

Civilian Review and
Complaints Commission
for the RCMP



Commission civile d'examen
et de traitement des plaintes
relatives à la GRC

Privacy Act

Annual Report

**Civilian Review and Complaints Commission
for the Royal Canadian Mounted Police**

2019–2020



Civilian Review and Complaints Commission for the RCMP

Privacy Reporting for 2019–2020

INTRODUCTION

The *Privacy Act* (Act) provides individuals with a right of access to their personal information and protects the privacy of individuals with respect to personal information under the control of government institutions.

This Annual Report was prepared in accordance with section 72 of the Act, which stipulates that annual reports on privacy shall be tabled in Parliament.

ABOUT THE CIVILIAN REVIEW AND COMPLAINTS COMMISSION FOR THE ROYAL CANADIAN MOUNTED POLICE

The Civilian Review and Complaints Commission for the Royal Canadian Mounted Police (CRCC) operates pursuant to the *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-10. The CRCC provides civilian review of RCMP members' conduct in performing their policing duties so as to hold the RCMP accountable to the public.

The CRCC's main role is to take public complaints about members of the RCMP. These complaints are then forwarded to the RCMP for initial investigation as mandated by the *Royal Canadian Mounted Police Act*; however, if the complainant is dissatisfied with the response that he or she receives from the RCMP, the CRCC will review the complaint with a view to determining the reasonableness of the RCMP's response. In appropriate cases, the CRCC will undertake its own investigation or hearing into a complaint. The Chairperson of the CRCC also has the power to file his or her own complaint if he or she feels that a matter is deserving of investigation.

Additionally, even in the absence of a public complaint, the CRCC is empowered to conduct a review of RCMP activities to evaluate compliance with legislation, regulations, ministerial directions, policy, procedures and/or guidelines.

ATIP RESPONSIBILITIES

At the CRCC, the Access to Information and Privacy (ATIP) Unit consists solely of the ATIP Coordinator. The ATIP Coordinator processes all requests from the public and consultations from other departments or agencies. The ATIP Coordinator also provides advice to CRCC employees and senior officials on ATIP-related matters, prepares annual statistical reports, ensures the ongoing accuracy of Info Source, prepares completed



Access to Information summaries for proactive disclosure on the CRCC's website, participates in forums for the ATIP community and monitors changes in ATIP policy, guidelines and directives.

When processing requests and consultations under the Access to Information and Privacy Acts, the ATIP Coordinator also benefits from some administrative assistance from personnel in the Information Management Unit of the CRCC and a student assistant.

The CRCC Chairperson, under delegated authority from the Minister of Public Safety, provides the final approval for all responses on ATIP requests and consultations.

During the reporting period, the CRCC was not party to any service agreements under section 71.3 of the *Privacy Act*.

DELEGATION ORDER

The Minister of Public Safety has delegated full authority under the Act to the CRCC Chairperson and Senior Director, Operations. The Minister has also delegated administrative duties and functions to the CRCC ATIP Coordinator. The most recent delegation order was signed by the Minister of Public Safety on July 4, 2016 (see **Annex A**).

PRIVACY REQUESTS RECEIVED

During the course of the reporting period, thirty-two (32) new requests for personal information under the Act were received. Seven (7) requests were carried over from the previous year. Of those thirty-nine (39), thirty-two (32) requests were processed during that period and seven (7) were carried forward into 2020-2021.

Twelve (12) of the requests for personal information that were processed during 2019-2020 were from individuals seeking their personal information from public complaints files held by the CRCC. Nineteen (19) were from individuals who erroneously applied to the CRCC to obtain law enforcement information from the RCMP and one (1) was a general request searching for their personal information from the CRCC.

PERFORMANCE

The thirty-two (32) Privacy requests received by the CRCC in 2019–2020 represent a consistent increase over the number of Privacy requests received in recent years:

2019-20	32
2018-19	27
2017-18	11
2016-17	9
2015-16	7



Of the thirty-two (32) requests processed during the reporting period, five (5) were released without redaction, six (6) were released in part with exemptions and one (1) was exempted entirely because the individual requested information about another individual. In the other twenty (20) requests, no records were found to exist. During the reporting period, the CRCC claimed exemptions under paragraph 19(1)(a) (Foreign government information), paragraph 19(1)(b) (International Organization information), paragraph 19(1)(d) (Municipal government information), sub-paragraph 22(1)(a)(i) (Information obtained by an investigative body), paragraph 22(1)(b) (Information the disclosure of which could be injurious to lawful investigations), section 25 (Safety of individuals), section 26 (Personal information of a third party), and section 27 (Solicitor-client privilege) of the *Privacy Act*.

