

**Office of the Chief Electoral Officer**

*Privacy Act*  
**Annual Report 2007–2008**

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## **Introduction**

The purpose of the *Privacy Act* is to extend the present laws of Canada that protect the privacy of individuals and provide individuals with a right of access to the personal information about themselves held by government institutions.

In accordance with the provisions of section 72, the Office of the Chief Electoral Officer has prepared its annual report on the administration of that Act. The report presents an overview of the institution's activities and describes how the Office carried out its responsibilities in relation to the *Privacy Act* during the reporting period of April 1, 2007, to March 31, 2008.

## **Mandate of the Office of the Chief Electoral Officer**

The Office of the Chief Electoral Officer, commonly known as Elections Canada, is an independent, non-partisan agency set up by Parliament. Its mandate is to be prepared at all times to conduct a federal general election, by-election or referendum, administer the political financing provisions of the *Canada Elections Act*, monitor compliance and enforce electoral legislation. Elections Canada is also mandated to conduct voter education and information programs, and provide support to the independent commissions in charge of adjusting the boundaries of federal electoral districts following each decennial census. Finally, Elections Canada may carry out studies on alternative voting methods and, with the approval of Parliament, test electronic voting processes for future use during electoral events.

In fulfillment of this mandate, Elections Canada strives to ensure that all voters have access to the electoral process; provides information and education programs to citizens about the electoral system; maintains the Register of Electors; monitors compliance with electoral law and enforces the legislation; and maintains readiness to conduct electoral events.

Elections Canada appoints, trains and supports 308 returning officers across Canada, as well as other election officers and temporary election staff in Ottawa. It develops and maintains electoral geography information for preparing maps and other geographic products used during electoral events.

Elections Canada also registers political entities, including political parties, electoral district associations, candidates, leadership contestants, third parties that engage in election advertising, and referendum committees; administers the allowances, reimbursements and subsidies paid to eligible candidates, registered political parties and auditors; monitors compliance with the *Canada Elections Act*; and discloses information on registered parties and electoral district associations, nomination contestants and leadership contestants of registered parties, candidates, third parties, and referendum committees, including their financial returns.

In addition, Elections Canada recommends to Parliament legislative amendments for the better administration of the *Canada Elections Act*. It does this through the statutory reports of the Chief Electoral Officer after electoral events, as well as through the provision of expert advice when Parliament studies electoral reform.

## **Structure of the Access to Information and Privacy Directorate**

In 2007, Elections Canada established an Access to Information and Privacy (ATIP) directorate. This structural change was prompted by the extension of the *Access to Information Act* to Elections Canada. This provided an opportunity to bring privacy matters related to the agency's primary mandate of administering elections into better focus. Previously, responses to privacy requests and any privacy-related work were handled on an ad hoc basis by the Legal Services Directorate. The newly established ATIP Directorate is part of the Legal Services Sector and is managed on a full-time basis by the General Counsel and ATIP Coordinator, to whom the Chief Electoral Officer has delegated all the powers, functions and duties of administering the *Privacy Act*. A copy of the delegation order setting out the responsibilities under that Act appears at the end of this report (see Appendix 1).

Two full-time equivalent staff, as well as consultants on an "as required" basis, assisted the ATIP Coordinator in fulfilling these responsibilities throughout this reporting period.

The ATIP Directorate is responsible for the following activities:

- processing requests under the *Access to Information Act* and *Privacy Act*;
- responding to consultation requests from other government institutions;
- providing ongoing legal and business advice and guidance to senior management and department staff on Access and Privacy legislation;
- monitoring institutional compliance with ATIP legislation, relevant procedures and policies;
- acting on behalf of Elections Canada in dealings with the Treasury Board Secretariat, the Offices of the Information and Privacy Commissioners and other government institutions about the application of the legislation as it relates to Elections Canada;
- preparing annual reports to Parliament, in addition to other statutory reports and material that may be required by central agencies;
- promoting awareness of the ATIP legislation, the regulations and relevant procedures throughout Elections Canada;
- providing advice and guidance to employees and senior officials on ATIP-related matters; and
- coordinating updates to Info Source manuals.

## **Requests Received under the *Privacy Act***

### **Statistical Report on Requests Received under the *Privacy Act***

This section provides information about the processing of requests under the *Privacy Act*. The statistical report can be found in Appendix 2. Compared to the previous year, there was no significant increase in the number of formal requests received.

### **Requests Received under the *Privacy Act***

Elections Canada received 4 formal requests and 16 informal requests for information under the *Privacy Act* during the period from April 1, 2007, to March 31, 2008.

Apart from these 20 requests, the institution also received 18 requests for personal information that is contained in the National Register of Electors. Elections Canada has the authority to maintain a permanent register containing the surname, given names, sex, date of birth, civic and mailing address of each elector. An elector may, pursuant to section 54 of the *Canada Elections Act*, request all of the information relating to him or her that is contained in the Register.

### ***Disposition of requests***

The processing of all four formal requests was completed during the reporting period. In one instance, the applicant received all of the requested information. In two instances, access was granted, with the exception of personal information about other individuals (section 26 of the *Privacy Act*). For the remaining formal request, Elections Canada did not have any record of personal information relating to the requester. Given the fact that only four requests were processed during the reporting period, it was not possible to identify trends on the application of exemptions.

### ***Completion time***

Two of the formal requests were processed within the initial 30-day time limit. The other two requests took between 31 and 60 days to finalize.

Of the 16 informal requests, 28% received responses within 30 days, 27% received responses within 31 to 60 days, and the rest took more than 61 days. Of the 18 requests for personal information that were processed pursuant to the *Canada Elections Act*, 80% were completed within 30 days.

