

**Office of the Administrator of the
Fund for Railway Accidents Involving Designated Goods**

Annual report to Parliament
on the *Privacy Act*

2020-2021

Canada

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Table of contents

- 1. Introduction 4
- 2. Our mandate 4
- 3. Organizational structure for privacy activities..... 5
- 4. Privacy activities..... 6
 - 4.1 Requests, consultations, and public interest disclosures 6
 - 4.2 Complaints, audits, and privacy breaches 6
 - 4.3 Training and awareness 6
 - 4.4 Policies, guidelines, and procedures..... 7
 - 4.5 Privacy Impact Assessments (PIAs)..... 7
 - 4.6 Impact of COVID-19 related measures 7
- Appendix A: Delegation order 9
- Appendix B: Statistical report 13
- Appendix C: Supplemental statistical report 23

1. Introduction

The Office of the Administrator of the Fund for Railway Accidents Involving Designated Goods is pleased to submit to Parliament its annual report on the administration of the *Privacy Act* (PA) for the fiscal year commencing on April 1, 2020 and ending March 31, 2021. This report is submitted in accordance with section 72 of the PA. The report is tabled in Parliament through the Minister of Transport.

The Office of the Administrator of the Fund for Railway Accidents Involving Designated Goods became subject to the PA on February 12, 2018.

The PA extends to individuals the right of access to information about themselves held by the government, subject to specific and limited exceptions. The PA also protects individuals' personal information and gives individuals substantial control over its collection, use and disclosure.

2. Our mandate

The Fund for Railway Accidents Involving Designated Goods (the Fund) is a specified purpose account in the accounts of Canada, established under section 153.4 of the *Canada Transportation Act*. The Fund compensates victims of damages caused by a major crude-by-rail accident. Compensation starts after railway companies have paid damages up to the amount required by law. The Fund is financed through a levy, a per-tonne fee, paid by the first federally regulated railway that transports a crude oil shipment in Canada.

The Fund has no limit to how much it can compensate. Should the amount available with the Fund be insufficient to pay all eligible claims, the Fund has access to additional money through the Consolidated Revenue Fund, which would be reimbursed over time, with interest, through levies.

At this time, designated goods include crude oil, but other goods can be added by regulation.

The Fund is managed by an independent Administrator, who reports to Parliament through the Minister of Transport. The Administrator, appointed by the Governor in Council:

- As an independent authority, must investigate and assess all claims filed against the Fund, subject to appeal to the Federal Court of Canada;
- Has the powers of a Commissioner under Part 1 of the *Inquiries Act*;
- Offers compensation to claimants for whatever portion of the claim the Administrator finds to be established and, where a claimant accepts an offer, the Administrator directs payment to the claimant from the Fund;

- Becomes a party by statute to any proceedings commenced by a claimant against the railway companies;
- Ensures records are properly maintained;
- Prepares an annual report on the operations of the Fund, which is laid before Parliament by the Minister of Transport.

3. Organizational structure for privacy activities

The Administrator is the designated head of the Office of the Administrator of the Fund for the PA. The Information Management Officer fulfills the role of Access to Information and Privacy (ATIP) Coordinator and has been delegated all authorities in relation to the PA. An ATIP Consultant is hired to address any ATIP requests or related issues. There are no regional ATIP staff.

The ATIP Coordinator is accountable for the development, coordination and implementation of effective policies, guidelines, systems and procedures. This will ensure that responsibilities under the PA are met at the Office of the Administrator of the Fund and there is appropriate processing and proper disclosure of information. The ATIP Coordinator is also responsible for related policies, systems and procedures emanating from the PA.

The main activities of the ATIP Coordinator include:

- Processing requests under the PA;
- Developing and maintaining policies, procedures and guidelines to ensure the PA is respected by the Office of the Administrator of the Fund;
- Promoting awareness of the PA to ensure the responsiveness of the Office of the Administrator of the Fund to the obligations imposed on the government;
- Monitoring compliance of the Office of the Administrator of the Fund with the PA, regulations and relevant procedures and policies;
- Preparing annual reports to Parliament and other statutory reports, as well as other material that may be required by central agencies;
- Representing the Office of the Administrator of the Fund in dealings with the Treasury Board Secretariat (TBS), the Privacy Commissioner and other government funds and agencies regarding the application of the PA as they relate to the Office of the Administrator of the Fund;
- Supporting the Office of the Administrator of the Fund in meeting its commitments in relation to greater openness and transparency through proactive disclosure of information and the disclosure of information through informal avenues.

