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Access to Information and Privacy Statistical Report for the 2020 to 2021 Fiscal Year

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Introduction

Openness, transparency and accountability are guiding principles of the Government of Canada.

The [Access to Information Act](#) and the [Privacy Act](#) both came into effect on July 1, 1983.

Paragraph 70(1)(d) of the *Access to Information Act* assigns responsibility to the President of the Treasury Board, as the designated minister, to collect statistics on an annual basis. These statistics are used to assess the performance of the Government of Canada's access to information and privacy programs.

This statistical report presents statistical information about the Government of Canada's access to information and privacy programs globally across all federal institutions subject to the two Acts for the period of April 1, 2020, to March 31, 2021. An annex providing detailed analysis of the institutions receiving the greatest number of requests under each Act and the disproportionate impact these institutions have on overall performance of the Access to Information and Privacy programs across the government is included.

In addition, each institution subject to the [Access to Information Act](#) and the [Privacy Act](#) tables an individual annual report in Parliament on the administration of each Act in their institution. These reports can be found on the institutions' websites.

The complete statistical dataset for the 2020 to 2021 fiscal year will be available in open format on the Government of Canada's [Open Data Portal](#).

Key observations

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Access to information requests

The 2020 to 2021 fiscal year saw a decrease of 6.5 percent in the number of access to information (ATI) requests received and a decrease of 47.5 percent in the number of pages processed. The number of pages processed in the 2019 to 2020 fiscal year was higher than previous years due to one institution closing three requests on the same subject involving nearly 15 million pages in total. Similarly, the number of ATI requests for consultation between federal institutions decreased by 52.1 percent in the 2020 to 2021 fiscal year and the number of pages to be reviewed decreased by 48.6 percent.

While there was a decrease of 6.5 percent in the number of ATI requests closed in the 2020 to 2021 fiscal year, there was an increase of 2.2 percent in the total number of requests closed within legislated timelines, including extensions. This increase was largely due to data from one government institution – Immigration, Refugees and Citizenship Canada (IRCC) – which accounted for 77.1 percent of ATI requests closed government wide in the 2020 to 2021 fiscal year. When data from IRCC is excluded, there was a decrease in the number of requests closed within legislated timelines, including extensions, of 11.2 percent government wide from the 2019 to 2020 fiscal year. The percentage of institutions that met the expected performance standard of closing 90 percent of requests received within legislated timelines, including extensions also decreased. In 2020-21, 49.3 percent of institutions that closed a request met this standard, a decline of 11.6 percent.

The number of requests carried over to the 2021 to 2022 fiscal year increased by 34.2 percent. The increase in requests carried over adds to the backlog of requests to be processed within institutions, potentially adding to challenges institutions face in closing requests in a timely manner as new requests continue to be received.

The cost of operations of access to information and privacy (ATIP) offices related to the administration of the *Access to Information Act* increased by 14.3 percent in the 2020 to 2021 fiscal year.

Personal information requests

The 2020 to 2021 fiscal year saw an overall decrease of 5.2 percent in the number of personal information requests received and a decrease of 15 percent in the number of pages processed. Similarly, the number of personal information requests for consultation between federal institutions decreased by 32.3 percent in the 2020 to 2021 fiscal year and number of pages to be reviewed decreased by 38.2 percent.

There was a corresponding decrease of 6.1 percent in the number of personal information requests closed during the 2020 to 2021 fiscal year. However, the number of requests closed within legislated timelines, including extensions, decreased by 15.6 percent from the 2019 to 2020 fiscal year. The percentage of institutions that met the expected performance standard of closing 85 percent of requests received within legislated timelines, including extensions also decreased. In 2020-21, 53.5 percent of institutions that closed a request met this standard, a decline of 22.3 percent.

The number of personal information requests carried over to the 2021 to 2022 fiscal year increased by 21 percent.

The increase in requests carried over adds to the backlog of requests to be processed within institutions, potentially adding to challenges institutions face in closing requests in a timely manner as new requests continue to be received.

Paragraph 8(2)(m) of the *Privacy Act* permits the disclosure of personal information under the control of a government institution for any purpose where, in the opinion of the head of the institution, (i) the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or (ii) disclosure would clearly benefit the individual to whom the information relates. The number of disclosures of personal information citing this provision increased by 1,713 percent. The increase was largely attributable to Correctional Services Canada, related to disclosures made to public health authorities following COVID-19 outbreaks at correctional institutions.

The cost of operations of ATIP offices related to the administration of the *Privacy Act* increased by 12.6 percent in the 2020 to 2021 fiscal year.

Access to information and personal information requests during COVID-19

The COVID-19 pandemic had an impact on institutions' ability to respond to access to information and personal information requests in the 2020 to 2021 fiscal year. In response to public health direction on COVID-19, most employees were working remotely, without full access

to documents and to the entirety of the information systems that they would use to respond to requests. There are, however, no provisions in the *Access to Information Act* or the *Privacy Act* to extend deadlines or place requests on hold due to an emergency.

The Government of Canada was, and remains, committed to maintaining the openness and transparency of government during this challenging time. In May 2020, former President of the Treasury Board, Jean-Yves Duclos, wrote to his Cabinet colleagues encouraging Ministers to proactively publish as much information as possible related to COVID-19 and remind them of the importance of ensuring best practices in information management.

To support the government-wide administration of access to information (ATI) and personal information requests, the Treasury Board of Canada Secretariat (TBS) took a number of steps.

Treasury Board of Canada Secretariat worked with institutions subject to the Acts to identify what tools and capacities were needed to improve their ability to process requests remotely and whether investments in new technology could assist in addressing any backlog as a result of COVID-19 restrictions. The lessons learned throughout this process have been shared with ATIP Offices.

Institutions also heeded the call to proactively publish as much information as possible related to COVID-19. As of March 31, 2021, thirty Government of Canada institutions had published 441 COVID-related open information and open data records on the Open Government Portal (open.canada.ca).

In Budget 2021, the Government committed significant new funding to improving and reviewing the ATI program. This funding will be used to improve the systems that support access to information and privacy requests, helping institutions to address outstanding requests and continually improve ATI program performance. In addition, work is underway to ensure that modern ATIP request processing software is available to government institutions.

Protecting personal information during COVID-19

Early in the pandemic, TBS issued a [Privacy Implementation Notice](#) on collecting and disclosing employees' personal information related to COVID-19. It addressed questions regarding what medical information institutions could collect about their employees, and when. It also provided information as to whether they could share employees' medical information in the case of an outbreak and when consent to disclose was required.

To support the Government's commitment to privacy protection while implementing urgent COVID-19 initiatives, TBS issued an *Interim Policy on Privacy Protection*, *Interim Directive on Privacy Practices*, and *Interim Directive on Privacy Impact Assessment* in June 2020. These remained in

effect until March 31, 2021. Under the interim policy and directives, institutional heads had the discretion to complete a Privacy Compliance Evaluation in place of a full Privacy Impact Assessment for COVID-19 urgent initiatives. For initiatives that continued beyond March 31, 2021, institutions were required to complete a full Privacy Impact Assessment by September 30, 2021. In total, eight federal institutions submitted 18 Privacy Compliance Evaluations on key government programs including: ArriveCAN, Quarantine compliance, Rapid-testing pilots, and e-Post for the delivery of identity and travel documents of refugees. A survey of institutions who used Privacy Compliance Evaluations found the flexibility offered by the tool saved time and resources, encouraged more interaction between privacy and program teams, and enabled privacy considerations to be included in program implementation where otherwise they may not have been.

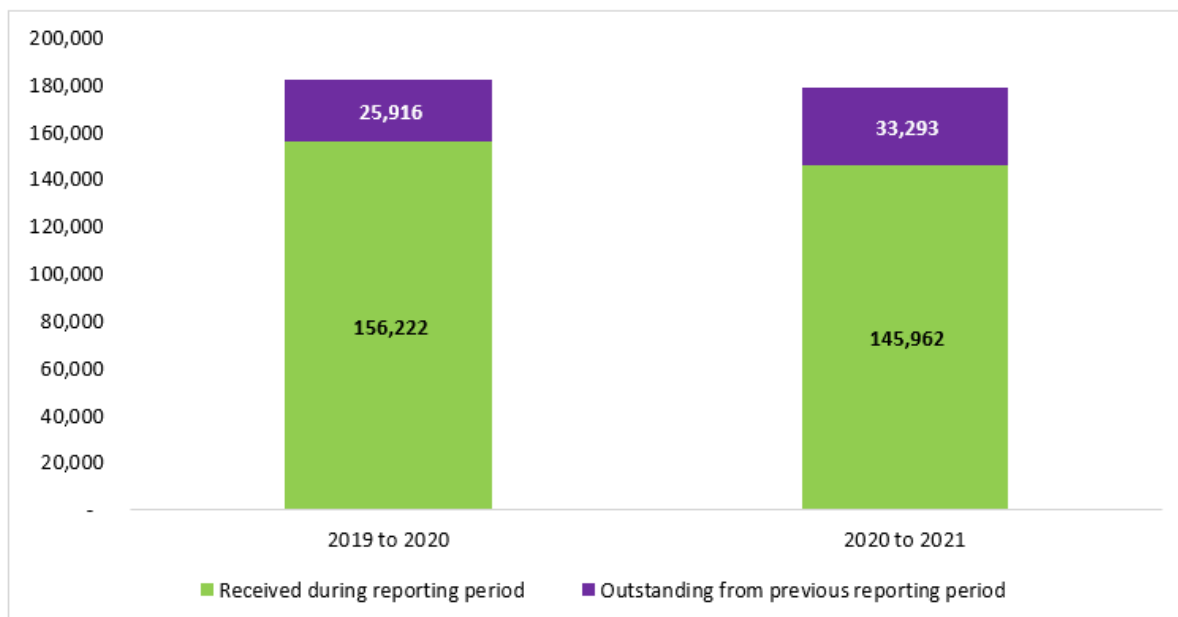
Access to Information Act statistics for the 2020 to 2021 fiscal year

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Requests under the Access to Information Act

The number of ATI requests received during the 2020 to 2021 fiscal year decreased 6.6 percent from the 2019 to 2020 fiscal year. However, in the 2020 to 2021 fiscal year, the number of ATI requests that were outstanding from the previous fiscal year increased by 28.5 percent.

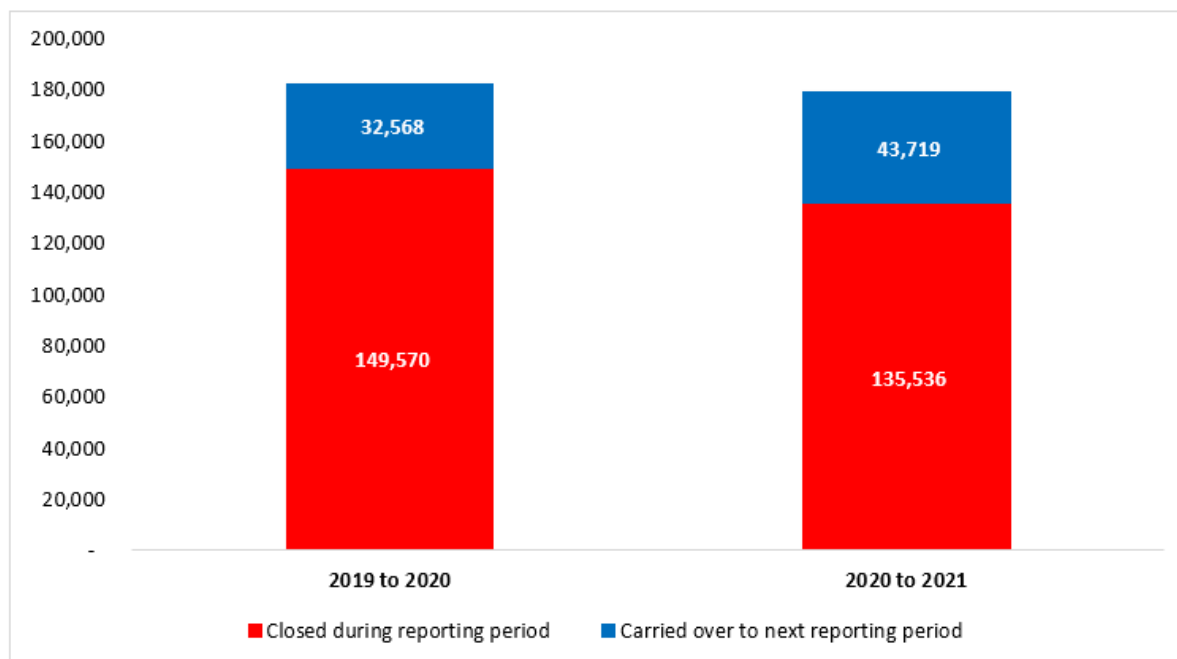
Figure 1: ATI requests received and outstanding, by all government institutions, during the fiscal year 2019 to 2020 and fiscal year 2020 to 2021



Of all the ATI requests that were either received in the 2020 to 2021 fiscal year or outstanding from the previous fiscal year, 75.6 percent were closed. This is a decrease of 6.5 percent from the 2019 to 2020 fiscal year.

