



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 2022 TO 31 MARCH 2023**

Canada 

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the Transportation Safety Board of Canada, 2023

Annual report to Parliament on the application of the *Privacy Act* 2022–23

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Le présent rapport est également disponible en français.



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1 September 2023

The Honourable Harjit S. Sajjan, P.C., M.P.
President of the King's Privy Council for Canada and Minister of Emergency
Preparedness and Minister responsible for the Pacific Economic Development Agency of
Canada
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 2022 to 31 March 2023.

Sincerely,

Original signed by
Kathleen Fox
Chair

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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 2022 to 31 March 2023.

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 [tsb.gc.ca](https://www.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 2022–23, the Director General, Corporate Services held the responsibilities of the ATIP Coordinator. The ATIP Office also consisted of four full-time positions.

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 of 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 2022–23 reporting period, fourteen (14) formal requests for personal information were received, compared to ten (10) in 2021–22, to twenty-two (22) in 2020–21, and to twenty-three (23) received in 2019–20. 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 thirteen (13) requests closed in 2022–23, records were fully disclosed in eight (8) cases (62%), records did not exist in two (2) cases (15%) and three (3) cases (23%) were abandoned. One (1) request was carried over to next fiscal year.

Of the requests closed during the reporting period, ten (10) were completed within 1 to 15 days and three (3) were completed within 16 to 30 days. The average time taken to process a request during the 2022–23 reporting period was nine (9) calendar days, compared with last year’s average of fourteen (14) in 2021–22, and thirty-three (33) in 2020–21.

During this period, the ATIP Office was involved in the search, preparation, and review of eleven (11) pages of information, and the reproduction and release of eleven (11) pages of information. During past fiscal years, seven hundred eighty-four pages (784) were reviewed and two hundred ninety-two (292) pages were released in 2021–22, one thousand nine hundred thirty-four (1934) pages were reviewed and seven hundred (700) pages released in 2020–21 and twenty-two (22) pages were reviewed and eighteen (18) pages released in 2019–20. The variation in the number of pages reviewed between years is due to the different type of requests received and if requests are from employees requesting access to their personal information.

The TSB's open approach allows for the disclosure of information to its employees without necessarily requiring the *Privacy Act* to be invoked. Human resources 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.

Finally, although the TSB ATIP office was temporarily affected following the mid-March 2020 closure of offices due to the pandemic, the TSB ATIP Office operated normally in 2022–23, making full use of digital tools and a hybrid work model.

5.0 Costs

During 2022–23, the ATIP Office incurred an estimated \$38,285 in costs to administer the *Privacy Act*, compared to \$27,209 for the reporting period of 2021–22, \$28,574 for the reporting period of 2020–21, and \$39,007 for 2019–20. 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 made it mandatory for all staff to attend comprehensive ATIP training sessions given by the ATIP Office. During 2022–23, the ATIP Office provided two (2) training sessions of two (2) hours each to five (5) employees, compared to five (5) sessions to thirty-seven (37) employees in 2021–22, to none in 2020–21 and one (1) session in 2019–20.

Given the responsibilities and knowledge requirements of the TSB's 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 all ATIP Community Meetings organized by the Treasury Board Secretariat during 2022–23. These Community Meetings provide the TSB 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. Finally, the TSB ATIP staff attended the yearly Canadian Bar Association Symposium on Access to Information and Privacy latest 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 2022–23.

8.0 Complaints and investigations

No complaints were received by the Privacy Commissioner in 2022–23.

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 as 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 2022–23, 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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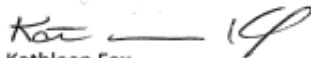
1 November 2019

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*

Name of institution: Transportation Safety Board of Canada

Reporting period: 2022-04-01 to 2023-03-31

Section 1: Requests under the *Privacy Act*

1.1 Number of requests received

		Number of requests
Received during reporting period		14
Outstanding from previous reporting periods		0
• Outstanding from previous reporting period	0	
• Outstanding from more than one reporting period	0	
Total		14
Closed during reporting period		13
Carried over to next reporting period		1
• Carried over within legislated timeline	1	
• Carried over beyond legislated timeline	0	

1.2 Channels of requests

Source	Number of requests
Online	8
E-mail	6
Mail	0
In person	0
Phone	0
Fax	0
Total	14

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	
Total		0
Closed during reporting period		0
Carried over to next reporting period		0

2.2 Channels of informal requests

Source	Number of requests
Online	0
E-mail	0
Mail	0
In person	0
Phone	0
Fax	0
Total	0

2.3 Completion time of informal requests

Completion time							
1–15 days	16–30 days	31–60 days	61–120 days	121–180 days	181–365 days	More than 365 days	Total
0	0	0	0	0	0	0	0

2.4 Pages released informally

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
0	0	0	0	0	0	0	0	0	0

Section 3: Requests closed during the reporting period

3.1 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	6	2	0	0	0	0	0	8
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	1	1	0	0	0	0	0	2
Request abandoned	3	0	0	0	0	0	0	3
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	10	3	0	0	0	0	0	13

3.2 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		

3.3 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

3.4 Format of information released

Paper	Electronic				Other
	E-record	Data set	Video	Audio	
0	8	0	0	0	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed for paper or e-record formats

Number of pages processed	Number of pages disclosed	Number of requests
11	11	11

3.5.2 Relevant pages processed by request disposition for paper and e-record formats by size of requests

Disposition	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 processed	Number of requests	Pages processed	Number of requests	Pages processed	Number of requests	Pages processed	Number of requests	Pages processed
All disclosed	8	11	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	3	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	11	11	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
Total	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
Total	0	0	0	0	0	0

3.5.7 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

3.6 Closed requests

3.6.1 Number of requests closed within legislated timelines

Number of requests closed within legislated timelines	13
Percentage of requests closed within legislated timelines (%)	100

3.7 Deemed refusals

3.7.1 Reasons for not meeting legislated timelines

Number of requests closed past the legislated timelines	Principal reason			
	Interferences with operations / Workload	External consultation	Internal consultation	Other
0	0	0	0	0

3.7.2 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 timeline 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	0	0
More than 365 days	0	0	0
Total	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
Total	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

Section 5: 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 6: Extensions

6.1 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	
0	0	0	0	0	0	0	0	0

6.2 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	0	0	0	0	0	0	0
31 days or more								0
Total	0	0	0	0	0	0	0	0

Section 7: Consultations received from other institutions and organizations

7.1 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
Carried over within negotiated timelines	0	0	0	0
Carried over beyond negotiated timelines	0	0	0	0

7.2 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

7.3 Recommendations and completion time for consultations received from other organizations outside the Government of Canada

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 8: Completion time of consultations on Cabinet confidences

8.1 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
1–15	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

8.2 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
1–15	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 9: Complaints and investigation 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 PIA(s) completed	0
Number of PIA(s) modified	0

10.2 Institution-specific and central personal information banks

Personal information banks	Active	Created	Terminated	Modified
Institution-specific	2	0	0	0
Central	53	0	0	0
Total	55	0	0	0

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		\$38,284
Overtime		\$0
Goods and services		\$1
• Professional services contracts	\$0	
• Other	\$1	
Total		\$38,285

12.2 Human resources

Resources	Person-years dedicated to privacy activities
Full-time employees	0.400
Part-time and casual employees	0.000
Regional staff	0.000
Consultants and agency personnel	0.000
Students	0.000
Total	0.400