



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 2019 TO 31 MARCH 2020**

Canada

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Annual report to Parliament on the application of the *Privacy Act* 2019-20

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Place du Centre
200 Promenade du Portage
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17 September 2020

The Honourable Dominic LeBlanc, P.C., M.P.
President of the Queen's Privy Council for Canada
and Minister of Intergovernmental Affairs
House of Commons
Ottawa, Ontario
K1A 0A6

Dear 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 2020 to 31 March 2020.

Sincerely,

Kathleen Fox
Chair

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 2019 to 31 March 2020.

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 the TSB's activities. Our mandate is to advance transportation safety in the air, marine, pipeline and rail 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.tsb-bst.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

During 2019–20, the General Counsel held the responsibilities of the ATIP Coordinator. The ATIP Office also consisted of four full-time positions and help from consultants.

The ATIP Office administers the 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. 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.

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 of the TSB. The incumbents of the positions of Chief Operating Officer, General Counsel, Director General for Corporate Services and Senior ATIP Analyst have been delegated powers by the Chair deemed appropriate for the effective administration of the Act. These employees ensure that the TSB meets all its obligations fairly and consistently. The delegation authority was updated in 2019–20 and dates from 1 November 2019. A copy of the new delegation order is attached as Appendix A.

4.0 *Disposition of Requests*

4.1 *Requests for Personal Information*

During the 2019–20 reporting period, twenty-three (23) formal requests for personal information were received, compared to twenty-six (26) received in 2018–19 and twenty-one (21) in 2017–18. Privacy requests received by the TSB are primarily attributed to Canadian airline pilots inquiring as to whether they are named in any occurrences reported to the TSB. Certain international airlines request this information as a pre-employment requirement.

Of the twenty-one (21) requests closed in 2019–20, records were fully disclosed in eleven (11) cases, in seven (7) cases records didn’t exist and in three (3) cases the request was abandoned. Three (3) requests were carried over to the next fiscal year.

Of the twenty-one (21) requests closed during the reporting period, seventeen (17) were completed within 1 to 15 days, four (4) were completed within 16 to 30 days. The average time taken to process a request during the 2019–20 reporting period was eight (8) calendar days, compared with last year’s average of eighteen (18) calendar days.

During this period, the ATIP Office was involved in the search, preparation, and review of twenty-two (22) pages of information, and the reproduction and release of eighteen (18) pages of information. Last year, 1943 pages were reviewed and 429 pages were released. The variation in the number of pages reviewed between years is due to the different type of requests received.

The TSB’s policy of openness allows for the disclosure of information to its employees without necessarily requiring that they invoke the *Privacy Act*. Human resources officers and support staff handle these requests 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.

As with all federal institutions, the situation of the new coronavirus (COVID-19) affected the operations of the TSB ATIP office in mid-March 2020. However, the TSB ATIP Office was already operating remotely from time to time prior to the initiation of public health measures to counter the spread of the virus. Despite a slowdown in network access speed due to the increase in remote usage by virtually all TSB employees, solutions were quickly developed to reduce the impact on the processing of ATIP requests. The TSB ATIP Office was able to maintain its operations and process requests effectively until the end of 2019-2020.

Commented [LA1]: This is the revised para from the Eng ATIP report.

4.2 Costs

During 2019-20, the ATIP Office incurred an estimated \$39,007 in costs to administer the *Privacy Act*, compared to \$48,071 for the reporting of 2018-2019 and \$40,242 for the 2017-18 reporting period. 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

The TSB has an orientation program in place for new employees, which includes training on ATIP awareness. In addition, the TSB has now made it mandatory for all staff to attend more comprehensive ATIP training sessions given by the ATIP Office. During 2019-20, the ATIP Office provided one (1) training session to twenty-one (21) employees at the headquarters and the regional offices, as part of the new employee orientation program. The ATIP Office also provides advice and guidance upon request to individuals and small groups of employees.

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 ATIP requirements and procedures, as well as TSB operations. In this context, ATIP staff attended all ATIP Community Meetings organized by the Treasury Board Secretariat during 2019-20. These Community Meetings provided ATIP staff with valuable information on trends and best practices within the ATIP circle, updates on recent complaints and court cases, and tools to help improve service standard within the field. Additionally, refresher courses at the Canadian School of the Public Service are now offered on ATIP and ATIP staff attended some of these courses.

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

No complaints were received during 2019-20.

8.0 Monitoring Process

The TSB monitors the time to process privacy requests, through biweekly meetings between the ATIP Coordinator and the Senior ATIP Analyst, during which the status of outstanding requests is reviewed. Any significant issues are raised to the Chief Operating Officer on an ad-hoc basis when required.

9.0 Material Privacy Breaches

No material privacy breaches occurred during the reporting period.

10.0 Privacy Impact Assessments

The TSB did not undertake any privacy impact assessments during the reporting period.

11.0 Disclosures Pursuant to Paragraph 8(2)(m)

During fiscal year 2019–20, the TSB made no disclosure of information in the public interest pursuant to paragraph 8(2)(m).

12.0 Statistics Required by the Treasury Board

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

Appendices

Appendix A – Delegation order



Transportation Safety Board of Canada Bureau de la sécurité des transports du Canada

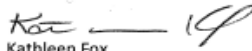
1 November 2019

Designation Order – 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 set out in the table below, or the persons occupying on an acting basis those positions, to exercise the specified powers and perform the related duties and functions of the Chair as the Head of a government institution under the *Privacy Act*.

This designation replaces the designation dated 5 January 2017.