External consultation was required for four (4) requests.

The statutory deadlines were not met for four (4) requests (two were due to external consultation, while the other two were due to workload). Therefore, twenty-eight (28) of the thirty-two (32) requests processed (87.5%) were responded to within the established timelines.

The total number of pages processed for the twelve (12) requests where information was found to exist was 6,286 pages.

Five (5) consultations were received from other Government of Canada institutions during the reporting period. These consultations all related to documents having to do with public complaints against RCMP members. All five (5) consultations were closed during the reporting period, resulting in 118 pages processed.

See **Annex B** for the Statistical Report.

Since March 14, 2020, the CRCC implemented exceptional workplace measures to curb the spread of novel coronavirus (COVID-19) and protect federal employees and the public. The CRCC Access to Information and Privacy staff are working from home most of the time, but complete tasks that cannot be performed remotely by attending the CRCC workplace as required. This work is supported by part-time on-site information management staff.

TRAINING AND AWARENESS

During the reporting period, no CRCC employees participated in formal privacy training. Guidance on privacy matters was provided on an ad hoc basis (e.g. in person, by email and through the CRCC's electronic newsletter).

POLICIES, GUIDELINES, PROCEDURES and INITIATIVES

The ATIP Unit has been actively involved in communicating evolving privacy requirements emerging in the context of the COVID-19 pandemic to protect the personal information of the CRCC's employees and members of the public that the CRCC serves. These



communications include Treasury Board of Canada Secretariat policies and directives on privacy, as well as general advice on email encryption and personal information handling for employees working at home.

SIGNIFICANT CHANGES

During the reporting period, the CRCC continued to implement the ATIP Online Request Service (AORS). This service provides Canadians with a convenient way to submit their Privacy requests electronically. Since joining the AORS service, the CRCC has noticed a marked increase of Privacy requests from individuals who erroneously applied to the CRCC to obtain law enforcement information from the RCMP or other institutions.

MONITORING OF TIMELINESS

The CRCC monitors the time to process Privacy requests through its case management software. The ATIP Coordinator keeps track of upcoming deadlines for requests and consultations. Reminders of approaching deadlines are provided to senior management at least once a month. The ATIP Coordinator meets regularly with the CRCC Chairperson and General Counsel to discuss various issues pertaining to in-progress ATIP files.

PRIVACY IMPACT ASSESSMENTS

The CRCC has one privacy impact assessment in progress. Once it is finalized, the CRCC plans to submit it to Treasury Board and the Privacy Commissioner.

PRIVACY BREACHES

There were no material privacy breaches at the CRCC during the reporting period.

DISCLOSURES MADE PURSUANT TO PARAGRAPH 8(2)(m) OF THE *PRIVACY ACT*

There were no disclosures made under paragraph 8(2)(m) during the reporting period.

COMPLAINTS

There were no complaints filed against the CRCC during the reporting period. Nine (9) complaints that were filed against the CRCC during previous periods by the same requester (i.e. four involved refusals to make corrections and five related to exemptions applied by the CRCC) were still under investigation by the Office of the Privacy Commissioner on March 31, 2020.

There were no audits or other investigations conducted during the reporting period.



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REPORT ON THE *PRIVACY ACT*
RAPPORT CONCERNANT LA *LOI SUR LA PROTECTION DES*
RENSEIGNEMENTS PERSONNELS

ANNEX A

Delegation Order

Delegation Order – Privacy Act and Privacy Regulations
Arrêté de délégation en vertu de la Loi sur la protection des renseignements personnels et du
Règlement sur la protection des renseignements personnels
Civilian Review and Complaints Commission for the RCMP/Commission civile d'examen et de traitement
des plaintes relatives à la GRC

The Minister of Public Safety Canada, pursuant to section 73 of the *Privacy Act**, hereby designates the persons holding the positions set out below, or acting in those positions, to exercise the powers and perform the duties and functions of the Minister as the head of a government institution, that is, the **Civilian Review and Complaints Commission for the RCMP**, under the section of the Act set out opposite each position.

