



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 2020 TO 31 MARCH 2021**

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Annual report to Parliament on the application of the *Privacy Act* 2020–21

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Place du Centre, 4th floor
200 Promenade du Portage
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10 December 2021

The Honourable Bill Blair, P.C., M.P.
President of the Queen's Privy Council for Canada
and Minister of Emergency Preparedness
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 2020 to 31 March 2021.

Sincerely,

Kathleen Fox
Chair

Table of contents

1.0	Introduction	1
2.0	ATIP Office organization	1
3.0	Delegation of authority	2
4.0	Disposition of requests	2
4.1	Requests for personal information.....	2
5.0	Costs	3
6.0	Training and education.....	3
7.0	Policies, guidelines, and procedures.....	4
8.0	Complaints and investigations.....	4
9.0	Monitoring process.....	4
10.0	Material privacy breaches	4
11.0	Privacy impact assessments	4
12.0	Disclosures pursuant to paragraph 8(2)(m)	5
13.0	Statistics required by the Treasury Board	5
	Appendices	6
	Appendix A - Delegation order.....	6
	Appendix B - Statistical report on the <i>Privacy Act</i>	7

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 2020 to 31 March 2021.

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 the TSB's activities. Our mandate is to advance transportation safety in the air, marine, pipeline and rail 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.tsb-bst.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 2020–21, the Director General, Corporate Services held the responsibilities of the ATIP Coordinator. The ATIP Office also consisted of four full-time positions and help from a consultant.

The ATIP Office administers the 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. 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.

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 of the TSB. The incumbents of the positions of Chief Operating Officer, General Counsel, Director General for Corporate Services and Senior ATIP Analyst 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 November 2019 and remains unchanged. A copy of the Delegation Order is attached as Appendix A.

4.0 Disposition of requests

4.1 Requests for personal information

During the 2020–21 reporting period, twenty-two (22) formal requests for personal information were received, compared to twenty-three (23) received in 2019–20 and twenty-six (26) in 2018–19. Privacy requests received by the TSB are primarily attributed to Canadian airline pilots inquiring as to whether they are named in any occurrences reported to the TSB as certain international airlines request this information as a pre-employment requirement. As well, some employees will request access to their personal information.

Of the twenty-four (24) requests closed in 2020–21, records were fully disclosed in twenty (20) cases (84%), in two (2) cases (8%) records didn’t exist and in two (2) cases (8%) records were disclosed in part. One (1) request was carried over to the next fiscal year.

Of the requests closed during the reporting period, twenty (20) were completed within 1 to 15 days, two (2) were completed within 16 to 30 days and two (2) were completed within 181 to 365 days. The average time taken to process a request during the 2020–21 reporting period was thirty-three (33) calendar days, compared with last year’s average of eight (8) calendar days in 2019–20. Additional delays were caused by limited physical accesses to office and repository sites due to sanitary measures during the pandemic, delaying capacity to verify paper records.

During this period, the ATIP Office was involved in the search, preparation, and review of one thousand nine hundred and thirty-four (1934) pages of information, and the reproduction and release of seven hundred (700) pages of information. Last year, twenty-two (22) pages were reviewed and eighteen (18) pages were released. The variation in the number of pages reviewed between years is due to the different type of requests received and additional requests from employees requesting access to their personal information.

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 resources officers and support

staff handle these requests 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.

As with all federal institutions, the situation of the new coronavirus (COVID-19) affected the operations of the TSB ATIP office since mid-March 2020. However, the TSB ATIP Office was already operating remotely from time to time by some of its employees prior to the initiation of public health measures to counter the spread of the virus and the pandemic, with the majority of records also being in electronic format. Despite a slowdown in the speed of access to the electronic network due to the use of remote access to the computer network by all employees all at once, the TSB ATIP Office maintained its operations and process of ATIP requests till March 31st, 2021, with some delays due to limited access to paper records caused by public health measures and the pandemic.

