



Report on the Administration of the
Privacy Act
for the Fiscal Years
2007-2008 and 2008-2009

Introduction

Purpose of the *Privacy Act*

The *Privacy Act* describes its purpose as follows:

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

CBC/Radio-Canada Mandate

The Corporation's mission is set out in paragraphs 3(1)(l) and 3(1)(m) of the *Broadcasting Act*, which provide:

- (l) the Canadian Broadcasting Corporation, as the national public broadcaster, should provide radio and television services incorporating a wide range of programming that informs, enlightens and entertains;
- (m) the programming provided by the Corporation should
 - (i) be predominantly and distinctively Canadian,
 - (ii) reflect Canada and its regions to national and regional audiences, while serving the special needs of those regions,
 - (iii) actively contribute to the flow and exchange of cultural expression,
 - (iv) be in English and in French, reflecting the different needs and circumstances of each official language community, including the particular needs and circumstances of English and French linguistic minorities,
 - (v) strive to be of equivalent quality in English and in French,
 - (vi) contribute to shared national consciousness and identity,
 - (vii) be made available throughout Canada by the most appropriate and efficient means and as resources become available for the purpose, and
 - (viii) reflect the multicultural and multiracial nature of Canada;

Business Activities

In fulfillment of its mandate, the Corporation delivers programming in news and current affairs, arts and entertainment, and sports, as well as programs for children and youth. CBC/Radio-Canada delivers these programs through the following activities.

- **Television Services:** National, regional and local television broadcasting services are provided in English and French through CBC Television, Télévision de Radio-Canada, Réseau de L'information de Radio-Canada (RDI), CBC Newsworld, Bold, Documentary, ARTV, TV5Monde, and CBC NORTH | RADIO-CANADA NORD.
- **Radio and Satellite Services:** Radio and satellite services are provided in English and French through CBC Radio One, Première Chaîne, CBC Radio 2, Espace Musique, CBC Radio 3, Bande a Part, Première Plus, Sports Extra, Radio Canada International (RCI), RCI Plus, and CBC North | Radio-Canada Nord.
- **Internet Services:** CBC.ca, Radio-Canada.ca, CBC Radio 3, Bande a part, RCI Viva, Espace Classique, Espace Jazz Galaxie, CBC News / RDI Express
- **Other Services:** CBC Records | Les Disques SRC
Mobile Services | Services Mobiles

Board of Directors

The Corporation is governed by a Board of Directors composed of 12 members, including the Chair, and the President and CEO. The Board of Directors is responsible for the management of the businesses, activities and other affairs of the Corporation. The key responsibilities of the Board are to approve the strategic direction, corporate and business plans for the Corporation, to assess the Corporation's progress in achieving its strategic and business objectives, and to oversee the plans and policies in place to ensure effective communication with Parliament, the public and stakeholders.

Organizational Structure to Fulfill *Privacy Act* Responsibilities

CBC/Radio Canada's Access to Information and Privacy (ATIP) Office reports to the Vice-President, Corporate Secretary and Chief Legal Officer through the Compliance Officer and Associate Corporate Secretary. The Compliance Officer and Associate Corporate Secretary is the Corporation's Privacy Coordinator. The ATIP Office has a staff of eight employees. The Corporation has also established a formal network of ATIP liaison officers covering all of the Corporation's business areas. The liaison officers are responsible for retrieving records and providing initial release recommendations to the ATIP Office.

Delegation Order

Pursuant to section 73 of the *Privacy Act* the President and CEO of CBC/Radio-Canada has designated individuals occupying the following positions to perform certain of his functions as they relate to the administration of the *Privacy Act* within CBC/Radio-Canada:

- Coordinator, Access to Information and Privacy; and
- Project Manager, Access to Information and Privacy.

A copy of CBC/Radio Canada's delegation order signed December 11, 2007 by the then President and Chief Executive Officer is appended to this report as Annex A.

Statistical Report

Statistical reports submitted to the Treasury Board Secretariat on the administration of the *Privacy Act* have been completed and are appended to this report as Annexes B, C, D, and E.

Interpretation of Statistical Reports

CBC/Radio-Canada became subject to the *Privacy Act* on September 1, 2007.

By the end of Fiscal Year 2007-2008 (March 31, 2008) the Corporation had received 8 requests for personal information from individuals or their authorized representatives. In fiscal year 2008-2009, 21 requests were received. The majority of the requests were for records related to employment history.

