

# 2005-2006 Annual Report to Parliament

## The Administration of the *Access to Information Act* and the *Privacy Act*

*Achieving the Grade*

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# Foreword

This annual report to Parliament on the administration of the *Access to Information Act* (ATIA) and the *Privacy Act* (PA) for 2005-2006 by the Canada Revenue Agency (CRA) was prepared under the Direction of the Minister of National Revenue and the Commissioner of the Canada Revenue Agency.

Section 72 of both the ATIA and the PA legislates that the head of every government institution prepare and submit to Parliament a report on the administration of these two Acts on an annual basis.

This report details how the CRA administered and fulfilled its obligations under the Access to Information and Privacy (ATIP) legislation during the period of April 1, 2005 to March 31, 2006. It also includes information on new improvements to program delivery and emerging issues that will require particular focus in the year ahead.

## ***Access to Information Act (ATIA)***

The purpose of the ATIA is to provide a right of access to information in records under the control of a government institution—in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific, and that decisions on the disclosure of government information should be reviewed independently of government.

## ***Privacy Act (PA)***

The purpose of the PA is to protect the privacy of individuals with respect to personal information about themselves held by a government institution, and to provide individuals with a right of access to that information.

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# Canada Revenue Agency's Access To Information and Privacy Program

## Delegation of Ministerial Authority

Under sections 73 of the Access to Information and Privacy (ATIP) legislation, the Minister of National Revenue has designated the Commissioner, the Deputy Commissioner, Assistant Commissioners, the ATIP Director and Assistant Director, and certain other senior officials to exercise her powers and to perform her functions as they relate to administering ATIP legislation in the Canada Revenue Agency (CRA).

## ATIP Administration

The overall administration of the ATIP legislation is coordinated by the ATIP Director and the Directorate forms part of the Public Affairs Branch.

The ATIP Directorate is committed to fulfilling all legislative requirements for the CRA pursuant to the ATIP legislation. In addition, the Directorate provides guidance, policy advice, and training to CRA employees on their obligations under these Acts. The responsibilities of the Directorate include providing services to the public, to CRA officials, to other federal institutions, and liaison with Treasury Board Secretariat and the Offices of the Information and Privacy Commissioners of Canada:

- 1) The public – Directorate personnel advise requestors on the processes of filing formal and informal requests for information, clarifying requests, delivering timely and complete responses, and giving notice of the right of complaint.
- 2) CRA personnel – ATIP officials exercise leadership and direction in the implementation and application of the Acts, related guidelines, policies and jurisprudence, promoting awareness and understanding by means of advice, training and guidelines. In addition, the Directorate provides access and privacy statistics to be published in the Minister of National Revenue's Annual Report to Parliament.

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- 3) Other federal institutions – Directorate personnel provide recommendations on the disclosure of CRA records held by other institutions subject to the Acts.
  - 4) Treasury Board Secretariat (TBS) – Directorate personnel liaise with TBS on legislated obligations to submit annually:
    - a) a report to Parliament on the administration of the Acts and
    - b) updates to the *Info Source* publications.

Additionally, personnel consult with TBS officials to ensure compliance with the federal government's Privacy Impact Assessment policy.

- 5) Offices of the Information and Privacy Commissioners of Canada – Directorate personnel work collaboratively with these offices to resolve complaints received pursuant to these Acts.

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# Access to Information

## Overall Performance

Despite the fact that Canada Revenue Agency (CRA) delivers diverse and complex programs in many regional locations across Canada, the CRA was able to respond to 95.85% of *Access to Information Act* (ATIA) requests within legislative timeframes. Based on the rating scale used by the Information Commissioner of Canada, this performance translates to an “A” average, an improvement of one level from last fiscal year.

## Statistics

During 2005-2006, the CRA received 1,772 ATIA requests compared to 1,861 received during 2004-2005 (a slight decrease of 89 requests or 4.8%). The general public accounted for approximately 65% of the requests, the commercial sector for 31%, media for 3%, and the approximately 1% remaining from organizations and academia. The Agency completed 1,442 requests during the current period within legislated timeframes provided by the ATIA. This figure includes those cases carried forward (545 requests) from the previous year.

Over the same reporting period, the CRA responded to 379 complaints related to the processing of access to information requests. Of these complaints, 368 or 97% were resolved.

In addition to the above accomplishments, the ATIP Directorate responded to 132 access consultation requests from within the CRA and from other government departments for detailed review of records prior to their release.

