

# Challenging Demands

2006-2007 Annual Report to Parliament  
on the Access to Information and  
Privacy Program



RC4415 Rev. 07



Canada Revenue  
Agency

Agence du revenu  
du Canada

Canada



# Foreword

This annual report to Parliament on the administration of the *Access to Information Act* (ATIA) and the *Privacy Act* (PA) for 2006-2007 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 require that the head of every government institution prepare and submit a report each year to Parliament on the administration of these two Acts.

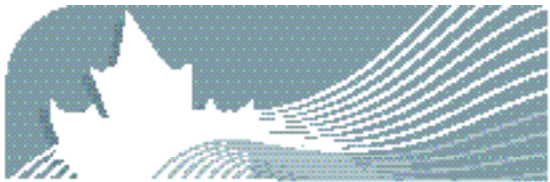
This report details how the CRA administered and fulfilled its obligations under the ATIA and PA during the period of April 1, 2006 to March 31, 2007. It also includes information on changes to program delivery and emerging issues that will require particular focus in the year ahead.

## ***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 that government institutions hold about them, and to provide individuals with a right of access to that information.



# Table of Contents

The Canada Revenue Agency's Access to Information and Privacy Program. ....	3
Volumetrics for 2006-2007.....	5
Program Development.....	8
Conclusion .....	9
Statistics - Annex A.....	10
Statistics - Annex B.....	11

## Mandate

The Canada Revenue Agency (CRA) has the mandate to administer tax, benefit, and other programs on behalf of the Government of Canada and provincial, territorial, and First Nations governments by:

- providing better service to Canadians;
- offering more efficient and more effective delivery of government programs; and
- fostering closer relationships with provinces and other levels of government for which the CRA delivers programs, and providing better accountability.

## Delegation of Ministerial Authority

Under sections 73 of the *Access to Information Act* and *Privacy Act*, the Minister of National Revenue designates the Commissioner, the Deputy Commissioner, the Assistant Commissioners, the Access to Information and Privacy (ATIP) Director and Assistant Directors, and certain other senior officials to exercise the Minister's powers and to perform the Minister's functions as they relate to administering the Acts in the CRA.

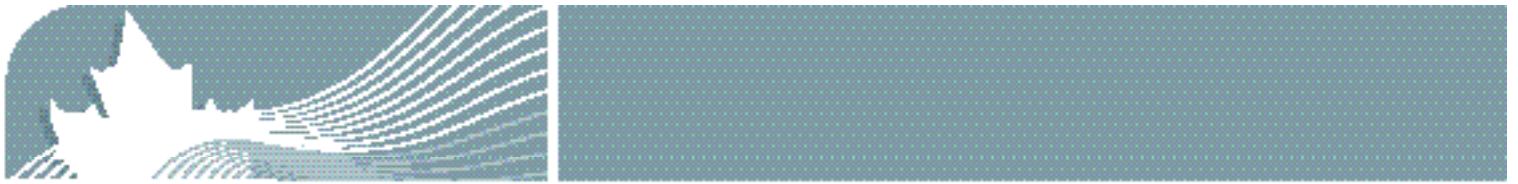
## ATIP Administration and Organization

The overall administration of the Acts is coordinated through the ATIP Directorate of the Public Affairs Branch. The ATIP Coordinator for the CRA is the Director of the ATIP Directorate. The Directorate has a total of 78 employees and is composed of 2 production teams in Headquarters, 1 production unit in the Pacific Region, and 1 production unit in the Quebec Region.

Processing units in Ottawa (HQ), Vancouver, and Montréal (satellite offices) are responsible for processing ATIP requests for the CRA within the legislated time limits prescribed by the ATIP Acts and Regulations. Their mandate is to:

- ensure greatest possible access to CRA records while maintaining the confidentiality of taxpayers' information;
- inform clients of their rights of recourse with the offices of the Information and Privacy Commissioners of Canada; and
- negotiate with the offices of the Information and Privacy Commissioners of Canada to resolve complaints filed by clients.

The Directorate also has a Program Support and Training Group that is responsible for processing internal consultations and external consultations with other government institutions on CRA documentation being requested under the Acts. The group provides guidance, directives, and training to CRA employees on their obligations under the Acts, including any access or privacy implications on new programs, issues, or developments.



In addition, the group helps resolve complaints from the Office of the Privacy Commissioner about the improper use and disclosure of personal information.

