



Report on the Administration of the
Privacy Act
for the Fiscal Year
2010-2011

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.

This report on the administration of the *Privacy Act* is prepared and tabled in accordance with section 72 of the Act.

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;

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 Associate General Counsel for Media Law is the Corporation's Access to Information and Privacy (ATIP) Coordinator. Reporting to the Vice-President, Real Estate, Legal Services and General Counsel, the ATIP Coordinator is assisted by a full time ATIP office of seven employees comprising a director, four analysts and two support staff. Support to the ATIP Coordinator was augmented on a temporary basis during 2010/2011 by half a full time equivalent in the form of a lawyer with relevant expertise and good knowledge of the Corporation. The addition of this supplementary legal support to the ATIP Coordinator's office has proven extremely valuable and consequently has been made permanent for the coming fiscal year.

The Corporation has a formal network of twenty two 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 delegated certain of his functions as they relate to the administration of the *Privacy Act* within CBC/Radio-Canada to the Corporation's ATIP Coordinator and the Corporation's ATIP Director.

A copy of CBC/Radio Canada's delegation order is appended to this report as Annex A.

Statistical Reports

The 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 and C.

Interpretation of Statistical Reports

CBC/Radio-Canada received 14 requests under the *Privacy Act* during 2010/2011. During the reporting period 12 of them were responded to within the time limits allowed by the *Act*; 1 was answered late; and 1 was carried late into 2011/2012. That request has since been answered.

Additionally, 4 late requests were carried into this reporting period from the previous year. All of them were answered during 2010/2011.

Although trends are difficult to infer from the small number of requests received by CBC/Radio-Canada to date, the majority of them continue to be for employment and personnel files.

Education and Training Activities

A formal training session was given to the CEO's Chief of Staff that included a general briefing on the Corporation's obligations under the *Privacy Act*.

Informal training and support continued to occur on a file-by-file basis as individual requests were processed. This approach involved ATIP office staff, members of the Corporation's ATIP liaison network, and other employees throughout the Corporation.

New institution-specific procedures

During 2010-2011 the ATIP office organizational structure was changed from a team of six staff all answering directly to the ATIP Director, to two teams of three, each headed by a Team Leader answering to the Director. Corresponding processes, responsibilities, and accountabilities for responding to *Privacy Act* requests were updated, recorded, and disseminated in separate manuals for use by ATIP office staff and ATIP liaison officers throughout the Corporation. Additional performance monitoring, measuring, and reporting practices were also put in place and applied rigorously throughout the year.

Key Issues Raised as a Result of Complaints

A key issue that was raised last fiscal year as a result of complaints relates to the Privacy Commissioner's right to view records in respect of which CBC/Radio-Canada has invoked s.69.1 of the *Privacy Act*. CBC/Radio Canada and the Commissioner disagree on the consequences that flow from a decision by CBC/Radio-Canada to invoke this exclusion. In October 2010 CBC/Radio-Canada and the Commissioner reached an agreement on this matter and CBC/Radio-Canada withdrew the application it had made to the Federal Court for judicial review.

No new *Privacy Act* complaints were received during 2010/2011. Two previous severance-related complaints were resolved in 2010/2011 as a result of investigation conducted into them by the Office of the Privacy Commissioner.

Privacy Impact Assessments

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

Disclosures Pursuant to Sections 8(2)(m) of the *Privacy Act*

No disclosures were made pursuant to s.8(2)(m) of the *Privacy Act* during the period covered by this report.

Annex A – Delegation Order

CBC/Radio-Canada Privacy Act Delegation Order
Ordre de la délégation des pouvoirs à CBC/Radio-Canada en vertu de
la Loi sur la protection des renseignements personnels

Pursuant to Section 73 of the *Privacy Act*, I, Hubert T. Lacroix, President and CEO of CBC/Radio-Canada, do hereby designate the persons holding the positions of: Compliance Officer, Associate Corporate Secretary, and Access to Information and Privacy (ATIP) Coordinator; ATIP Director; and ATIP Manager to exercise the powers and functions conferred on me by the *Act* as Head of CBC/Radio-Canada in the manner indicated below:

Conformément à l'article 73 de la *Loi sur la protection des renseignements personnels*, je, Hubert T. Lacroix, président-directeur général de CBC/Radio-Canada, désigne par la présente les personnes détenant les postes d'agent responsable de la conformité, de secrétaire général associé et coordonnateur de l'accès à l'information et de la protection des renseignements personnels (AIPRP), de directeur de l'AIPRP et de chef de l'AIPRP, pour exercer les pouvoirs et les fonctions qui me sont conférés en vertu de la *Loi* et à titre de dirigeant de CBC/Radio-Canada, et ce, de la manière suivante :

Section / Article	Summary of Powers, Duties or Functions Sommaire des pouvoirs, devoirs et fonctions	Associate General Counsel, Media Law and ATIP Coordinator/ Avocat-conseil associé, Droit des médias et coordonnateur de l'AIPRP	ATIP Director / Directeur de l'AIPRP
8 (2) (a)	To disclose personal information for the purpose it was obtained or compiled, or for a use consistent with that purpose Communiquer des renseignements personnels aux fins auxquelles ils ont été recueillis ou préparés, ou pour les usages qui sont compatibles avec ces fins.	X	X
8 (2) (b)	To disclose personal information for purposes authorized by any Act of Parliament or regulation / Communiquer des renseignements personnels aux fins qui sont conformes avec les lois fédérales ou ceux de leurs règlements qui autorisent cette communication.	X	X
8 (2) (c)	To disclose personal information for the purpose of complying with a subpoena, warrant, or order / Communiquer des renseignements personnels lorsque leur communication est exigée par <i>subpoena</i> , mandat ou ordonnance.	X	X

Section / Article	Summary of Powers, Duties or Functions Sommaire des pouvoirs, devoirs et fonctions	Associate General Counsel, Media Law and ATIP Coordinator/ Avocat-conseil associé, Droit des médias et coordonnateur de l'AIPRP	ATIP Director / Directeur de l'AIPRP
8 (2) (d)	To disclose personal information to the Attorney General of Canada for use in legal proceedings / Communiquer des renseignements personnels au procureur général du Canada pour usage dans des poursuites judiciaires.	X	X
8 (2) (e)	To disclose personal information to investigative bodies for the purpose enforcing any law of Canada or a province, or for carrying out a lawful investigation / Communiquer des renseignements personnels à un organisme d'enquête, en vue de faire respecter des lois fédérales ou provinciales ou pour la tenue d'enquêtes licites.	X	X
8 (2) (f)	To disclose personal information to provincial governments, foreign governments, or international organizations for law enforcement and lawful investigation purposes / Communiquer des renseignements personnels au gouvernement d'une province ou d'un État étranger, à une organisation internationale en vue de l'application des lois ou pour la tenue d'enquêtes licites	X	X
8 (2) (g)	To disclose personal information to a member of Parliament for the purpose of assisting an individual / Communiquer des renseignements personnels à un parlementaire fédéral en vue d'aider l'individu concerné par les renseignements.	X	X
8 (2) (h)	To disclose personal information for audit purposes / Communiquer des renseignements personnels à des fins de vérification.	X	X
8 (2) (i)	To disclose personal information to the National Archives of Canada for archival purposes / Communiquer des renseignements personnels à Bibliothèque et Archives du Canada pour dépôt.	X	X

Section / Article	Summary of Powers, Duties or Functions Sommaire des pouvoirs, devoirs et fonctions	Associate General Counsel, Media Law and ATIP Coordinator/ Avocat-conseil associé, Droit des médias et coordonnateur de l'AIPRP	ATIP Director / Directeur de l'AIPRP
8 (2) (j)	To disclose personal information for research or statistical purposes / Communiquer des renseignements personnels pour des travaux de recherche ou de statistique	X	X
8 (2) (k)	To disclose personal information for the purpose of validating aboriginal claims / Communiquer des renseignements personnels en vue de l'établissement des droits des peuples autochtones.	X	X
8 (2) (l)	To disclose personal information to government institutions for the purpose of locating an individual to collect a debt owing to Her Majesty or to make a payment owed by Her Majesty / Communiquer des renseignements personnels à toute institution fédérale en vue de joindre un débiteur ou un créancier de Sa Majesté du chef du Canada et de recouvrer ou d'acquitter la créance.	X	X
8 (2) (m)	To disclose personal information in the public interest or to benefit an individual / Communiquer des renseignements personnels pour des raisons d'intérêt public ou pour que l'individu concerné en tire un avantage certain.	X	X
8 (4)	To maintain records of requests from investigative bodies and make them available to the Privacy Commissioner on request / Conserver une copie des demandes reçues d'organismes d'enquête et mettre cette copie à la disposition du Commissaire à la protection de la vie privée.	X	X
8 (5)	To notify Privacy Commissioner of disclosures in the public interest / Aviser le Commissaire à la protection de la vie privée des communications faites pour des raisons d'intérêt public /	X	X
9 (1)	To retain a record of uses or disclosures of personal information for purposes not included in the index (InfoSource), and attach such records to the personal information involved / Conserver un relevé des cas d'usage de renseignements personnels non versés dans le répertoire (Info Source) et le joindre aux renseignements personnels.	X	X