## Five-year review of *Access to Information Act* requests

|                           | 2001–2002 | 2002–2003 | 2003–2004 | 2004–2005 | 2005–2006 | Five year increase |
|---------------------------|-----------|-----------|-----------|-----------|-----------|--------------------|
| <b>Requests received</b>  | 1,011     | 1,337     | 1,668     | 1,861     | 1,772     | 75.27%             |
| <b>Pages reviewed</b>     | 255,386   | 257,811   | 389,615   | 325,918   | 344,394   | 34.85%             |
| <b>Requests completed</b> | 1,050     | 1,054     | 1,538     | 1,859     | 1,442     | 37.33%             |

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# Privacy

## Overall Performance

Canada Revenue Agency (CRA) was able to respond to 95.50% of *Privacy Act* (PA) requests within legislative timeframes. This translates to an “A” average, an improvement of one level from last year.

## Statistics

The number of requests for personal information received by the CRA under the PA increased slightly by 46 requests or 1.6%, from 2,882 in 2004-2005 to 2,928 for 2005-2006. Of these requests, again taking into account those carried forward from the previous year, 95.50% were completed within the timeframes provided by the PA.

In fiscal year 2005-2006, CRA received 75 complaints related to the processing of formal privacy requests and 51 complaints were completed during this time period. In the same period, the Agency received 27 complaints on the use and disclosure of personal information and 43 of these complaints were completed including some carried over from the past fiscal year. The majority of complaints were settled as either “Not Well-Founded” or “Settled in the Course of the Investigation.”

The ATIP Directorate also responded to 110 privacy consultation requests from within the CRA and from other government departments for detailed review of records prior to their release.

## Five-year review of *Privacy Act* requests

|                           | 2001–2002 | 2002–2003 | 2003–2004 | 2004–2005 | 2005–2006 | Five year increase |
|---------------------------|-----------|-----------|-----------|-----------|-----------|--------------------|
| <b>Requests received</b>  | 2,121     | 2,593     | 2,705     | 2,882     | 2,928     | 38.05%             |
| <b>Pages reviewed</b>     | 343,832   | 305,926   | 390,292   | 406,088   | 340,505   | – 0.97%            |
| <b>Requests completed</b> | 2,191     | 2,482     | 2,640     | 2,877     | 2,957     | 34.96%             |

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## Privacy Impact Assessments

The CRA continues to effectively administer the Privacy Impact Assessment Policy. During fiscal year 2005-2006, the CRA's Director-General level ATIP Oversight Review Committee expanded its mandate to include the review and monitoring of all privacy issues and developments that could have an impact on the CRA's business. This Committee examined six Preliminary PIAs and two PIAs during fiscal year 2005-2006. Of these, two PIAs were submitted to the Office of the Privacy Commissioner for consultation and review.

## Subsection 8(2) disclosures

\*\* During this reporting period, CRA made the following types and number of disclosures pursuant to subsection 8(2) of the *Privacy Act*: 13 disclosures under section 8(2)(c) and one disclosure under section 8(2)(d).

\*\* The CRA collects information about taxpayers from a variety of sources in order to administer federal and provincial tax legislation. Section 241 of the *Income Tax Act*, section 295 of the *Excise Tax Act*, and section 211 of the *Excise Tax Act, 2001* allow for the disclosure of taxpayer and confidential information in limited and specific circumstances. Disclosures of information authorized by these Acts are not included in the list of subsection 8(2) disclosures.

## Data Matching and Sharing Activities

From April 1, 2005 to March 31, 2006, CRA did not undertake any new data matching or sharing activities.



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# Training

## Access to Information and Privacy (ATIP) Training

This past year, 20 ATIP awareness sessions were delivered to approximately 500 CRA employees across Canada. The increased workload demand for consultations and general enquiries resulted in resources being directed away from the Directorates' training capacity.

In October 2006, the Directorate held its second ATIP National Conference in Cornwall, Ontario. The purpose of this conference was to inform new branch and regional ATIP representatives of their roles and responsibilities in supporting the administration of the ATIP legislation. The conference focused on three main objectives:

- Provide an overview of the ATIP legislation, regulations and guidelines;
- Detail the CRA's processing of requests, including the roles and responsibilities of the CRA and its employees; and
- An opportunity for an open forum to discuss various issues relating to the ATIP legislation.

