



Canadian
human rights
commission

Commission
canadienne des
droits de la personne

CANADIAN HUMAN RIGHTS COMMISSION

ANNUAL REPORT

PRIVACY ACT

April 1, 2019 to March 31, 2020

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1. INTRODUCTION

This is the 36th Annual Report to Parliament submitted by the Canadian Human Rights Commission (the Commission) pursuant to section 72 of the *Privacy Act* (PA).

The purpose of the PA is to protect the privacy of individuals with respect to personal information about themselves held by a government institution and to provide individuals with a right of access to that information.














Section 72 of the PA requires that the head of every government institution shall prepare, for submission to Parliament, an annual report on the administration of the Act within the institution during each fiscal year.

This report describes the work of the Commission's Access to Information and Privacy Office for the fiscal year 2019-2020.

About the Commission

The Canadian Human Rights Commission was established in 1977 under Schedule 1.1 of the *Financial Administration Act* in accordance with the *Canadian Human Rights Act* (CHRA). The Commission leads the administration of the CHRA and ensures compliance with the *Employment Equity Act* (EEA). The CHRA prohibits discrimination and the EEA promotes equality in the workplace. Both laws apply the principles of equal opportunity and non-discrimination to federal government departments and agencies, Crown corporations, and federally-regulated private sector organizations.

The 13 grounds of discrimination in the CHRA are the following:

-  race;
-  national or ethnic origin;
-  colour;
-  religion;
-  age;
-  sex;
-  sexual orientation;
-  gender identity or expression;
-  marital status;
-  family status;
-  disability;
-  genetic characteristics; and
-  a conviction for which a pardon has been granted or a record suspended.

Mandate and Role

The Commission promotes the core principle of equal opportunity and works to prevent discrimination. It works closely with federally regulated employers and service providers, individuals, unions, and provincial, territorial and international human rights bodies to foster understanding of human rights and promote the development of human rights cultures.

The Commission's mandate also includes protecting human rights through effective case and complaint management. This role involves representing the public interest to advance human rights for all Canadians.

The Commission is also responsible for ensuring compliance with the *Employment Equity Act*. This involves auditing federally regulated employers to ensure that they are providing equal opportunities to the four designated groups: women, Aboriginal peoples, persons with disabilities and members of visible minorities.

New human rights protections in Canada

In 2019, the Commission was mandated with several new responsibilities under three new laws: the *Pay Equity Act*, the *National Housing Strategy Act*, and the *Accessible Canada Act*. This means the Commission will experience growth as these new laws are implemented. Two new Commissioners will now be part of the Commission — the Federal Pay Equity Commissioner, and the Federal Accessibility Commissioner. The Federal Housing Advocate will be a Governor in Council appointment supported and housed by the Canadian Human Rights Commission.

The Pay Equity Act

The *Pay Equity Act* establishes a proactive pay equity regime that applies to federally-regulated employers with 10 or more employees. While, the principle of equal pay for work of equal value has been enshrined in the *Canadian Human Rights Act* since 1977, the burden has always been on employees to file pay equity discrimination complaints with the Commission. Under this new legislation, employers will now be required to proactively develop pay equity plans and take action to address and prevent systemic gender-based discrimination in the workplace.

The National Housing Strategy Act

In 2019, Parliament passed the *National Housing Strategy Act*, which applies a human rights-based approach to the housing policy of the Government of Canada.

Once appointed, the Housing Advocate will monitor the implementation of federal housing policies, including the National Housing Strategy, and assess their impacts on people who are members of vulnerable groups, including those who have lived experience of housing need and homelessness. Applying a human-rights lens, the Housing Advocate will also be responsible for monitoring and reporting on housing rights and systemic housing issues in Canada.

The Accessible Canada Act

The Act is a critical step forward that enables Canada to better meet its human rights obligations under the United Nations Convention on the Rights of Persons with Disabilities, and the *Canadian Human Rights Act*. The Act will require employers and service providers under federal jurisdiction to take proactive measures to identify and remove barriers for people with disabilities and to prevent the creation of new barriers. It will require federally-regulated entities to develop and publish an Accessibility Plan in consultation with the disability community, introduce a feedback mechanism and report on progress annually.

With the passage of the *Accessible Canada Act*, the Commission was also designated as a body responsible for monitoring the Government of Canada's compliance with the Convention on the Rights of Persons with Disabilities in accordance with article 33.2 of the Convention.

The National Monitoring Mechanism

On June 21, 2019, this designation was made official with the passage of the Accessible Canada Act, which contained amendments to the Canadian Human Rights Act.

As the National Monitoring Mechanism (NMM), the Commission's objective will be to monitor progress and report on whether the Government of Canada is doing all it can to meet its human rights obligations outlined in the Convention.

In our role as NMM, we will ensure that people with disabilities and their representative organizations are actively engaged and involved throughout the process.

2.A ORGANIZATIONAL STRUCTURE

The Commission has 3 core responsibilities:

1) Engagement and Advocacy

Serves as an independent, national credible voice for equality in Canada; promote broadly human rights in Canada by raising public awareness of human rights issues; and engage civil society, governments, employers and the public in dialogue and action to affect human rights change.