Note: Due to administrative errors, there are small inconsistencies between the number of requests carried over from the 2019 to 2020 fiscal year and the number of outstanding requests in the 2020 to 2021 fiscal year.

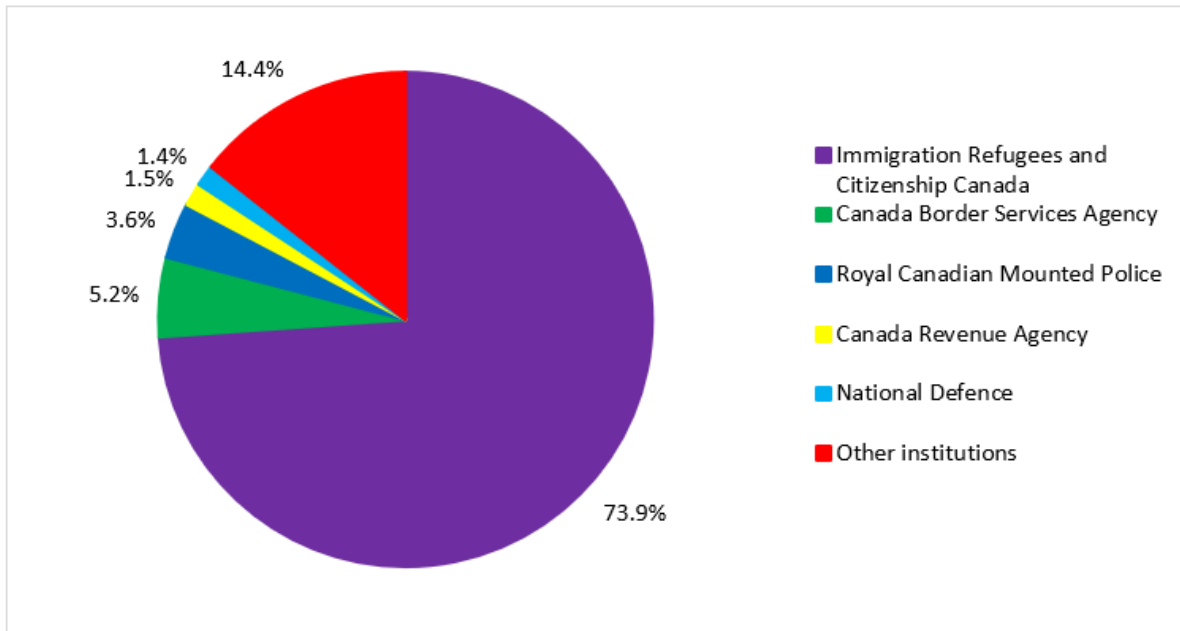
Figure 2: ATI requests closed and carried over, by all government institutions, during the fiscal year 2019 to 2020 and fiscal year 2020 to 2021



There was an increase of 34.2 percent of the number of requests carried over to the next reporting period.

Five government institutions received 124,957 of the 145,962 requests received in the 2020 to 2021 fiscal year, or 85.6 percent of all requests.

Figure 3: proportion of ATI requests received by the five institutions that received the highest volume of requests, and all other government institutions, fiscal year 2020 to 2021



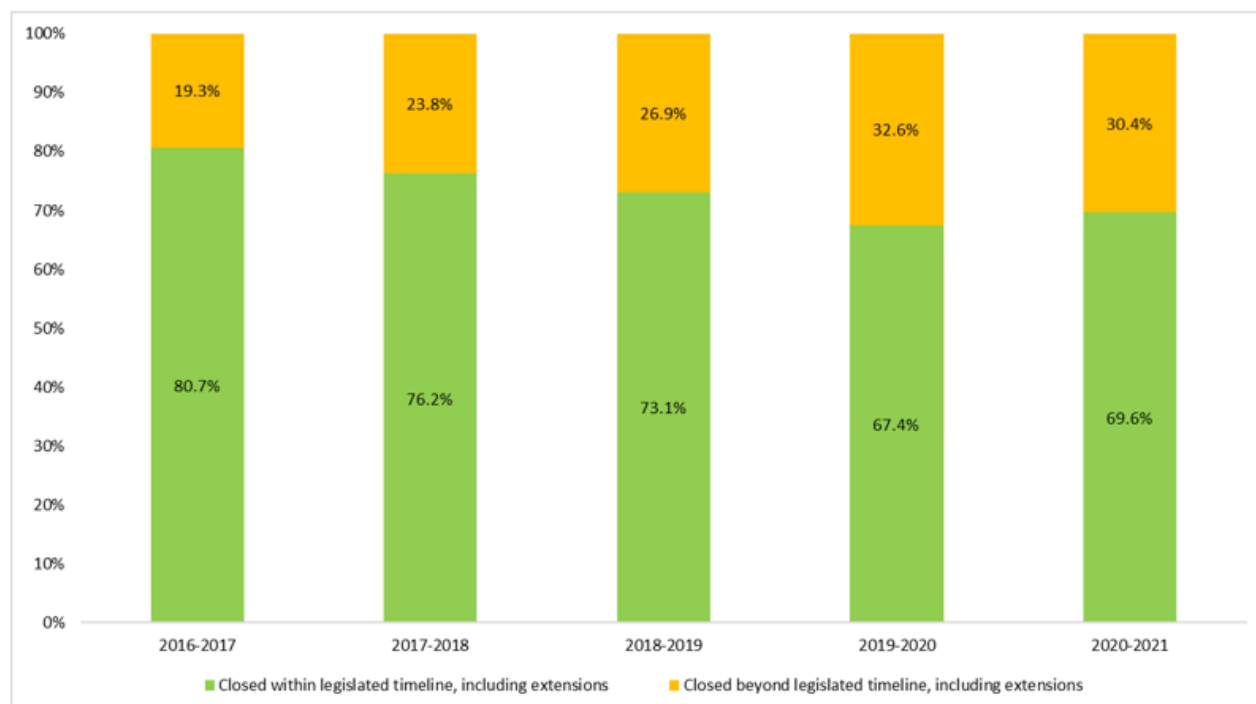
Timeliness

Of the 135,536 ATI requests closed in the 2020 to 2021 fiscal year, 69.6 percent were closed within the legislated timeline, including extensions. This is an increase of 2.2 percent from the 2019 to 2020 fiscal year. This increase was largely due to data from one government institution – Immigration, Refugees and Citizenship Canada (IRCC) – which accounted for 77.1 percent of ATI requests closed in the 2020 to 2021 fiscal years.

Of the 104,547 ATI requests that were closed by IRCC, 71 percent were closed within the legislated timelines, including extensions. This is an increase of 6.6 percent from the 2019 to 2020 fiscal year.

For all other government institutions, of the 30,989 ATI requests that were closed in the 2020 to 2021 fiscal year, 65.1 percent were closed within the legislated timeline, including extensions. This is a decrease of 11.2 percent from the 2019 to 2020 fiscal year.

Figure 4: percentage of ATI requests closed within the legislated timeline, including extensions, from fiscal year 2016 to 2017 to fiscal year 2020 to 2021



The performance standard for institutions is to respond to 90 percent of ATI requests within the legislated timeline, including extensions. Of the 140 institutions that closed ATI requests in the 2020 to 2021 fiscal year, 69 institutions met this standard. 71 institutions did not meet this standard, principally due to workload pressures within the organization. Of the 42 institutions that did not close any requests in the 2020 to 2021 fiscal year, 40 institutions did not receive any requests and 2 institutions received requests that were carried over to the 2021 to 2022 reporting year.

Figure 5: percentage of institutions that closed at least 90 percent of ATI requests within the legislated timeline, including extensions, from fiscal year 2016 to 2017 to fiscal year 2020 to 2021

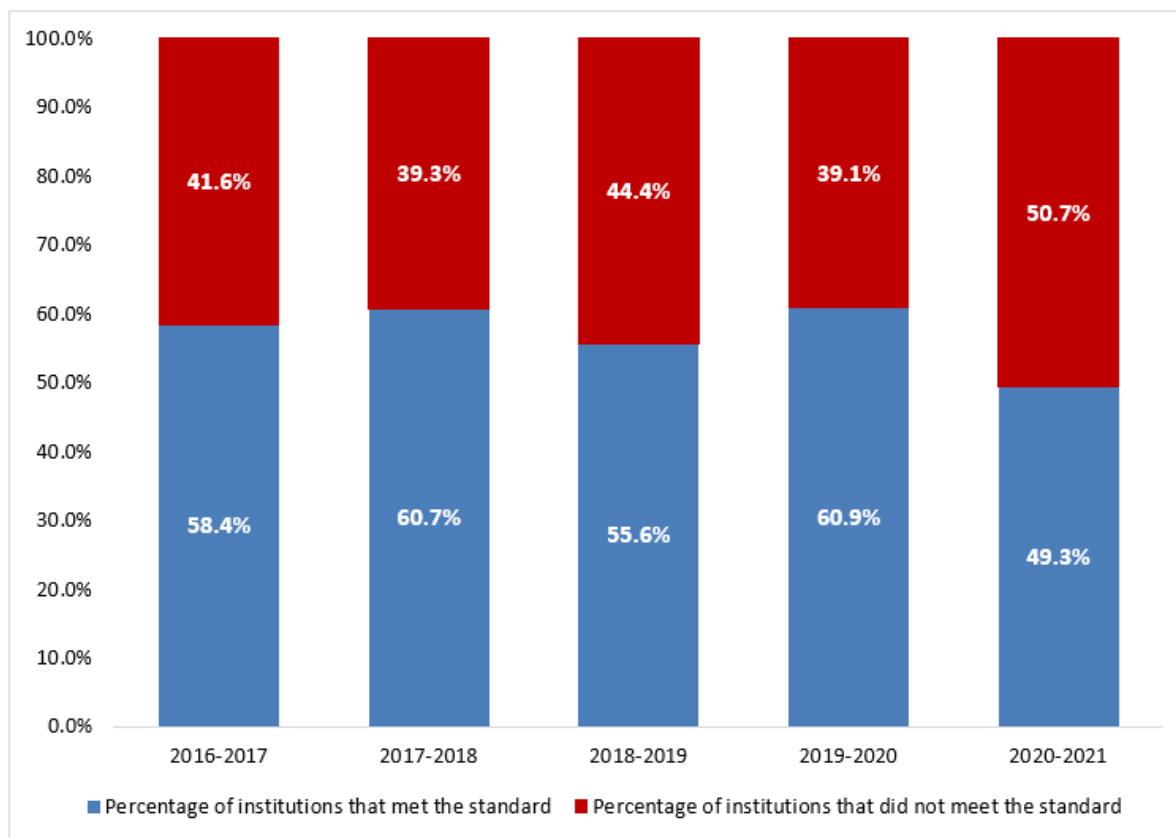


Figure 6: time required to close ATI requests from fiscal year 2016 to 2017 to fiscal year 2020 to 2021

