

**Office of the Administrator of the  
Ship-source Oil Pollution Fund**

Annual Report to Parliament  
on the *Privacy Act*

**2023-2024**

Canada<sup>\*</sup>

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# 1. Introduction

The Office of the Administrator of the Ship-source Oil Pollution Fund 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, 2023, and ending March 31, 2024. This report is submitted in accordance with section 72 of the PA. The report is tabled in Parliament through the Minister of Transport.

The PA provides Canadian citizens and permanent residents with the right of access to and correction of personal information about themselves that is under the control of a government institution. It also provides the legal framework for the collection, retention, use, disclosure, disposition and accuracy of personal information in the administration of programs and activities by government institutions subject to the act.

## 1.1 Our mandate

The Ship-source Oil Pollution Fund (the Fund) is a specified purpose account established in the accounts of Canada. The Fund compensates victims of oil pollution for damages caused by any type of oil, from any ship or boat, anywhere in Canadian waters. Then, all reasonable steps are taken to recover costs from polluters.

The Fund is governed by Part 7 of the *Marine Liability Act* (MLA). Canada is also a contracting State in the international regime, thereby aligning the Canadian regime to international conventions.

The amount held in the Fund comes from the accumulated balance of the Maritime Pollution Claims Fund (MPCF), which was transferred to the Fund in 1989, and subsequent interest generated on that balance. The MPCF was funded by a levy paid by oil receivers and shippers to and from Canada between 1972 and 1976.

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:

- Acts as an independent authority to investigate and assess all claims submitted to 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 out of the Fund;

- Must take recourse action against third parties to recover the amount paid out of the Fund to a claimant and may also take action to obtain security, either prior to or after receiving a claim;
- Becomes a party by statute to any proceedings commenced by a claimant against the owner of a ship, its insurer, or the International Oil Pollution Compensation (IOPC) Funds, as the case may be after having been served with the document commencing the proceedings;
- Directs payments out of the Fund for all Canadian contributions to the IOPC Funds (such contributions are based on oil receipts in Canada reported by the Administrator to the Director of the IOPC Funds);
- Participates with the Canadian delegation at meetings of the Executive Committee and the Assembly of the IOPC Funds;
- Is consulted by the Minister of Transport with regard to the release of necessary emergency funding of up to \$10 million per fiscal year (or additional funds to a maximum of \$50 million per fiscal year, if required) to the Minister of Fisheries and Oceans (DFO), to respond to a significant incident involving the discharge of oil from a ship;
- Has inspection and inquiry powers with respect to oil shippers' data reporting obligations, infringement of which may cause Administrative Monetary Penalties (AMPs);
- Prepares an annual report on the operations of the Fund, which is laid before Parliament by the Minister of Transport.

## **2. Organizational Structure**

The Director, Corporate Services is the designated Access to Information and Privacy (ATIP) coordinator of our institution. He is responsible for ensuring that the institution meets its responsibilities under ATIP by administering the Act and overseeing all related activities. He is supported by the Research and Program Support Officer, who has about 20% of his time dedicated to ATIP activities.

There are no regional ATIP staff.

A consultant provides expert assistance in the area of ATIP on an as-required basis.

## **3. Delegation Order**

Under the PA, the Administrator is the designated head of our institution for the purpose of administering the legislation. Section 73(1) of the PA authorizes the head of the institution to designate, by order, one or more employees of the institution to exercise or perform any powers,

duties or functions of the head of the institution that are specified in the order. The Director, Corporate Services fulfills the role of Access to Information and Privacy (ATIP) Coordinator and has been delegated all authorities in relation to the PA.

The Delegation Order was signed on July 13, 2023, and a copy is included in Appendix A.

## **4. Performance 2023-2024**

No requests were received during the reporting year, and none were outstanding from the previous period. Therefore, our compliance rate is of 100% for the reporting year.

The following sections provide highlights and interpretations of the 2023-2024 statistical report as well as the 2023-2024 supplemental report. The complete reports are included in Appendices B and C.

### **4.1 Section 1 – Requests under the PA**

We did not receive any new requests for personal information under the PA during the reporting year.

### **4.2 Section 2 – Informal requests**

We did not receive or process any informal requests for personal information under the PA during the reporting year.

### **4.3 Section 3 – Number of requests closed during the reporting period**

As there were no new or outstanding requests for personal information during the reporting year, no requests were closed.

### **4.4 Section 4 – Disclosures under subsections 8(2) and 8(5)**

No disclosures under subsections 8(2) and 8(5) were made during the reporting year.

