



Government
of Canada

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du Canada

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



Canada Council
for the Arts

Conseil des Arts
du Canada

**Annual Report on the Administration
of the
*Privacy Act***

1 April 2008 to 31 March 2009



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Introduction

The Canada Council for Arts is pleased to submit its annual and statistical report on the administration of the *Privacy Act* for the fiscal year 2008-2009, in accordance to Subsection 72(1) of the Act. The [Privacy Act](#) provides citizens with the right to access personal information held by the government and protection of that information against unauthorized use and disclosure.

Canada Council for the Arts

The Canada Council for the Arts is a federal, arm's-length Crown corporation created by an Act of Parliament in 1957 (*Canada Council for the Arts Act*) "to foster and promote the study and enjoyment of, and the production of works in the arts."

The Canada Council offers a broad range of grants and services to professional Canadian artists and arts organizations in music, theatre, writing and publishing, visual arts, dance, media arts and integrated (interdisciplinary) arts. It also seeks to raise public awareness of the arts through its communications, research and arts promotion activities. The Canada Council awards prizes and fellowships every year to some 200 artists and scholars. The Canadian Commission for UNESCO and the Public Lending Right Commission operate within the Canada Council. The Canada Council Art Bank contains some 18,000 works of contemporary Canadian art that are rented to the public and private sectors.

The Canada Council is governed by an 11-member Board. The Chair, the Vice-Chair, the members of the Board and the Director of the Canada Council are appointed by the Governor in Council for fixed terms. The Canada Council relies heavily on the advice of artists and arts professionals from all parts of Canada (some 750 serve annually as jurors, or peer assessors, in the awarding of grants) and works in close co-operation with federal, provincial and municipal cultural agencies and departments. The Council reports to Parliament through the Minister of Canadian Heritage. The annual budget allocation from Parliament is supplemented by endowment income, donations and bequests.

Delegation of Authority

The Director of the Canada Council for the Arts delegates his power, authorities and responsibilities to the ATIP Coordinator for the administration of the *Privacy Act*. The purpose of delegation is to ensure the Director's responsibilities under the Act are met and that appropriate processing and proper disclosure of information are practiced. The Delegation Order is attached as Appendix 1.

Privacy Administration

The administration of the *Privacy Act* is the responsibility of the ATIP Coordinator. This role is responsible for:

- processing requests under the Act, disclosing as much information as possible which is not injurious to the public or private interests identified in the legislation, in a timely manner;
- coordinating activities and consultations related to the legislation and associated regulations, directives and guidelines;
- developing, monitoring and updating Council policies and procedures related to the Act;
- responding to consultations submitted by other federal institutions on Council documents under consideration for release;
- coordinating compliance with legislative obligations: preparing annual and statistical reports to Parliament and other statutory reporting requirements;
- promoting awareness of the Act within the Council to ensure compliance.

The Reference and Documentation Centre of the Canada Council for the Arts maintains most records requested through the *Privacy Act*. Records of all *Privacy Act* requests are maintained for a period of two years under the direction of the Reference and Documentation Centre.

The Privacy (PO) Office houses the various notices dealing with exemptions, methods of access, time extension and other material required by the Act.

Education and Training

The ATIP Coordinator participated in quarterly briefing sessions held by the Treasury Board Secretariat. The Coordinator participated in relevant workshops, meetings and conferences offered through the federal government and consultants in the 2008-2009 fiscal year. These workshops provided valuable information on trends and best practices within the ATIP community, recent complaints and court decisions. It is anticipated the Coordinator will participate in relevant certification courses, workshops, meetings and conferences offered through the federal government and consultants in the 2008-2009 fiscal year. The ATIP Coordinator participated in the development of policy providing privacy guidelines, developed confidentiality statements for the Peer Assessment process and participated in restructuring of the self-identification form and advised on information-sharing practices.

Privacy Act

Statistical Report for the Fiscal Year 2008-2009

The statistical report for the period of 1 April 2008 to 31 March 2009 is attached as Appendix 2.

Interpretation of the Statistical Report 2008-2009

Requests Received, Completion Time

The Canada Council for the Arts received four (4) requests under the *Privacy Act* (PA).

Disposition of Requests

All the information requested was disclosed in part for three (3) of the requests; we were unable to process one (1).

Formal and Informal Interface

All requests, formal and informal, are administered by the ATIP Coordinator. Informal requests for access to individual files are immediately channeled into the formal route to allow Council to invoke exemptions and exclusions, if necessary, and to allow applicants to exercise their right under the *Privacy Act*. Individuals expressing dissatisfaction with informal advice provided by staff on the adjudication system within individual programs would be advised of their right to request access to the contents of their files under the *Privacy Act*.

One Privacy Impact Assessment, in draft, was conducted this past year.

Complaints, Investigation and Reviews to the Federal Court

No complaints or investigations were lodged with the Office of the Privacy Commissioner of Canada and no appeals were made to the Federal Court for the 2008-2009 fiscal year.

Disclosures under Section 8(2)(E) of the Privacy Act

There were no 8(2)(e) requests this year.