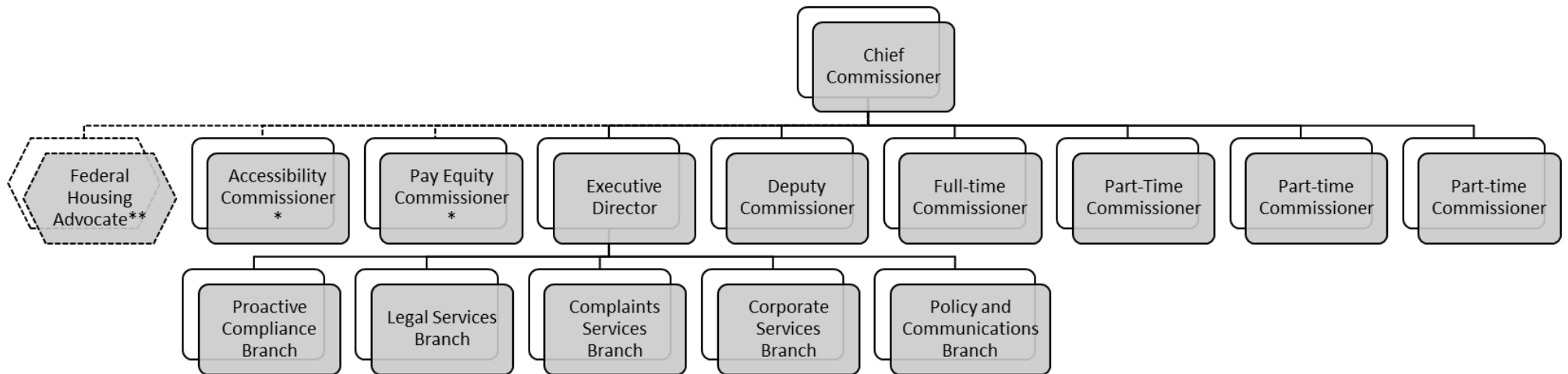
2) Canadian Human Rights Complaints

Provide people in Canada with a mechanism to file human rights complaints and remedies to victims of discrimination; reduce instances of systemic discrimination; and represent the public interest in legal cases to advance human rights in Canada.

3) Employment Equity Audits

Ensure employer's compliance with employment equity statutory requirements; encourage employers to identify barriers to employment and implement best practices to eliminate gaps in the representation of women, visible minority groups, Aboriginal peoples and persons with disabilities.

Below are the Commission’s high-level organizational structure and a brief description of each Branch:



*These roles report administratively to the Chief Commissioner and they are accountable to different Ministers but are employees of the CHRC.

**The Federal Housing Advocate is an independent unit that also has an administrative reporting relationship to the Chief Commissioner.

2.B ORGANIZATION OF ACTIVITIES

Complaint Services Branch

As Canada's national human rights institution, the Commission receives discrimination complaints and works with both the complainant and respondent to resolve the issues through mediation. If the complaint is not settled, it may be investigated. When the Commission determines that further examination is warranted, it will refer the complaint to the Canadian Human Rights Tribunal. In some cases, Commission lawyers will attend the Tribunal hearing to represent the public interest in cases where, among other reasons, the outcome has the potential to clarify, influence, shape or define human rights law.

Corporate Management Branch

The Corporate Management Branch includes most of the Internal Services. Internal Services are those groups of related activities and resources that the federal government considers to be services in support of a program and/or required to meet corporate obligations of an organization.

Internal Services refers to the activities and resources of the service categories that support Program delivery in the organization, regardless of the Internal Services delivery model in a department. The service categories are: Management and Oversight Services; Communication Services (provided by Communications Division); Legal Services (provided by Legal Services Division); Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Material Services; and Acquisition Services.

Legal and Proactive Compliance Branch

The Legal and Proactive Compliance Branch encompasses Compliance Promotion (Accessibility Unit); the Pay Equity Division; and the Legal Services Division.

The Legal Services Division provides legal advice to the Canadian Human Rights Commission in the administration of the *Canadian Human Rights Act* and on all of the Commission mandates and functions— including pay equity, accessibility, housing and NMM. The Division also represents the Commission and the public interest before the Canadian Human Rights Tribunal and before the different level of courts. Furthermore, it is responsible for developing and providing information and training on current and emerging legal trends. The ATIP unit is currently part of the Legal Services Division and processes requests and complaints the Commission receives pursuant to the *Access to Information Act* and the *Privacy Act* and produces Annual Reports and the *Info Source* in accordance with these Acts.

The Commission began preparing for the *Pay Equity Act* to come into full force in 2019. This work includes transitioning from the former complaint-based regime to the new proactive pay equity system, both within the Commission and across federally regulated workplaces. Also in 2019, Canada's first Federal Pay Equity Commissioner was appointed to the Commission by Governor in Council to administer and enforce the new law. The Pay Equity Commissioner will be responsible for providing guidance to employers in developing their pay equity plans, undertaking compliance and enforcement activities, and resolving disputes.

Compliance Promotion oversees the *Accessible Canada Act*. The Accessibility Commissioner will be responsible for receiving and resolving complaints filed by individuals who have been

negatively affected as a result of a federally-regulated organization's failure to comply with the Act. These complaints will be processed following a new complaint process.

Policy and Communications Branch

The Policy and Communications Branch work includes the Policy, Research & International Division; the Program Integrity & Employment Equity Division; the Communications Division and the Federal Housing Advocate.

The Policy, Research & International Division (PRID) is responsible for knowledge development and exchange. Knowledge products include position statements, submissions to Parliament and international bodies, policies, and guides. It is in contact with other human rights commissions, domestic civil society organizations, experts and advocacy groups to gather evidence and exchange knowledge. It is also responsible for maintaining international partnerships, including the UN. The Commission's Library is part of the PRID.

The Program Integrity & Employment Equity Division (PIEED) work includes the management of internal audit, evaluation and risk management activities and liaison with the Office of the Auditor General (OAG), other government assurance providers, the Office of the Comptroller General (OCG) and Treasury Board Secretariat (TBS). The PIEED ensures that the Commission's Internal Audit and Evaluation policies align with TBS policies and that it is making good progress in establishing effective processes to provide timely information on significant issues of risk; the controls or other issues related to management practices; and the implementation of appropriate Management Action Plans (MAPs). An important element of this work is the monitoring and reporting on the five-year risk-based plan to the Deputy Head. The PIEED is also responsible to provide the Commission with statistical information related to the human rights complaints and the employment equity programs for the purposes of workload reporting and process improvement, strategic communications and policy development, and corporate reporting. It also provides statistical information to respond to requests from the media and ATIP and to inform parliamentarians and stakeholders about human rights and employment equity issues identified through the Commission's work. Lastly, the PIEED works to ensure employers' compliance with the *Employment Equity Act's* requirements. It encourages employers to identify barriers to employment and implement best practices to eliminate gaps in the representation of women, visible minority groups, Aboriginal peoples and persons with disabilities.

The Communications Division is responsible for ensuring that the Commission communicates to its audiences in a clear, concise, timely, and accurate manner. It leads the design, production and distribution of all communications tools and products. It provides information to the public through media engagement, the Commission website, and social media platforms.

Lastly, the Federal Housing Advocate's work includes analyzing and conducting research, initiating studies, and consultations on unit systemic challenges in housing for the vulnerable populations such as women and children fleeing family violence; seniors; Indigenous peoples; persons with disabilities; those dealing with mental health and addiction issues; veterans; and, young adults. The Advocate will also receive submissions from the Canadian public on systemic housing issues.

