



**Office of the
Chief Electoral
Officer**

Period ending March 31, 2009

**Annual Report on the
*Privacy Act***

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Chief Electoral Officer of Canada

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Introduction

The *Privacy Act* extends to individuals the right of access to personal information about themselves held by a government institution. The *Act* also protects individuals' privacy by preventing others from having access to their personal information and gives individuals substantial control over its collection, use and disclosure.

Section 72 of the *Privacy Act* requires that the head of every government institution submit an annual report to Parliament on the administration of the *Act* during the financial year. This report describes how Elections Canada administered its responsibilities under the *Privacy Act* during the fiscal year from April 1, 2008 to March 31, 2009.

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 that reports directly to 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
- conduct voter education and information programs
- provide support to the independent commissions in charge of adjusting the boundaries of federal electoral districts following each decennial census
- 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 appoints, trains and supports 308 returning officers and 30 field liaison officers across Canada. It maintains the National Register of Electors, as well as electoral geography information that provide the basis for preparing maps and other geographic products used during electoral events.

The agency 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*
- 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, the agency recommends to Parliament 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 provisions of expert advice when Parliament studies electoral reform.

Structure of the Access to Information and Privacy Directorate

The ATIP Directorate is part of the Legal Services Sector and is managed on a full-time basis by the agency's 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).

The ATIP Directorate has four full-time equivalent positions. Three positions were staffed on an indeterminate basis, two of which were vacant to start the year and required the completion of a competition. A secondment agreement was put in place to fill the fourth position. The services of consultants and students provided additional support.

The ATIP Directorate is responsible for the following activities:

- processing requests under the *Access to Information Act* and the *Privacy Act*;
- responding to consultation requests from other government institutions;
- providing ongoing legal and business advice and guidance to senior management and agency staff on Access and Privacy legislation and related matters;
- monitoring institutional compliance with the aforementioned *Acts*, regulations and 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 regarding the application of the above 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;

- developing and delivering awareness training to Elections Canada managers and employees to ensure departmental responsiveness to the legal obligation imposed on them by both *Acts* and Regulations;
- coordinating the annual update of the agency’s descriptions of its organization and its record holdings for inclusion in the Treasury Board publication Info Source;
- representing Elections Canada by participating in ATIP community forums, such as the Treasury Board Secretariat ATIP Community Meetings; and
- developing and implementing internal policies pertaining to privacy.

Report on the administration of the *Privacy Act*

This section provides information about the processing of requests to Elections Canada made under the *Privacy Act*. Appendix 2 provides a statistical summary of the privacy requests received and/or finalized in 2008-2009.

Number of Requests

Received during the reporting period	8
Outstanding from previous year	<u>0</u>
TOTAL	8

Disposition of Completed Requests

Of the eight requests completed during the reporting period, the disposition was as follows:

- All disclosed: In seven (7) cases, the applicants were granted access to all of the information sought.
- Disclosed in part: In one (1) case, there was some information withheld by virtue of section 26 of the *Privacy Act* as it was personal information pertaining to an individual other than the applicant.

Exemptions invoked

Appendix 2 of this report details the exemptions invoked by the agency during the current fiscal year. If an exemption is claimed several times within the same request, it is reported only once in the Appendix.

Exclusions cited

No exclusions were applied during this reporting period.

Completion time

For five of the eight requests, the releases were completed within the initial 30-day time limit. One request took between 31 and 60 days as not all the information was received from the Office of Primary Interest (OPI) due to a misunderstanding of internal processes. The final two requests were processed within 61 to 120 days. The two files that were completed in more than 60 days required the retrieval of documents from various district Returning Officers. A federal Returning Officer is responsible for the delivery and control of federal electoral events within the electoral district. A review of the delays in completion time provided opportunities for improvement of our internal processes. As a result, four refresher sessions were held with the OPIs regarding ATIP internal processes, their roles and responsibilities under the legislation, the provision of advice and guidance regarding the identification of sensitive information, and the sharing of tips regarding the handling of information.

Extensions

Section 15 of the *Privacy Act* provides for the extension of the statutory time limits if processing the request within the original time limit would unreasonably interfere with the operations of the institution or if consultations are necessary. During the reporting period no extensions were taken.

Method and Disposition of Requests

In all cases where information was disclosed, Elections Canada provided either paper copies or in electronic format according to the applicant's stated preference.