En vertu de l'article 73 de la *Loi sur la protection des renseignements personnels**, le ministre de la Sécurité publique Canada délègue aux titulaires des postes sous mentionnés, ou aux personnes qui occupent ces postes à titre intérimaire, les pouvoirs et les fonctions dont il est, en qualité de responsable d'une institution fédérale, c'est-à-dire le **Commission civile d'examen et de traitement des plaintes relatives à la GRC**, investi conformément à l'article de la Loi mentionné à l'égard de chaque poste.

		Chairperson / Président	Senior Director, Operations / Directeur principal, Opérations	ATIP Coordinator / Coordonnateur d'AIPRP
Privacy Act / Loi sur la protection des renseignements personnels				
Section / Article				
8(2)(j)	Disclosure for research purposes / Communication à des fins de recherche	●	●	
8(2)(m)	Disclosure in the public interest or in the interest of the individual / Communication dans l'intérêt public ou d'une personne	●	●	
8(4)	Copies of requests under 8(2)(e) to be retained / Conservation des copies des demandes en vertu de 8(2)(e)	●	●	●
8(5)	Notice of disclosure under 8(2)(m) / Avis de communication dans le cas de 8(2)(m)	●	●	
9(1)	Record of disclosures to be retained / Conservation d'un relevé des cas d'usage	●	●	
9(4)	Consistent uses / Usages compatibles	●	●	
10	Personal information to be included in personal information banks / Renseignements personnels versés dans des fichiers de renseignements personnels	●	●	
14	Notice where access requested / Aviser l'auteur de la demande d'accès	●	●	●
15	Extension of time limits / Prorogation du délai	●	●	●
17(2)(b)	Language of access / Version de la communication	●	●	●
17(3)(b)	Access to personal information in alternative format / Communication sur support de substitution	●	●	●
18(2)	Exemption (exempt banks) – Disclosure may be refused / Exception (fichiers inconsultables) – Autorisation de refuser	●	●	

19(1)	Exemption – Personal information obtained in confidence / Exception – Renseignements personnels obtenus à titre confidentiel	●	●	
19(2)	Exemption – Where disclosure authorized / Exception – Cas où la divulgation est autorisée	●	●	
20	Exemption – Federal-provincial affairs / Exception – Affaires fédéro-provinciales	●	●	
21	Exemption – International affairs and defence / Exception – Affaires internationales et défense	●	●	
22	Exemption – Law enforcement and investigation / Exception – Application de la loi et enquêtes	●	●	
22.3	Exemption – <i>Public Servants Disclosure Protection Act</i> / Exception – <i>Loi sur la protection des fonctionnaires divulgateurs d'actes répréhensibles</i>	●	●	
23	Exemption – Security clearances / Exception – Enquêtes de sécurité	●	●	
24	Exemption – Individuals sentenced for an offence / Exception – Individus condamnés pour une infraction	●	●	
25	Exemption – Safety of individuals / Exception – Sécurité des individus	●	●	
26	Exemption – Information about another individual / Exception – Renseignements concernant un autre individu	●	●	
27	Exemption – Solicitor-client privilege / Exception – Secret professionnel des avocats	●	●	
28	Exemption – Medical record / Exception – Dossiers médicaux	●	●	
31	Notice of intention to investigate / Avis d'enquête	●	●	●
33(2)	Right to make representation / Droit de présenter des observations	●	●	●
35(1)	Findings and recommendations of Privacy Commissioner (complaints) / Conclusions et recommandations du Commissaire à la protection de la vie privée (plaintes)	●	●	●
35(4)	Access to be given / Communication accordée	●	●	●
36(3)	Report of findings and recommendations (exempt banks) / Rapport des conclusions et recommandations (fichiers inconsultables)	●	●	●
37(3)	Report of findings and recommendations (compliance review) / Rapport des conclusions et recommandations du Commissaire (contrôle d'application)	●	●	●
51(2)(b)	Special rules for hearings / Règles spéciales (auditions)	●	●	
51(3)	<i>Ex parte</i> representations / Présentation d'arguments en l'absence d'une partie	●	●	
72(1)	Report to Parliament / Rapports au Parlement	●	●	