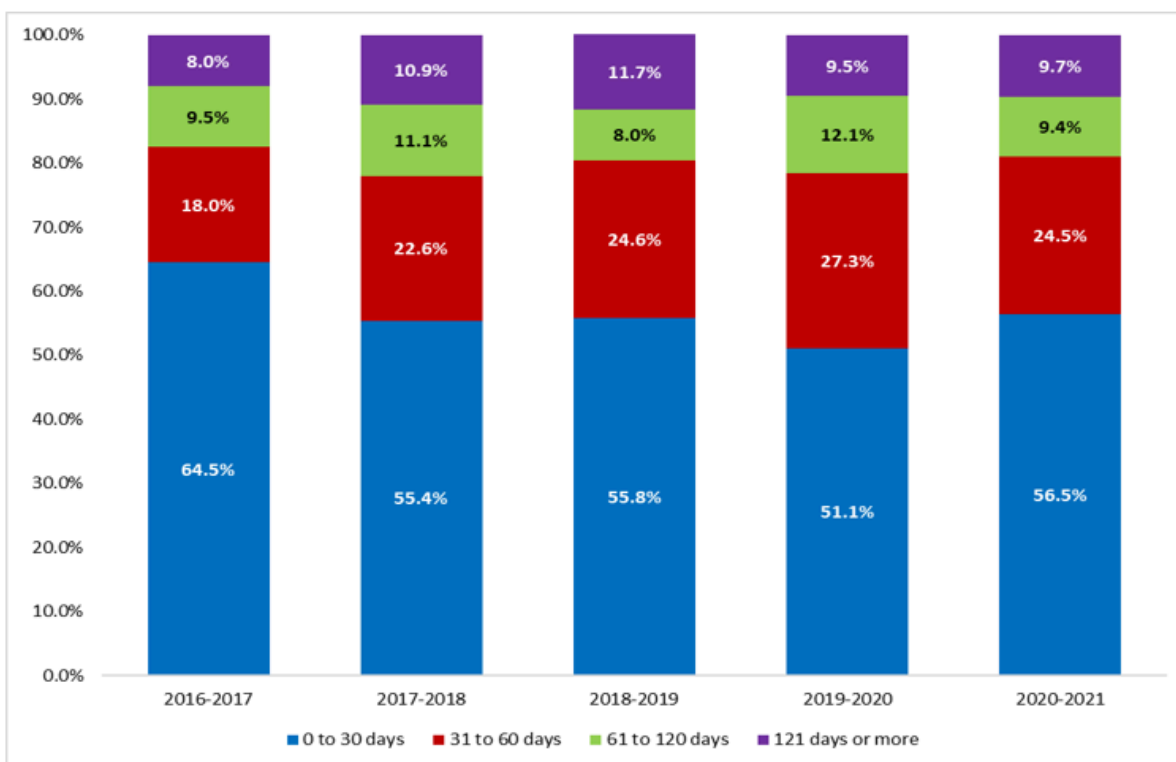


Table 1: principal reason that ATI requests were closed beyond the legislated timeline, including extensions, for fiscal year 2020 to 2021

Principal reason	Total number of requests closed beyond the legislated timeline, including extensions
Workload	35,422
External consultation	445
Internal consultation	302
Other ^a	5,008
Total	41,177

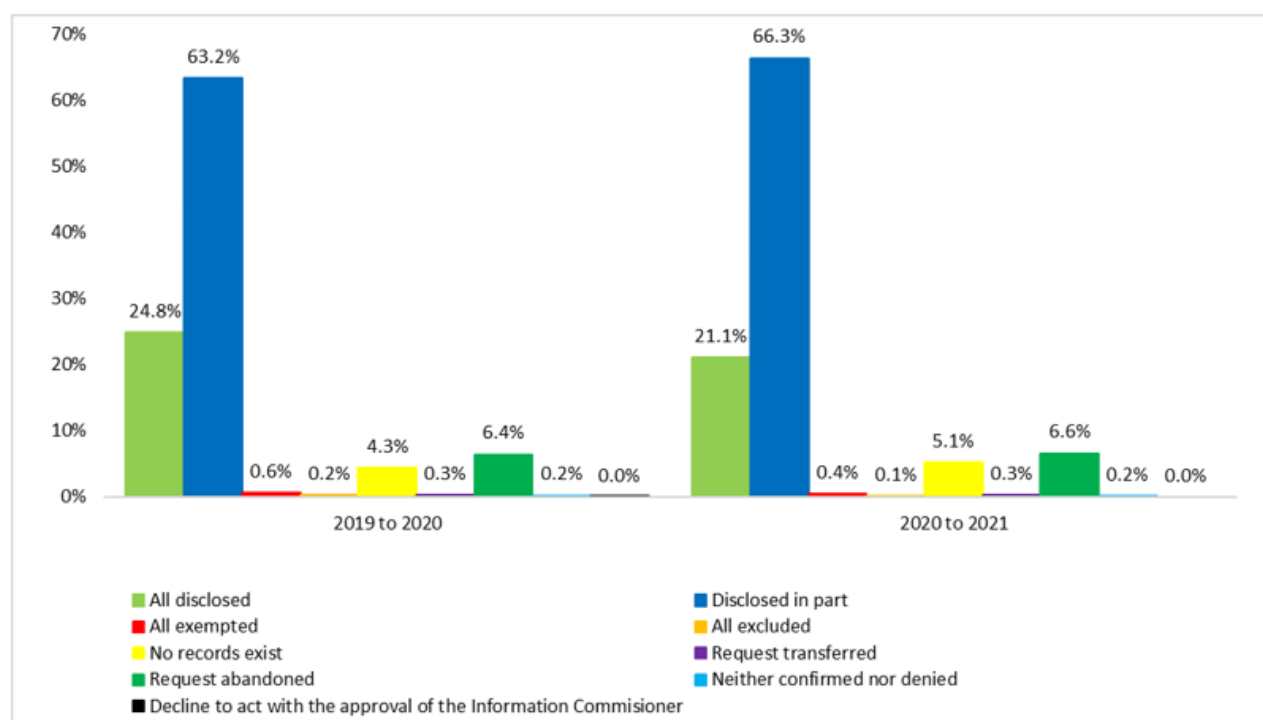
^a Other reasons include the unavailability of key officials, difficulties in obtaining relevant records, labour disputes and lengthy power outages.

Disposition

Records were all disclosed or disclosed in part in response to 87.4 percent of closed ATI requests. This is a decrease of 0.6 percent from the 2019 to 2020 fiscal year.

In the 2020 to 2021 fiscal year, institutions reported seeking the Information Commissioner's approval to decline to act on 6 requests. Subsequently, institutions withdrew the application to decline to act on 5 requests. The decision regarding the last request was carried over to the 2021 to 2022 reporting period.

Figure 7: disposition of closed ATI requests, fiscal year 2019 to 2020 and fiscal year 2020 to 2021



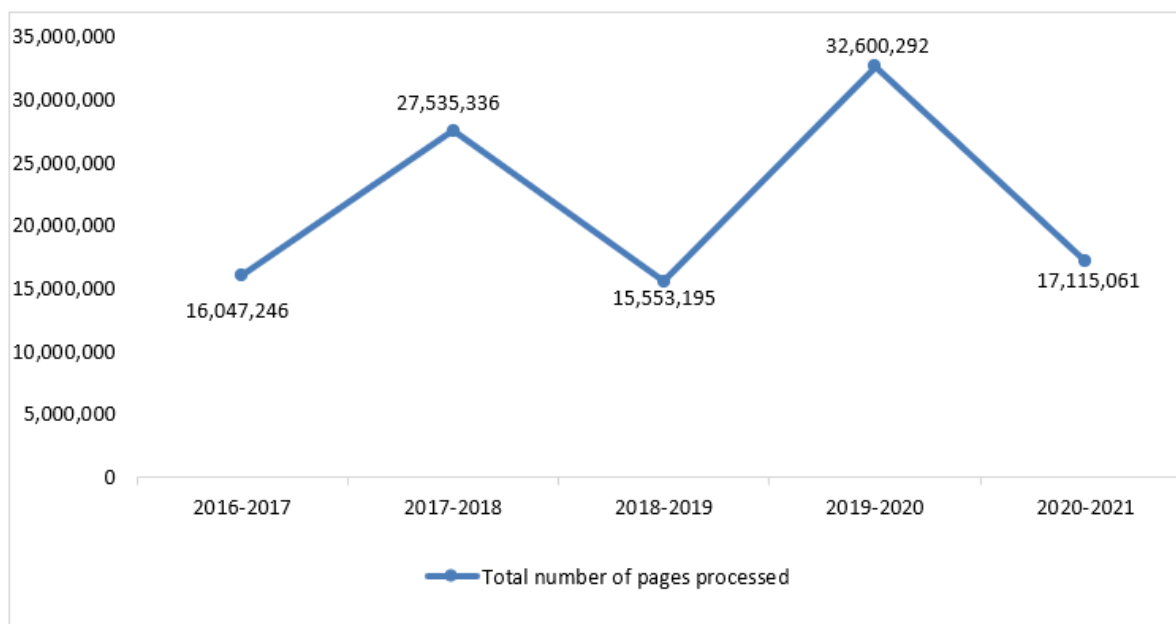
Complexity

One key aspect of complexity is the number of pages processed in response to ATI requests. During the 2020 to 2021 fiscal year, five institutions processed 77.9 percent of the 17,115,061 total pages processed in response to closed ATI requests.

Table 2: pages processed under the *Access to Information Act* by the five institutions that processed the highest volume of pages, and all other government institutions, fiscal year 2020 to 2021

Rank	Name of institution	Number of requests closed	Number of pages processed ^a	Number of pages disclosed
1	Immigration, Refugees and Citizenship Canada	104,547	9,486,193	7,826,303
2	Canada Revenue Agency	2,319	1,804,108	1,381,282
3	Canada Border Services Agency	7,261	964,633	726,152
4	Royal Canadian Mounted Police	3,430	560,275	214,419
5	Canadian Radio-Television and Telecommunications Commission	85	521,761	26,092
Other institutions		17,894	3,778,091	2,244,995
Total		135,536	17,115,061	12,418,973
^a The number of pages processed for each institution represents the total processed pages for closed requests. It does not include the number of pages processed for requests that were carried over into the next reporting period.				

Figure 8: number of pages processed in response to closed ATI requests, from fiscal year 2016 to 2017 to fiscal year 2020 to 2021



Note: The number of pages processed rose significantly in the 2017 to 2018 fiscal year due to 1 request of approximately 14.8 million pages. The number of pages once again rose significantly in the 2019 to 2020 fiscal year due to one institution closing three requests on the same subject involving nearly 15 million pages in total.

An additional key aspect of complexity is requests that require consultations with other institutions. During the 2020 to 2021 fiscal year, government institutions undertook consultations in 3.3 percent of all closed ATI requests. This is a decrease of 3.1 percent from the 2019 to 2020 fiscal year.

Table 3: types of complex ATI requests closed in fiscal year 2019 to 2020, by disposition

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other ^a	Total
All disclosed	603	26	17	250	896
Disclosed in part	3,448	22	236	640	4,346
All exempted	72	3	16	38	129
All excluded	45	5	10	15	75
Request abandoned	292	3	20	185	500
Neither confirmed nor denied	1	-	3	-	4
Decline to act with the approval of the Information Commissioner	-	-	-	-	-

^a Other considerations include requests for the contents of a database, requests to process audio or video recordings, high-profile subject matter, instances in which records are located in another region or country, and instances in which the records are in a language other than English or French.

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other ^a	Total
Total	4,461	59	302	1,128	5,950
^a Other considerations include requests for the contents of a database, requests to process audio or video recordings, high-profile subject matter, instances in which records are located in another region or country, and instances in which the records are in a language other than English or French.					