The Commission's ATIP Office

The Commission's Access to Information and Privacy (ATIP) Office includes an ATIP Coordinator and a Senior ATIP Analyst.

The Chief Commissioner, Marie-Claude Landry, has delegated her decision-making authority under the *Privacy Act* to the Director General of the Corporate Management Branch during this reporting year. The power to process requests is delegated to the ATIP Office. As the functional delegate, the Director General oversees the processing of requests and the handling of complaints. The ATIP Office is organizationally housed within the Legal Services Division, which is within the Legal and Proactive Compliance Branch, reporting to the Director & General Counsel.

The ATIP Coordinator has a number of duties including managing the processing of requests and complaints; preparing different reports such as the ATIP Annual Reports and the *Info Source*; as well as providing policy and processing advice to the ATIP delegate, to senior management, as well as Commission staff.

The ATIP Senior Analyst is responsible for a number of tasks including the coordination of the records retrieval from the Offices of Primary Interest (OPIs); reviewing requests; entering all essential data in the case management program; as well as preparing packages for the requesters.

We note that the ATIP team expanded during this reporting period with the addition of an **ATIP Senior Analyst** position, and the ATIP Analyst position became vacant with the plan to fill it in the new fiscal year. The team expanded due to limited full-time equivalent human resources to allow the ATIP unit to not only carry out its responsibilities under the Act but to also deliver ATIP training to CHRC staff and refine internal and external tools for the team and for the Commission. The Senior Analyst supported the Coordinator's duties during this period as required.

Also, an ATIP Consultant and FSWEF student assisted the team on an as-needed basis.

Finally, because the ATIP Office is part of the Legal Services Division, its Director & General Counsel manages the financial and human resources of the ATIP Office.

The Commission's ATIP Office is responsible for providing quality service to the public and to the Commission and "makes every reasonable effort to assist" individuals making a request for records. The ATIP Office begins this process by coordinating the records retrieval.

When a request comes in, the ATIP Office sends the request to the appropriate Branch Head, also referred to as the Office of the Primary Interest (OPI). The OPI then sends the request to their staff to conduct the search for relevant documents. Should the request not be clear, the OPI will seek clarification from the ATIP Office. The request is then put on hold and the ATIP Office contacts the requester to seek clarification on their request and the type of information that they may be seeking access to.

Requesters are asked to send their clarified request via email, mail or fax. Once the Commission receives the clarification, the request is no longer on hold and the ATIP Office sends the clarification to the OPI. Staff then conduct the retrieval of responsive records and forwards the records to their managers who, in turn, may make recommendations regarding their disclosure to the ATIP Office.

The ATIP Office then prepares these records, which consists in triaging, scanning and indexing the records; preparing consultations as required or applicable; and liaising and negotiating with other

government departments and/or third parties.

An in-depth analysis of the information content of the records, the final response letter and release package are prepared and sent to the ATIP delegate for final approval and signature. Once approved, the ATIP delegate returns the signed final package to the ATIP Office to prepare the response package for mailing.

The ATIP Office is also responsible for responding to complaints submitted to the Office of the Privacy Commissioner (OPC).

Furthermore, the ATIP Office provides ATIP training to all staff; compiles statistics; and prepares reports (*Info Source, Privacy Act Annual Report*). Weekly reports are also prepared for the ATIP delegate, the Executive Director, the Deputy Executive Director & Senior General Counsel, and the Director & General Counsel to provide updates with respect to the active Privacy requests, and complaints submitted to the OPC.

3. SIGNED DELEGATION ORDER

The Delegation Order sets out the powers, duties and functions for the administration of the PA that has been delegated by the head of the institution, the Chief Commissioner.

Please refer to Appendix A for the Signed Delegation Order.

4. STATISTICAL REPORT

During the period under review, April 1, 2019 to March 31, 2020, the Commission received 31 new requests, 3 were outstanding from last year making a total of 34. Of these, 27 were completed during this reporting period and 7 were carried over.

The Commission received 7 Privacy requests more than last reporting year representing a 29% increase. We note that most requests were submitted from individuals who have filed complaints at the Commission alleging discrimination on the basis of one or more of the prohibited grounds of the CHRA:

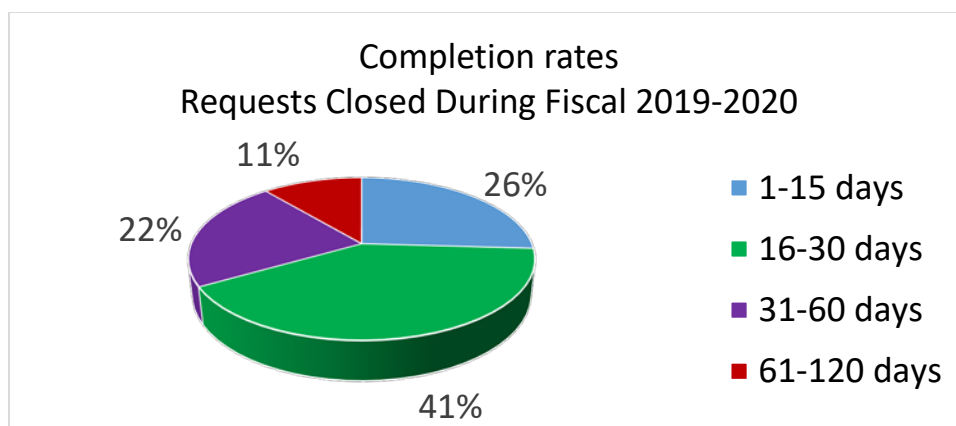
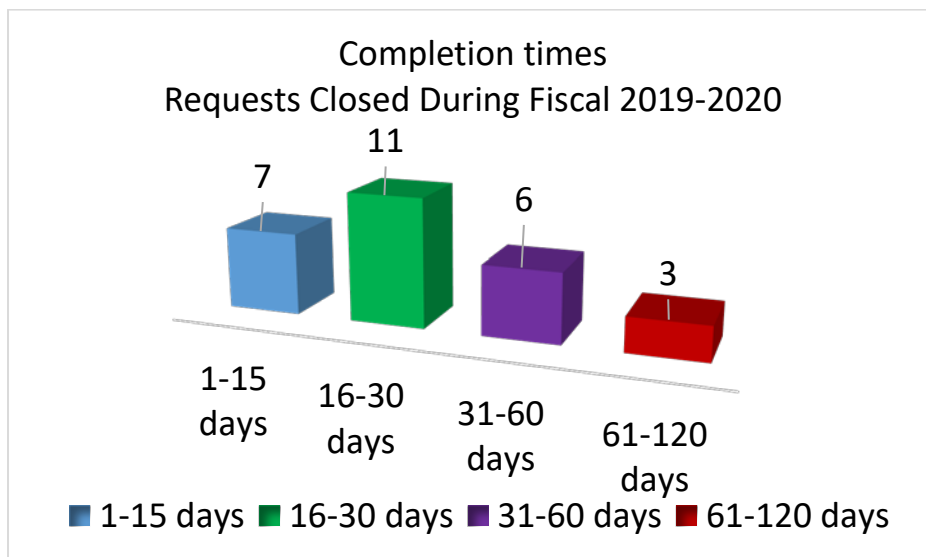
- ✚ race;
- ✚ national or ethnic origin;
- ✚ colour;
- ✚ religion;
- ✚ age;
- ✚ sex;
- ✚ sexual orientation;
- ✚ gender identity or expression;
- ✚ marital status;
- ✚ family status;
- ✚ disability;
- ✚ genetic characteristics; and
- ✚ a conviction for which a pardon has been granted or a record suspended.