<i>Privacy Regulations / Règlement sur la protection des renseignements personnels</i>				
7	Retention for 2 years/Conservation pendant 2 ans	●	●	●
9	Reasonable facilities and time provided to examine personal information / Fournir des installations convenables et fixer un moment pour examiner les renseignements personnels	●	●	●
11(2)	Notification that correction to personal information has been made / Avis que les corrections demandées ont été effectuées	●	●	●
11(4)	Notification that correction to personal information has been refused / Avis que les corrections demandées ont été refusées	●	●	●
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 requestor / Le cas échéant, autoriser la communication des renseignements personnels concernant l'état physique ou mental de l'individu à un médecin ou à un psychologue en situation légale d'exercice, afin que celui-ci puisse donner son avis quant à savoir si la prise de connaissance de ces renseignements par l'individu lui porterait préjudice	●	●	●
14	Disclosure of personal information relating to physical or mental health may be made to a requestor in the presence of a qualified medical practitioner or psychologist / Le cas échéant, communiquer à l'individu les renseignements personnels concernant son état physique ou mental en la présence d'un médecin ou d'un psychologue en situation légale d'exercice	●	●	●

Dated, at the City of Ottawa,
this 4th day of July, 2016

Daté, en la ville d'Ottawa,
le 4e jour de juillet, 2016

Hon. Ralph Goodale, P.C., M.P. / L'hon. Ralph Goodale, C.P., député

*R.S.C. 1985, c. P-21

*L.R.C. 1985, ch. P-21



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REPORT ON THE *PRIVACY ACT*
RAPPORT CONCERNANT LA *LOI SUR LA PROTECTION DES*
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ANNEX B

Statistical Report

Statistical Report on the Privacy Act

Name of institution: Civilian Review and Complaints Commission for the RCMP

Reporting period: 2019-04-01 to 2020-03-31

Section 1: Requests Under the Privacy Act

1.1 Number of requests

	Number of Requests
Received during reporting period	32
Outstanding from previous reporting period	7
Total	39
Closed during reporting period	32
Carried over to next reporting period	7

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	5	0	0	0	0	0	5
Disclosed in part	0	2	0	4	0	0	0	6
All exempted	0	1	0	0	0	0	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	1	17	2	0	0	0	0	20
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	1	25	2	4	0	0	0	32

2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
18(2)	0	22(1)(a)(i)	2	23(a)	0
19(1)(a)	1	22(1)(a)(ii)	0	23(b)	0
19(1)(b)	1	22(1)(a)(iii)	0	24(a)	0
19(1)(c)	0	22(1)(b)	2	24(b)	0
19(1)(d)	2	22(1)(c)	0	25	2
19(1)(e)	0	22(2)	0	26	6
19(1)(f)	0	22.1	0	27	2
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
4	7	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
6405	5791	12

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	5	72	0	0	0	0	0	0	0	0
Disclosed in part	2	74	1	216	0	0	2	985	1	4444
All exempted	1	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	8	146	1	216	0	0	2	985	1	4444

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	4	0	0	0	4
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	4	0	0	0	4

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	28
Percentage of requests closed within legislated timelines (%)	87.5

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
4	2	2	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	1	1
16 to 30 days	0	2	2
31 to 60 days	0	1	1
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	4	4

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)

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

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	
4	0	0	0	0	0	4	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	4	0	0
31 days or greater								0
Total	0	0	0	0	0	4	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	5	118	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	5	118	0	0
Closed during the reporting period	5	118	0	0
Carried over to the next 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 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	4	0	0	0	0	0	0	4
Disclosed in part	1	0	0	0	0	0	0	1
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	5	0	0	0	0	0	0	5

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
	1	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	\$39,917
Overtime	\$0
Goods and Services	\$196
• Professional services contracts	\$0
• Other	\$0
Total	\$40,113

11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.41
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.09
Total	0.50

Supplemental Statistical Report – Requests affected by COVID-19

The following table reports the total number of formal requests received during two periods; 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 4 – Requests Received

	Number of requests
Received from 2019-04-01 to 2020-03-13	28
Received from 2020-03-14 to 2020-03-31	4
Total	32

The following table reports the total number of requests closed within the legislated timelines and the number of closed requests that were deemed refusals during two periods 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 5 – Requests Closed

	Number of requests closed within the legislated timelines	Number of requests closed past the legislated timelines
Received from 2019-04-01 to 2020-03-13 and outstanding from previous reporting periods	27	4
Received from 2020-03-14 to 2020-03-31	1	0
Total	28	4

The following table reports the total number of requests carried over during two periods; 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 6– Requests Carried Over

	Number of requests
Requests from 2019-04-01 to 2020-03-13 and outstanding from previous reporting period that were carried over to the 2020-2021 reporting period	3
Requests from 2020-03-14 to 2020-03-31 that were carried over to the 2020-2021 reporting period	4
Total	7