#### **4.5 Section 5 – Requests for correction of personal information and notations**

Neither corrections nor notations were requested during the reporting year.

#### **4.6 Section 6 – Extensions**

No extension was required during the reporting year.

#### **4.7 Section 7 – Consultations received from other institutions and organizations**

No consultations were received from other federal institutions or other organizations during the reporting year.

#### **4.8 Section 8 – Completion time of consultations on Cabinet confidences**

We did not process any Cabinet confidences in relation to requests under the PA during the reporting year.

#### **4.9 Section 9 – Complaints and investigations notices received**

No complaints or requests for investigation were received, and no appeals have been made to the Federal Court during the reporting year.

#### **4.10 Section 10 – Privacy Impact Assessments and Personal Information Banks**

We did not complete any Privacy Impact Assessments during the reporting year.

We have one active specific Personal Information Bank and 26 central Personal Information Banks. We did not create, terminate or modify any Personal Information Banks during the reporting year.

#### **4.11 Section 11 – Privacy breaches**

No material or non-material privacy breaches were reported during the reporting year.

#### **4.12 Section 12 – Resources related to the PA**

For 2023-2024, the costs directly associated with the administration of the PA are \$3,891, covering salaries and professional service contracts.

The associated full-time equivalency (FTE) human resources for administering the PA in 2023-2024 are 0.037 person years.

### **5. Training and Awareness**

All new staff are provided with a one-on-one introduction to ATIP when they start their position at our institution. A more detailed training session on ATIP for all employees was provided by an ATIP consultant. Several employees have also attended the Transport Canada ATIP introduction (ATIP 101) session.

Information security training continued to be completed by all staff, improving information protection practices and promoting greater awareness of privacy.

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

Select employees completed additional courses suggested by the Access to Information and Privacy Community Development Office in its “Access to Information and Privacy Learning Booklet.” One employee completed Module A: “Integration to the ATIP Analyst function” of the training program “ATIP – Federal Institutions (ATIPTP-FI),” offered by the Faculty of Continuing Education of the University of Montreal and the Association of Access to Information and Privacy Professionals. Two employees have completed the United Nations Educational, Scientific and Cultural Organization (UNESCO) Massive Open Online Course (MOOC): “Access to Information Laws and Policies and their Implementation.”

### **6. Policies, Guidelines, and Procedures**

Internal ATIP Procedures were drafted but not approved during the reporting year.



## **7. Initiatives and Projects to Improve Privacy**

The updates to the new ATIP Online Management Tool were successfully applied. The tool allows us to retrieve ATIP requests to our institution and to provide responses to requesters.

Optional monthly training sessions are also offered throughout the year to promote and facilitate adoption of information management practices. This ensures the appropriate capture of corporate records, and improves efficiency and ease of retrieval of the information. This in turn assists the processing of requests under the PA. Overall, these sessions were attended by an average of nine staff members (about a third of the complement) per month.

We continue to improve our information management and information technology practices, which are expected to significantly improve ATIP processes and activities, notably the response to requests. New equipment was provided to staff, and additional IT security measures have been adopted, thereby increasing the protection of the personal and sensitive information held by our institution.

## **8. Summary of Key Issues and Actions Taken on Complaints**

Applicants have the right to file a complaint pursuant to the PA and may exercise this right at any time during the processing of their request. No complaints or requests for investigation were received, and no appeals have been made to the Federal Court during the reporting year.

## **9. Material Privacy Breaches**

To our knowledge, no material privacy breaches occurred during the reporting year.

## **10. Privacy Impact Assessments**

We did not complete any Privacy Impact Assessments during the reporting year.

## **11. Public Interest Disclosures**

No disclosures were made under paragraph 8(2)(m) of the PA during the reporting period.

## **12. Monitoring Compliance**

There were no activities conducted during the reporting year to monitor compliance.

## **Appendix A: Delegation Order**

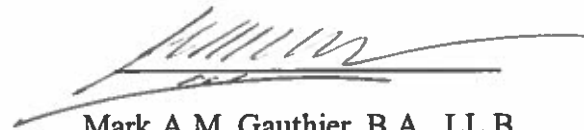
The Administrator of the Ship-source Oil Pollution Fund, pursuant to section 73 of the *Privacy Act* (the *Act*) hereby designates the persons holding the positions set out herein or the persons occupying those positions on an acting basis, to exercise the powers, duties or functions of the Administrator 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)	Record 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	16	Where access is refused
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