Extensions

49.1 percent of all extensions taken cited paragraph 9(1)(a) of the *Access to Information Act* as a reason for the extension, relating to interference with government operations. 13.6 percent of all extensions taken for closed requests were for 30 days or less; 91.2 percent were for 120 days or less.

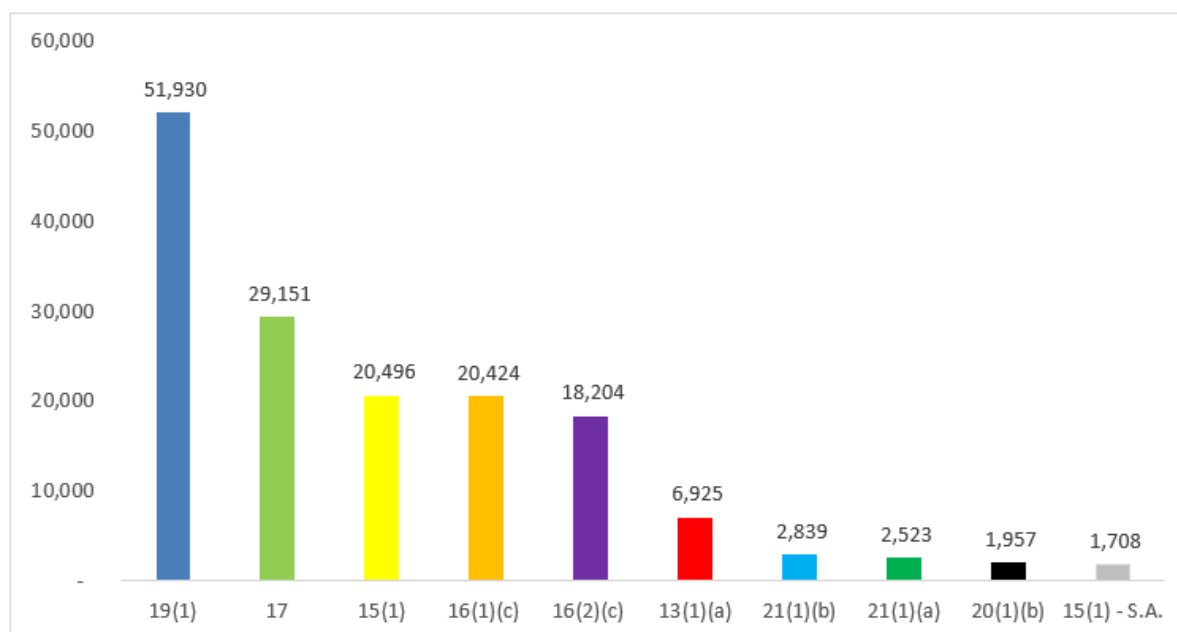
Table 4: ATI requests closed in fiscal year 2020 to 2021 with reasons for and length of extensions

Length of extensions ^a	9(1)(a) - Interference with operations	9(1)(b) - Consultation		9(1)(c) - Third-party notice	Total
		Section 69 ^b	Other ^c		
30 days or less	1,781	27	616	92	2,516
31 to 60 days	2,089	56	4,717	1,260	8,122
61 to 120 days	4,338	227	1,303	318	6,186
121 to 180 days	563	48	259	51	921
181 to 365 days	217	27	324	30	598
More than 365 days	74	4	16	5	99
Total	9,062	389	7,235	1,756	18,442
^a The timelines associated with extensions begin at the end of the initial 30-day response period. ^b Section 69 of the <i>Access to Information Act</i> states that the act does not apply to confidences of the Queen's Privy Council for Canada. ^c "Other" includes consultations with one or more of the following: other federal government institutions, provincial and municipal governments, foreign states, international organizations of states, Aboriginal governments, non-governmental organizations or individuals.					

Exemptions

The most frequently applied exemption for the ATI requests closed in the fiscal year 2020 to 2021 is subsection 19(1), which related to the protection of personal information and was applied in approximately 57 percent of all closed requests.¹

Figure 9: the 10 most frequently invoked Access to Information Act exemptions for ATI requests closed in the fiscal year 2020 to 2021



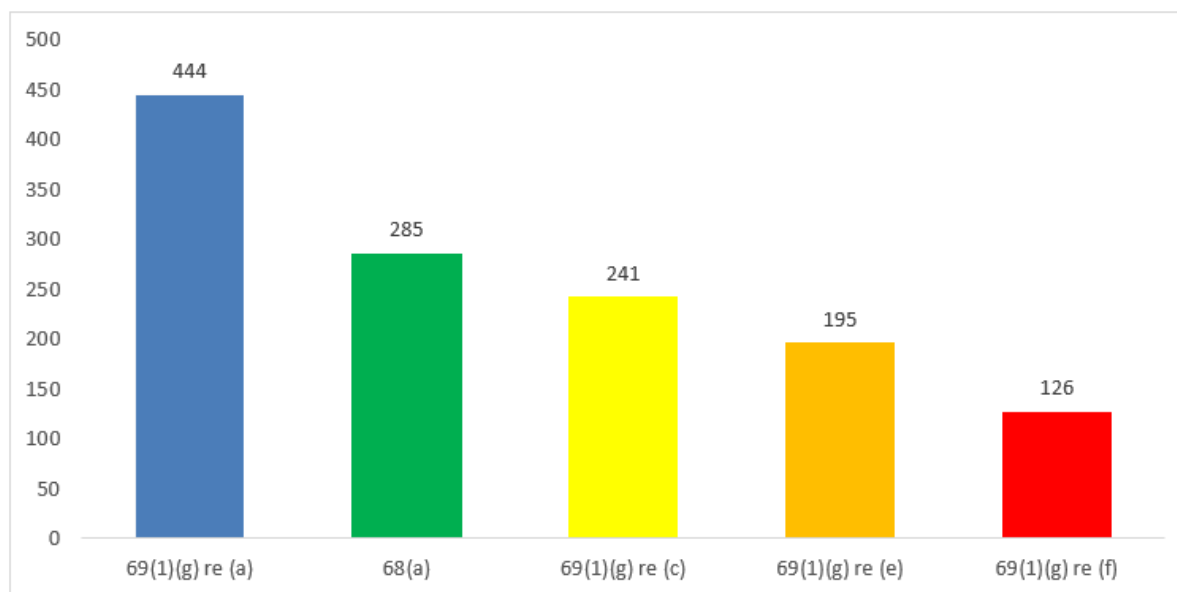
▼ Figure 9 - Text version

Exemption	Description
19(1)	Personal Information
17	Safety of individual
15(1)	International affairs and defence
16(1)(c)	Law enforcement and investigations – information expected to be injurious to the enforcement of any law of Canada
16(2)(c)	Security – Information on the vulnerability of particular buildings or other structures or systems
13(1)(a)	Information obtained in confidence from the government of a foreign state
21(1)(b)	An account of consultations or deliberations
21(1)(a)	Advice or recommendations
20(1)(b)	Third party information – confidential financial, commercial, scientific, or technical information
15(1) – S.A.	International affairs and defence – military information relating to the detection, prevention or suppression of subversive or hostile activities

Exclusions

Specific categories of information are excluded from the right of access pursuant to the *Access to Information Act*; exclusions for non-application (s.68, 68.1 and 68.2), confidences of the Queen's Privy Council for Canada (s.69), and for certificates under the *Canada Evidence Act* (s.69.1).

Figure 10: the 5 most frequently invoked *Access to Information Act* exclusions for ATI requests closed in the fiscal year 2020 to 2021



Consultations between federal institutions

The number of ATI requests for consultation between federal government institutions decreased by 52.1 percent in the 2020 to 2021 fiscal year. The number of pages to review decreased by 48.6 percent.

Table 5: number of ATI requests for consultation and number of pages reviewed in connection with those requests, fiscal year 2019 to 2020 and fiscal year 2020 to 2021

Consultations	Number of requests for consultations		Number of pages to review	
	2019 to 2020	2020 to 2021	2019 to 2020	2020 to 2021
Received during reporting period	10,187	4,879	402,943	207,076
Outstanding from the previous reporting period	1,759	1,917	227,884	261,759
Total	11,946	6,796	630,827	468,835
Closed during the reporting period	9,980	4,810	435,841	260,526
Pending at the end of the reporting period	1,966	1,986	195,021	208,309

Table 6: requests for consultation between government institutions closed within particular timeframes in fiscal year 2020 to 2021

	Number of days required to close 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	
Total	1,495	1,051	862	589	227	343	243	4,810

Fees and costs

The annual cost to administer the Government of Canada's access to information program increased by 14.3 percent to about \$89.7 million in the 2020 to 2021 fiscal year.

Table 7: fees and costs of *Access to Information Act* operations, fiscal year 2019 to 2020 and fiscal year 2020 to 2021

Description	Amount	
	2019 to 2020	2020 to 2021
Cost of institutions' operations ^a	\$77,469,191	\$88,932,097
Cost of ATIP Online Request Service	\$987,919	\$752,212
Total	\$78,457,110	\$89,684,309
Number of requests in which fees were collected	148,791	135,803
Fees collected	\$743,955	\$679,015
Number of requests in which fees were waived or refunded	5,584	6,189
Fees waived or refunded	\$35,319	\$30,945
^a Cost of operations includes salaries, overtime, goods and services, contracts and all other expenses specific to access to information and privacy offices. Cost of operations does not include costs associated with time spent by business areas searching for and reviewing records.		

Informal requests for government information

An informal request is a request for information made to a government institution subject to the *Access to Information Act* that is either not made or not processed under the Act.

Informal requests include:

- formal requests that are discontinued in favour of providing information informally, in consultation with the requester
- requests where the information sought is already publicly available online

- requests where the response involves re-releasing information that was made available in response to previously closed formal requests, summaries of which are found online.

Informal requests do **not** include:

- responses to parliamentary questions or media enquiries
- requests made internally within a government institution to share information between sectors

Unlike in the case of formal requests:

- fees cannot be charged for informal requests
- there are no deadlines for responding to informal requests
- requesters have no statutory right of complaint to the Information Commissioner

In the 2020 to 2021 fiscal year, 53.2 percent of informal requests were closed within 30 days. This is a decrease of 5.2 percent from the 2019 to 2020 fiscal year.

Table 8: time required to close informal requests, fiscal year 2020 to 2021

Closure time								
	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	Total
Number of requests	5,620	1,431	1,875	1,622	680	1,125	911	13,264

Privacy Act statistics for the 2020 to 2021 fiscal year

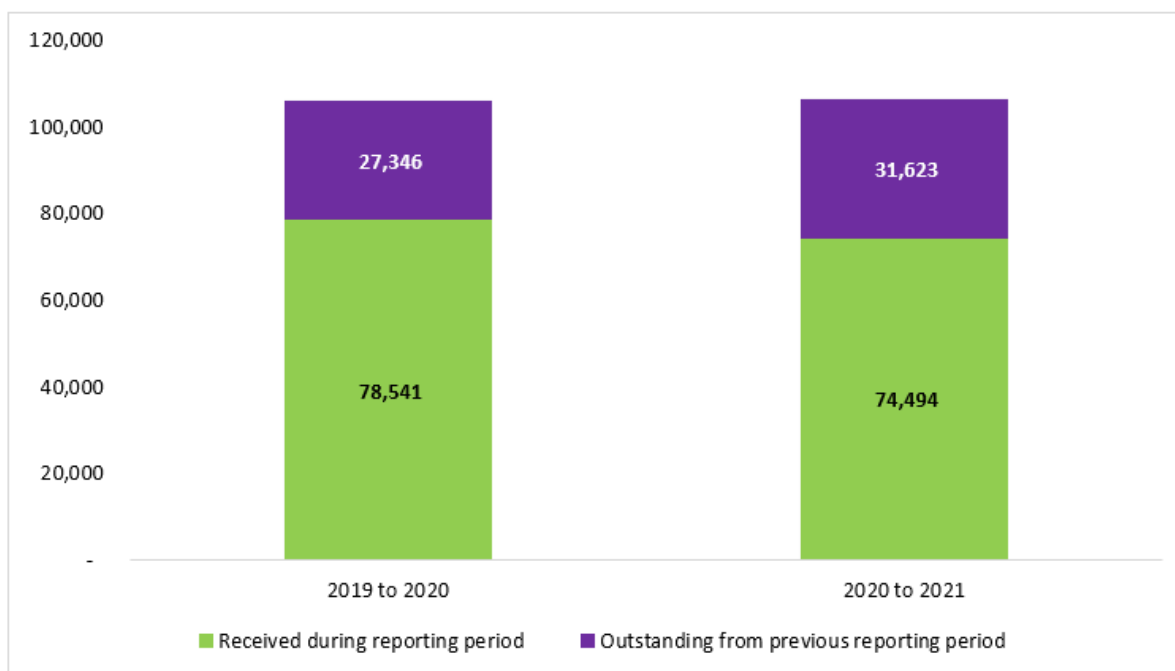
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Requests under the *Privacy Act*

The number of personal information requests received during the 2020 to 2021 fiscal year decreased 5.2 percent from the 2019 to 2020 fiscal year. However, in the 2020-2021 fiscal year, the number of personal information requests that were outstanding from the previous fiscal year increased by 15.6 percent.

