

Transportation Safety Board
of Canada



Bureau de la sécurité des transports
du Canada

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

1 APRIL 2012 TO 31 MARCH 2013

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 Van Loan, P.C., M.P.
Leader of the Government in the House of Commons
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 1 April 2012 to 31 March 2013.

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 1 April 2012 to 31 March 2013.

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*.

2.0 ATIP Office Organization

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 office consists of four full-time permanent employees and one part-time employee: the coordinator, who is also responsible for the information management function and dedicates approximately half of his time to ATIP, three analysts, and one administrative assistant to support the program.

The ATIP Office administers requests made pursuant to the *Act* 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.

3.0 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.

4.0 Disposition of Requests

4.1 Requests for Personal Information

Nineteen (19) formal requests for personal information were received during the current reporting period, and two (2) requests were brought forward from the previous reporting period, for a total of twenty-one (21) active requests. There were twenty-two (22) requests received during the previous period, representing a decrease of 14%. Of the twenty-one closed requests in 2012-13, records were fully disclosed to nine (9) applicants, partially disclosed to five (5) applicants, documents did not exist in four (4) cases, and three (3) requests were abandoned by their requesters. No request was carried over to the next fiscal year.

Of the twenty-one (21) requests processed during the reporting period, eleven (11) were completed within the 30-day limit, eight (8) were completed within 31 to 60 days, and two (2) were completed within 61 to 120 days. The average time taken to process a request during the 2012-13 reporting period was 34.6 calendar days, compared with last year’s average of 29.6 calendar days.

During this period, the ATIP Office was involved in the search, preparation and review of 8,275 pages of information and the reproduction and release of 1,533 pages of information. Last year, 2,357 pages were reviewed and 1,681 pages were released. Globally, the number of pages reviewed in 2012-13 represents an increase of more than 250% in the workload compared to the previous reporting period.

The TSB’s policy of openness allows for the disclosure of information to employees 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.

4.2 *Costs*

During 2012-13, the ATIP Office incurred an estimated \$24,447 in costs to administer the *Privacy Act*. These costs include salaries, overtime, goods and services, and professional services contracts for temporary help staff but do not include the resources expended by other areas of the TSB to meet the requirements of the *Act*.

5.0 *Training and Education*

In terms of internal training activities, the TSB has an orientation program in place for new employees. The ATIP Office prepared and delivered two (2) ATIP awareness sessions in 2012-13 to twenty-one (21) employees from Head Office and three regional offices. The ATIP office also provides advice and guidance upon request to individuals and small groups of employees on an informal basis.

In addition, the 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

6.0 *Policies, Guidelines and Procedures*

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

7.0 *Complaints and Investigations*

One complaint was received from the Office of the Privacy Commissioner (OPC) during this reporting period. The complainant alleges that the TSB contravened the use and disclosure provisions of the *Privacy Act* relating to information shared as part of a reference check. TSB submitted its representations to the OPC and is awaiting the findings from the OPC investigation.

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
of Canada



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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

Statistical Report on the *Privacy Act*

Name of Institution: Transportation Safety Board of Canada

Reporting Period: 2012-04-01 to 2013-03-31

PART 1 - Requests under the Privacy Act

	Number of Requests
Received during reporting period	19
Outstanding from previous reporting period	2
Total	21
Closed during reporting period	21
Carried over to next reporting period	0

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	3	1	5	0	0	0	0	9
Disclosed in part	0	0	3	2	0	0	0	5
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	3	1	0	0	0	0	0	4
Request abandoned	1	2	0	0	0	0	0	3
Total	7	4	8	2	0	0	0	21

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)	1	23(b)	0
19(1)(b)	0	22(1)(a)(iii)	0	24(a)	0
19(1)(c)	1	22(1)(b)	0	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	5
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)(a)	0	70(1)(d)	0
69(1)(b)	0	70(1)(b)	0	70(1)(e)	0
69.1	0	70(1)(c)	0	70(1)(f)	0
				70.1	0

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	9	0	0
Disclosed in part	4	1	0
Total	13	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	3079	322	9
Disclosed in part	5196	1211	5
All exempted	0	0	0
All excluded	0	0	0
Request Abandoned	0	0	3

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	4	4	3	93	1	23	1	202	0	0
Disclosed in part	0	0	1	143	2	805	2	263	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
Abandoned	3	0	0	0	0	0	0	0	0	0
Total	7	4	4	236	3	828	3	465	0	0

2.5.3 Other complexities

Disposition	Consultation required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	0	0	0	5	5
Disclosed in part	1	0	0	4	5
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
Total	1	0	0	9	10

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
3	2	0	1	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	2	2
16 to 30 days	1	0	1
31 to 60 days	0	0	0
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

2.7 Request 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 subsection 8(2)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Total
0	0	0

PART 4 - Requests for correction of personal information and notations

	Number
Requests for correction received	0
Requests for correction accepted	0
Requests for correction refused	0
Notations attached	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	
Section 70	Other			
All disclosed	5	0	0	0
Disclosed in part	4	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	9	0	0	0

5.2 Length of extensions

Length of extensions	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation or conversion
		Section 70	Other	
1 to 15 days	0	0	0	0
16 to 30 days	9	0	0	0
Total	9	0	0	0

PART 6 - Consultations received from other institutions and organizations

6.1 Consultations received from other government institutions and organizations

Consultations	Other government 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	0	0	0	0
Total	0	0	0	0
Closed during the reporting period	0	0	0	0
Pending at the end of the reporting period	0	0	0	0

6.2 Recommendations and completion time for consultations received from other government institutions

Recommendations	Number of days required to complete consultation requests							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	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

6.3 Recommendations and completion time for consultations received from other organizations

Recommendations	Number of days required to complete consultation requests							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	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

PART 7 - Completion time of consultations on Cabinet confidences

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
Total	0	0

PART 8 - Resources related to the Privacy Act**8.1 Costs**

Expenditures		Amount
Salaries		\$ 12 616.00
Overtime		\$ 0.00
Goods and Services		\$ 11 831.00
<input type="checkbox"/> Contracts for privacy impact assessments	\$ 0.00	
<input type="checkbox"/> Professional services contracts	\$ 9 371.00	
<input type="checkbox"/> Other	\$ 2 460.00	
Total		\$ 24 447.00

8.2 Human Resources

Resources	Dedicated full-time	Dedicated part-time	Total
Full-time employees	0.00	0.19	0.19
Part-time and casual employees	0.00	0.00	0.00
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.00	0.05	0.05
Students	0.00	0.00	0.00
Total	0.00	0.24	0.24

Statistical Report on the Privacy Act – 2012-13**Appendix A****Completed Privacy Impact Assessments (PIAs)**

Institution	Number of Completed PIAs
Transportation Safety Board of Canada	Nil