

Transportation Safety Board  
of Canada



Bureau de la sécurité des transports  
du Canada

**ANNUAL REPORT TO PARLIAMENT  
ON THE APPLICATION OF  
THE *PRIVACY ACT***

**1 APRIL 2014 TO 31 MARCH 2015**

**Canada**



Transportation Safety Board  
of Canada



Bureau de la sécurité des transports  
du Canada

Place du Centre  
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Gatineau, Quebec  
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11 June 2015

The Honourable Peter Van Loan, P.C., M.P.  
Leader of the Government in the House of Commons  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Dear Minister:

In accordance with section 72 of the *Privacy Act*, the Transportation Safety Board of Canada is pleased to submit to Parliament this report on its activities relating to the application of the *Act* for the period 1 April 2014 to 31 March 2015.

Sincerely,

Kathleen Fox  
Chair

Canada

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## 1.0 Introduction

Pursuant to section 72 of the *Privacy Act*, the Transportation Safety Board of Canada (TSB) is pleased to table in Parliament this report on its activities relating to the application of the *Act*. The report covers the period from 1 April 2014 to 31 March 2015.

The purpose of the [Privacy Act](#) is to protect the privacy of individuals with respect to personal information about themselves held by government institutions such as the TSB, and to provide individuals with a right of access to that information.

The [Canadian Transportation Accident Investigation and Safety Board Act](#) provides the legal framework that governs TSB activities. Our mandate is to advance transportation safety in the marine, pipeline, rail and air modes of transportation by:

- conducting independent investigations, including public inquiries when necessary, into selected transportation occurrences in order to make findings as to their causes and contributing factors;
- identifying safety deficiencies, as evidenced by transportation occurrences;
- making recommendations designed to eliminate or reduce any such safety deficiencies; and
- reporting publicly on our investigations and on the findings in relation thereto.

More information on the TSB is available at [www.bst-tsb.gc.ca](http://www.bst-tsb.gc.ca).

The TSB's administration of its Access to Information and Privacy (ATIP) activities is in accordance with the government's stated principles that government information should be available to the public with only specific and limited exceptions. Furthermore, the TSB treats personal information in compliance with the code of fair information practice expressed in the *Privacy Act*.

## 2.0 ATIP Office Organization

During 2014-15, the Director General of Corporate Services maintained responsibility as the ATIP Coordinator. The remainder of the ATIP office consisted of five full-time positions and one term position. Due to turnover and absences, the TSB engaged consultants during the year to support the program. In 2015-16, responsibilities for ATIP and the title of ATIP Coordinator will be transferred to the General Counsel position.

The ATIP Office administers requests made pursuant to the *Act* and provides functional advice and guidance to managers and employees concerning the release of information and protection of privacy. In addition, ATIP analysts are required to exhibit strong consultative and negotiating skills when meeting with requesters, employees of the TSB and representatives of the Office of the Privacy Commissioner's office.

### 3.0 *Delegation of Authority*

As required by the legislation, a delegation of authority is in place. For the purposes of the *Privacy Act*, the “head of the institution” as defined in section 3 of the *Act* is the Chair. The incumbents of the positions of Chief Operating Officer and the Director General Corporate Services have been delegated powers by the Chair deemed appropriate for the effective administration of the Act. These employees ensure that the TSB meets all its obligations fairly and consistently. The delegation authority was updated in 2014-15. A copy of the Delegation Order is attached as Appendix A.

### 4.0 *Disposition of Requests*

#### 4.1 *Requests for Personal Information*

In 2014-15, forty-four (44) formal requests for personal information were received during the current reporting period compared to fifty-nine (59) received in 2013-14. Eight (8) requests were brought forward from 2013-14 to 2014-15. Privacy requests received by the TSB are primarily attributed to Canadian airline pilots inquiring as to whether they are named in any occurrence reported to the TSB. Certain international airlines request this information as a pre-employment requirement. The TSB is not supportive of the use of occurrence data for this purpose and includes the following statement in the response letter:

“The presence of an individual’s name or licence number in the TSB’s Aviation Safety Information System (ASIS) database does not assign fault or determine civil or criminal liability. Conversely, the absence of personal information does not imply an occurrence-free flying record.”

Of the fifty-one (51) requests closed in 2014-15, records were fully disclosed to forty-three (43) applicants, partially disclosed to five (5) applicants, documents did not exist in two (2) cases, and one (1) request was abandoned by the requester. One (1) request has been carried over to 2015-16.