Privacy Impact Assessments

No Privacy Impact Assessments were completed during the periods covered by this report.

Data Sharing Activities

No new data sharing activities were undertaken during the periods covered by this report.

Education and Training Activities

During Fiscal Year 2007-2008, briefings were delivered by the Corporation's General Counsel and other members of his staff to the management teams of each major business unit and to regional centres across the country. More detailed training sessions were offered to those more directly involved in the retrieval of records to respond to requests. In addition, members of CBC/Radio-Canada staff participated in external training offered by Treasury Board, and other ATIP organizations on specific aspects of the ATIP process and legislation. Individual meetings between the ATIP Coordinator and each Vice-President also took place to explain the details of the legislation, the process at CBC/Radio-Canada, and the role of senior management.

During Fiscal Year 2008-2009 the Director, Access to Information and Privacy met with the Corporation's Vice Presidents and key members of their senior staff to update them on the experience and activities of the ATIP Office during its first year of operation, and to outline the objectives for the 2008-2009 year.

Disclosures Pursuant to Sections 8(2)(e), (f), (g) and (m) of the *Privacy Act*

No disclosures were made pursuant to s. 8(2)(e), (f), (g) and (m) of the *Privacy Act* during the periods covered by this report.

Complaints

A total of three complaints have been received from the Office of the Privacy Commissioner of Canada pertaining to two *Privacy Act* requests responded to by CBC/Radio-Canada's ATIP Office – one during Fiscal Year 2007-2008, the other during Fiscal Year 2008-2009. One of the complaints related to delay in responding. That complaint has been resolved. The other two complaints concern the application of exemption and exclusion provisions contained in the *Privacy Act*.

Court Applications

There were no Court applications during the periods covered by this report.

Annex A – Delegation Order

CBC/Radio-Canada Privacy Act Delegation of Authorities

I, Robert Rabinovitch, President and CEO of CBC/Radio-Canada, do hereby delegate and exercise the authority conferred upon me as follows:

Sections	Powers, Duties or Functions	Coordinator, Access to Information and Privacy	Project Manager Access to Information and Privacy
8(2)(j)	To disclose personal information for research or statistical purposes.	X	
8(2)(m)	To disclose personal information in the public interest or to benefit an individual.	X	
8(4)	To maintain records of requests from investigative bodies.		X
8(5)	To notify Privacy Commissioner of disclosures in the public interest.	X	
9(1)	To maintain record of any use not included in InfoSource and attach to the personal information involved.		X
9(4)	To notify Privacy Commissioner of consistent use of personal information and update index.	X	
10	To include personal information in personal information banks.	X	
12(1)	To indicate to the requester that the information is not considered to be personal information	X	

CBC/Radio-Canada Privacy Act Delegation of Authorities

Sections	Powers, Duties or Functions	Coordinator, Access to Information and Privacy	Project Manager Access to Information and Privacy
14	To respond to request for access within 30 days.	X	
15	To extend time limit and notify applicant.	X	
17(2)(b)	To determine the necessity for translation or interpretation of record.	X	
18(2)	To refuse to disclose information contained in an exempt bank.	X	
19(1)	To exempt personal information obtained in confidence from another government.	X	
19(2)	To disclose with consent of the other government.	X	
20	To exempt personal information re: federal-provincial affairs.	X	
21	To exempt information re: international affairs and defense.	X	
22	To exempt information re: law enforcement and investigation.	X	
23	To exempt information re: security clearances.	X	
24	To exempt personal information re: individuals sentenced for an offense.	X	
25	To exempt personal information re: safety of individuals.	X	
26	To exempt personal information about another individual.	X	

CBC/Radio-Canada Privacy Act Delegation of Authorities

Sections	Powers, Duties or Functions	Coordinator, Access to Information and Privacy	Project Manager Access to Information and Privacy
27	To exempt personal information re: solicitor-client privilege.	X	
28	To exempt personal information re: medical records.	X	
31	To receive notice of investigation by the Privacy Commissioner.	X	
33(2)	To make representations to the Privacy Commissioner during an investigation.	X	X
35(1)	To respond to Privacy Commissioner's recommendations.	X	
35(4)	To provide access to applicant pursuant to Privacy Commissioner's recommendation.	X	
36(3)	To receive Privacy Commissioner's report of findings of investigation of exempt bank.	X	
37(3)	To receive report of Privacy Commissioner's findings after compliance investigation.	X	
51(2)(b)	To request that Section 51 hearing be held in the National Capital Region.		X
51(3)	To request and be given right to make representations in Section 51 hearings.	X	
69.1	To exclude personal information that CBC collects, uses or	X	