Section / Article	Summary of Powers, Duties or Functions Sommaire des pouvoirs, devoirs et fonctions	Associate General Counsel, Media Law and ATIP Coordinator/ Avocat-conseil associé, Droit des médias et coordonnateur de l'AIPRP	ATIP Director / Directeur de l'AIPRP
9 (4)	To notify the Privacy Commissioner when personal information is used or disclosed for consistent purposes that are not included in the index (InfoSource), and to include the use in the next issue of the index / Aviser le Commissaire à la protection de la vie privée des cas d'usages compatibles qui ne sont pas versés dans le répertoire (Info Source) et ajouter ces usages dans la prochaine version du répertoire.	X	X
10 (1)	To cause personal information to be included personal information banks / Veiller à ce que les renseignements personnels soient versés dans les fichiers de renseignements personnels.	X	X
14	To give written notice to individuals who make requests that access will, or will not, be given to requested information; and to give access to the information to the individual who made the request within 30 days / Aviser par écrit la personne qui a fait la demande de ce qu'il sera donné ou non communication totale ou partielle des renseignements personnels; et communiquer dans les 30 jours les renseignements à la personne qui en a fait la demande.	X	X
15	To extend time limits for responding to requests and to issue corresponding notices / Proroger le délai mentionné pour répondre aux demandes et envoyer les avis correspondants.	X	X
16 (1)	To advise individuals requesting personal information that the requested information does not exist, or to advise individuals of the specific provisions of the Act under which personal information is withheld / Aviser la personne faisant la demande que le dossier n'existe pas, ou aviser la personne de la disposition précise de la Loi sur laquelle se fonde le refus	X	X
16 (2)	To neither confirm nor deny that personal information exists / Ni confirmer ni nier qu'un document existe.	X	X

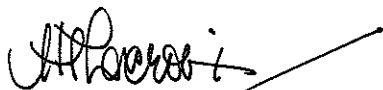
Section / Article	Summary of Powers, Duties or Functions Sommaire des pouvoirs, devoirs et fonctions	Associate General Counsel, Media Law and ATIP Coordinator/ Avocat-conseil associé, Droit des médias et coordonnateur de l'AIPRP	ATIP Director / Directeur de l'AIPRP
17 (2) (b) and 17 (3) (b) / 17(2)b et 17(3)b	To determine the necessity for translation, interpretation, or conversion of requested records to alternative format / Déterminer la nécessité de faire traduire les documents demandés ou de les rendre accessibles dans d'autres formats.	X	X
18 (2)	To withhold personal information contained an exempt bank/ Refuser de communiquer des renseignements qui sont versés dans des fichiers inconsultables	X	X
19 (1)	To withhold personal information obtained in confidence from governments of foreign states, provinces, municipalities; defined First Nations Councils; or institutions thereof / Refuser la communication de documents contenant des renseignements obtenus à titre confidentiel de gouvernements d'États étrangers, de gouvernement des provinces, de municipalités, de conseils des Premières Nations ou d'organismes correspondants.	X	X
19 (2)	To disclose personal information obtained in confidence from governments of foreign states, provinces, municipalities; defined First Nations Councils; or institutions thereof, if the government or institution that provided the information consents to its disclosure or makes the information public / Communiquer des documents contenant des renseignements obtenus à titre confidentiel de gouvernements d'États étrangers, de gouvernements provinciaux, d'administrations municipales, de conseils des Premières Nations ou d'organismes correspondants, si le gouvernement ou l'organisme consent à la communication ou rend l'information publique	X	X
20	To withhold personal information if its disclosure would be injurious to the conduct of federal-provincial affairs / Refuser la communication de renseignements personnels dont la divulgation risquerait de porter préjudice à la conduite des affaires fédérales-provinciales.	X	X