5.0 Costs

During 2020–21, the ATIP Office incurred an estimated \$28,574 in costs to administer the *Privacy Act*, compared to \$39,007 for the reporting period of 2019–20 and \$48,071 for the 2018–19 reporting period. 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.

6.0 Training and education

The TSB has an orientation program in place for new employees, which includes training on ATIP awareness. In addition, the TSB has now made it mandatory for all staff to attend comprehensive ATIP training sessions given by the ATIP Office. During 2020–21, the ATIP Office did not provide training sessions, compared to one (1) training session during 2019–20. The ATIP Office, however, worked on new training materials in order to prepare training sessions for next fiscal year and adapt this material for the new teleworking environment. The ATIP Office plans on providing new training sessions to employees in 2021–22. The ATIP Office provides advice and guidance on an ongoing basis to individuals and employees internally, and documented fourteen (14) requests from various TSB sectors.

Given the responsibilities and knowledge requirements of the TSB ATIP Office, there is a long learning curve for its staff. Continuous on-the-job training is provided to ATIP staff to ensure sound and current knowledge of ATIP requirements and procedures, as well as TSB operations. In this context, ATIP staff attended by ways of video-conferencing to all ATIP Community Meetings organized by the Treasury Board Secretariat during 2020–21. These Community Meetings provided ATIP staff with valuable information on trends and best practices within the ATIP circle, updates on recent complaints and court cases, and tools to help improve service

standards within the field. Additionally, refresher courses at the Canadian School of the Public Service are now offered on ATIP and ATIP staff attended some of these courses. Finally, ATIP staff attended by videoconference the yearly Canadian Bar Association Symposium on Access to Information and Privacy's latest law trends.

7.0 Policies, guidelines, and procedures

There were no changes to privacy-related policies, guidelines, or procedures implemented by the TSB during the reporting period.

8.0 Complaints and investigations

Two (2) complaints were received by the Privacy Commissioner during fiscal year 2020–21 about the TSB. The complaints alleged that the TSB took unreasonable delays to respond to these privacy requests. While the TSB had provided interim releases for what it could, and within legislated time requirements, the TSB could not complete a full search for records due to sanitary health measures during the pandemic, and limits to accesses to office and records storage facilities, causing an unusual longer delay to process these requests. While the investigations about these complaints were ongoing at end of fiscal year 2020–21, the TSB completed the searches and provided final responses to the requester by end of fiscal year 2020–21.

There were no other complaint from the previous fiscal year.

9.0 Monitoring process

The TSB monitors the time to process privacy requests, through biweekly meetings between the ATIP Coordinator and the Senior ATIP Analyst, during which the status of outstanding requests is reviewed. Any significant issues are raised to the Chief Operating Officer on an ad-hoc basis when required.

10.0 Material privacy breaches

No material privacy breaches occurred during the reporting period.

11.0 Privacy impact assessments

The TSB did not undertake any privacy impact assessments during the reporting period.

12.0 Disclosures pursuant to paragraph 8(2)(m)

During fiscal year 2020–21, the TSB made no disclosure of information in the public interest pursuant to paragraph 8(2)(m).

13.0 Statistics required by the Treasury Board

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

Appendices

Appendix A – Delegation order



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1 November 2019

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 set out in the table below, or the persons occupying on an acting basis those positions, to exercise the specified powers and perform the related duties and functions of the Chair as the Head of a government institution under the *Privacy Act*.

This designation replaces the designation dated 5 January 2017.

Positions	Sections of the <i>Privacy Act</i>
Chair	All sections
Chief Operating Officer	All sections
General Counsel	All sections
Director General, Corporate Services	All sections
Senior ATIP Analyst	Extensions - Section 15


Kathleen Fox
Chair

Canada

Appendix B – Statistical report on the Privacy Act



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Statistical Report on the *Privacy Act*

Reporting period: 2020-04-01 to 2021-03-31

Section 1: Requests under the *Privacy Act*

1.1 Number of requests

	Number of requests
Received during reporting period	22
Outstanding from previous reporting period	3
Total	25
Closed during reporting period	24
Carried over to next reporting period	1