Corrections

There were no requests for corrections during this reporting period.

Costs

The total costs for administering all aspects of the *Privacy Act* are estimated at \$287,940.37. Associated full time employee resources for 2008-2009 are calculated at 1.97 FTEs. In addition to processing formal requests, these figures include costs for processing informal requests from the general public, responding to requests from within the agency for advice and guidance on privacy related matters and providing training sessions to promote awareness of the *Privacy Act*. Considerable effort was also spent collaborating with the auditors and responding to the privacy audit and its recommendations.

Informal Requests

In addition to formal requests, the ATIP Directorate received 36 informal requests for personal information during the reporting period from April 1, 2008 to March 31, 2009. Four (4) informal requests were carried over from the previous year for a total of 40. Included in these requests were 17 requests pursuant to section 54 of the *Canada Elections Act* which allows electors to access all the personal information in the possession of the Chief Electoral Officer. Of the 40 informal requests processed during the reporting period, 39 were completed with one being carried over into the new fiscal year.

Complaints

No complaints were filed against the agency with the Office of the Privacy Commissioner during this reporting period.

Disclosure of personal information under subsection 8(2)

Subsection 8(2) of the *Privacy Act* describes the circumstances under which personal information under the control of a government institution may be disclosed without the consent of the individual to whom the information pertains. Such disclosures are discretionary and are subject to any other Act of Parliament.

Paragraph 8(2)(e)

Paragraph 8(2)(e) provides that personal information may be disclosed to any federal investigative body specified in the regulations on the written request of the body for the purpose of enforcing any law of Canada or any province or carrying out a lawful investigation. The request must specify the purpose and describe the information to be disclosed.

No personal information was disclosed in accordance to this provision during the reporting period.

Paragraph 8(2)(f)

This provision stipulates that personal information may be disclosed under an agreement or arrangement between the Government of Canada or an institution thereof and the government of a province or an institution thereof, for the purpose of administering or enforcing any law or carrying out a lawful investigation.

During the period 2008-2009, data from the National Register of Electors was provided to provincial electoral agencies of Nova Scotia, New Brunswick, Ontario, Alberta and British Columbia pursuant to agreements signed with these provinces in accordance with section 55 of the *Canada Elections Act*.

Paragraph 8(2)(g)

Paragraph 8(2)(g) provides that personal information may be disclosed to a Member of Parliament for the purpose of assisting the individual to whom the information relates in resolving a problem.

No personal information was disclosed pursuant to that provision during the reporting period.

Paragraph 8(2)(m)

Paragraph 8(2)(m) stipulates that personal information may be disclosed for any purpose where, in the opinion of the head of an institution, the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or disclosure would clearly benefit the individual to whom the information relates.

Elections Canada has not disclosed any personal information pursuant to this paragraph during the reporting period.

Data Sharing Agreements

The Chief Electoral Officer has authority pursuant to section 44 of the *Canada Elections Act* to maintain a register of Canadians who are qualified electors – known as the Register of Electors. The Register of Electors contains, for each elector in it, name, address, sex, date of birth, and a randomly generated unique identifier.

The Register of Electors is updated with information supplied by provincial, territorial and federal data sources and by electors themselves (section 46 of the *Canada Elections Act*). Elections Canada currently has agreements with data suppliers including the Canada Revenue Agency, Canada Post Corporation, Citizenship and Immigration Canada, provincial and territorial registrars of motor vehicles and vital statistics. During this reporting period, the agreement for the acquisition of drivers' licence information with the Ministry of Transportation of Ontario was renewed.

The information in the Register of Electors is also provided by Elections Canada, in accordance with section 55 of the *Canada Elections Act*, to any body responsible under provincial law for establishing a list of electors. The data sharing agreements must include conditions regarding the use and protection of that personal information. Elections Canada currently has two-way data sharing agreements with all provincial and territorial electoral agencies except for Saskatchewan and Yukon. For both of these jurisdictions, Elections Canada has negotiated agreements to receive data but not to provide any in return. Elections Canada also has a two-way data sharing agreement with the Ontario Municipal Property Assessment Corporation (MPAC) as they have the authority under provincial law to establish lists of electors for municipal and school board elections. No data-sharing agreements were concluded this fiscal period with any municipal jurisdiction. During this reporting period, Elections Canada amended and/or renewed its data sharing agreements with the Chief Electoral Officers of Alberta, Newfoundland and Labrador and Quebec.