The CRA's ATIP officials are committed to fulfilling all legislative requirements for the CRA under the Acts. In addition, they provide guidance, policy advice, and training to CRA employees on their obligations under the Acts. Their responsibilities include providing services to the public, to CRA officials, and to other federal institutions, and liaising with Treasury Board Secretariat and the offices of the Information and Privacy Commissioners of Canada.

1. The public – ATIP officials 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, and policies and jurisprudence, and they promote awareness and understanding through advice, training, and guidelines. In addition, the ATIP Directorate compiles and analyzes access and privacy statistics to be published in the *Minister of National Revenue's Annual Report to Parliament*.
3. Other federal institutions – ATIP officials provide recommendations on the disclosure of CRA records held by other institutions subject to the Acts.
4. Treasury Board Secretariat (TBS) – ATIP officials 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, ATIP officials 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 – ATIP officials work collaboratively with these offices to resolve complaints received under the Acts.



## ***Access to Information Act***

During the 2006-2007 fiscal year, the CRA received 1,604 requests under the *Access to Information Act* (ATIA). The general public accounted for approximately 65% of the requests, the commercial sector for 31%, the media for 3%, and various organizations and academia for the remaining 1%. The CRA completed 2,060 requests, of which 91.55% were completed within legislative timeframes.

A review of the chart below indicates a continuing decrease of ATIA requests received by the CRA over the past two years. Although difficult to quantify, requests for increasingly complex information continue to be a challenge for the organization and ATIP officials.

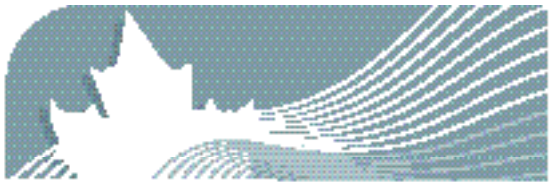
During the 2006-2007 fiscal year, ATIP officials completed 43% more requests than during the 2005-2006 fiscal year. There was also a 17% increase in the number of pages reviewed compared to the previous fiscal year. The outstanding inventory of access requests was reduced by 52%. This meant that the number of files carried over from 2005-2006 to 2006-2007 was reduced to 429 requests from 885 requests.

Over the same reporting period, the CRA dealt with 810 complaints from 28 complainants related to the processing of access to information requests. The majority of these complaints were outstanding from previous years and were either resolved or abandoned during the 2006-2007 fiscal year. In fact, the CRA only received 58 complaints from 45 complainants during the 2006-2007 fiscal year.

In addition to the above, the ATIP Directorate responded to 122 requests for consultations. Another 2,746 pages were reviewed for records requested either informally or for records that were in the possession of other institutions that formed part of a release under the ATIA.

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

	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007
Requests received	1,337	1,668	1,861	1,772	1,604
Requests completed	1,054	1,538	1,859	1,442	2,060
Pages reviewed	257,811	389,615	325,918	344,394	403,334



## Privacy Act

The CRA has also experienced a decline in the number of requests for personal information received under the *Privacy Act* (PA). Although the decrease in the number of requests seems significant compared to the 2005-2006 fiscal year (1,000 less requests – a 35% reduction in intake), the number of pages reviewed has decreased by only 2.2%. The CRA completed 1,971 requests, of which 92.67% were completed within the legislative timeframes.

The CRA had 122 complaints outstanding at the beginning of the 2006-2007 fiscal year and received additional complaints during this period. A total of 48 complaints related to the processing of formal privacy requests were received, and another 32 complaints were received relating to the use and disclosure of personal information. A total of 78 complaints were completed during the 2006-2007 fiscal year, including some carried over from the past fiscal year, and were mostly "Settled in the Course of the Investigation" or "Not Well-Founded."

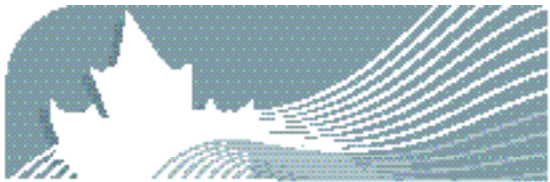
The ATIP Directorate also responded to 147 consultation requests under the PA, representing an additional workload of 4,048 pages reviewed. These consultations were either from within the CRA or from other government departments for a detailed review of CRA records in their possession and were subject to a *Privacy Act* request.

