organizations, the ATIP analysts rely on the recommendations of the (OPI) officer. This requires that the analysts establish and maintain good working relationships with the office of primary interest (OPI) for each request and to remain current with the operations of the various Investigative Modes and their particular activities. On an ongoing basis, it also requires that the analysts develop and maintain a strong knowledge of not only the provisions of both Acts but also TSB operations.

The ATIP Office operates within the Information Management (IM) Division of Corporate Services. This ensures effective integration of ATIP requirements into IM planning, policy development, records management systems and practices, and training and awareness activities.

The ATIP Office administers both formal requests made pursuant to the Act and informal requests, and provides functional advice and guidance to managers and employees concerning the release of information and protection of privacy. In addition, ATIP analysts are required to exhibit strong consultative and negotiating skills when meeting with requesters, employees of the TSB and representatives of the Office of the Privacy Commissioner's office.

2.0 *Delegation of Authority*

As required by the legislation, a delegation of authority is in place. For the purposes of the *Privacy Act*, the "head of the institution" as defined in section 3 of the Act is the Chair. The Chief Operating Officer, the Director General, Corporate Services, and the Manager, Information Management Division have been delegated powers by the Chair deemed appropriate for the effective administration of the Act and to ensure that the TSB meets all its obligations fairly and consistently.

A copy of the Delegation Order is attached as Appendix A.

3.0 *Requests for Personal Information*

Eleven (11) formal requests for personal information were received during the current reporting period, compared with two (2) requests during the previous period, an increase of 450%. Of these, records were fully disclosed to three (3) applicants, partially disclosed to two (2) applicants and documents did not exist in four (4) cases. The remaining two (2) requests were carried over to the next fiscal year.

The TSB's policy of openness allows for the disclosure of information to individuals without necessarily requiring that they invoke the *Privacy Act*. Human Resource officers and support staff handle this sort of request as part of their routine duties.

The TSB remains vigilant in meeting requirements under the Act to protect personal information under its control. This is achieved by ensuring that employees are cognizant of their responsibility to protect the personal information they handle in the course of their duties and by respecting the code of fair information practice enshrined in the legislation.

4.0 *Costs*

During 2010-2011, the ATIP Office incurred an estimated \$28,877 in costs to administer the *Privacy Act*. These costs do not include the resources expended by other areas of the TSB to meet the requirements of the Act.

5.0 *Complaints and Investigations*

No complaints were received during this reporting period.

6.0 *Training and Education*

Given the responsibilities and knowledge requirements of the TSB ATIP Office, there is a long learning curve for its staff. Continuous on-the-job training is provided to ATIP staff to ensure sound and current knowledge of both ATIP requirements and procedures, as well as TSB operations.

In terms of external training activities, ATIP staff attended the annual Canadian Access and Privacy Association workshop, as well as various workshops organized by the Treasury Board Secretariat throughout the fiscal year. These workshops provided ATIP staff with valuable information on trends and best practices within the ATIP community, updates on recent complaints and court cases, and tools to help improve service standards within the field. Two members of the ATIP Office also attended ATIP training offered by the Canada School of Public Service.

In addition, the TSB has put in place an orientation program for new employees. The ATIP Office prepared and presented five (5) ATIP awareness sessions in 2010-2011 to thirty-eight (38) employees: two (2) in English and two (2) in French as well as one (1) bilingual session. The ATIP Office will continue to provide awareness training in future orientation sessions as part of the ongoing program.

7.0 *Policies, Guidelines and Procedures*

No new or revised privacy-related policies, guidelines or procedures were implemented in the TSB during the reporting period.

8.0 *Privacy Impact Assessments*

The TSB did not undertake any Privacy Impact Assessments (PIA) during the reporting period.

9.0 *Disclosures Pursuant to Paragraph 8(2)(m)*

The TSB did not disclose any information pursuant to paragraph 8(2)(m) during the reporting period.

10.0 *Statistics Required by Treasury Board*

The statistics required by the Treasury Board Secretariat are found in Appendix B.

Appendix A – Delegation Order

Transportation Safety Board
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DESIGNATION ORDERS

Privacy Act

The Chair of the Transportation Safety Board of Canada, pursuant to Section 73 of the *Privacy Act*, hereby designates the persons holding the positions of Chief Operating Officer, Director General, Corporate Services and Manager, Information Management Division, Corporate Services, or the persons occupying on an acting basis those positions, to exercise the powers and perform the duties and functions of the Chair as the head of a government institution under the *Act*.

A handwritten signature in black ink that reads "Wendy A. Tadros".

Wendy A. Tadros
Chair

Date: JAN 25 2010

Canada

Appendix B – Statistical Report



REPORT ON THE PRIVACY ACT

RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution TRANSPORTATION SAFETY BOARD OF CANADA BUREAU DE LA SÉCURITÉ DES TRANSPORTS	Reporting period Période visée par le rapport 4/1/2010 to/à 3/31/2011
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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	11
Outstanding from previous period / En suspens depuis la période antérieure	1
TOTAL	12
Completed during reporting period / Traitées pendant la période visée par le	11
Carried forward / Reportées	1

II Disposition of requests completed / Disposition à l'égard des demandes traitées

1. All disclosed / Communication totale	3
2. Disclosed in part / Communication partielle	2
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0
4. Nothing disclosed (exempt) / Aucune communication (exemption)	0
5. Unable to process / Traitement impossible	5
6. Abandoned by applicant / Abandon de la demande	1
7. Transferred / Transmission	0
TOTAL	11

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	1
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	8
31 to 60 days / De 31 à 60 jours	3
61 to 120 days / De 61 à 120 jours	0
121 days or over / 121 jours ou plus	0

VI Extensions / 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	1	0
Consultation	0	0
Translation / Traduction	0	0
TOTAL	1	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	5
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) (\$000)	
Salary / Traitement	25 152.0
Administration (O and M) / Administration (fonctionnement et maintien)	3 725.0
TOTAL	28 877.0
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.39

**Transportation Safety Board of Canada
Statistical Report – Privacy Act - 2010-11**

Additional Reporting Requirements – *Privacy Act*

Treasury Board Secretariat is monitoring compliance with the Privacy Impact Assessment (PIA) Policy (which came into effect on May 2, 2002) and the Directive on Privacy Impact Assessment (which takes effect April 1, 2010) through a variety of means. Institutions are therefore required to report the following information for this reporting period. Note that because some institutions are using the Core PIA as outlined in the Directive in advance of the implementation deadline, they will not have Preliminary PIAs to report.

Indicate the number of:

• Preliminary Privacy Impact Assessments initiated	0
• Preliminary Privacy Impact Assessments completed	0
• Privacy Impact Assessments initiated	0
• Privacy Impact Assessments completed	0
• Privacy Impact Assessments forwarded to the Office of the Privacy Commissioner (OPC)	0

Note: If your institution did not undertake any of the activities noted above during the reporting period, this must be stated explicitly.

In addition, institutions are required to report on the following:

Part III – Exemptions invoked

Paragraph 19(1)(e)	0
Paragraph 19(1)(f)	0
Subsection 22.1	0
Subsection 22.2	0
Subsection 22.3	0

Part IV – Exclusions cited

Subsection 69.1	0
Subsection 70.1	0

Note: If your institution did not invoke any exemptions or cite any exclusions noted above during the reporting period, this must be stated explicitly.