Of the **27 requests completed** during this period, 4, 456 pages were processed and the disposition of each request was as follows:

- 4 were All disclosed;
- 16 were Disclosed in part;
- 3 were No records exist;
- 3 were Request abandoned; and
- 1 was Neither confirmed nor denied.

The completion times of the **27 Privacy requests closed** during this reporting period were as follows:

- 7 requests took between 1 to 15 days;
- 11 requests took between 16 to 30 days;
- 6 request took between 31 to 60 days; and
- 3 requests took between 61 to 120 days.



Consultations:

A consultation is when the record(s) responding to a particular request are transmitted from another organization (federal, provincial, territorial, municipal) to the Commission for review, and to advise recommendations if any exemptions are needed.

The Commission received **3 consultation requests** during this reporting period and reviewed 248 pages in total of records originating from the Commission. All consultations were closed during the reporting period and there were none carried over from the last reporting period.

The recommendation was to disclose all records on each consultation request.

Informal requests:

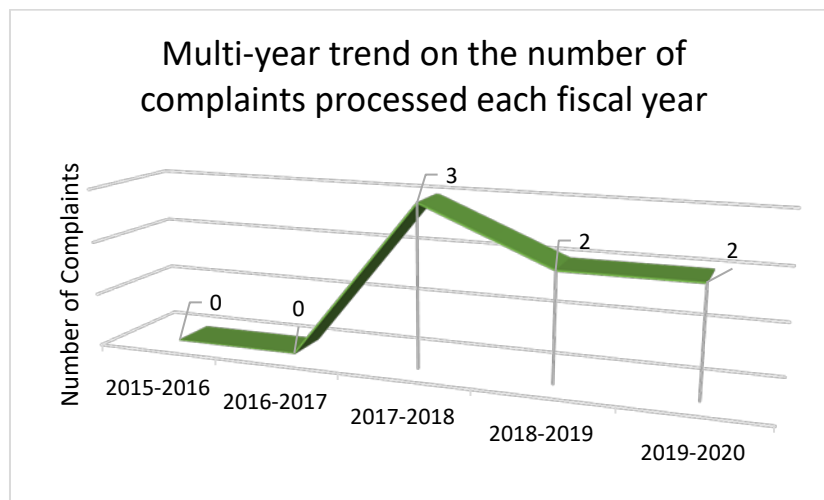
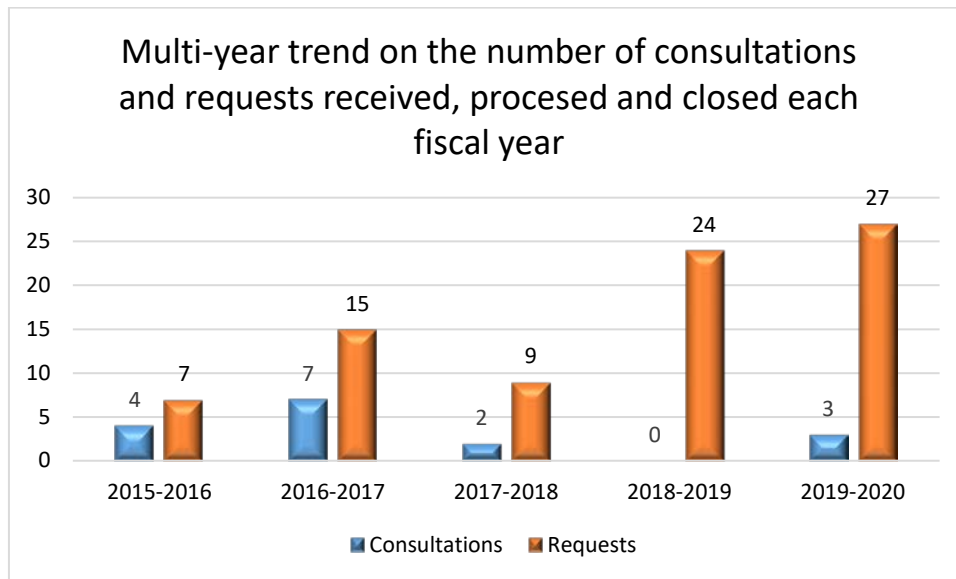
An informal request is a request for information that is not processed under the Act. There are no deadlines for responding. Also, the requester has no statutory right to complain to the Office of the Privacy Commissioner of Canada.

The Commission received **3 informal requests** during this reporting period.

Multi-year trends

The graph below demonstrates the number of consultations and requests received, processed and closed during in each fiscal over the past five years. Although there is no consistent pattern in these numbers to set a specific trend, it is clear that there has been an increase in the number of requests received, processed and closed during the past two fiscal years.

With respect to complaints, the second graph shows the number of complaints processed during each reporting period, which includes those received during the fiscal and carried over from previous years. The Commission received 1 new complaint during the reporting period and the other one was carried forward from previous fiscal years. This is further explained on page 17.