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21	To withhold personal information if its disclosure would be injurious to the conduct of international affairs, the defence of Canada or its allies, or Canada's efforts toward detecting, preventing, or suppressing subversive or hostile activities / Refuser la communication de renseignements personnels dont la divulgation risquerait de porter préjudice à la conduite des affaires internationales, à la défense du Canada ou d'États alliés ou associés avec le Canada ou à la détection, à la prévention ou à la répression d'activités hostiles ou subversives.	X	X
22 (1)	To withhold personal information obtained or prepared by investigative bodies in the course of lawful investigations; or personal information the disclosure of which would be injurious to the enforcement of any law of Canada or a province, or personal information if its disclosure could reasonably be expected to be injurious to the security of penal institutions / Refuser la communication de renseignements personnels obtenus ou préparés par des organismes d'enquête au cours d'enquêtes licites; ou des renseignements personnels dont la divulgation risquerait vraisemblablement de nuire aux activités destinées à faire respecter les lois fédérales ou provinciales; ou des renseignements dont la divulgation risquerait vraisemblablement de nuire à la sécurité des établissements pénitentiaires	X	X
22 (2)	To withhold personal information obtained or prepared by the RCMP while performing policing services for a municipality or province / Refuser la communication de renseignements personnels obtenus ou préparés par la Gendarmerie royale du Canada, dans l'exercice de fonctions de police provinciale ou municipale	X	X
22.3	To withhold personal information that was created for the purpose of making a disclosure under the <i>Public Servants Disclosure Protection Act</i> / Refuser de communiquer des renseignements personnels qui contiennent des renseignements créés en vue de faire une divulgation au titre de la <i>Loi sur la protection des fonctionnaires divulgateurs d'actes répréhensibles</i> .	X	X

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23	To withhold personal information obtained or prepared by an investigative body for the purpose determining whether to grant security clearances / Refuser de communiquer des renseignements personnels recueillis ou préparés, par un organisme d'enquête lors des enquêtes de sécurité.	X	X
24	To withhold personal information collected or prepared by the Correctional Service of Canada or the National Parole Board while the individual concerned was under sentence for an offence / Refuser à un individu la communication de renseignements personnels qui ont été recueillis ou obtenus par le Service correctionnel du Canada ou la Commission nationale des libérations conditionnelles pendant qu'il était sous le coup d'une condamnation.	X	X
25	To withhold personal information if its disclosure could reasonably be expected to threaten the safety of individuals / Refuser la communication de renseignements personnels contenant des renseignements dont la divulgation risquerait vraisemblablement de nuire à la sécurité des individus.	X	X
26	To withhold personal information about other individuals / Refuser la communication de renseignements personnels au sujet d'autres individus.	X	X
27	To withhold personal information that is subject to solicitor-client privilege / Refuser la communication de renseignements personnels contenant des renseignements protégés par le secret professionnel qui lie un avocat à son client.	X	X
28	To withhold personal information concerning the physical or mental health of an individual from the individual who requested it if its disclosure would not be in their best interests / Refuser la communication de renseignements personnels qui portent sur l'état physique ou mental de l'individu qui en demande communication, dans les cas où la prise de connaissance par l'individu concerné des renseignements qui y figurent desservirait celui-ci.	X	X