<b>Position</b>	<b>Privacy Act</b>	
ATIP Coordinator	22.3	Exemption - <i>Public Servants Disclosure Protection 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 - Protected information – solicitors, advocates and notaries
ATIP Coordinator	27.1	Exemption – Protected information – patents and trade-marks
ATIP Coordinator	28	Exemption – Medical record
ATIP Coordinator	33(2)	Right to make representation
ATIP Coordinator	35(4)	Access to be given
ATIP Coordinator	51(2)(b)	Special rules for hearings
ATIP Coordinator	72(1)	Report to Parliament

<b>Position</b>	<b>Privacy Regulations</b>	
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 a 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 a requester in the presence of a qualified medical practitioner or psychologist

Dated at Ottawa on July 13, 2023



Mark A.M. Gauthier, B.A., LL.B.  
Administrator

## **Appendix B: Statistical Report**



## Statistical Report on the *Privacy Act*

Name of institution: Ship-source Oil Pollution Fund

Reporting period: 4/1/2023 to 3/31/2024

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

#### 1.1 Number of requests received

		Number of Requests
Received during reporting period		0
Outstanding from previous reporting periods		0
• Outstanding from previous reporting period	0	
• Outstanding from more than one reporting period	0	
<b>Total</b>		<b>0</b>
Closed during reporting period		0
Carried over to next reporting period		0
• Carried over within legislated timeline	0	
• Carried over beyond legislated timeline	0	

#### 1.2 Channels of requests

Source	Number of Requests
Online	0
E-mail	0
Mail	0
In person	0
Phone	0
Fax	0
<b>Total</b>	<b>0</b>

### Section 2: Informal requests

#### 2.1 Number of informal requests

		Number of Requests
Received during reporting period		0
Outstanding from previous reporting periods		0
• Outstanding from previous reporting period	0	
• Outstanding from more than one reporting period	0	
<b>Total</b>		<b>0</b>
Closed during reporting period		0
Carried over to next reporting period		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
<b>Total</b>	0	0	0	0	0	0	0	0	0	0

**3.5.3 Relevant minutes processed and disclosed for audio formats**

Number of Minutes Processed	Number of Minutes Disclosed	Number of Requests
0	0	0

**3.5.4 Relevant minutes processed per request disposition for audio formats by size of requests**

Disposition	Less than 60 Minutes processed		60-120 Minutes processed		More than 120 Minutes processed	
	Number of requests	Minutes Processed	Number of requests	Minutes Processed	Number of requests	Minutes Processed
All disclosed	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0
All exempted	0	0	0	0	0	0
All excluded	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0
<b>Total</b>	0	0	0	0	0	0

**3.5.5 Relevant minutes processed and disclosed for video formats**

Number of Minutes Processed	Number of Minutes Disclosed	Number of Requests
0	0	0

**3.5.6 Relevant minutes processed per request disposition for video formats by size of requests**

Disposition	Less than 60 Minutes processed		60-120 Minutes processed		More than 120 Minutes processed	
	Number of requests	Minutes Processed	Number of requests	Minutes Processed	Number of requests	Minutes Processed
All disclosed	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0
All exempted	0	0	0	0	0	0
All excluded	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0
<b>Total</b>	0	0	0	0	0	0

**3.5.7 Other complexities**

<b>Disposition</b>	<b>Consultation Required</b>	<b>Legal Advice Sought</b>	<b>Interwoven Information</b>	<b>Other</b>	<b>Total</b>
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
<b>Total</b>	0	0	0	0	0

**3.6 Closed requests**

**3.6.1 Number of requests closed within legislated timelines**

<b>Number of requests closed within legislated timelines</b>	0
<b>Percentage of requests closed within legislated timelines (%)</b>	0

**3.7 Deemed refusals**

**3.7.1 Reasons for not meeting legislated timelines**

<b>Number of requests closed past the legislated timelines</b>	<b>Principal Reason</b>			
	<b>Interference with operations / Workload</b>	<b>External Consultation</b>	<b>Internal Consultation</b>	<b>Other</b>
0	0	0	0	0

**3.7.2 Request 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 timeline 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
<b>Total</b>	0	0	0

**3.8 Requests for translation**

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

**Section 4: Disclosures Under Subsections 8(2) and 8(5)**

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









**8.2 Requests with Privy Council Office**

Number of Days	Fewer Than 100 Pages Processed		100–500 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

**Section 9: Complaints and Investigations Notices Received**

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

**Section 10: Privacy Impact Assessments (PIAs) and Personal Information Banks (PIBs)**

**10.1 Privacy Impact Assessments**

Number of PIAs completed	0
Number of PIAs modified	0

**10.2 Institution-specific and Central Personal Information Banks**

Personal Information Banks	Active	Created	Terminated	Modified
Institution-specific	1	0	0	0
Central	31	0	0	0
<b>Total</b>	<b>32</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Section 11: Privacy Breaches****11.1 Material Privacy Breaches reported**