Requests Closed Past the Statutory Deadline

The Commission is committed to completing requests in a timely fashion. However, the Commission asked for an extension of time on one request pursuant to s.15(a)(i) because meeting the original time limit would unreasonably interfere with the operations; and, given the size of the Commission's ATIP Office, this would create a significant challenge. The Commission was late in producing this file due to its volume, limited full-time equivalent human resources, and the volume of requests to process at hand during this period.

Number of Requests Closed Past the Statutory Deadline	Principal Reason			
	Workload	External Consultation	Internal Consultation	Other
1	1	0	0	0

Impact experienced in relation to the processing of ATIP requests due to COVID-19

With respect to the exceptional and unprecedented situation experienced worldwide due to COVID-19, the Commission followed the recommendation of public health officials to physically distance and operated under alternative work arrangements in order to keep its staff and the public safe. As a result, we were unable to access our offices and physical records after March 16, 2020 – and had limited access to electronic records for the remainder of this reporting period.

The requesters were informed of the likelihood of additional delays due to the pandemic, and that the responsive records may only represent those in electronic format, should they exist, in the interim. Additional physical records may be provided in future once Commission staff would be physically back at the office, if any exist, and as applicable. Also, the Commission took on extensions as allowed and in accordance with the Act. The ATIP unit plans to follow up with OPIs in future, as staff returns back to the office to conduct a search for physical records should those exist and as applicable.

Application of Exemptions

For some requests, more than one exemption was invoked. We have included a list of the exemptions most commonly applied on requests during the reporting period.

Sections of the PA	Number of requests
<p><u>Section 22(1)(b)</u> - Law enforcement and investigation – where the head of a government institution may refuse to disclose any personal information requested under subsection 12(1), if the information came into existence less than twenty years prior to the request;</p> <p>(b) the disclosure of which could reasonably be expected to be injurious to the enforcement of any law of Canada or a province or the conduct of lawful investigations, including, without restricting the generality of the foregoing, any such information</p> <p>(i) relating to the existence or nature of a particular investigation,</p> <p>(ii) that would reveal the identity of a confidential source of information, or</p> <p>(iii) that was obtained or prepared in the course of an investigation.</p>	7
<p><u>Section 25</u> – Safety of individuals - where the head of a government institution may refuse to disclose any personal information requested under subsection 12(1) that the disclosure of which could reasonably be expected to threaten the safety of individuals.</p>	1
<p><u>Section 26</u> - Information about another individual - where the head of a government institution may refuse to disclose any personal information requested under subsection 12(1) about an individual other than the individual who made the request, and shall refuse to disclose such information where the disclosure is prohibited under section 8.</p>	8
<p><u>Section 27</u> - Protected information — solicitors, advocates and notaries - where the head of a government institution may refuse to disclose any personal information requested under subsection 12(1) that is subject to solicitor-client privilege or the professional secrecy of advocates and notaries or to litigation privilege.</p>	13

Please refer to Appendix B for the statistical report on the *Privacy Act*.

NOTE: Legal Advice Sought

Legal advice was requested **41** times during the reporting period for issues including access to information requests, privacy requests, and both access and privacy complaints. We note that the Commission is developing a legal case management system, and so this information was gathered informally.

5. EDUCATION AND TRAINING ACTIVITIES

The ATIP Office continues to provide policy and processing advice to Commission staff on the PA as needed.

The online training program that was initially planned to go live during this period was not launched due to limited technical and human resources. Therefore, the ATIP Office developed a training presentation that was presented and shared with various teams as needed. The training presentation offers staff with a general overview of ATIP. It discusses the 8 steps of the processing of ATIP requests, drawing on the information available in the Canada School of Public Service online ATIP module. It also discusses the various responsibilities of CHRC staff members that need to be completed in response to an ATIP request. In addition, employees would contact the ATIP Office at any time to request information and advice on PA matters. We note there is no official tracking system for these activities.

Employees wanting more training for their personal and professional development are also referred to the Treasury Board Secretariat training calendar and the Canada School of Public Service.

6. INSTITUTIONAL POLICIES AND PROCEDURES

The functioning of the ATIP Office is governed by the Treasury Board Secretariat's policies and the Commission's internal policies.

With respect to COVID-19, OPIs were advised to conduct a search for electronic records in the interim in order to continue to process requests. The ATIP unit developed a procedure for the OPIs to send responsive electronic records. In the past, the process was to print responsive electronic records and submit them to ATIP in printed format. In addition, the ATIP unit added a Search as recommended by Treasury Board Secretariat (TBS) to flag those files affected by the pandemic in the Commission's ATIP case management system. As indicated earlier, the requesters were informed that the responsive records may only represent those in electronic format, should they exist, in the interim and that additional physical records may be provided in future once Commission staff would be physically back at the office, if any exist, and as applicable.

Ongoing review and business re-engineering of the CHRC's practices concerning the processing of requests is always a top consideration. This review serves to improve our policies and practices. For example, the organization has been in the process of moving towards electronic files for some time and the pandemic has provided an opportunity to implement these measures in a timely way. Moving to electronic records may eliminate the scanning of records to process responsive records in some cases.

To make the ATIP functions operate more smoothly, the CHRC continues to develop its procedures to take into account the complexity of the requests to achieve our goal of fulfilling our mandate under the PA within the prescribed deadlines. The development of a new ATIP procedures manual for the CHRC is still underway. As mentioned earlier, the vacancy of the ATIP Analyst is slated to be filled in the new fiscal year. This will allow the team to focus on the development of the manual and for the updating and the development of tools for the team and the Commission as a whole, keeping in line with our commitment to finding efficiencies.

7. PRIVACY ACT COMPLAINTS

The Commission received one new complaint during this reporting period. Furthermore, the Commission worked on 1 complaint that was carried forward from the previous fiscal year and it was closed in fiscal 2019-2020.

COMPLAINTS RECEIVED DURING FISCAL 2019-2020	REASON FOR COMPLAINT	STATUS
Received March 4, 2020	Refusal-Delay	Ongoing
COMPLAINTS CARRIED FORWARD FROM PREVIOUS FISCAL 2018-2019	REASON FOR COMPLAINT	STATUS
Received December 5, 2018	Refusal-Delay	<ul style="list-style-type: none">▪ Closed - April 5, 2019▪ Well – founded▪ Resolved

8. TIME TO PROCESS A REQUEST

Requests are monitored daily and information about the different processing stages is entered into the Commission's case management program.