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31	To receive notice of investigation by the Privacy Commissioner / Recevoir un avis d'enquête du Commissaire à la protection de la vie privée	X	X
33 (2)	To make representations to the Privacy Commissioner during an investigation / Présenter des observations au Commissaire à la protection de la vie privée pendant une enquête	X	X
35 (1) (b)	To advise the Privacy Commissioner of actions taken to implement recommendations, or reasons why recommended actions are not being implemented / Aviser le Commissaire à la protection de la vie privée des mesures prises ou envisagées pour la mise en oeuvre de ses recommandations, ou des motifs invoqués pour ne pas y donner suite.	X	X
35 (4)	To provide applicants with access to personal information pursuant to Privacy Commissioner's recommendations / Donner communication des renseignements personnels à la personne qui en a fait la demande à la suite d'une recommandation du Commissaire à la protection de la vie privée.	X	X
36 (3)	To receive reports from the Privacy Commissioner that personal information should not be contained in an exempt bank / Recevoir des rapports du Commissaire à la protection de la vie privée selon lesquels des renseignements personnels ne devraient pas se trouver dans des fichiers inconsultables	X	X
37 (3)	To receive reports from the Privacy Commissioner regarding compliance with sections 4 to 8 of the <i>Privacy Act</i> / Recevoir des rapports du Commissaire à la protection de la vie privée au sujet de la conformité avec les articles 4 à 8 de la <i>Loi sur la protection des renseignements personnels</i> .	X	X

Section / Article	Summary of Powers, Duties or Functions Sommaire des pouvoirs, devoirs et fonctions	Associate General Counsel, Media Law and ATIP Coordinator/ Avocat-conseil associé, Droit des médias et coordonnateur de l'AIPRP	ATIP Director / Directeur de l'AIPRP
51 (2) (b)	To request that section 51 applications and appeals into the non-disclosure of records pursuant to sections 19(1)(a) or (b), or 21, be held in the National Capital Region/ Demander que les auditions et les appels en vertu de l'article 51 relatif au refus de communication de documents en vertu des alinéas 19(1)a ou b), ou de l'article 21, aient lieu dans la région de la capitale nationale.	X	X
51 (3)	To make representations in section 51 hearings / Présenter des observations dans les auditions relatives à l'article 51	X	X
69.1	To exclude personal information that CBC collects, uses or discloses for journalistic, artistic or literary purposes / Exclure des renseignements personnels que la Société Radio-Canada recueille, utilise ou communique uniquement à des fins journalistiques, artistiques ou littéraires.	X	
70	To exclude confidences of the Queen's Privy Council / Exclure des documents confidentiels du Conseil privé de la Reine pour le Canada.	X	X
72 (1)	To prepare annual report to Parliament on the administration of the <i>Privacy Act</i> / Préparer un rapport annuel pour le Parlement sur l'application de la <i>Loi sur la protection des renseignements personnels</i> .	X	X



Hubert T. Lacroix
President and CEO / Président-directeur général



Date

Annex B – Statistical Report for Fiscal Year 2010-2011



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 2010-04-01 to/à 2011-03-31
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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	14
Outstanding from previous period / En suspens depuis la période antérieure	4
TOTAL	18
Completed during reporting period / Traitées pendant la période visée par le rapport	17
Carried Forward / Reportées	1

II Disposition of requests completed / Disposition à l'égard des demandes traitées	
1. All Disclosed / Communication totale	2
2. Disclosed in part / Communication partielle	6
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0
4. Nothing disclosed (exempt) / Aucune communication (exemption)	0
5. Unable to process / Traitement impossible	7
6. Abandoned by applicant / Abandon de la demande	2
7. Transferred / Transmission	0
TOTAL	17

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	5
S. Art. 27	2
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	12
31 to 60 days / De 31 à 60 jours	1
61 to 120 days / De 61 à 120 jours	1
121 days or over / 121 jours et plus	3

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 / Traductions préparées	0	
	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)	(\$ 000)
Salary / Traitement	24.06
Administration (O and M) / Administration (fonctionnement et maintien)	11.59
TOTAL	35.65
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.29

Annex C – Additional Reporting Requirements for Fiscal Year 2010-2011

Additional Reporting Requirements - *Privacy Act*

Indicate the number of:

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

Note: The CBC did not undertake any of the activities noted above during the reporting period.

Part III - Exemptions invoked

Paragraph 19(1)(e)	0
Paragraph 19(1)(f)	0
Subsection 22.1	0
Subsection 22.2	0
Subsection 22.3	0

Note: The CBC did not invoke any of the above noted exemptions during the reporting period.

Part IV - Exclusions cited

Subsection 69.1	0
Subsection 70.1	0

Note: The CBC did not invoke any of the above noted exclusions during the reporting period.