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# Improvements to Program Delivery

## Proactive Disclosure

In addition to current proactive disclosure initiatives and in accordance with federal internal audit policy, the CRA is now posting final Internal Audit reports on the CRA Internet site. This new initiative supports the Agency's on-going commitment to transparency and accountability in its day-to-day business.

## Internal Communications

As a result of employee feedback, the Directorate proceeded with the development of ATIP Notices (*I've got A TIP for you*) to communicate important access and privacy initiatives to Directorate employees and CRA ATIP representatives. To date, notices have been distributed regarding:

- ✓ A "Quick Link" to ATIP tools and resources from the main page of the CRA's intranet site;
- ✓ A toll-free telephone number for ATIP general inquiries;
- ✓ A new sustainable development initiative which reduces paper consumption;
- ✓ An expanded search engine for the ATIP tracking system;
- ✓ *Info Source* publication.

## ATIP Reference Manual

An ATIP Reference Manual was developed this past fiscal year with the purpose of providing a reference tool to Directorate employees and to assist in the retention of internal corporate knowledge. The manual will be published on the Agency's intranet site to increase awareness of all CRA employees of the tasks involved in the administration of the ATIP program.

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## Conclusion

The CRA's goal for fiscal year 2006-2007 will be to maintain the same standard of excellence in complying with obligations and responsibilities under the *Access to Information Act* and the *Privacy Act*.

To achieve this goal, we will further expand on our ATIP training function so that an increased number of CRA personnel may expand on their understanding of responsibilities inherent under these Acts. In addition, procedural and structural changes will be implemented in the ATIP Directorate to ensure that the CRA will be positioned to maximize opportunities to meet existing challenges and to effectively manage future challenges.

# Statistics – Annex A



Government of Canada  
Gouvernement du Canada

## REPORT ON THE ACCESS TO INFORMATION ACT RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION

|   |                      |                                       |                                      |   |                |
|---|----------------------|---------------------------------------|--------------------------------------|---|----------------|
| Institution<br>Canada Revenue Agency / Agence du revenu du Canada |                      |                                       |                                      | Reporting period / Période visée par le rapport<br>2005-04-01 to/à 2006/03/31 |                |
| Source  | Media / Médias<br>51 | Academia / Secteur universitaire<br>1 | Business / Secteur commercial<br>555 | Organization / Organisme<br>15  | Public<br>1150 |

| Requests under the Access to Information Act /<br>Demandes en vertu de la Loi sur l'accès à l'information |             |
|---|-------------|
| Received during reporting period /<br>Reçues pendant la période visée par le rapport                      | 1772        |
| Outstanding from previous period /<br>En suspens depuis la période antérieure                             | 545         |
| <b>TOTAL</b>  | <b>2317</b> |
| Completed during reporting period /<br>Traitées pendant la période visées par le rapport                  | 1442        |
| Carried forward /<br>Reportées  | 875         |

| Disposition of requests completed /<br>Disposition à l'égard des demandes traitées |     |  |             |
|--|-----|--|-------------|
| 1. All disclosed /<br>Communication totale   | 173 | 6. Unable to process /<br>Traitement impossible      | 92          |
| 2. Disclosed in part /<br>Communication partielle                                  | 593 | 7. Abandoned by applicant /<br>Abandon de la demande | 502         |
| 3. Nothing disclosed (excluded) /<br>Aucune communication (exclusion)              | 10  | 8. Treated informally /<br>Traitement non officiel   | 13          |
| 4. Nothing disclosed (exempt) /<br>Aucune communication (exemption)                | 19  | <b>TOTAL</b>   | <b>1442</b> |
| 5. Transferred /<br>Transmission   | 40  |  |             |

| Exemptions invoked /<br>Exceptions invoquées       |    |                  |     |                  |     |                  |     |
|--|----|------------------|-----|------------------|-----|------------------|-----|
| S. Art. 13(1)(a)                                   | 14 | S. Art. 16(1)(a) | 30  | S. Art. 18(b)    | 2   | S. Art. 21(1)(a) | 38  |
| (b)  | 0  | (b)              | 28  | (c)              | 0   | (b)              | 77  |
| (c)  | 8  | (c)              | 150 | (d)              | 3   | (c)              | 6   |
| (d)  | 2  | (d)              | 0   | S. Art. 19(1)    | 372 | (d)              | 4   |
| S. Art. 14   | 5  | S. Art. 16(2)    | 6   | S. Art. 20(1)(a) | 1   | S. Art. 22       | 8   |
| S. 15(1) International rel. /<br>Relations intern. | 2  | S. Art. 16(3)    | 0   | (b)              | 9   | S. Art. 23       | 66  |
| Defence /<br>Défense                               | 0  | S. Art. 17       | 0   | (c)              | 17  | S. Art. 24       | 303 |
| Subversive activities /<br>Activités subversives   | 0  | S. Art. 18(a)    | 1   | (d)              | 1   | S. Art. 26       | 5   |