Delays in processing requests primarily occur when consultations are needed or when handling voluminous records. When it appears that a delay in processing a request is inevitable, the ATIP Senior Analyst will contact the requester. If the requester cannot be reached, the ATIP Coordinator will then be notified of any concerns; and if necessary, the ATIP Coordinator will inform the ATIP delegate to ensure that the request is being processed in a reasonable time frame.

The ATIP Delegate will bring any issues to the Executive Director's attention and the Executive Director will discuss with the Chief Commissioner, as required.

9. MATERIAL PRIVACY BREACHES

There was one material privacy breach that occurred during the reporting period, and it was reported to the Privacy Commissioner and to Treasury Board Secretariat as required.

10. PRIVACY IMPACT ASSESSMENT

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:	0

There were no PIA activities during the reporting period.

11. DISCLOSURE OF PERSONAL INFORMATION UNDER SUBSECTION 8(2)(m)

There was no disclosure under subsection 8(2)(m) during the reporting period.

APPENDIX A

Access to Information Act and Privacy Act Delegation Order

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

The Chief Commissioner, Canadian Human Rights Commission, pursuant to section 73 of the *Access to Information Act* and the *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the persons occupying the positions on an acting basis, to exercise the powers and functions of the Chief Commissioner as the head of a government institution, under the section of the Act set out in the schedule opposite each position. This delegation replaces any and all previous designations/delegations.

En vertu de l'article 73 de la *Loi sur l'accès à l'information* et de la *Loi sur la protection des renseignements personnels*, la président, Commission canadienne des droits de la personne délègue aux titulaire des postes mentionnés aux annexes ci-après, ainsi qu'aux personnes occupant a titre intérimaire lesdits postes, les attributions dont il est, en qualité de responsable d'une institution fédérale, investi par les articles de la Loi mentionnés en regard de chaque poste. Le présent document remplace et annule toute désignation/délégation précédentes.

Schedule/Annexe

Position/Poste	<i>Privacy Act and Regulations / Loi sur la protection des renseignements personnels et règlements</i>	<i>Access to Information Act and Regulations / Loi sur l'accès à l'information et règlements</i>
Executive Director / Directeur exécutif	Full Authority to waive solicitor-client privilege under 27 / Autorité absolue pour renonciation au secret professionnel des avocats de moins de 27	Full Authority to waive solicitor-client privilege under 23 / Autorité absolue pour renonciation au secret professionnel des avocats de moins de 23
Director General, Corporate Management Branch / Directeur(trice) générale, Direction de la general intégrée	Full Authority except to waive solicitor-client privilege under 27 / Autorité absolue sauf pour renonciation de secret professionnel des avocats de moins de 27	Full Authority except to waive solicitor-client privilege under 23 / Autorité absolue sauf pour renonciation de secret professionnel des avocats de moins de 23
Coordinator, Access to Information and Privacy / Coordinateur(trice), l'accès à l'information et de la protection des renseignements personnels	8(4), 9(1), 9(4), 10, 14(b), 15, 17(1), 17(2)*, 17(3)*, 31, 33(2), 77	4(2.1), 7(b), 8(1), 9, 11, 12(1), 12(2)*, 12(3)*, 26, 27(1), 27(4), 28(4), 33, 35(2), 43(1), 44(2), 71(1), 77

* Delegation conditional on consultation with Director General, Corporate Management Branch / Délégation conditionnelle sur la consultation au Directeur(trice) général, Direction de la general intégrée.

Dated, at the City of Ottawa,
this 22 day of July, 2019

Daté à la ville d'Ottawa,
ce 22 jour de juillet 2019

LA PRÉSIDENT
MARIE-CLAUDE LANDRY


MARIE-CLAUDE LANDRY
CHIEF COMMISSIONER

**Powers, duties and functions delegated pursuant to Section 73 of the
 Privacy Act - Canadian Human Rights Commission /
 Délégation des pouvoirs, fonctions et attributions en vertu de l'article 73 de la
 Loi sur la protection des renseignements personnels -
 Commission canadienne des droits de la personne**

Section / L'article	Description	Director General, Corporate Management Branch / Directeur(trice) générale, Direction de la general intégrée	Coordinator, Access to Information and Privacy / Coordinateur(trice), l'accès à l'information et de la protection des renseignements personnels
8(2)	Disclose personal information without the consent of the person concerned / Communication à défaut du consentement de l'individu qu'ils concernent	X	
8(4)	Retain copy of 8(2)(e) requests and disclosed records / Conservation de demandes reçues et documents divulgués en vertu de l'alinéa 8(2)e)	X	X
8(5)	Notify Privacy Commissioner of 8(2)(m) disclosures / Informer le Commissaire d'une communication en vertu de l'alinéa 8(2)m	X	
9(1)	Retain record of use / Conserver un relevé des cas d'usage	X	X
9(4)	Notify Privacy Commissioner of consistent use and amend index / Informer le Commissaire d'un usage compatible et modifier le Répertoire	X	X
10	Include personal information in personal information banks / Verser des renseignements dans des fichiers de renseignements personnels	X	X
14(a)	Notify requestor whether or not access is to be given / Aviser le requérant si le document sera communiqué ou non	X	
14(b)	If access is to be given, give the individual who made the request access to the information or the part thereof / Communiquer les documents dans le cas échéant	X	X

Section / L'article	Description	Director General, Corporate Management Branch / Directeur(trice) générale, Direction de la general intégrée	Coordinator, Access to Information and Privacy / Coordinateur(trice), l'accès à l'information et de la protection des renseignements personnels
15	Extension of time limits / Prorogation du délai	X	X
17(1)	Form of Access / Exercice de l'accès	X	X
17(2)	Language of Access / Langue de la communication	X	X*
17(3)	Access to record in alternative format / Communication sur un support de substitution	X	X*
18(2)	Denial of access – Exempt bank / Refus de communication – Fichiers inconsultables	X	
19(1)	Denial of access – Information obtained in confidence from another government / Refus de communication – Renseignements obtenus à titre confidentiel	X	
19(2)	Where disclosure of information as described in subsection 19(1) is authorized / Communication autorisée de renseignements décrits au paragraphe 19(1)	X	
20	Denial of access – Federal-provincial affairs / Refus de communication – Affaires fédéro-provinciales	X	
21	Denial of access – International affairs and defence / Refus de communication – Affaires internationales et défense	X	
22(1) and (2)	Denial of access – Law enforcement and investigations / Refus de communication – Enquêtes et maintien des lois	X	
22.3	Denial of access - <i>Public Servants Disclosure Protection Act</i> / Refus de communication - <i>Loi sur la protection des fonctionnaires divulgateurs d'actes répréhensibles</i>	X	
23	Denial of access – Security clearances / Refus de communication – Enquêtes de sécurité	X	

* Delegation conditional on consultation with Director General, Corporate Management Branch / Délégation conditionnelle sur la consultation au Directeur(trice) général, Direction de la general intégrée.