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

	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007
Requests received	2,593	2,705	2,882	2,928	1,912
Requests completed	2,482	2,640	2,877	2,957	1,971
Pages reviewed	305,926	390,292	406,088	340,505	314,374

## Privacy Impact Assessments

The CRA continues to effectively administer the Privacy Impact Assessment (PIA) Policy. The ATIP Oversight Review Committee, a DG-level committee, held three meetings during the 2006-2007 fiscal year. The Committee monitors and provides corporate oversight on significant emerging access and privacy issues affecting the CRA. It brings objective, horizontally based expertise to bear on all PIA or PPIA reports reviewed by its members, as well as on key privacy issues relating to existing or new CRA policies and initiatives. The Committee promotes the exchange of information and best practices on managing privacy issues, including their impact on related programs and services.



This Committee examined seven preliminary PIAs and two PIAs during the 2006-2007 fiscal year. Of these, one PIA was submitted to the Office of the Privacy Commissioner for consultation and review, and one summary was posted on the CRA Web site.

The CRA was also one of the nine institutions selected for an audit by the Office of the Privacy Commissioner (OPC) on the state of the federal government's Privacy Impact Assessment practices, which began in July 2006. The final report will be made public when the OPC tables its 2006-2007 annual report in Parliament.

### **Subsection 8(2) disclosures**

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.

For the 2006-2007 fiscal period, the CRA did not disclose information under subsection 8(2) of the *Privacy Act* or under paragraph 8(2)(c) of the *Privacy Act*.

### **Data matching and sharing activities**

From April 1, 2006, to March 31, 2007, the CRA did not undertake any new data matching or sharing activities.



## ATIP realignment

The ATIP program has been strengthened and modernized during the 2006-2007 fiscal period by making changes to processes, procedures, and structure under the ATIP realignment initiative. The objective of the realignment was:

- to optimize existing resources and structure to ensure that the Directorate has employees with knowledge, skills, and organizational support to work effectively;
- to provide a cost-effective delivery of the ATIP program; and
- the effective and integrated processing of requests.

Additional resources were allocated to the ATIP program and structural changes were implemented. The new organization was fully staffed by the end of the 2006-2007 fiscal period.

## ATIP training and awareness

This past fiscal year, the ATIP Directorate delivered 21 ATIP awareness sessions to 448 CRA employees across Canada. In addition, the CRA regularly delivers a training program specifically designed for its Management Group that includes a module on ATIP. A total of 15 sessions were given to over 300 CRA managers. The CRA met its objective of increasing the awareness level of CRA employees as established in the 2005-2006 Annual Report.

The ATIP Directorate continuously strives to increase the awareness of CRA employees about their responsibilities under the Acts. Besides giving direct training to CRA employees, the Directorate also increased the number of reference tools available online for both employees and managers. A link was added on the CRA's intranet home page that directs CRA officials to the "ATIP – Tools and Resources" page, which includes a handbook for CRA employees, annual reports to Parliament, ATIP notices, and the ATIP Reference Manual. There are also links to other ATIP-related documents such as the *Access to Information Act*, *Privacy Act*, *Info Source*, and other Treasury Board Secretariat policies.



## Conclusion

The last fiscal year provided many challenges for the ATIP Directorate. Now that a new structure is in place and the office is fully staffed, the CRA is well positioned to meet existing challenges and to effectively manage future challenges in complying with obligations and responsibilities under the *Access to Information Act* and the *Privacy Act*.

During the next fiscal year, the ATIP Directorate will focus on developing effective processes and consultation/recommendation mechanisms, which are key to establishing the quality assurance of information being disclosed under both Acts in a timely manner.

# 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 Canada Revenue Agency				Reporting period / Période visée par le rapport 2006/04/01 to 2007/03/31	
Source	Media / Médias 52	Academia / Secteur universitaire 1	Business / Secteur commercial 642	Organization / Organisme 31	Public 878

I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information	
Received during reporting period / Reçues pendant la période visée par le rapport	1604
Outstanding from previous period / En suspens depuis la période antérieure	885
<b>TOTAL</b>	<b>2489</b>
Completed during reporting period / Traitées pendant la période visées par le rapport	2060
Carried forward / Reportées	429

II Disposition of requests completed / Disposition à l'égard des demandes traitées			
1. All disclosed / Communication totale	203	6. Unable to process / Traitement impossible	372
2. Disclosed in part / Communication partielle	705	7. Abandoned by applicant / Abandon de la demande	723
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	21	8. Treated informally / Traitement non officiel	6
4. Nothing disclosed (exempt) / Aucune communication (exemption)	22	<b>TOTAL</b>	<b>2060</b>
5. Transferred / Transmission	8		