CBC/Radio-Canada Privacy Act Delegation of Authorities

Sections	Powers, Duties or Functions	Coordinator, Access to Information and Privacy	Project Manager Access to Information and Privacy
	discloses for journalistic, artistic or literary purposes.		
70	To exclude information pertaining to confidences of the Queen's Privy Council.	X	
72(1)	To prepare annual report to Parliament.		X


 Robert Rabinovitch

December 11, 2007.

Annex B – Statistical Report for Fiscal Year 2007/2008



REPORT ON THE PRIVACY ACT

 RAPPORT CONCERNANT LA LOI SUR LA PROTECTION
 DES RENSEIGNEMENTS PERSONNELS

Institution CBC / RADIO - CANADA	Reporting Period / Période visée par le rapport 2007-04-01 to/à 2008-03-31
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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 / Reçus 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 visée par le rapport	2
Carried Forward / Reportées	6

II Disposition of requests completed /
 Disposition à l'égard des demandes traitées

1. All Disclosed / Communication totale	0
2. Disclosed in part / Communication partielle	2
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	2

III Exemptions invoked /
 Exemptions 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	2
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	2
31 to 60 days / De 31 à 60 jours	0
61 to 120 days / De 61 à 120 jours	0
121 days or over / 121 jours et plus	0

VI Extensions /
 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	0
Consultation	0	0
Translation / Traduction	0	0
TOTAL	0	0

VII Translations /
 Traductions

Translations requested / Traductions demandées	0
Translations prepared / De français au français	0
Traductions préparées Du français à l'anglais	0

VIII Method of access /
 Méthode de consultation

Copies given / Copies de l'original	2
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)	(\$ 000)
Salary / Traitement	275
Administration (O and M) / Administration (fonctionnement et maintien)	275
TOTAL	550
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.12

Annex C – Supplemental Reporting Requirement for Fiscal Year 2007-2008

Preliminary Privacy Impact Assessments initiated:	0
Preliminary Privacy Assessments completed:	0
Privacy Impact Assessments initiated:	0
Privacy Impact Assessments completed:	0
Privacy Impact Assessments forwarded to the Office of the Privacy Commissioner (OPC):	0

Annex D – Statistical Report for Fiscal Year 2008/2009

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

Institution CBC/RADIO-CANADA	Reporting Period / Période visée par le rapport 2008-04-01 to/à 2008-03-31
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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	21
Outstanding from previous period / En attente depuis la période antérieure	8
TOTAL	27
Completed during reporting period / Traitées pendant la période visée par le rapport	22
Carries Forward / Reportées	5

II Disposition of requests completed / Disposition à l'égard des demandes traitées	
1. All Disclosed / Communication totale	4
2. Disclosed in part / Communication partielle	15
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	2
4. Nothing disclosed (exempt) / Aucune communication (exemption)	0
5. Unable to process / Traitement impossible	1
6. Abandoned by applicant / Abandon de la demande	0
7. Transferred / Transmission	0
TOTAL	22

III Exemptions invoked / Exemptions 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	14
S. Art. 27	1
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		8
31 to 60 days / De 31 à 60 jours		6
61 to 120 days / De 61 à 120 jours		3
121 days or over / 121 jours et plus		5

VI Extensions / Prorogations des délais		
	30 days or under / 30 jours ou moins	31 days or over / 21 jours ou plus
Interference with operations / Interruption des opérations	2	0
Consultation	0	0
Translation / Traduction	0	0
TOTAL	2	0

VII Translations / Traductions		
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	19
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 ajoutée	0

X Costs / Coûts	
Financial (all reasons) / Financiers (raisons)	(\$ 000)
Salary / Traitement	28
Administration (O and M) / Administration (fonctionnement et maintien)	8
TOTAL	35
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.38

Annex E – Supplemental Reporting Requirement for Fiscal Year 2008/2009

Preliminary Privacy Impact Assessments initiated:	0
Preliminary Privacy Assessments completed:	0
Privacy Impact Assessments initiated:	0
Privacy Impact Assessments completed:	0
Privacy Impact Assessments forwarded to the Office of the Privacy Commissioner (OPC):	0