Exempt Banks

The Council has no designated exempt banks based on Section 18(2) of the *Privacy Act*.

Use and Disclosure

The main reasons for having individuals provide information to Council is in the context of applying for grants within various programs. The information is reviewed by peers drawn from the relevant professional arts communities to make recommendations for grants or awards. At times, information is provided to external assessors who are specialists in the particular disciplines in which the individuals are engaged and to peer members and/or peer assessment committee members for adjudication purposes.

In effect, the name of an external assessor of a Canada Council grant application constitutes personal information about the assessor, not the applicant. Candidates have access to the full text of the assessments, except for the name of the assessor, any comments that might identify the assessor and any comments made regarding other applicants and their identities.

Personal information is also used for administering grants, establishing databases for program planning and evaluation, and developing a bank of potential peer assessors.

All formal and informal requests are handled by the Coordinator's Office, thus ensuring that disclosure occurs only in accordance with Section 8 of the *Privacy Act*. The *Income Tax Act* governs the use of the personal information with respect to the Council's financial dealings with individuals.

June 2009



**Canada Council
for the Arts**

**Conseil des Arts
du Canada**

**Supplemental Reporting
Requirements for 2008-2009
Privacy Act**

**Exigences en matière d'établissement
de rapports pour 2008-2009
Loi sur la protection des
renseignements personnels**

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 the 2008-2009 reporting period.

Le Secrétariat du Conseil du Trésor surveille la conformité à la Politique sur l'Évaluation des facteurs relatifs à la vie privée (EFVP) (qui est entrée en vigueur le 2 mai 2002) par divers moyens. Les institutions sont donc tenues de déclarer les renseignements suivants pour la période de déclaration 2008-2009.

Indicate the number of:

Prière d'indiquer le nombre :

Preliminary Privacy Impact Assessments initiated: ___0___

d'évaluations préliminaires des facteurs relatifs à la vie privée amorcées : ___0___

Preliminary Privacy Impact Assessments completed: ___0___

d'évaluations préliminaires des facteurs relatifs à la vie privée achevées : ___0___

Privacy Impact Assessments initiated: ___0___

d'évaluations des facteurs relatifs à la vie privée amorcées : ___0___

Privacy Impact Assessments completed: ___0___

d'évaluations des facteurs relatifs à la vie privée achevées : ___0___

Privacy Impact Assessments forwarded to the Office of the Privacy Commissioner (OPC):
___0___

d'évaluations des facteurs relatifs à la vie privée acheminées au Commissariat à la protection de la vie privée (CPVP) : ___0___

The Canada Council for the Arts did not undertake any of the activities noted above during the reporting period.

Le Conseil des Arts du Canada n'a pas entrepris l'une ou l'autre des activités susmentionnées durant la période de rapport.

APPENDIX / ANNEXE 1

Canada Council
for the Arts

Conseil des Arts
du Canada

*Access to Information Act
and
Privacy Act
Designation Order*

*Arrêté sur la délégation en vertu de
la Loi sur l'accès à l'information
et
la Loi sur la protection des
renseignements personnels*



BY THIS ORDER made pursuant to sections 73 of the **Access to Information Act** and the **Privacy Act**, I hereby designate the person holding the position of Director, Finance & Administration Division and Access to Information and Privacy Coordinator to exercise or perform all of the powers, duties and functions of the head of a government institution under the Act, insofar as they may be exercised or performed in relation to the **Canada Council for the Arts** as per attached Appendix A.

This delegation order supersedes any previous order executed pursuant to section 73 of the Acts.

PAR LE PRÉSENT ARRÊTÉ pris en vertu des l'articles 73 de la **Loi sur l'accès à l'information** et de la **Loi sur la protection des renseignements personnels**, je délègue au titulaire des postes de Directeur, La Division des finances et de l'administration et de Coordinatrice de l'accès à l'information et de la protection des renseignements personnels les attributions se apportant au **Conseil des Arts du Canada** qui me sont confiées aux termes de cette loi en ma qualité de responsable d'une institution fédérale selon l'Annexe A attaché.

Cet arrêté de délégation remplace tout arrêté précédent pris en vertu des l'articles 73 de les Loi.

May 11, 2009
Date

Robert Luman

Director / Directeur

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Canada



**REPORT ON THE PRIVACY ACT
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Institution Canada Council for the Arts / Conseil des Arts du Canada	Reporting period / Période visée par le rapport 2008/04/01 to / au 2009/03/31
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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	4
Outstanding from previous period / En suspens depuis la période antérieure	0
TOTAL	4
Completed during reporting period / Traitées pendant la période visées par le rapport	4
Carried forward / Reportées	0

II Disposition of request completed / Disposition à l'égard des demandes traitées	
1. All disclosed / Communication totale	0
2. Disclosed in part / Communication partielle	3
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0
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	4

III Exemptions invoked / Exceptions invoquées	
S. Art. 18(2)	0
S. Art. 19(1)(a)	3
(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	0
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	4
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 ou plus	0

VI Extentions / 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	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	3
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)	
Salary / Traitement	\$ 900
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 200
TOTAL	\$ 1100
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.0135