| Exclusions cited /<br>Exclusions citées |   |                  |   |
|---|---|------------------|---|
| S. Art. 68(a)                           | 3 | S. Art. 69(1)(c) | 1 |
| (b)                                     | 0 | (d)              | 2 |
| (c)                                     | 0 | (e)              | 2 |
| S. Art. 69(1)(a)                        | 1 | (f)              | 1 |
| (b)                                     | 1 | (g)              | 2 |

| Completion time /<br>Délai de traitement |      |
|--|------|
| 30 days or under /<br>30 jours ou moins  | 1331 |
| 31 to 60 days /<br>De 31 à 60 jours      | 68   |
| 61 to 120 days /<br>De 61 à 120 jours    | 18   |
| 121 days or over /<br>121 jours ou plus  | 25   |

| Extensions /<br>Prorogations des délais |   |                                       |
|---|---|---------------------------------------|
|   | 30 days or under /<br>30 jours ou moins | 31 days or over /<br>31 jours ou plus |
| Searching /<br>Recherche                | 180                                     | 178                                   |
| Consultation                            | 5                                       | 4                                     |
| Third party /<br>Tiers                  | 0                                       | 2                                     |
| <b>TOTAL</b>                            | <b>185</b>                              | <b>184</b>                            |

| Translations /<br>Traduction                      |   |   |
|---|---|---|
| Translations requested /<br>Traductions demandées |   | 0 |
| Translations prepared /<br>Traductions préparées  | English to French /<br>De l'anglais au français | 0 |
|   | French to English /<br>Du français à l'anglais  | 0 |

| Method of access /<br>Méthode de consultation |     |
|---|-----|
| Copies given /<br>Copies de l'original        | 744 |
| Examination /<br>Examen de l'original         | 1   |
| Copies and examination /<br>Copies et examen  | 21  |

| Fees /<br>Frais                           |           |  |                  |
|---|-----------|--|------------------|
| Net fees collected /<br>Frais net perçus  |           |  |                  |
| Application fees /<br>Frais de la demande | 8,056.60  | Preparation /<br>Préparation                     | 5.00             |
| Reproduction                              | 32,146.40 | Computer processing /<br>Traitement informatique | 0                |
| Searching /<br>Recherche                  | 2,130.00  | <b>TOTAL</b>                                     | <b>42,338.00</b> |
| Fees waived /<br>Dispense de frais        |           | No. of times /<br>Nombre de fois                 | \$               |
| \$25.00 or under /<br>25 \$ ou moins      |           | 2  | \$ 10.00         |
| Over \$25.00 /<br>De plus de 25 \$        |           | 5  | \$ 317.60        |

TBS/SCT 350-62 (Rev. 1999/03)

| Costs /<br>Coûts   |                     |
|--|---------------------|
| Financial (all reasons) /<br>Financiers (raisons)                              |                     |
| Salary /<br>Traitement   | \$ 960,345          |
| Administration (O and M) /<br>Administration (fonctionnement et maintien)      | \$ 125,425          |
| <b>TOTAL</b>   | <b>\$ 1,085,770</b> |
| Person year utilization (all reasons) /<br>Années-personnes utilisées (raison) |                     |
| Person year (decimal format) /<br>Années-personnes (nombre décimal)            | 18.3                |



# Statistics – Annex B



Government of Canada / Gouvernement du Canada

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

|   |   |
|---|---|
| Institution<br>Canada Revenue Agency / Agence du revenu du Canada | Reporting period / Période visée par le rapport<br>2005/04/01 to/à 2006/03/31 |
|---|---|

### Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels

|  |             |
|--|-------------|
| Received during reporting period /<br>Reçues pendant la période visée par le rapport     | 2928        |
| Outstanding from previous period /<br>En suspens depuis la période antérieure            | 309         |
| <b>TOTAL</b>   | <b>3237</b> |
| Completed during reporting period /<br>Traitées pendant la période visées par le rapport | 2957        |
| Carried forward /<br>Reportées   | 280         |

