



Report on the Administration of the
Privacy Act
for the Fiscal Year
2009-2010

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;

CBC/Radio-Canada Services

CBC/Radio-Canada is the only Canadian broadcaster delivering a comprehensive range of radio (commercial-free), television, Internet, and satellite-based services to Canadians, in English, French and eight Aboriginal languages. The Corporation's broadcasting reach extends across Canada and around the world, offering high-quality, distinctive content by, for and about Canadians, however and wherever they want it.

English Services

- CBC Radio One (news, current affairs, arts, and culture via radio and Sirius Satellite Radio Channel 137)
- CBC Radio 2 (classical, jazz and popular music via radio and four online channels: Classical, Jazz, Canadian Songwriters, Canadian Composers)
- CBC Radio 3 (emerging Canadian music via the Internet, podcast, and Sirius Satellite Radio Channel 86)
- CBC Television (news, information, sports, and entertainment)
- CBC News Network (continuous news and information via television)
- bold (drama, comedy, performing arts, and sports coverage)
- documentary (Canadian and international documentaries, films and series)
- CBC.ca (news, information, streaming video and audio, sports highlights, Web features, and multimedia archives)

French Services

- Première Chaîne (information and cultural programming via radio)
- Espace musique (classical, jazz, vocal, world, and emerging music via radio)
- Bande à part (popular and alternative French-language music via Espace musique, the Internet, podcast, and Sirius Satellite Radio Channel 87)
- Espace classique (customised classical music via the Internet)
- Espace jazz (customised jazz via the Internet)
- Espace monde (customised world music via the Internet)
- Première plus (news, current affairs and culture, in partnership with Radio Canada International and Radio France International, via Sirius Satellite Radio Channel 94)
- Sports extra (sports information and analysis via Sirius Satellite Radio Channel 96)
- Télévision de Radio-Canada (news, current affairs, drama, culture, and programming for children and youth)
- Réseau de l'information de Radio-Canada (RDI) (continuous news, information and current affairs via television)
- TOU.TV (on-demand Web television, created by Radio-Canada, featuring programming from 20 national and international producers and broadcasters)
- ARTV (arts and culture)
- TV5MONDE (programming featuring diverse cultures and perspectives, from 10 broadcast partners, including Radio-Canada)

- Radio-Canada.ca (news, information, streaming video and audio, and Web features)

Combined Services

- Radio Canada International (Canadian information and culture in seven languages via the Internet, digital and analogue shortwave, satellite, and partner stations worldwide)
- RCI viva (Web radio in seven languages featuring information for new and aspiring Canadians)
- RCI plus (programming in seven languages from Radio Canada International and national and international partners via Sirius Satellite Radio Channel 95)
- CBC North (linking Canada's northern communities via radio and television, in English, French and eight Aboriginal languages)
- CBC News Express/RDI Express (bilingual news and information service in five large Canadian airports, serving over 62 million travelers annually)
- CBC Records/Les disques SRC (label recording Canadian musicians and releasing about eight CDs annually)
- Mobile Services/Services mobiles (programming for mobile and iPhone sites, SMS alerting services, including CBC News Network and RDI as live streams and on-demand videos)
- CBC Mobile Productions/Les Productions mobiles de Radio-Canada (services for in-house production, and generating programming revenue by selling to the third party market)

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, Real Estate, Legal Services and General Counsel through the Associate General Counsel, Media Law. The Compliance Officer and Associate Corporate Secretary is the Corporation's Privacy Coordinator. The ATIP Office has a staff of eight employees comprising a director, a manager, four analysts and two support staff.

The Corporation has 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:

- Compliance Officer, Associate Corporate Secretary and ATIP Coordinator;
- Director, Access to Information and Privacy;
- Manager, Access to Information and Privacy

A copy of CBC/Radio Canada's delegation 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 became subject to the *Privacy Act* on September 1, 2007.

On April 1, 2009 the Corporation carried forward 5 requests from the previous Fiscal Year and it received 12 new requests during Fiscal Year 2009-2010. Thirteen requests were responded to, carrying forward 4 into Fiscal Year 2010-2011.

CBC/Radio-Canada has been subject to the *Privacy Act* for 31 months. In the three fiscal years reported on to date (2007-2008, 2008-2009 and 2009-2010), CBC/Radio-Canada has received 8, 21, and 12 requests respectively. Although this period and the number of requests are too small to infer and interpret trends, the majority of the requests continue to be for employment and personnel files.

As data accumulates in these areas over the next 12-24 months, we will be in a better position to make meaningful interpretations in future reports.

Education and Training Activities

During Fiscal Year 2009-2010 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.

Although no formal ATIP training sessions were organized exclusively for CBC/Radio-Canada employees during Fiscal Year 2009-2010, informal training and mentoring continues to occur regularly on a file-by-file basis as requests and complaints are processed. This approach involves ATIP Office staff, members of the Corporation's ATIP liaison network, and other employees throughout the Corporation.

In addition, members of the Corporation's ATIP Office staff participated in information sessions offered by the Treasury Board Secretariat, and attended other ATIP-related external meetings.

New institution-specific procedures

No new institution-specific privacy related policies, guidelines, or procedures were developed this year. As in prior years, the focus during the 2009-2010 Fiscal Year has been on improving the Corporation's overall performance in responding to requests.

Key Issues Raised as a Result of Complaints

One key issue raised this 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. It is expected that the Federal Court will hear the case this year.