## ***Disclosure of personal information under subsection 8(2) of the Privacy Act***

No personal information was disclosed pursuant to paragraphs 8(2)(e), 8(2)(g) or 8(2)(m) of the *Privacy Act* during the reporting period.

It should be noted, however, that a request made by an investigative body under paragraph 8(2)(e) of the *Privacy Act*, for access to the personal information of two individuals, was refused in accordance with sections 56 and 111 of the *Canada Elections Act*. The *Canada Elections Act* prohibits personal information from being used other than for electoral purposes.

No personal information was shared pursuant to paragraph 8(2)(f) of the *Privacy Act*. However, data sharing agreements exist under the *Canada Elections Act*. Those agreements are described below.

## **Privacy Impact Assessments**

No Privacy Impact Assessments (PIAs) or Preliminary Privacy Impact Assessments (PPIAs) were initiated or completed during this reporting period.

## **Data Sharing Agreements**

No new data sharing agreements were initiated during this reporting period. However, data sharing did take place pursuant to existing agreements concluded under the *Canada Elections Act*.

Under section 55 of the *Canada Elections Act*, the Chief Electoral Officer may enter into an agreement to provide data from the National Register of Electors to a provincial, territorial or municipal body for electoral purposes. In 2007–2008, Elections Canada provided data from the Register, in accordance with the agency's agreements, to British Columbia, Alberta, Ontario, Newfoundland and Labrador, and the Northwest Territories to help these jurisdictions update their own registers.

Elections Canada's data sharing agreements with other jurisdictions contain provisions to protect the privacy of personal information. Data may be used only for electoral purposes. The agreements provide for secure transmission of the data and restrict access to designated personnel. Elections Canada may conduct an audit at the facilities of the party receiving the data, or may itself be audited by federal, provincial or territorial sources, to ensure that security is maintained.

## **Awareness and Training Activities**

During the reporting period, an increased effort was made to promote privacy awareness within the institution. The ATIP Directorate provided 19 training sessions, in which 218 participants took part, on responsibilities under the *Privacy Act* and the importance of protecting personal information. Both employees and electoral field officers were offered this training.

Given the recent establishment of the directorate, employees of the ATIP Directorate attended as many training sessions and conferences as possible relating to the processing of ATIP requests, reporting obligations, and information management. Among the conferences attended that specifically focussed on privacy issues were the 29th International Conference of Data Protection and Privacy Commissioners, the Electronic Health Information and Privacy Conference, the Cyber Security: Developing a Canadian Strategy Forum, the Seminar on Privacy, Security and Technology, the Canadian Association of Professional Access and Privacy Administrators (CAPAPA) Annual Conference. These learning opportunities were invaluable to understanding the general privacy issues that Elections Canada has to address in the administration of its mandate.

## **Complaints**

No complaints relating to Elections Canada were filed with the Office of the Privacy Commissioner during this reporting period.

A complaint was filed in the previous fiscal year (March 21, 2007) alleging improper use and disclosure of an elector's personal information to a political party. The *Canada Elections Act* authorizes distribution of the lists of electors to registered parties, to members of Parliament for their electoral districts, and to candidates during an election. The parties, members of Parliament and candidates may use the lists to communicate with electors and solicit contributions. However, the lists of electors may only be used for electoral purposes. Elections Canada publishes guidelines and informs political parties of the restrictions on usage of the lists. Prohibitions and penalties exist for using personal information that is recorded in a list of electors for a purpose other than to enable parties, members of Parliament or candidates to communicate with electors. The Office of the Privacy Commissioner advised Elections Canada on March 31, 2008, that their investigation concluded that the complaint was not well founded.

## **Appendix 1**

### **Delegation of Authority Under Section 73 of the *Privacy Act***





The Chief Electoral Officer • Le directeur général des élections

07-05-11 15:06 RCVD

*PRIVACY ACT* DELEGATION ORDER

The Chief Electoral Officer of Canada, in accordance with section 73 of the *Privacy Act*, hereby designates the person holding the position set out below, or the person acting in that position, to exercise the powers and perform the duties and functions of the Chief Electoral Officer of Canada, as the head of the government institution under the Act.

POSITION	SECTIONS OF THE <i>PRIVACY ACT</i>
Access to Information and Privacy Coordinator	All sections

Date: 1<sup>st</sup> June 17<sup>th</sup> 2007

Signature: *Marc Macquard*

## **Appendix 2**

### **Privacy Statistical Report 2007–2008**



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

Institution <b>Elections Canada</b>	Reporting period / Période visée par le rapport 2007-04-01 to/au 2008-03-31
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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	4
Outstanding from previous period / En suspens depuis la période antérieure	
<b>TOTAL</b>	<b>4</b>
Completed during reporting period / Traitées pendant la période visée par le rapport	4
Carried forward / Reportées	

<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	2
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	
4. Nothing disclosed (except) / Aucune communication (exemption)	
5. Unable to process / Traitement impossible	1
6. Abandoned by applicant / Abandon de la demande	
7. Transferred / Transmission	
<b>TOTAL</b>	<b>4</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. 23(1)(a)	
(b)	
(c)	
S. Art. 23(2)	
S. Art. 23 (a)	
(b)	
S. Art. 24	
S. Art. 25	
S. Art. 26	2
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	2
31 to 60 days / De 31 à 60 jours	2
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	
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	3
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	\$ 1,000.00
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 1,000.00
<b>TOTAL</b>	<b>\$ 2,000.00</b>
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.2