Of all the personal information requests that were either received in 2020 to 2021 fiscal year or outstanding from the previous fiscal year, 64 percent were closed. This is a decrease of 6.1 percent from the 2019 to 2020 fiscal year.

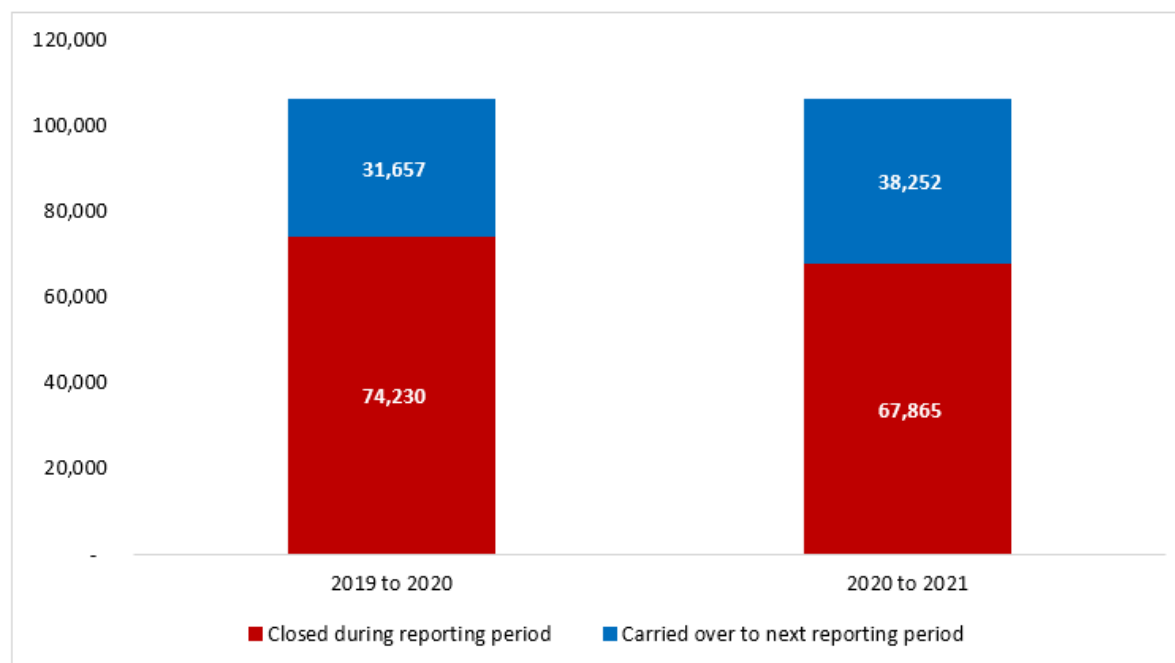
Figure 11: personal information requests received and outstanding, by all government institutions, during the fiscal year 2019 to 2020 and fiscal year 2020 to 2021



Note: Due to administrative errors, there are small inconsistencies between the number of requests carried over from the 2019 to 2020 fiscal year and the number of outstanding requests in the 2020 to 2021 fiscal year.

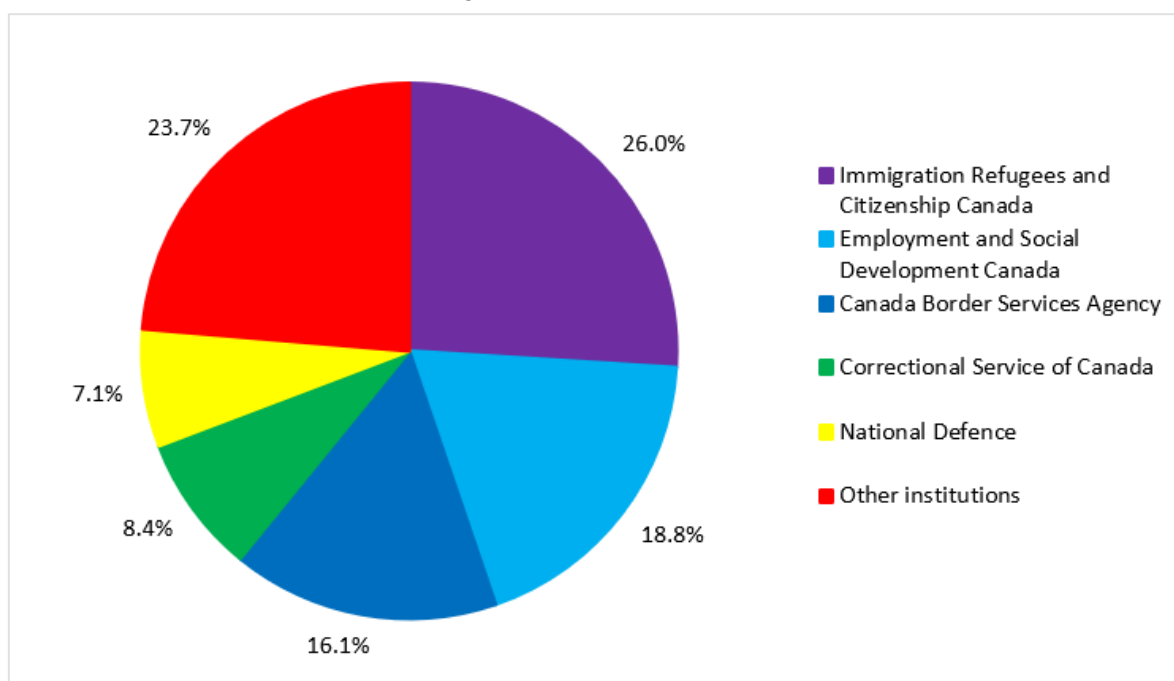
There was an increase of 21 percent in the number of requests carried over to the next reporting period.

Figure 12: personal information requests closed and carried over, by all government institutions, during the fiscal years 2019 to 2020 and fiscal year 2020 to 2021



Five government institutions received 56,851 of the 74,494 personal information requests received in the 2020 to 2021 fiscal year or 76.3 percent of all requests.

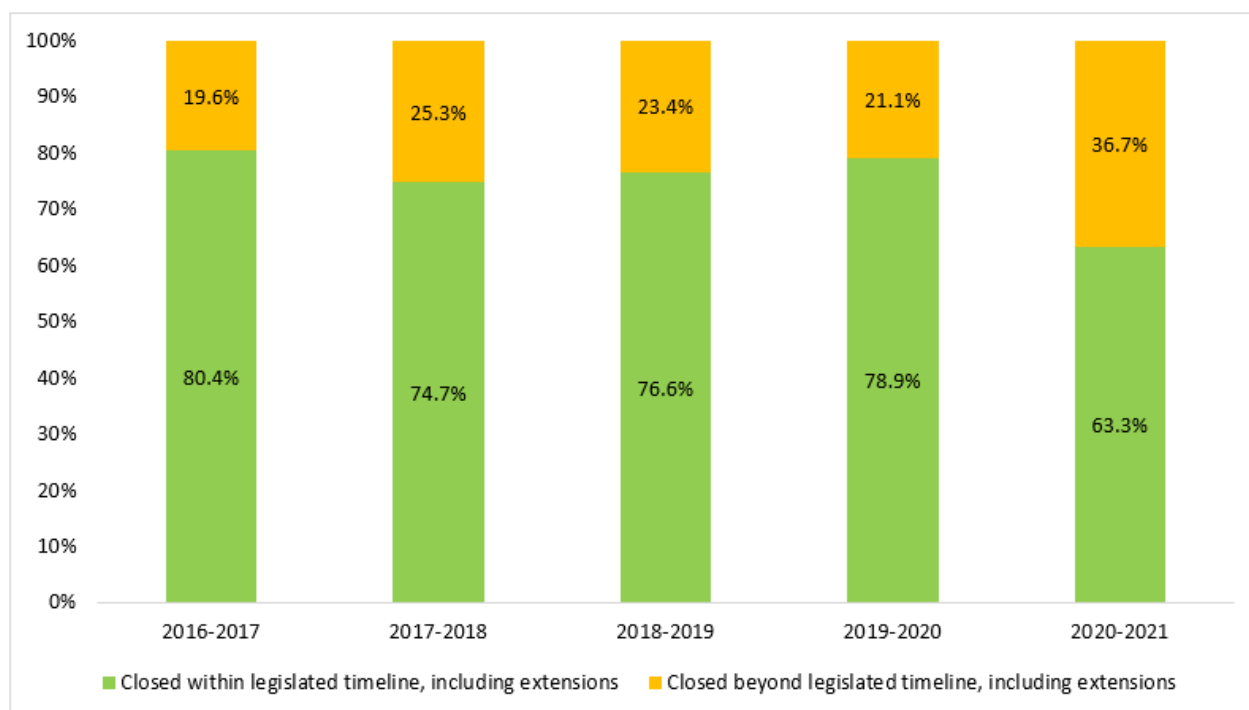
Figure 13: proportion of personal information requests received by the five institutions that received the highest volume of requests, and all other government institutions, fiscal year 2020 to 2021



Timeliness

Of the 67,865 personal information requests closed in the 2020 to 2021 fiscal year, 63.3 percent were closed within the legislated timeline, including extensions. This is a decrease of 15.6 percent from the 2019 to 2020 fiscal year.

Figure 14: personal information requests closed within the legislated timeline, including extensions, from fiscal year 2016 to 2017 to fiscal year 2020 to 2021



The established performance standard for institutions is to respond to 85 percent of personal information requests within the legislated timeline, including extensions. Of the 99 institutions that closed personal information requests in the 2020 to 2021 fiscal year, 53 institutions met this standard. 46 institutions did not meet this standard, principally due to workload pressures within the organization. Of the 83 institutions that did not close any requests in the 2020 to 2021 fiscal year, 80 institutions did not receive any requests and 3 institutions received requests that were carried over to the 2021 to 2022 reporting year.