Privacy Impact Assessments

No Privacy Impact Assessments were completed during the periods 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

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:

Section	Summary of Powers, Duties or Functions	Compliance Officer, Associate Corporate Secretary and ATIP Coordinator	ATIP Director	ATIP Manager
8 (2) (a)	To disclose personal information for the purpose it was obtained or compiled, or for a use consistent with that purpose	X	X	X
8 (2) (b)	To disclose personal information for purposes authorized by any Act of Parliament or regulation	X	X	X
8 (2) (c)	To disclose personal information for the purpose of complying with a subpoena, warrant, or order	X	X	X
8 (2) (d)	To disclose personal information to the Attorney General of Canada for use in legal proceedings	X	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	X	X	X
8 (2) (f)	To disclose personal information to provincial governments, foreign governments, or international organizations for law enforcement and lawful investigation purposes	X	X	X
8 (2) (g)	To disclose personal information to a member of Parliament for the purpose of assisting an individual	X	X	X
8 (2) (h)	To disclose personal information for audit purposes	X	X	X
8 (2) (i)	To disclose personal information to the National Archives of Canada for archival purposes	X	X	X
8 (2) (j)	To disclose personal information for research or statistical purposes	X	X	X
8 (2) (k)	To disclose personal information for the purpose of validating aboriginal claims	X	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	X	X	X

Section	Summary of Powers, Duties or Functions	Compliance Officer, Associate Corporate Secretary and ATIP Coordinator	ATIP Director	ATIP Manager
8 (2) (m)	To disclose personal information in the public interest or to benefit an individual	X	X	X
8 (4)	To maintain records of requests from investigative bodies and make them available to the Privacy Commissioner on request	X	X	X
8 (5)	To notify Privacy Commissioner of disclosures in the public interest	X	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	X	X	X
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	X	X	X
10 (1)	To cause personal information to be included personal information banks	X	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	X	X	X
15	To extend time limits for responding to requests and to issue corresponding notices	X	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	X	X	X
16 (2)	To neither confirm nor deny that personal information exists	X	X	X
17 (2) (b) and 17 (3) (b)	To determine the necessity for translation, interpretation, or conversion of requested records to alternative format	X	X	X
18 (2)	To withhold personal information contained an exempt bank.	X	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	X	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	X	X	X

Section	Summary of Powers, Duties or Functions	Compliance Officer, Associate Corporate Secretary and ATIP Coordinator	ATIP Director	ATIP Manager
	consents to its disclosure or makes the information public			
20	To withhold personal information if its disclosure would be injurious to the conduct of federal-provincial affairs	X	X	X
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	X	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	X	X	X
22 (2)	To withhold personal information obtained or prepared by the RCMP while performing policing services for a municipality or province	X	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>	X	X	
23	To withhold personal information obtained or prepared by an investigative body for the purpose determining whether to grant security clearances	X	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	X	X	X
25	To withhold personal information if its disclosure could reasonably be expected to threaten the safety of individuals	X	X	X
26	To withhold personal information about other individuals	X	X	X
27	To withhold personal information that is subject to solicitor-client privilege	X	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 the individual's best interests	X	X	X
31	To receive notice of investigation by the Privacy Commissioner	X	X	X
33 (2)	To make representations to the Privacy Commissioner during an investigation	X	X	X

Section	Summary of Powers, Duties or Functions	Compliance Officer, Associate Corporate Secretary and ATIP Coordinator	ATIP Director	ATIP Manager
35 (1) (b)	To advise the Privacy Commissioner of actions taken to implement recommendations, or reasons why recommended actions are not being implemented	X	X	X
35 (4)	To provide applicants with access to personal information pursuant to Privacy Commissioner's recommendations	X	X	X
36 (3)	To receive reports from the Privacy Commissioner that personal information should not be contained in an exempt bank	X	X	X
37 (3)	To receive reports from the Privacy Commissioner regarding compliance with sections 4 to 8 of the <i>Privacy Act</i>	X	X	X
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	X	X	X
51 (3)	To make representations in section 51 hearings	X	X	X
69.1	To exclude personal information that CBC collects, uses or discloses for journalistic, artistic or literary purposes	X		
70	To exclude confidences of the Queen's Privy Council	X	X	X
72 (1)	To prepare annual report to Parliament on the administration of the <i>Privacy Act</i>	X	X	X



Hubert T. Lacroix

1st October, 2009

Annex B – Statistical Report for Fiscal Year 2009-2010



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 2009-04-01 to/à 2010-03-31
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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	12
Outstanding from previous period / En suspens depuis la période antérieure	5
TOTAL	17
Completed during reporting period / Traitées pendant la période visée par le rapport	13
Carried Forward / Reportées	4

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

1. All Disclosed / Communication totale	2
2. Disclosed in part / Communication partielle	7
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0
4. Nothing disclosed (exempt) / Aucune communication (exemption)	0
5. Unable to process / Traitement impossible	2
6. Abandoned by applicant / Abandon de la demande	2
7. Transferred / Transmission	0
TOTAL	13

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)	1
(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	7
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	6
31 to 60 days / De 31 à 60 jours	2
61 to 120 days / De 61 à 120 jours	3
121 days or over / 121 jours et plus	2

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	3	0
Consultation	0	0
Translation / Traduction	0	0
TOTAL	3	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	9
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) ⁽⁵⁾	000
Salary / Traitement	28.16
Administration (O and M) / Administration (fonctionnement et maintien)	5.98
TOTAL	34.14
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.37

Annex C – Additional Reporting Requirements for Fiscal Year 2009-2010

Additional Reporting Requirements

Privacy Act

Treasury Board Secretariat is monitoring compliance with the Privacy Impact Assessment (PIA) Policy (which came into effect on May 2, 2002) through a variety of means. Institutions are therefore required to report the following information for this reporting period.

Indicate the number of:

Preliminary Privacy Impact Assessments initiated: ____0__

Preliminary Privacy Impact 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__

Exclusions cited:

Subsection 69.1 (1) ____0__