Positions	Sections of the <i>Privacy Act</i>
Chair	All sections
Chief Operating Officer	All sections
General Counsel	All sections
Director General, Corporate Services	All sections
Senior ATIP Analyst	Extensions - Section 15


Kathleen Fox
Chair

Canada

Appendix B – Statistical report on the Privacy Act



Transportation Safety Board of Canada
Bureau de la sécurité des transports du Canada

Statistical Report on the *Privacy Act*

Name of institution: Transportation Safety Board of Canada

Reporting period: 2019-04-01 to 2020-03-31

Section 1: Requests under the Privacy Act

1.1 Requests under the *Privacy Act*

	Number of requests
Received during reporting period	23
Outstanding from previous reporting period	1
Total	24
Closed during reporting period	21
Carried over to next reporting period	3

Section 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	7	4	0	0	0	0	0	11
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	7	0	0	0	0	0	0	7
Request abandoned	3	0	0	0	0	0	0	3
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	17	4	0	0	0	0	0	21

2.2 Exemptions

Section	Number of requests
18(2)	0
19(1)(a)	0
19(1)(b)	0
19(1)(c)	0
19(1)(d)	0
19(1)(e)	0
19(1)(f)	0
20	0
21	0
22(1)(a)(i)	0
22(1)(a)(ii)	0
22(1)(a)(iii)	0
22(1)(b)	0
22(1)(c)	0
22(2)	0
22.1	0
22.2	0
22.3	0
23(a)	0
23(b)	0
24(a)	0
24(b)	0
25	0
26	0
27	0
28	0

2.3 Exclusions

Section	Number of requests
69(1)(a)	0
69(1)(b)	0
69.1	0
70(1)	0
70(1)(a)	0
70(1)(b)	0
70(1)(c)	0
70(1)(d)	0
70(1)(e)	0
70(1)(f)	0
70.1	0

2.4 Format of information released

Paper	Electronic	Other formats
0	11	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Number of pages processed	Number of pages disclosed	Number of requests
22	18	14

2.5.2 Relevant pages processed and disclosed, by size of request

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	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed
All disclosed	11	18	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0	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
Request abandoned	3	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	14	18	0	0	0	0	0	0	0	0

2.5.3 Other complexities

Disposition	Consultation required	Legal advice sought	Interwoven information	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	0	0	0
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Total	0	0	0	0	0

2.6 Closed requests

2.6.1 Number of requests closed within legislated timelines

	Requests closed within legislated timelines
Number of requests closed within legislated timelines	21
Percentage of requests closed within legislated timelines (%)	100

2.7 Deemed refusals

2.7.1 Reasons for not meeting statutory deadline

Number of requests closed past the statutory deadline	Principal reason			
	Workload	External consultation	Internal consultation	Other
0	0	0	0	0

2.7.2 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	0	0
16 to 30 days	0	0	0
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	0	0	0

2.8 Requests for translation

Translation requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Section 3: Disclosures under subsections 8(2) and 8(5)

3.1 Disclosures under subsections 8(2) and 8(5)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Subsection 8(5)	Total
0	0	0	0

Section 4: Requests for correction of personal information and notations

4.1 Requests for correction of personal information and notations

Disposition for correction requests received	Number
Notations attached	0
Requests for correction accepted	0
Total	0

Section 5: Extensions

5.1 Reasons for extensions and disposition of requests

Number of requests where an extension was taken	15(a)(i) Interference with operations				15 (a)(ii) Consultation			15(b) Translation purposes or conversion
	Further review required to determine exemptions	Large volume of pages	Large volume of requests	Documents are difficult to obtain	Cabinet Confidence Section (Section 70)	External	Internal	
0	0	0	0	0	0	0	0	0

5.2 Length of extension

Length of Extensions	15(a)(i) Interference with operations				15 (a)(ii) Consultation			15(b) Translation purposes or conversion
	Further review required to determine exemptions	Large volume of pages	Large volume of requests	Documents are difficult to obtain	Cabinet Confidence Section (Section 70)	External	Internal	
1 to 15 days	0	0	0	0	0	0	0	0
16 to 30 days	0	0	0	0	0	0	0	0
31 days or greater	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

Section 6: Consultations received from other institutions and organizations

6.1 Consultations received from other Government of Canada institutions, or organizations

Consultations	Other Government of Canada 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 of Canada institutions

Recommendation	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	
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	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

Recommendation	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	
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	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

Section 7: Completion time of consultations on Cabinet confidences

7.1 Requests with Legal Services

Number of days	Fewer than 100 pages processed		101–500 pages processed		501–1000 pages processed		1001–5000 pages processed		More than 5000 pages processed	
	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

7.2 Requests with Privy Council Office

Number of days	Fewer than 100 pages processed		101–500 pages processed		501–1000 pages processed		1001–5000 pages processed		More than 5000 pages processed	
	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Pages Disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Section 8: Complaints and investigations notices received

8.1 Complaints and investigations notices received

Section 31	Section 33	Section 35	Court action	Total
0	0	0	0	0

Section 9: Privacy impact assessments (PIAs) and Personal Information Banks (PIB)

9.1 Privacy Impact Assessments

Number of PIA(s) completed	0
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9.2 Personal Information Banks

Personal Information Banks	Active	Created	Terminated	Modified
	0	0	0	0

Section 10: Material Privacy Breaches

Number of material privacy breaches reported to TBS	0
Number of material privacy breaches reported to OPC	0

Section 11: Resources related to the *Privacy Act*

11.1 Costs

Expenditures		Amount
Salaries		\$27,699
Overtime		\$0
Goods and services		\$11,308
• Professional services contracts	\$10,440	
• Other	\$868	
Total		\$39,007

11.2 Human resources

Resources	Person years dedicated to privacy activities
Full-time employees	0.40
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.08
Students	0.00
Total	0.48