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

**11.2 Non-Material Privacy Breaches**

Number of non-material privacy breaches	0
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**Section 12: Resources Related to the Privacy Act****12.1 Allocated Costs**

Expenditures		Amount
Salaries		\$3,091
Overtime		\$0
Goods and Services		\$800
• Professional services contracts	\$800	
• Other	\$0	
<b>Total</b>		<b>\$3,891</b>

**12.2 Human Resources**

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.032
Part-time and casual employees	0.000
Regional staff	0.000
Consultants and agency personnel	0.005
Students	0.000
<b>Total</b>	<b>0.037</b>

**Note:** Enter values to three decimal places.

## **Appendix C: Supplemental Statistical Report**

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

Name of institution: Ship-source Oil Pollution Fund

Reporting period: 2023-04-01 to 2024-03-31

### Section 1: Open Requests and Complaints Under the *Access to Information Act*

1.1 Enter the number of open requests that are outstanding from previous reporting periods.

Fiscal Year Open Requests Were Received	Open Requests that are <i>Within</i> Legislated Timelines as of March 31, 2024	Open Requests that are <i>Beyond</i> Legislated Timelines as of March 31, 2024	Total
Received in 2023-24	0	0	0
Received in 2022-23	0	0	0
Received in 2021-22	0	0	0
Received in 2020-21	0	0	0
Received in 2019-20	0	0	0
Received in 2018-19	0	0	0
Received in 2017-18	0	0	0
Received in 2016-17	0	0	0

<b>Received in 2015-16</b>	0	0	0
<b>Received in 2014-15 or earlier</b>	0	0	0
<b>Total</b>	0	0	0

Row 11, Col. 3 of Section 1.1 must equal Row 7, Col. 1 of Section 1.1 of the 2023-24 Statistical Report on the *Access to Information Act*

**1.2 Enter the number of open complaints with the Information Commissioner of Canada that are outstanding from previous reporting periods.**

<b>Fiscal Year Open Complaints Were Received by Institution</b>	<b>Number of Open Complaints</b>
Received in 2023-24	0
Received in 2022-23	0
Received in 2021-22	0
Received in 2020-21	0
Received in 2019-20	0
Received in 2018-19	0
Received in 2017-18	0
Received in 2016-17	0
Received in 2015-16	0
Received in 2014-15 or earlier	0

Total	0
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**Section 2: Open Requests and Complaints Under the *Privacy Act***

2.1 Enter the number of open requests that are outstanding from previous reporting periods.

Fiscal Year Open Requests Were Received	Open Requests that are <i>Within</i> Legislated Timelines as of March 31, 2024	Open Requests that are <i>Beyond</i> Legislated Timelines as of March 31, 2024	Total
Received in 2023-24	0	0	0
Received in 2022-23	0	0	0
Received in 2021-22	0	0	0
Received in 2020-21	0	0	0
Received in 2019-20	0	0	0
Received in 2018-19	0	0	0
Received in 2017-18	0	0	0
Received in 2016-17	0	0	0
Received in 2015-16	0	0	0
Received in 2014-15 or earlier	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

Row 11, Col. 3 of Section 2.1 must equal Row 7, Col. 1 of Section 1.1 of the 2023-24 Statistical Report on the *Privacy Act*

**2.2 Enter the number of open complaints with the Privacy Commissioner of Canada that are outstanding from previous reporting periods.**

<b>Fiscal Year Open Complaints Were Received by Institution</b>	<b>Number of Open Complaints</b>
Received in 2023-24	0
Received in 2022-23	0
Received in 2021-22	0
Received in 2020-21	0
Received in 2019-20	0
Received in 2018-19	0
Received in 2017-18	0
Received in 2016-17	0
Received in 2015-16	0
Received in 2014-15 or earlier	0
<b>Total</b>	<b>0</b>

**Section 3: Social Insurance Number**

<b>Has your institution begun a new collection or a new consistent use of the SIN in 2023-24?</b>	<b>No</b>
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**Section 4: Universal Access under the Privacy Act**

**How many requests were received from foreign nationals outside of Canada in 2023-24?**

0

Row 1, Col. 1 of Section 4 must be equal to or less than Row 1, Col. 1 of Section 1.1 of the 2023-24 Statistical Report on the *Privacy Act*

Canada