Section 2: Requests closed during the reporting period

2.1 Disposition and completion time

Disposition of requests	Completion time							Total
	1–15 days	16–30 days	31–60 days	61–120 days	121–180 days	181–365 days	More than 365 days	
All disclosed	18	2	0	0	0	0	0	20
Disclosed in part	0	0	0	0	0	2	0	2
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	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	20	2	0	0	0	2	0	24

2.2 Exemptions

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

2.3 Exclusions

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

2.4 Format of information released

Paper	Electronic	Other formats
0	22	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Number of pages processed	Number of pages disclosed	Number of requests
1923	700	22

2.5.2 Relevant pages processed and disclosed, by size of request

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	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed
All disclosed	20	33	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	2	667	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	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	20	33	0	0	2	667	0	0	0	0

2.5.3 Other complexities

Disposition	Consultation required	Legal advice sought	Interwoven information	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	2	0	0	0	2
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
Total	2	0	0	0	2

2.6 Closed requests

2.6.1 Number of requests closed within legislated timelines

Number of requests closed within legislated timelines	22
Percentage of requests closed within legislated timelines (%)	91.7

2.7 Deemed refusals

2.7.1 Reasons for not meeting statutory deadline

Number of requests closed past the statutory deadline	Principal reason			
	Workload	External consultation	Internal consultation	Other
2	0	0	0	2

2.7.2 Number of days past deadline

Number of days past deadline	Number of requests past deadline where no extension was taken	Number of requests past deadline where an extension was taken	Total
1–15 days	0	0	0
16–30 days	0	0	0
31–60 days	0	0	0
61–120 days	0	0	0
121–180 days	0	0	0
181–365 days	0	2	2
More than 365 days	0	0	0
Total	0	2	2

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)

3.1 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

4.1 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	
2	0	2	0	0	0	0	0	0

5.2 Length of extension

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	
1–15 days	0	0	0	0	0	0	0	0
16–30 days	0	2	0	0	0	0	0	0
31 days or more	0	0	0	0	0	0	0	0
Total	0	2	0	0	0	0	0	0

Section 6: Consultations received from other institutions and organizations

6.1 Consultations received from other Government of Canada institutions, 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
Total	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							Total
	1–15 days	16–30 days	31–60 days	61–120 days	121–180 days	181–365 days	More than 365 days	
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
Total	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							Total
	1–15 days	16–30 days	31–60 days	61–120 days	121–180 days	181–365 days	More than 365 days	
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
Total	0	0	0	0	0	0	0	0

Section 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	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed
1–15	0	0	0	0	0	0	0	0	0	0
16–30	0	0	0	0	0	0	0	0	0	0
31–60	0	0	0	0	0	0	0	0	0	0
61–120	0	0	0	0	0	0	0	0	0	0
121–180	0	0	0	0	0	0	0	0	0	0
181–365	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

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	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Pages Disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed
1–15	0	0	0	0	0	0	0	0	0	0
16–30	0	0	0	0	0	0	0	0	0	0
31–60	0	0	0	0	0	0	0	0	0	0
61–120	0	0	0	0	0	0	0	0	0	0
121–180	0	0	0	0	0	0	0	0	0	0
181–365	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

8.1 Complaints and investigations notices received

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

Section 9: Privacy impact assessments (PIAs) and personal information banks (PIBs)

9.1 Privacy impact assessments

Number of PIA(s) completed	0
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9.2 Personal information banks

Active	Created	Terminated	Modified
0	0	0	0

Section 10: Material privacy breaches

Number of material privacy breaches reported to TBS	0
Number of material privacy breaches reported to OPC	0

Section 11: Resources related to the *Privacy Act*

11.1 Costs

Expenditures	Amount
Salaries	\$27,731
Overtime	\$0
Goods and services	\$843
<ul style="list-style-type: none"> • Professional services contracts 	\$0
<ul style="list-style-type: none"> • Other 	\$843
Total	\$28,574

11.2 Human resources

Resources	Person years dedicated to privacy activities
Full-time employees	0.40
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	0.40