III Exemptions invoked / Exceptions invoquées							
S. Art. 13(1)(a)	11	S. Art. 16(1)(a)	39	S. Art. 18(b)	1	S. Art. 21(1)(a)	64
(b)	1	(b)	32	(c)	0	(b)	123
(c)	17	(c)	184	(d)	6	(c)	7
(d)	0	(d)	0	S. Art. 19(1)	358	(d)	15
S. Art. 14	18	S. Art. 16(2)	8	S. Art. 20(1)(a)	0	S. Art. 22	12
S. Art. 15(1) International rel. / Relations interm.	13	S. Art. 16(3)	0	(b)	4	S. Art. 23	102
Defence / Défense	0	S. Art. 17	0	(c)	7	S. Art. 24	443
Subversive activities / Activités subversives	0	S. Art. 18(a)	0	(d)	0	S. Art. 26	5

IV Exclusions cited / Exclusions citées			
S. Art. 68(a)	12	S. Art. 69(1)(c)	0
(b)	0	(d)	2
(c)	0	(e)	3
S. Art. 69(1)(a)	1	(f)	1
(b)	0	(g)	9

V Completion time / Délai de traitement	
30 days or under / 30 jours ou moins	536
31 to 60 days / De 31 à 60 jours	396
61 to 120 days / De 61 à 120 jours	331
121 days or over / 121 jours ou plus	797

VI Extensions / Prorogations des délais		
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	232	122
Consultation	9	7
Third party / Tiers	1	0
<b>TOTAL</b>	<b>242</b>	<b>129</b>

VII Translations / Traduction		
Translations requested / Traductions demandées		0
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	903
Examination / Examen de l'original	1
Copies and examination / Copies et examen	4

IX Fees / Frais		
Net fees collected / Frais net perçus		
Application fees / Frais de la demande	7,804.00	Preparation / Préparation 248.80
Reproduction	30,296.80	Computer processing / Traitement informatique 0
Searching / Recherche	2,600.00	<b>TOTAL</b> 40,949.60
Fees waived / Dispense de frais		No. of times / Nombre de fois
\$25.00 or under / 25 \$ ou moins		1 \$ 5.00
Over \$25.00 / De plus de 25 \$		3 \$ 124.30

X Costs / Coûts	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 1,867,985.28
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 237,530.72
<b>TOTAL</b>	<b>\$ 2,105,516.00</b>
Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	42

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



# Statistics - Annex B

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

Institution Canada Revenue Agency	Reporting period / Période visée par le rapport 2006/04/01 to 2007/03/31
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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	1912
Outstanding from previous period / En suspens depuis la période antérieure	275
<b>TOTAL</b>	<b>2187</b>
Completed during reporting period / Traitées pendant la période visées par le rapport	1971
Carried forward / Reportées	216

<b>II Disposition of request completed / Disposition à l'égard des demandes traitées</b>	
1. All disclosed / Communication totale	261
2. Disclosed in part / Communication partielle	1146
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	10
4. Nothing disclosed (exempt) / Aucune communication (exemption)	11
5. Unable to process / Traitement impossible	215
6. Abandoned by applicant / Abandon de la demande	308
7. Transferred / Transmission	20
<b>TOTAL</b>	<b>1971</b>

<b>III Exemptions invoked / Exceptions invoquées</b>	
S. Art. 18(2)	0
S. Art. 19(1)(a)	3
(b)	0
(c)	13
(d)	2
S. Art. 20	1
S. Art. 21	0
S. Art. 22(1)(a)	31
(b)	291
(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	903
S. Art. 27	87
S. Art. 28	0

<b>IV Exclusions cited / Exclusions citées</b>	
S. Art. 69(1)(a)	1
(b)	0
S. Art. 70(1)(a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

<b>V Completion time / Délai de traitement</b>	
30 days or under / 30 jours ou moins	1197
31 to 60 days / De 31 à 60 jours	569
61 to 120 days / De 61 à 120 jours	145
121 days or over / 121 jours ou plus	60

<b>VI Extentions / 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	329	0
Consultation	5	0
Translation / Traduction	1	0
<b>TOTAL</b>	<b>335</b>	<b>0</b>

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

<b>VIII Method of access / Méthode de consultation</b>	
Copies given / Copies de l'original	1404
Examination / Examen de l'original	0
Copies and examination / Copies et examen	3

<b>IX Corrections and notation / Corrections et mention</b>	
Corrections requested / Corrections demandées	8
Corrections made / Corrections effectuées	4
Notation attached / Mention annexée	4

<b>X Costs / Coûts</b>	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 1,467,702.72
Administration (O and M) / Administration (fonctionnement et	\$ 186,631.28
<b>TOTAL</b>	<b>\$ 1,654,334.00</b>

Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	33