Figure 15: percentage of institutions that closed at least 85 percent of personal information requests within the legislated timeline, including extensions, from fiscal year 2016 to 2017 to fiscal year 2020 to 2021

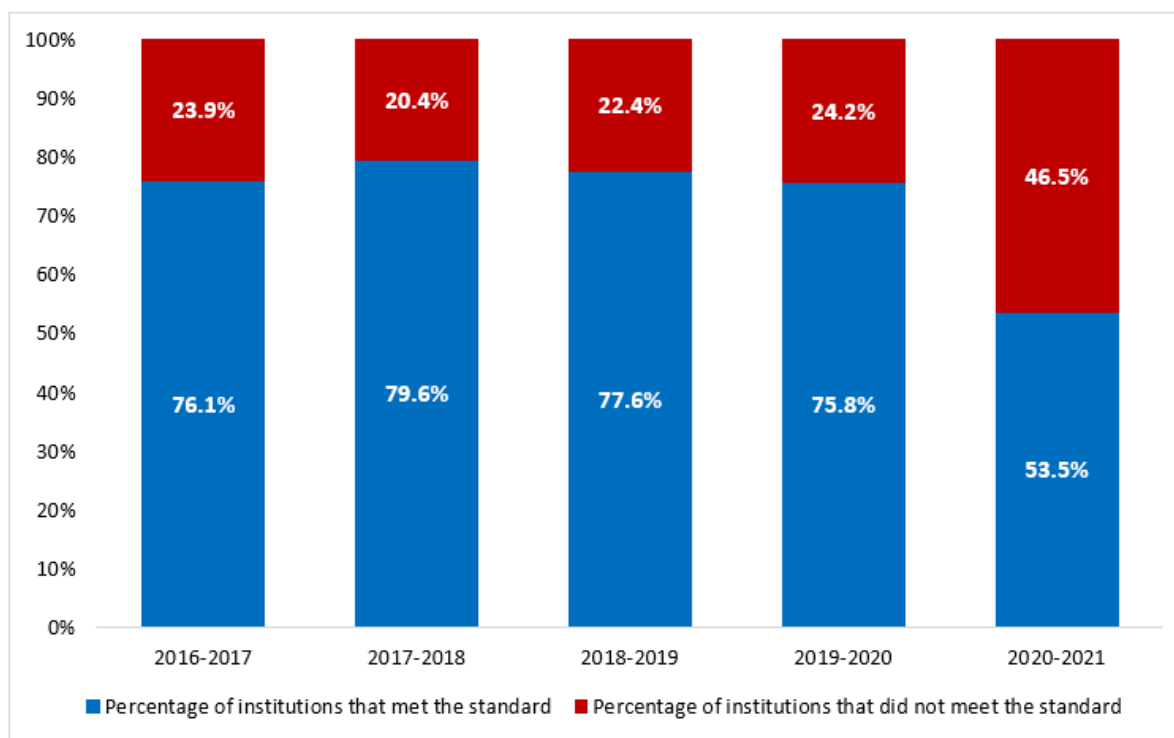


Figure 16: time required to close personal information requests from fiscal year 2016 to 2017 to fiscal year 2020 to 2021

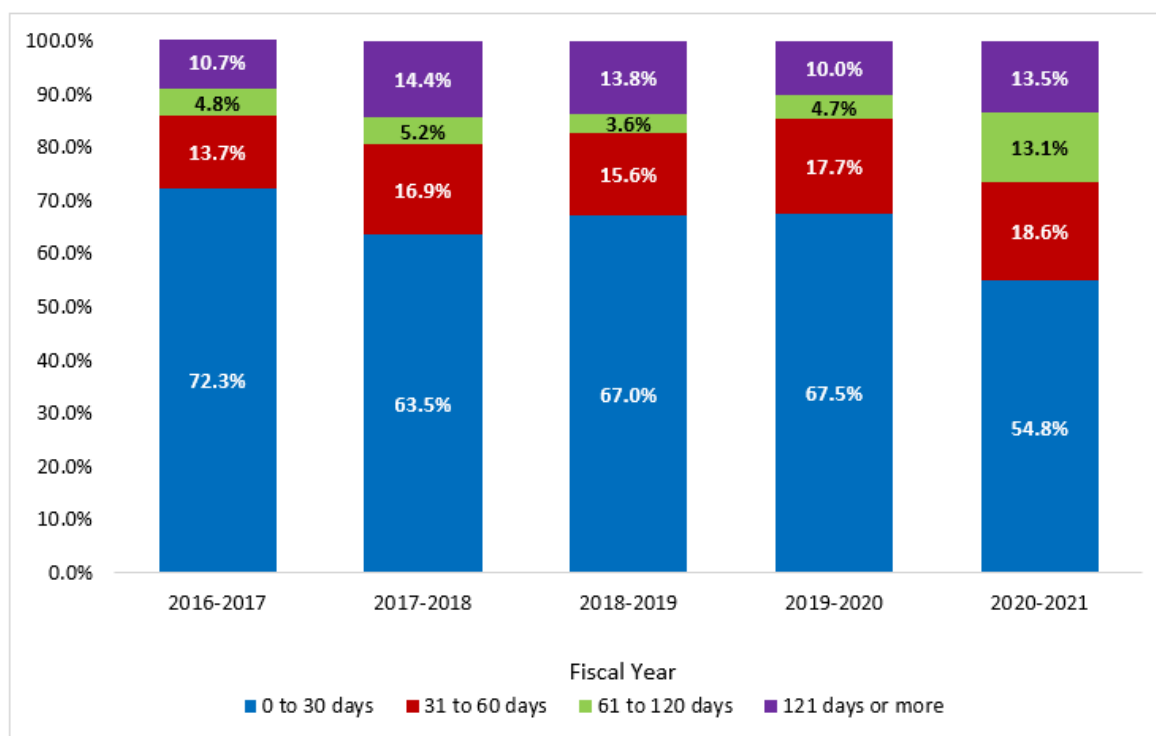


Table 9: principal reason that personal information requests were closed beyond the legislated timeline, including extensions, for fiscal year 2020 to 2021

Principal reason	Total number of requests closed beyond the legislated timeline, including extensions
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Principal reason	Total number of requests closed beyond the legislated timeline, including extensions
Workload	13,152
External consultation	43
Internal consultation	63
Other ^a	11,627
Total	24,885

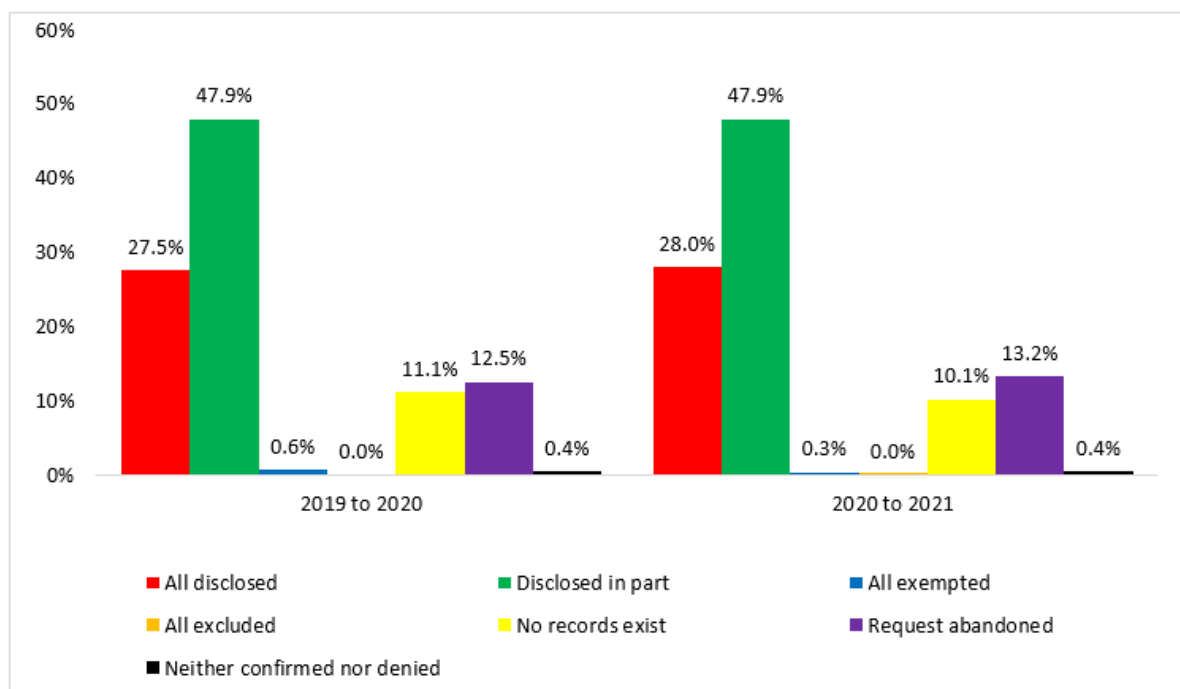
^a Other reasons include the unavailability of key officials, difficulties in obtaining relevant records, labour disputes and lengthy power outages.

Note: Deemed refusals are requests that were not closed in the initial 30-day legislated timeframe or within the timeframe covered by an extension.

Disposition

Records were all disclosed or disclosed in part for 75.9 percent of closed personal information requests. This is an increase of 0.5 percent from the 2019 to 2020 fiscal year.

Figure 17: disposition of closed personal information requests, fiscal year 2019 to 2020 and fiscal year 2020 to 2021



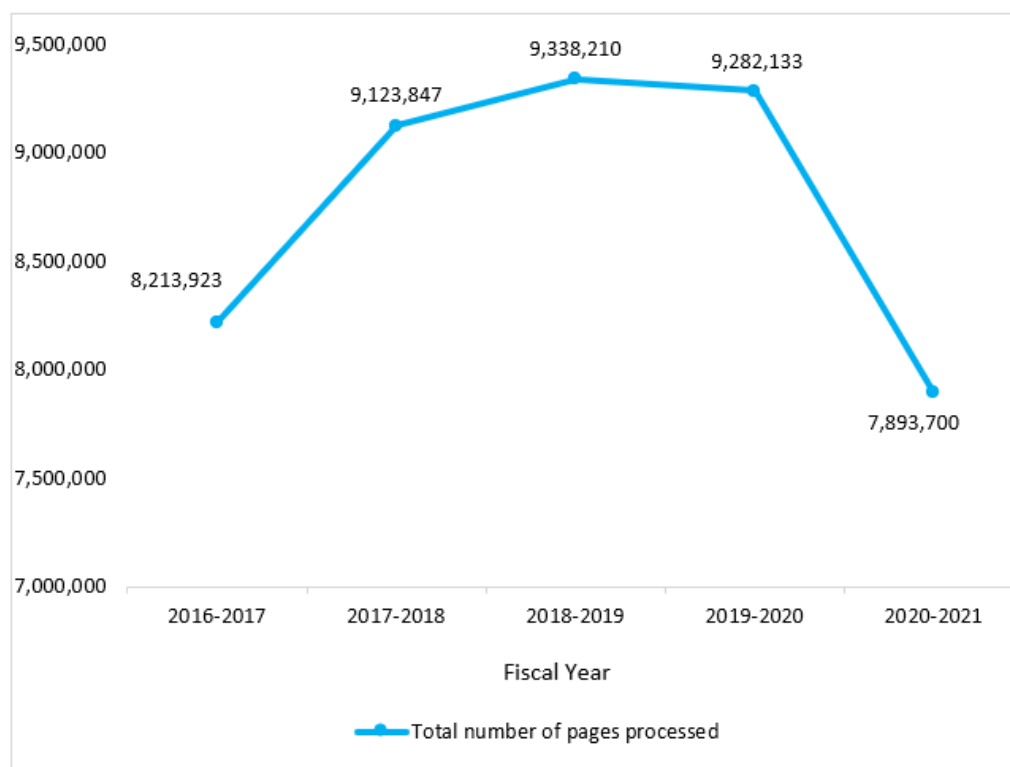
Complexity

One key aspect of complexity is the number of pages processed in response to personal information requests. During the 2020 to 2021 fiscal year, five institutions processed 66.6 percent of the 7,893,700 total pages processed in response for personal information requests.

Table 10: pages processed under the *Privacy Act* by the five institutions that received the highest volume of pages, and all other government institutions, fiscal year 2020 to 2021

Rank	Name of Institution	Number of requests closed	Number of pages processed	Number of pages disclosed
1	Immigration Refugees and Citizenship Canada	18,687	1,714,984	1,561,495
2	Employment and Social Development Canada	12,883	1,164,618	1,084,070
3	National Defence	4,904	1,050,543	971,771
4	Library and Archives of Canada	1,232	669,501	228,595
5	Canada Revenue Agency	4,023	653,853	538,726
Other institutions		26,136	2,640,201	1,647,225
Total		67,865	7,893,700	6,031,882

Figure 18: number of pages processed in response to closed personal information requests, from fiscal year 2016 to 2017 to fiscal year 2020 to 2021



Additional key aspects of complexity are requests that require consultation, where legal advice is sought or when personal information is interwoven throughout the records.