Of the fifty-one (51) requests closed during the reporting period, thirty-four (34) were completed within the 1 to 15 days, eleven (11) were completed within 16 to 30 days and six (6) were completed within 31 to 60 days, following an extension due to the volume of records to review. The average time taken to process a request during the 2014-15 reporting period was 16.1 calendar days, compared with last year’s average of 13.4 calendar days.

During this period, the ATIP Office was involved in the search, preparation and review of 1,672 pages of information and the reproduction and release of 810 pages of information. Last year, 636 pages were reviewed and 533 pages were released. The variation in pages reviewed between years is explained by the fact that the topics of the requests vary and a few requests completed in 2014-15 increased the number of records to search and process.

The TSB’s policy of openness allows for the disclosure of information to its employees without necessarily requiring that they invoke the *Privacy Act*. Human Resource officers and support staff handle this sort of request as part of their routine duties. The TSB remains vigilant in

meeting requirements under the *Act* to protect personal information under its control. This is achieved by ensuring that employees are cognizant of their responsibility to protect the personal information they handle in the course of their duties and by respecting the code of fair information practice enshrined in the legislation.

## **4.2     *Costs***

During 2014–15, the ATIP Office incurred an estimated \$53,788 in costs to administer the *Privacy Act*. These costs include salaries, overtime, goods and services, and professional services contracts for temporary help staff but do not include the resources expended by other areas of the TSB to meet the requirements of the *Act*.

## **5.0     *Training and Education***

In terms of internal training activities, the TSB has an orientation program in place for new employees, which includes training on ATIP awareness. One (1) session was delivered in 2014–15 to twenty (20) employees. Additionally, training on ATIP awareness was also provided to twenty (20) TSB Air Investigators as part of an annual Air Safety Investigators Workshop. The ATIP office also provides advice and guidance upon request to individuals and small groups of employees on an informal basis.

In addition, the ATIP staff attended various workshops organized by the Treasury Board Secretariat throughout the fiscal year. These workshops provided ATIP staff with valuable information on trends and best practices within the ATIP community, updates on recent complaints and court cases, and tools to help improve service standards within the field.

## **6.0     *Policies, Guidelines and Procedures***

No new or revised privacy-related policies, guidelines or procedures were implemented by the TSB during the reporting period.

## **7.0     *Complaints and Investigations***

No complaints were received during 2014–15.

The TSB continues to raise awareness at meetings of all managers on what constitutes personal information and provided guidance on how to answer inquiries regarding employees without releasing personal information.

## **8.0 *Monitoring Process***

The TSB monitors the time to process privacy requests, through bi-weekly meetings between the Director General Corporate Services and the Senior ATIP Analyst during which the status of outstanding requests are reviewed. Any significant issues are raised to the Chief Operating Officer on an ad hoc basis, such as when assistance is needed in processing a particularly complex request.

## **9.0 *Material Privacy Breaches***

No material privacy breaches occurred during the reporting period.

## **10.0 *Privacy Impact Assessments***

The TSB did not undertake any Privacy Impact Assessments (PIA) during the reporting period.

## **11.0 *Disclosures Pursuant to Paragraph 8(2)(m)***

The TSB did not disclose any information pursuant to paragraph 8(2)(m) during the reporting period.

## **12.0 *Statistics Required by Treasury Board***

The statistics required by the Treasury Board Secretariat are found in Appendix B.



## Appendix A - Delegation Order

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Transportation Safety Board  
of Canada



Bureau de la sécurité des transports  
du Canada

August 21, 2014

### **Designation Order – *Privacy Act***

The Chair of the Transportation Safety Board of Canada, pursuant to Section 73 of the *Privacy Act*, hereby designates the persons holding the positions of Chief Operating Officer and Director General, Corporate Services, or the persons occupying on an acting basis those positions, to exercise the powers and perform the duties and functions of the Chair as the head of a government institution under the Act.

A handwritten signature in blue ink, appearing to read 'Kathy Fox'.