Section / L'article	Description	Director General, Corporate Management Branch / Directeur(trice) générale, Direction de la general intégrée	Coordinator, Access to Information and Privacy / Coordinateur(trice), l'accès à l'information et de la protection des renseignements personnels
24	Denial of access – Individuals sentenced for an offence / Refus de communication – Individus condamnés pour une infraction	X	
25	Denial of access – Safety of individuals / Refus de communication – Sécurité des individus	X	
26	Denial of access – Personal information about other individuals / Refus de communication – Renseignements concernant un autre individu	X	
27	Denial of access – Solicitor-client privilege / Refus de communication – Secret professionnel des avocats	X	
27	Waive Solicitor-client privilege / Renonciation au secret professionnel des avocats	X	
28	Denial of access – Physical or mental health of individual / Refus de communication – Dossiers médicaux	X	
31	Receive notice of intention to investigate / Recevoir l'avis d'enquête	X	X
33(2)	Right to make representations to Privacy Commissioner / Droit de présenter des enquêtes	X	X
35(1)	Follow-up on recommendation by the Privacy Commissioner – Investigation / Donner suite à la recommandation du Commissaire -- Enquêtes	X	
35(4)	Give applicant access to information based on recommendation of Privacy Commissioner / Approuver la communication des renseignements suite aux recommandations du Commissaire a la protection de la vie privée	X	

Section / L'article	Description	Director General, Corporate Management Branch / Directeur(trice) générale, Direction de la general intégrée	Coordinator, Access to Information and Privacy / Coordinateur(trice), l'accès à l'information et de la protection des renseignements personnels
36(3)	Follow-up on recommendation by the Privacy Commissioner – Exempt banks / Donner suite à la recommandation du Commissaire -- Fichiers inconsultables	X	
37(3)	Follow-up on recommendation by the Privacy Commissioner – Compliance / Donner suite à la recommandation du Commissaire -- Vérifications	X	
51(2)(b)	Request that hearing be held in the National Capital Region / Règles spéciales pour l'audition des causes	X	
51(3)	Submit <i>ex parte</i> representations / Présentation d'arguments en l'absence d'une autre partie	X	
70	Denial of access – Cabinet confidences / Refus de communication – Documents confidentiels du Cabinet	X	
72	Report to Parliament / Rapports au Parlement	X	
77	Responsibilities conferred on the head of the institution by the Regulations made under section 77 which are not included above / Responsabilités attribuées au responsable de l'institution par règlement fait en vertu de l'article 77 qui ne sont pas incluses ci-dessus	X	X

APPENDIX B

**Statistical Report on the *Privacy Act***Name of institution: Canadian Human Rights CommissionReporting period: 2019-04-01 to 2020-03-31**Section 1: Requests Under the *Privacy Act*****1.1 Number of requests**

	Number of Requests
Received during reporting period	31
Outstanding from previous reporting period	3
Total	34
Closed during reporting period	27
Carried over to next reporting period	7

Section 2: Requests Closed During the Reporting Period**2.1 Disposition and completion time**

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	2	2	0	0	0	0	0	4
Disclosed in part	0	7	6	3	0	0	0	16
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	1	2	0	0	0	0	0	3
Request abandoned	3	0	0	0	0	0	0	3
Neither confirmed nor denied	1	0	0	0	0	0	0	1
Total	7	11	6	3	0	0	0	27

2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
18(2)	0	22(1)(a)(i)	0	23(a)	0
19(1)(a)	0	22(1)(a)(ii)	0	23(b)	0
19(1)(b)	0	22(1)(a)(iii)	0	24(a)	0
19(1)(c)	0	22(1)(b)	7	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	1
19(1)(e)	0	22(2)	0	26	8
19(1)(f)	0	22.1	0	27	13
20	0	22.2	0	27.1	0
21	0	22.3	0	28	0
		22.4	0		

2.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
69(1)(a)	0	70(1)	0	70(1)(d)	0
69(1)(b)	0	70(1)(a)	0	70(1)(e)	0
69.1	0	70(1)(b)	0	70(1)(f)	0
		70(1)(c)	0	70.1	0

2.4 Format of information released

Paper	Electronic	Other
17	3	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
4456	3615	24

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	3	38	1	152	0	0	0	0	0	0
Disclosed in part	5	214	9	1932	2	1279	0	0	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	2	0	1	0	0	0	0	0	0	0
Neither confirmed nor denied	1	0	0	0	0	0	0	0	0	0
Total	11	252	11	2084	2	1279	0	0	0	0

2.5.3 Other complexities

Disposition	Consultation Required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	0	0	4	0	4
Disclosed in part	2	3	16	0	21
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	2	0	2
Neither confirmed nor denied	0	0	0	0	0
Total	2	3	22	0	27

2.6 Closed requests

2.6.1 Number of requests closed within legislated timelines

	Requests closed within legislated timelines
Number of requests closed within legislated timelines	26
Percentage of requests closed within legislated timelines (%)	96.3

2.7 Deemed refusals

2.7.1 Reasons for not meeting legislated timelines

Number of Requests Closed Past the Legislated Timelines	Principal Reason			
	Interference with Operations / Workload	External Consultation	Internal Consultation	Other
1	1	0	0	0

2.7.2 Requests closed beyond legislated timelines (including any extension taken)

Number of Days Past Legislated Timelines	Number of Requests Past Legislated Timeline Where No Extension Was Taken	Number of Requests Past Legislated Timelines Where an Extension Was Taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	1	1
More than 365 days	0	0	0
Total	0	1	1