### Disposition of request completed / Disposition à l'égard des demandes traitées

|   |             |
|---|-------------|
| 1. All disclosed /<br>Communication totale                            | 984         |
| 2. Disclosed in part /<br>Communication partielle                     | 1245        |
| 3. Nothing disclosed (excluded) /<br>Aucune communication (exclusion) | 3           |
| 4. Nothing disclosed (exempt) /<br>Aucune communication (exemption)   | 18          |
| 5. Unable to process /<br>Traitement impossible                       | 338         |
| 6. Abandoned by applicant /<br>Abandon de la demande                  | 352         |
| 7. Transferred /<br>Transmission                                      | 17          |
| <b>TOTAL</b>  | <b>2957</b> |

### Exemptions invoked / Exceptions invoquées

|                     |      |
|---------------------|------|
| S.<br>Art. 18(2)    | 0    |
| S.<br>Art. 19(1)(a) | 7    |
| (b)                 | 0    |
| (c)                 | 13   |
| (d)                 | 4    |
| S.<br>Art. 20       | 0    |
| S.<br>Art. 21       | 3    |
| S.<br>Art. 22(1)(a) | 42   |
| (b)                 | 206  |
| (c)                 | 0    |
| S.<br>Art. 22(2)    | 0    |
| S.<br>Art. 23 (a)   | 0    |
| (b)                 | 0    |
| S.<br>Art. 24       | 0    |
| S.<br>Art. 25       | 1    |
| S.<br>Art. 26       | 1017 |
| S.<br>Art. 27       | 118  |
| S.<br>Art. 28       | 0    |

TBS/SCT 350-63 (Rev. 1999/03)

### Exclusions cited / Exclusions citées

|                     |   |
|---------------------|---|
| S.<br>Art. 69(1)(a) | 0 |
| (b)                 | 0 |
| S.<br>Art. 70(1)(a) | 0 |
| (b)                 | 0 |
| (c)                 | 0 |
| (d)                 | 0 |
| (e)                 | 0 |
| (f)                 | 0 |

### Completion time / Délai de traitement

|   |      |
|---|------|
| 30 days or under /<br>30 jours ou moins | 2792 |
| 31 to 60 days /<br>De 31 à 60 jours     | 99   |
| 61 to 120 days /<br>De 61 à 120 jours   | 34   |
| 121 days or over /<br>121 jours ou plus | 32   |

### Exemptions / Prorogations des délais

|   | 30 days or under /<br>30 jours ou moins | 31 days or over /<br>31 jours ou plus |
|---|---|---------------------------------------|
| Interference with<br>operations /<br>Interruption des<br>opérations | 500                                     | 1                                     |
| Consultation  | 4                                       | 0                                     |
| Translation /<br>Traduction   | 1                                       | 0                                     |
| <b>TOTAL</b>  | <b>505</b>                              | <b>1</b>                              |

### Translations / Traductions

|   |   |   |
|---|---|---|
| Translations requested /<br>Traductions demandées |   | 1 |
| Translations prepared /<br>Traductions préparées  | English to French /<br>De l'anglais au français | 0 |
|   | French to English /<br>Du français à l'anglais  | 1 |

### Method of access / Méthode de consultation

|  |      |
|--|------|
| Copies given /<br>Copies de l'original       | 2207 |
| Examination /<br>Examen de l'original        | 0    |
| Copies and examination /<br>Copies et examen | 22   |

### Corrections and notation / Corrections et mention

|  |   |
|--|---|
| Corrections requested /<br>Corrections demandées | 5 |
| Corrections made /<br>Corrections effectuées     | 3 |
| Notation attached /<br>Mention annexée           | 4 |

### Costs / Coûts

| Financial (all reasons) /<br>Financiers (raisons)                               |                     |
|---|---------------------|
| Salary /<br>Traitement  | \$ 2,444,170        |
| Administration (O and M) /<br>Administration<br>(fonctionnement et maintien)    | \$ 319,219          |
| <b>TOTAL</b>  | <b>\$ 2,763,389</b> |
| Person year utilization (all reasons) /<br>Années-personnes utilisées (raisons) |                     |
| Person year (decimal format) /<br>Années-personnes (nombre<br>décimal)          | 46.7                |