Table 11: complex personal information requests closed in fiscal year 2020 to 2021, by disposition

Disposition	Consultation required	Legal advice sought	Interwoven information ^a	Other ^b	Total
All disclosed	15	3	113	341	472
Disclosed in part	335	30	9,827	494	10,686
All exempted	5	3	4	8	20
All excluded	0	0	0	87	87
Request abandoned	10	5	49	107	171
Neither confirmed nor denied	8	0	0	0	8
Total	373	41	9,993	1,037	11,444

^a The category “interwoven information” includes requests wherein the relevant records contain personal information about another individual that is blended or intermixed with the personal information of the requester.

^b Other considerations include requests for the contents of a database, requests to process audio or video recordings, high profile subject matter, instances in which records are located in another region or country, and instances in which the records are in a language other than English or French.

Extensions

83.3 percent of all extensions taken for closed requests cited paragraph 15(a)(i) of the *Privacy Act* as a reason for the extension, relating to interference with government operations.

Table 12: number of personal information requests closed in fiscal year 2020 to 2021 with reasons for and length of extension

Length of extension ^a	15(a)(i): Interference with operations				15(a)(ii): Consultation			15(b): Translation purposes or conversion	Total
	Further review required to determine exemptions	Large volume of pages	Large volume of requests	Documents are difficult to obtain	Cabinet Confidence (Section 70) ^b	External	Internal		

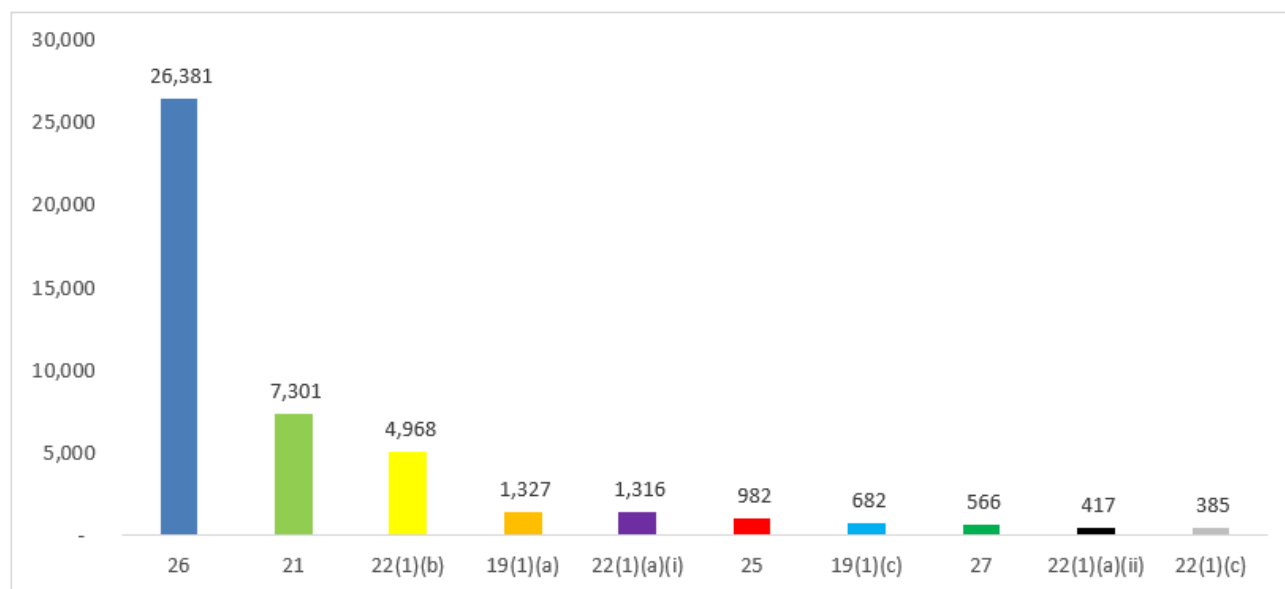
Length of extension <u>a</u>	15(a)(i): Interference with operations				15(a)(ii): Consultation			15(b): Translation purposes or conversion	Total
	Further review required to determine exemptions	Large volume of pages	Large volume of requests	Documents are difficult to obtain	Cabinet Confidence (Section 70) <u>b</u>	External	Internal		
1 to 15 days	1	15	1	3	0	3	0	0	23
16 to 30 days	158	432	6,243	417	0	127	1,318	10	8,705
31 days or greater	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1	1
Total	159	447	6,244	420	0	130	1,318	11	8,729

a The *Privacy Act* provides for a maximum extension of 30 days.

b Section 70 of the *Privacy Act* states that the act does not apply to confidences of the Queen's Privy Council for Canada.

Exemptions

Figure 19: the 10 most frequently invoked *Privacy Act* exemptions for personal information requests closed in the fiscal year 2020 to 2021



▼ Figure 19 - Text version

Exemption	Description
26	Information about another individual
21	International affairs and defence

Exemption	Description
22(1)(b)	Law enforcement and investigations – information expected to be injurious to the enforcement of any law of Canada
19(1)(a)	Information obtained in confidence from the government of a foreign state
22(1)(a)(i)	Law enforcement and investigations – pertaining to the prevention or suppression of crime
25	Safety of individuals
19(1)(c)	Information obtained in confidence from the government of a province
27	Solicitor-client privilege
22(1)(a)(ii)	Law enforcement and investigations – pertaining to the enforcement of any law of Canada or a province
22(1)(c)	Law enforcement and investigations – information expected to be injurious to the security of penal institutions

Exclusions

Specific categories of information are excluded from the right of access pursuant to the *Privacy Act*; exclusions for non-application (69(1)(a) and 69(1)(b)), exclusions for Canadian Broadcasting Corporation (69.1), confidences of the Queen's Privy Council for Canada (70(1), 70(1)(a), 70(1)(b), 70(1)(c), 70(1)(d), 70(1)(e) and 70(1)(f), and for certificates under the *Canada Evidence Act* (70.1).

During the 2020 to 2021 fiscal year, exclusions were applied to nine (9) closed personal information requests.

Table 13: the four most frequently used *Privacy Act* exclusions invoked for personal information requests closed in the fiscal year 2020 to 2021

Provision	Number of requests
69(1)(a) – library and museum material	4
69(1)(b) – material place by or on behalf of persons or organizations other than government institutions	1
69.1 – personal information used for journalistic, artistic, or literary purposes by Canadian Broadcasting Corporation	3
70(1) – Confidences of the Queen's Privy Council for Canada	1

Consultations between federal institutions

The number of personal information consultation requests between federal government institutions decreased by 32.3 percent from the 2019 to 2020 fiscal year. The number of pages to review decreased by 38.2 percent.

Table 14: number of personal information consultation requests and number of pages reviewed in connection with those requests, fiscal year 2019 to 2020 and fiscal year 2020 to 2021

Consultations	Number of requests for consultation		Number of pages to review	
	2019 to 2020	2020 to 2021	2019 to 2020	2020 to 2021
Received during reporting period	378	256	16,869	10,432
Outstanding from the previous reporting period	31	30	37,386	4,118
Total	409	286	54,255	14,550
Closed during the reporting period	382	232	50,091	10,676
Pending at the end of the reporting period	27	54	4,164	3,874

Table 15: requests for consultation between government institutions closed within particular timeframes in fiscal year 2020 to 2021

Recommendation	Number of days required to close consultation requests							
	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	Total
Total	95	64	35	25	7	3	3	232

^a "Consult other institution" refers to a government institution's recommendation that the institution that consulted them contact additional government institutions subject to the *Privacy Act*.

Costs

The cost to administer the Government of Canada's privacy program increased by 12.6 percent to about \$62 million in the 2020 to 2021 fiscal year.

Table 16: cost of *Privacy Act* operations, fiscal year 2019 to 2020 and fiscal year 2020 to 2021

Description of costs	Amount	
	2019 to 2020	2020 to 2021

Description of costs	Amount	
	2019 to 2020	2020 to 2021
Cost of institutions' operations ^a	\$54,607,942	\$61,698,661
Cost of ATIP Online Request Service	\$384,191	\$219,543
Total	\$54,992,133	\$61,918,204
<p>^a Cost of operations includes salaries, overtime, goods and services, contracts and all other expenses specific to Access to Information and Privacy offices. Cost of operations does not include costs associated with time spent by business areas searching for and reviewing records</p>		

Disclosures under subsections 8(2) and 8(5) of the *Privacy Act*

Subsection 8(2) of the Act, subject to other Acts of Parliament, provides for the disclosure of personal information without the consent of the individual. Subsection 8(5) of the Act requires institutions to notify the Privacy Commissioner in writing of any disclosure of personal information made pursuant to paragraph 8(2)(m) of the Act. These notifications should be done prior to the disclosure where reasonably practical or in any other cases forthwith.

In the 2020 to 2021 fiscal year, the number of disclosures pursuant to subsection 8(2)(e) decreased 43.4 percent from the 2019 to 2020 fiscal year. Whereas the number of disclosures pursuant to paragraph 8(2)(m) increased more than 1,700 percent. This increase is largely due to one institution (Correctional Services Canada), which accounts for 91.1 percent of all disclosures pursuant to 8(2)(m).

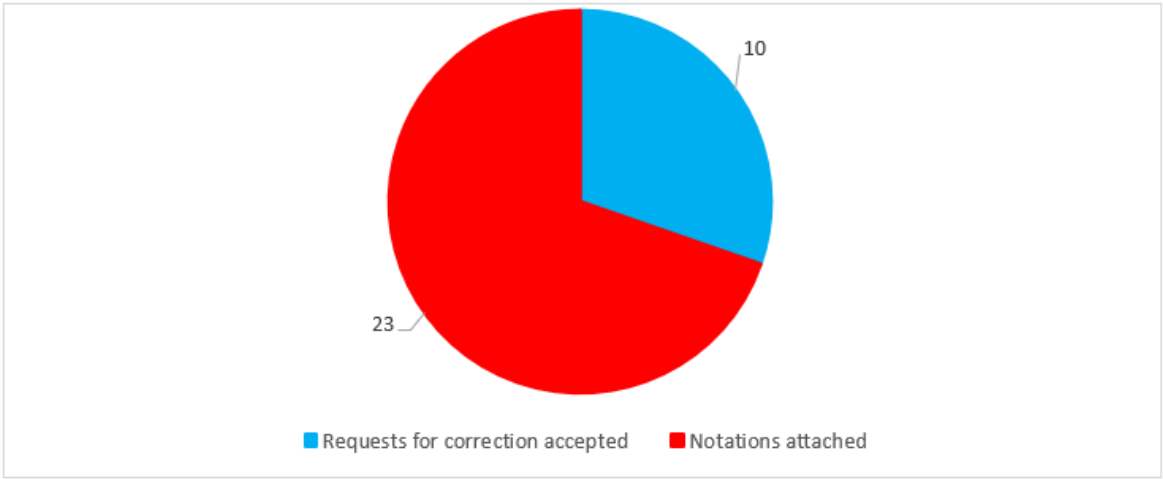
Table 17: disclosures under subsections 8(2) and 8(5) of the *Privacy Act*, fiscal year 2020 to 2021

Paragraph 8(2)(e) ^a	Paragraph 8(2)(m) ^b	Subsection 8(5)	Total
3,217	4,169	303	7,689
<p>^a Paragraph 8(2)(e) of the <i>Privacy Act</i>: "Subject to any other Act of Parliament, personal information under the control of a government institution may be disclosed... to an investigative body specified in the regulations, on the written request of the body, for the purpose of enforcing any law of Canada or a province or carrying out a lawful investigation, if the request specifies the purpose and describes the information to be disclosed."</p> <p>^b Paragraph 8(2)(m) of the <i>Privacy Act</i>: "Subject to any other Act of Parliament, personal information under the control of a government institution may be disclosed... for any purpose where, in the opinion of the head of the institution, (i) the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or (ii) disclosure would clearly benefit the individual to whom the information relates."</p>			

Requests for correction of personal information and notations

During the 2020 to 2021 fiscal year, 30.3 percent of all requests for correction pursuant to subsection 12(2) of the *Privacy Act* were accepted. In instances where correction was requested but not made, a notation was added to the information in question.