Awareness and Training Activities

The ATIP Directorate continues to provide training sessions to ensure that all employees of Elections Canada and election officers are aware of privacy issues in their work environment. To that end, there was a total of 13 training sessions provided to 191 participants in both official languages throughout fiscal year 2008-2009. Included in these sessions were four sessions given to field officers regarding privacy implications in a Returning Office and five (5) sessions to various groups within the agency that were directly related to Privacy Impact Assessments (PIAs).

ATIP Directorate employees also attended conferences and training sessions. Included in these were the Canadian Association of Professional Access and Privacy Administrators (CAPAPA) Annual Conference, "The Privacy Summit" offered by the International Association of Privacy Professionals, the "Managing Privacy Compliance Conference", the "Electronic Health Information and Privacy Conference" as well as various Treasury Board Information Sessions and ATIP Community Meetings. These conferences and training sessions provided ATIP employees with the opportunity to increase their understanding of emerging privacy issues and issues facing Elections Canada.

Privacy Impact Assessments

Two (2) Privacy Impact Assessments (PIAs) were initiated within the reporting period. The first dealt with an upgrade to the Human Resource Information System (HRIS) that would provide a self-serve employee leave module. The second PIA was initiated due to a change in the electoral legislation of the province of Quebec that would authorize the Directeur général des Élections du Québec to receive elector information for the purpose of maintaining the province's permanent list of electors. Both PIAs are still ongoing at the end of the reporting period.

Elections Canada is currently developing internal policies and procedures for PIA compliance that are based on Treasury Board tools.

Audits

During fiscal year 2008-2009, the Auditor General of Canada and the Privacy Commissioner of Canada conducted concurrent audits of Elections Canada and three other federal institutions that manage extensive personal information databases. The Privacy Commissioner examined Elections Canada's privacy management framework and the protocols surrounding the maintenance of the Register of Electors while the focus of the Auditor General was on the economies of scale related to these personal information holdings. The audit made recommendations to help the institution improve its privacy management framework, including recommendations relating to governance and accountability, meaningful consent of electors, Privacy Impact Assessments, and implementing best practices for information collection and sharing.

Elections Canada recognizes the importance of the elector information entrusted to it as this information is central to the administration of the electoral process. Security of personal information has always been a priority because it is essential to preserving elector confidence in the process.

The audit was an opportunity for the institution to review its privacy and security practices and to ensure that they are sufficiently robust to support the increasing move to electronic service delivery.

Our initial focus was to develop a set of policies and procedures surrounding Privacy Impact Assessments. We followed Treasury Board policy but customized it to meet the specific challenges of Elections Canada's operational mandate. We also started work with the Canada Revenue Agency to improve the consent question on the Income Tax Form that seeks permission from electors for the sharing of their personal information.

The findings of these audits as well as the agency's responses to the recommendations can be found on the Privacy Commissioner of Canada's website at www.priv.gc.ca and on the Auditor General of Canada's website at www.oag-bvg.gc.ca.

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 *PRIVACY ACT*

Access to Information and Privacy
Coordinator

All sections

Date: 1st June 17th 2007

Signature:

Appendix 2

Privacy Statistical Report 2008-2009



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

Institution Elections Canada	Reporting period / Période visée par le rapport 2008-04-01 to 2009-03-31
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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	8
Outstanding from previous period / En suspens depuis la période antérieure	0
TOTAL	8
Completed during reporting period / Traitées pendant la période visées par le rapport	8
Carried forward / Reportées	0

II Disposition of request completed / Disposition à l'égard des demandes traitées	
1. All disclosed / Communication totale	7
2. Disclosed in part / Communication partielle	1
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	8

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	5
31 to 60 days / De 31 à 60 jours	1
61 to 120 days / De 61 à 120 jours	2
121 days or over / 121 jours ou plus	

VI Extentions / 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	
Consultation	0	
Translation / Traduction	0	0
TOTAL	0	0

VII Translations / Traductions		
Translations requested / Traductions demandées		
Translations prepared / Traductions préparées	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	8
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	\$149346.30
Administration (O and M) / Administration (fonctionnement et maintien)	\$138594.07
TOTAL	\$287940.37
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	1.97