Kathy Fox  
Chair

## Appendix B – Statistical Report

### Statistical Report on the *Privacy Act*

Name of institution: Transportation Safety Board of Canada

Reporting period: 2014-04-01 to 2015-03-31

#### Part 1: Requests Under the *Privacy Act*

	Number of Requests
Received during reporting period	44
Outstanding from previous reporting period	8
<b>Total</b>	<b>52</b>
Closed during reporting period	51
Carried over to next reporting period	1

#### Part 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	32	9	2	0	0	0	0	43
Disclosed in part	0	1	4	0	0	0	0	5
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	2	0	0	0	0	0	0	2
Request abandoned	0	1	0	0	0	0	0	1
Neither confirmed nor denied	0	0	0	0	0	0	0	0
<b>Total</b>	<b>34</b>	<b>11</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>51</b>

## 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)	2	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	5
19(1)(f)	0	22.1	0	27	0
20	0	22.2	0	28	0
21	0	22.3	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

Disposition	Paper	Electronic	Other formats
All disclosed	6	5	32
Disclosed in part	5	0	0
<b>Total</b>	<b>11</b>	<b>5</b>	<b>32</b>

## 2.5 Complexity

### 2.5.1 Relevant pages processed and disclosed

Disposition of Requests	Number of Pages Processed	Number of Pages Disclosed	Number of Requests
All disclosed	399	399	43
Disclosed in part	1273	411	5
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	1
Neither confirmed nor denied	0	0	0
<b>Total</b>	<b>1672</b>	<b>810</b>	<b>49</b>

### 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	43	399	0	0	0	0	0	0	0	0
Disclosed in part	2	64	3	347	0	0	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	1	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>46</b>	<b>463</b>	<b>3</b>	<b>347</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 2.5.3 Other complexities

Disposition	Consultation Required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	0	0	0	1	1
Disclosed in part	1	0	0	6	7
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>8</b>

## 2.6 Deemed refusals

### 2.6.1 Reasons for not meeting statutory deadline

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

**2.6.2 Number of days past deadline**

<b>Number of Days Past Deadline</b>	<b>Number of Requests Past Deadline Where No Extension Was Taken</b>	<b>Number of Requests Past Deadline Where An Extension Was Taken</b>	<b>Total</b>
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	0	0
More than 365 days	0	0	0
<b>Total</b>	0	0	0

**2.7 Requests for translation**

<b>Translation Requests</b>	<b>Accepted</b>	<b>Refused</b>	<b>Total</b>
English to French	0	0	0
French to English	0	0	0
<b>Total</b>	0	0	0

**Part 3: Disclosures Under Subsections 8(2) and 8(5)**

<b>Paragraph 8(2)(e)</b>	<b>Paragraph 8(2)(m)</b>	<b>Subsection 8(5)</b>	<b>Total</b>
0	0	0	0

**Part 4: Requests for Correction of Personal Information and Notations**

<b>Disposition for Correction Requests Received</b>	<b>Number</b>
Notations attached	0
Requests for correction accepted	0
<b>Total</b>	0

## Part 5: Extensions

### 5.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	15(a)(i) Interference With Operations	15(a)(ii) Consultation		15(b) Translation or Conversion
		Section 70	Other	
All disclosed	1	0	0	0
Disclosed in part	5	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
<b>Total</b>	6	0	0	0

### 5.2 Length of extensions

Length of Extensions	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation purposes
		Section 70	Other	
1 to 15 days	0	0	0	0
16 to 30 days	6	0	0	0
<b>Total</b>	6	0	0	0

## Part 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	0	0	0	0
Outstanding from the previous reporting period	0	0	0	0
<b>Total</b>	0	0	0	0
Closed during the reporting period	0	0	0	0
Pending at the end of the reporting period	0	0	0	0

## 6.2 Recommendations and completion time for consultations received from other Government of Canada institutions

Recommendation	Number of Days Required to Complete Consultation Requests							
	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	Total
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	0	0	0	0	0	0	0	0

## 6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							
	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	Total
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	0	0	0	0	0	0	0	0

## Part 7: Completion Time of Consultations on Cabinet Confidences

### 7.1 Requests with Legal Services

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
<b>Total</b>	0	0	0	0	0	0	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
<b>Total</b>	0	0	0	0	0	0	0	0	0	0

## Part 8: Complaints and Investigations Notices Received

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



## Part 9: Privacy Impact Assessments (PIAs)

Number of PIA(s) completed	0
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## Part 10: Resources Related to the *Privacy Act*

### 10.1 Costs

Expenditures		Amount
Salaries		\$39,114
Overtime		\$0
Goods and Services		\$14,674
• Professional services contracts	\$13,165	
• Other	\$1,509	
<b>Total</b>		<b>\$53,788</b>

### 10.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.55
Part-time and casual employees	0.02
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
<b>Total</b>	<b>0.57</b>