The delegation order for the administration of the PA is attached in Appendix A.

For 2020-2021, the costs directly associated with the administration of the PA are estimated at \$1,497, covering salaries.

The associated employee resources for administering the PA in 2020-2021 are estimated at 0.016 person years.

4. Privacy activities

4.1 Requests, consultations, and public interest disclosures

During the reporting period, no requests were received and none were outstanding from the previous period. This is consistent with previous years. No consultations from other institutions were received during the reporting period.

The Office of the Administrator of the Fund did not make any disclosures of personal information pursuant to subsection 8(2)(m) of the PA during the reporting period.

There was no monitoring of compliance of the time taken to process privacy requests required.

The complete statistical report on the PA for 2020-2021 is attached in Appendix B.

4.2 Complaints, audits, and privacy breaches

The Office of the Administrator of the Fund did not receive any PA complaints during the reporting period.

There were no material privacy breaches that occurred during the reporting period.

4.3 Training and awareness

All new staff are provided with a one-on-one introduction to ATIP by the ATIP Coordinator when they start their position at the Office of the Administrator of the Fund. Optional monthly training sessions are also offered throughout the year on various information management topics. Topics covered during the reporting period include access to information and privacy responsibilities, and information protection. The goals of these sessions are to familiarize staff with their privacy and information protection responsibilities, and to promote and facilitate adoption of information management practices. This improves adherence to policies that ensure protection of privacy as well as the efficiency and ease of retrieving information from

the institution's records. These sessions were attended by an average of five staff members (about a third of the complement) per month.

Additional advice and recommendations were provided by a consultant on an as required basis to Management and staff.

4.4 Policies, guidelines, and procedures

No policies, guidelines, procedures, or initiatives were newly adopted or revised during the reporting period. Preparatory activities were undertaken to develop processes related to the use of the ATIP Online Management Tool (AOMT). The AOMT is being rolled out to government institutions by the Treasury Board of Canada Secretariat (TBS). Onboarding to the AOMT will be completed in accordance with TBS timelines.

4.5 Privacy Impact Assessments (PIAs)

There were no Privacy Impact Assessments (PIAs) done during this reporting period.

4.6 Impact of COVID-19 related measures

COVID-19 related measures were in place throughout the reporting period, adjusted as required according to public health guidelines. Nevertheless, the Office of the Administrator of the Fund retained the ability to receive requests by mail, by email, and via the ATIP Online Request Service (AORS). There was no change in the number of requests received. Responses could be provided to the requestors by mail or electronically.

The Office of the Administrator of the Fund had a reduced capacity to process records in response to requests, should any have been received. This was due to limited access to physical records and to the internal network, both by staff responsible for carrying out privacy activities, and by the business units who retain primary interest in the records. This would impact the ability to retrieve and process records in a timely manner, which would have resulted in minor delays.

The Office of the Administrator of the Fund was required to take special measures to ensure the protection of personal information during periods of remote work. For example, the office remained open during COVID-19 shutdown periods to allow staff members to access records containing personal information as required.

Other PA responsibilities were not hindered or impacted by the COVID-19 related measures.

The complete supplemental statistical report, detailing the institution's capacity to receive requests and process records during the reporting period, is attached in Appendix C.

Appendix A: Delegation order

Fund for Railway Accidents Involving Designated Goods

**Privacy Act
Delegation Order**

The Administrator of the Fund for Railway Accidents Involving Designated Goods, pursuant to section 73 of the *Privacy Act* (the *Act*) hereby designates the persons holding the positions set out herein or the persons occupying those positions on an acting basis, to exercise the powers, duties or functions of the Administrator as the head of a government institution, under the section or sections of the *Act* set out hereunder opposite each position.

Position	<i>Privacy Act</i>	
ATIP Coordinator	8(2)(j)	Disclosure for research purposes
ATIP Coordinator	8(2)(m)	Disclosure in the public interest or in the interest of the individual
ATIP Coordinator	8(4)	Copies of requests under 8(2)(e) to be retained
ATIP Coordinator	8(5)	Notice of disclosure under 8(2)(m)
ATIP Coordinator	9(1)	Records of disclosures to be retained
ATIP Coordinator	9(4)	Consistent uses
ATIP Coordinator	10	Personal information to be included in personal information banks
ATIP Coordinator	14	Notice where access requested
ATIP Coordinator	15	Extension of time limits
ATIP Coordinator	17(2)(b)	Language of access
ATIP Coordinator	17(3)(b)	Access to personal information in alternative format
ATIP Coordinator	18(2)	Exemption (exempt bank) - Disclosure may be refused
ATIP Coordinator	19(1)	Exemption – Personal information obtained in confidence
ATIP Coordinator	19(2)	Exemption – Where authorized to disclose
ATIP Coordinator	20	Exemption – Federal-provincial affairs
ATIP Coordinator	21	Exemption – International affairs and defence
ATIP Coordinator	22	Exemption – Law enforcement and investigation
ATIP Coordinator	22.3	Exemption – <i>Public Servants Disclosure Protection Act</i>