2.8 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Section 3: Disclosures Under Subsections 8(2) and 8(5)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Subsection 8(5)	Total
0	0	0	0

Section 4: Requests for Correction of Personal Information and Notations

Disposition for Correction Requests Received	Number
Notations attached	0
Requests for correction accepted	0
Total	0

Section 5: Extensions

5.1 Reasons for extensions and disposition of requests

Number of requests where an extension was taken	15(a)(i) Interference with operations				15 (a)(ii) Consultation			15(b) Translation purposes or conversion
	Further review required to determine exemptions	Large volume of pages	Large volume of requests	Documents are difficult to obtain	Cabinet Confidence Section (Section 70)	External	Internal	
8	0	0	6	0	0	2	0	0

5.2 Length of extensions

Length of Extensions	15(a)(i) Interference with operations				15 (a)(ii) Consultation			15(b) Translation purposes or conversion
	Further review required to determine exemptions	Large volume of pages	Large volume of requests	Documents are difficult to obtain	Cabinet Confidence Section (Section 70)	External	Internal	
1 to 15 days	0	0	0	0	0	0	0	0
16 to 30 days	0	0	6	0	0	2	0	0
31 days or greater								0
Total	0	0	6	0	0	2	0	0

Section 6: Consultations Received From Other Institutions and Organizations

6.1 Consultations received from other Government of Canada institutions and other organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during the reporting period	3	248	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	3	248	0	0
Closed during the reporting period	3	248	0	0
Carried over to the next reporting period	0	0	0	0

7.2 Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101–500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Section 8: Complaints and Investigations Notices Received

Section 31	Section 33	Section 35	Court action	Total
1	1	0	0	2

Section 9: Privacy Impact Assessments (PIA) and Personal Information Banks (PIB)

9.1 Privacy Impact Assessments

Number of PIA(s) completed	0
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9.2 Personal Information Banks

Personal Information Banks	Active	Created	Terminated	Modified
	0	0	0	0

Section 10: Material Privacy Breaches

Number of material privacy breaches reported to TBS	1
Number of material privacy breaches reported to OPC	1

Section 11: Resources Related to the *Privacy Act*

11.1 Costs

Expenditures		Amount
Salaries		\$93,497
Overtime		\$0
Goods and Services		\$18,162
• Professional services contracts	\$11,221	
• Other	\$6,941	
Total		\$111,659

11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.92
Part-time and casual employees	0.12
Regional staff	0.00
Consultants and agency personnel	0.13
Students	0.04
Total	1.22

Note: Enter values to two decimal places.

2019-2020 Supplemental Statistical Report – Requests affected by COVID-19 measures

In addition to completing the forms for the Statistical Reports on the ATIA and Privacy Act for 2019-20, institutions are asked to complete this Supplemental Report to help identify the impact of COVID-19 measures on institutional performance for 2019-20 and going forward. The data requirements are set out in the tables below.

Supplemental Statistical Report on the *Access to Information Act*

The following table reports the total number of formal requests received during two periods; 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 1 – Requests Received

		Column (Col.) 1
		Number of requests
Row 1	Received from 2019-04-01 to 2020-03-13	26
Row 2	Received from 2020-03-14 to 2020-03-31	0
Row 3	Total¹	26

¹ – Total for Row 3 should equal the total in the ATI Statistical Report section 1.1 Row 1

The following table reports the total number of requests closed within the legislated timelines and the number of closed requests that were deemed refusals during two periods 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 2 – Requests Closed

		Col. 1	Col. 2
		Number of requests closed within the legislated timelines	Number of requests closed past the legislated timelines
Row 1	Received from 2019-04-01 to 2020-03-13 and outstanding from previous reporting periods	26	0
Row 2	Received from 2020-03-14 to 2020-03-31	0	0
Row 3	Total²	26	0

² – Total for Row 3 Col. 1 should equal the total in the ATI Statistical Report section 3.6.1 Row 1 -- Total for Row 3 Col. 2 should equal the total in the ATI Statistical Report section 3.7.1. Col. 1 Row 1

The following table reports the total number of requests carried over during two periods; 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 3 – Requests Carried Over

		Col. 1
		Number of requests
Row 1	Requests received from 2019-04-01 to 2020-03-13 and outstanding from previous reporting period that were carried over to the 2020-2021 reporting period	2
Row 2	Requests received from 2020-03-14 to 2020-03-31 that were carried over to the 2020-2021 reporting period	0
Row 3	Total³	2

³ – Total for Row 3 should equal the total in the ATI Statistical Report section 1.1 Row 5

Supplemental Statistical Report on the *Privacy Act*

The following table reports the total number of formal requests received during two periods; 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 4 – Requests Received

		Column (Col.) 1
		Number of requests
Row 1	Received from 2019-04-01 to 2020-03-13	31
Row 2	Received from 2020-03-14 to 2020-03-31	0
Row 3	Total¹	31

¹ – Total for Row 3 should equal the total in the Privacy Statistical Report Section 1.1 Row 1

The following table reports the total number of requests closed within the legislated timelines and the number of closed requests that were deemed refusals during two periods 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 5 – Requests Closed

	Col. 1	Col. 2
	Number of requests closed within the legislated timelines	Number of requests closed past the legislated timelines
Row 1	Received from 2019-04-01 to 2020-03-13 and outstanding from previous reporting periods	26
Row 2	Received from 2020-03-14 to 2020-03-31	1
Row 3	Total²	0

² – Total for Row 3 Col. 1 should equal the total in the Privacy Statistical Report Section 2.6.1 Row 1 -- Total for Row 3 Col. 2 should equal the total in the Privacy Statistical Report Section 2.7.1. Col. 1 Row 1

The following table reports the total number of requests carried over during two periods; 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 6– Requests Carried Over

	Col. 1
	Number of requests
Row 1	Requests from 2019-04-01 to 2020-03-13 and outstanding from previous reporting period that were carried over to the 2020-2021 reporting period
Row 2	Requests from 2020-03-14 to 2020-03-31 that were carried over to the 2020-2021 reporting period
Row 3	Total³

³ – Total for Row 3 should equal the total in the Privacy Statistical Report Section 1.1 Row 5