Fund for Railway Accidents Involving Designated Goods

Privacy Act
Delegation Order

Position	<i>Privacy Act</i>	
ATIP Coordinator	23	Exemption – Security clearances
ATIP Coordinator	24	Exemption – Individuals sentenced for an offence
ATIP Coordinator	25	Exemption – Safety of individuals
ATIP Coordinator	26	Exemption – Information about another individual
ATIP Coordinator	27	Exemption – Solicitor-client privilege
ATIP Coordinator	28	Exemption – Medical record
ATIP Coordinator	31	Notice of intention to investigate
ATIP Coordinator	33(2)	Right to make representation
ATIP Coordinator	35(1)	Findings and recommendations of Privacy Commissioner (complaints)
ATIP Coordinator	35(4)	Access to be given
ATIP Coordinator	36(3)	Report of findings and recommendations (exempt banks)
ATIP Coordinator	37(3)	Report of findings and recommendations (compliance review)
ATIP Coordinator	51(2)(b)	Special rules for hearings
ATIP Coordinator	51(3)	Ex parte representations
ATIP Coordinator	72(1)	Report to Parliament

Fund for Railway Accidents Involving Designated Goods

Privacy Act
Delegation Order

Position	<i>Privacy Regulations</i>	
ATIP Coordinator	9	Reasonable facilities and time provided to examine personal information
ATIP Coordinator	11(2)	Notification that correction to personal information has been made
ATIP Coordinator	11(4)	Notification that correction to personal information has been refused
ATIP Coordinator	13(1)	Disclosure of personal information relating to physical or mental health may be made to qualified medical practitioner or psychologist for an opinion on whether to release information to the requester
ATIP Coordinator	14	Disclosure of personal information relating to physical or mental health may be made to requester in presence of a qualified medical practitioner or psychologist

Dated at Ottawa on September 2, 2020



Anne Legars, LL.M., CAE
Administrator

Appendix B: Statistical report



Statistical Report on the *Privacy Act*

Name of institution: Fund for Railway Accidents Involving Designated Goods

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	0
Outstanding from previous reporting period	0
Total	0
Closed during reporting period	0
Carried over to next reporting period	0

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	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
No records exist	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

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)	0	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	0
19(1)(f)	0	22.1	0	27	0
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
0	0	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
0	0	0

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	0	0	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	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	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	0	0	0	0	0	0	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	0	0	0	0	0
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	0	0	0	0	0

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	0
Percentage of requests closed within legislated timelines (%)	0

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
0	0	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	0	0
More than 365 days	0	0	0
Total	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 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	0	0	0	0	0	0
31 days or greater								0
Total	0	0	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 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
Total	0	0	0	0
Closed during the reporting period	0	0	0	0
Carried over to the next reporting period	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	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

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
0	0	0	0	0

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
	22	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	\$1,497
Overtime	\$0
Goods and Services	\$0
• Professional services contracts	\$0
• Other	\$0
Total	\$1,497

11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.016
Part-time and casual employees	0.000
Regional staff	0.000
Consultants and agency personnel	0.000
Students	0.000
Total	0.016

Note: Enter values to three decimal places.

Appendix C: Supplemental statistical report



Supplemental Statistical Report on the *Access to Information Act* and *Privacy Act*

Name of institution: FRAIDG

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

Section 1: Capacity to Receive Requests

Enter the number of weeks your institution was able to receive ATIP requests through the different channels.

	Number of Weeks
Able to receive requests by mail	52
Able to receive requests by email	52
Able to receive requests through the digital request service	52

Section 2: Capacity to Process Records

2.1 Enter the number of weeks your institution was able to process paper records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Paper Records	0	52	0	52
Protected B Paper Records	0	52	0	52
Secret and Top Secret Paper Records	52	0	0	52

2.2 Enter the number of weeks your institution was able to process electronic records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Electronic Records	0	52	0	52
Protected B Electronic Records	0	52	0	52
Secret and Top Secret Electronic Records	52	0	0	52