Figure 20: outcome of the requests for correction of personal information, fiscal year 2020 to 2021



Privacy impact assessments

Privacy impact assessments (PIAs) provide a framework to ensure that privacy is considered throughout the design or redesign of programs or service delivery. PIAs identify the extent to which proposals comply with all appropriate statutes, assist managers and decision makers in avoiding or mitigating privacy risks, and promote informed policy, program and system design choices.

Completed PIAs must be submitted to the Treasury Board of Canada Secretariat, as well as to the Office of the Privacy Commissioner.

Table 18: number of privacy impact assessments completed, fiscal year 2020 to 2021

Privacy impact assessments	Amount
Number of PIAs completed ^a	102
^a “Completed” signifies privacy impact assessments that were submitted to both the Office of the Privacy Commissioner and the Information and Privacy Policy Division of the Treasury Board of Canada Secretariat.	

Personal information banks

Personal information banks (PIBs) are descriptions of personal information held by government institutions. The *Privacy Act* requires that PIBs describe all personal information about individuals that is organized and retrievable by a person’s name or by an identifying number, symbol or other particular assigned only to that person. PIBs must include personal information that has been or is being used, or is available for use, to support a program or activity.

Table 19: Personal Information Banks active, created, terminated and modified, fiscal year 2020 to 2021

Personal information banks	Amount
Active	2,833
Created	25
Modified	150
Terminated	13

Material Privacy Breaches

A breach is deemed a “material privacy breach” if the breach involves sensitive personal information and could reasonably be expected to cause serious injury or harm to the individual and/or involves a large number of affected individuals. Section 4 of the [Guidelines for Privacy Breaches](#) requires institutions to establish a process for the mandatory reporting of material privacy breaches to the Office of the Privacy Commissioner (OPC) and the Treasury Board of Canada Secretariat (TBS).

During the 2020 to 2021 fiscal year, government institutions reported 250 material privacy breaches to both the Treasury Board of Canada Secretariat and the Office of the Privacy Commissioner of Canada.

Annex: detailed analysis

► In this section

Requests under the *Access to Information Act*

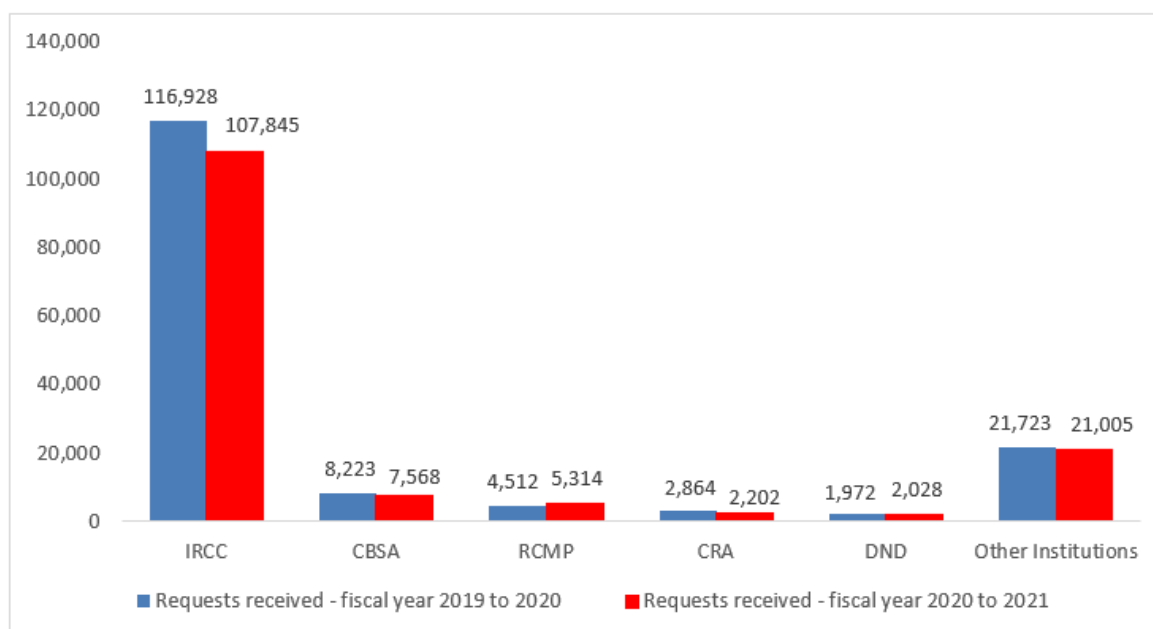
In the 2020 to 2021 fiscal year, five institutions received 85.6 percent of all *Access to Information Act* request received by all federal institutions. These five institutions are Immigration, Refugees and Citizenship Canada (IRCC), the Canada Border Services Agency (CBSA), the Royal Canadian

Mounted Police (RCMP), the Canada Revenue Agency (CRA), and the Department of National Defence (DND). To provide a more detailed understanding of the access to information program, this Annex provides data for these five institutions.

The number of requests received by these institutions decreased by 7.1 percent since the last fiscal year, from 134,499 in the 2019 to 2020 fiscal year to 124,957 in the 2020 to 2021 fiscal year.

The number of requests received by all other institutions decreased by 3.3 percent since the last fiscal year, from 21,723 in the 2019 to 2020 fiscal year to 21,005 in the 2020 to 2021 fiscal year.

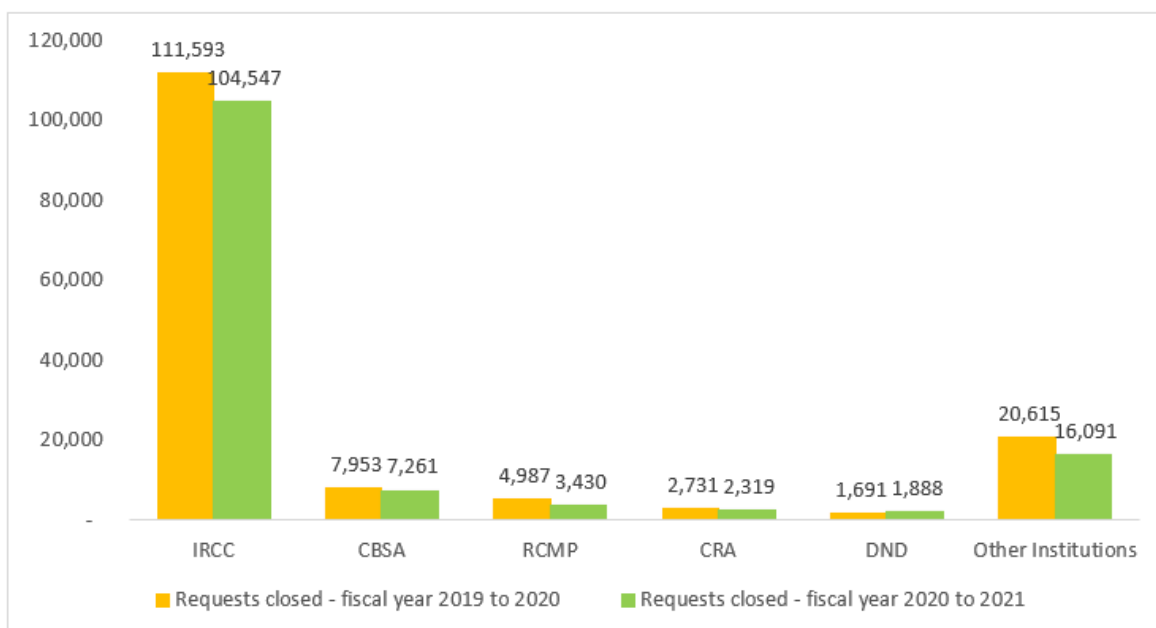
Figure 21: requests received under the *Access to Information Act*, by the five institutions that received the highest volume of requests and all other institutions, from fiscal year 2019 to 2020 to fiscal year 2020 to 2021



The number of requests closed by the five institutions who received the most requests decreased by 7.4 percent since the last fiscal year, from 128,955 in the 2019 to 2020 fiscal year to 119,445 in the 2020 to 2021 fiscal year.

The number of requests closed by all other institutions decreased by 21.9 percent since the last fiscal year, from 20,615 in the 2019 to 2020 fiscal year to 16,091 in the 2020 to 2021 fiscal year.

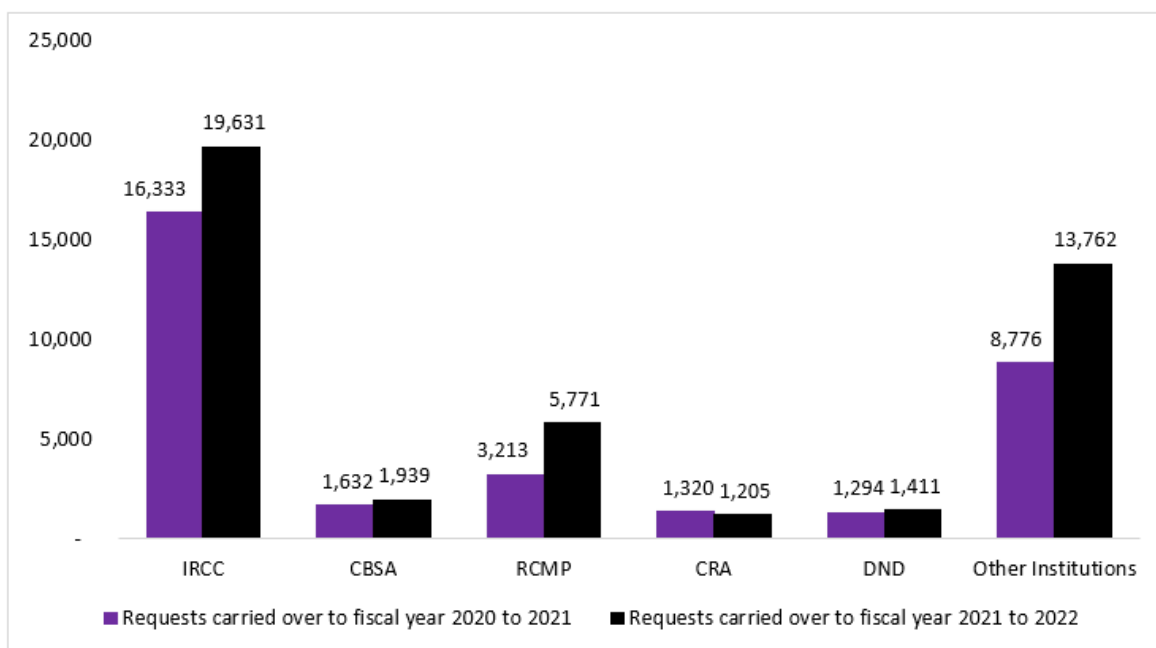
Figure 22: requests closed under the *Access to Information Act*, by the five institutions that received the highest volume of requests and all other institutions, from fiscal year 2019 to 2020 to fiscal year 2020 to 2021



The number of requests carried over by the five institutions who received the most requests increased by 25.9 percent since the last fiscal year, from 23,792 in the 2019 to 2020 fiscal year to 29,957 in the 2020 to 2021 fiscal year.

The number of requests carried over by all other institutions increased by 56.8 percent since the last fiscal year, from 8,776 in the 2019 to 2020 fiscal year to 13,762 in the 2020 to 2021 fiscal year.

Figure 23: requests carried over under the *Access to Information Act*, by the five institutions that received the highest volume of requests and all other institutions, from fiscal year 2019 to 2020 to fiscal year 2020 to 2021

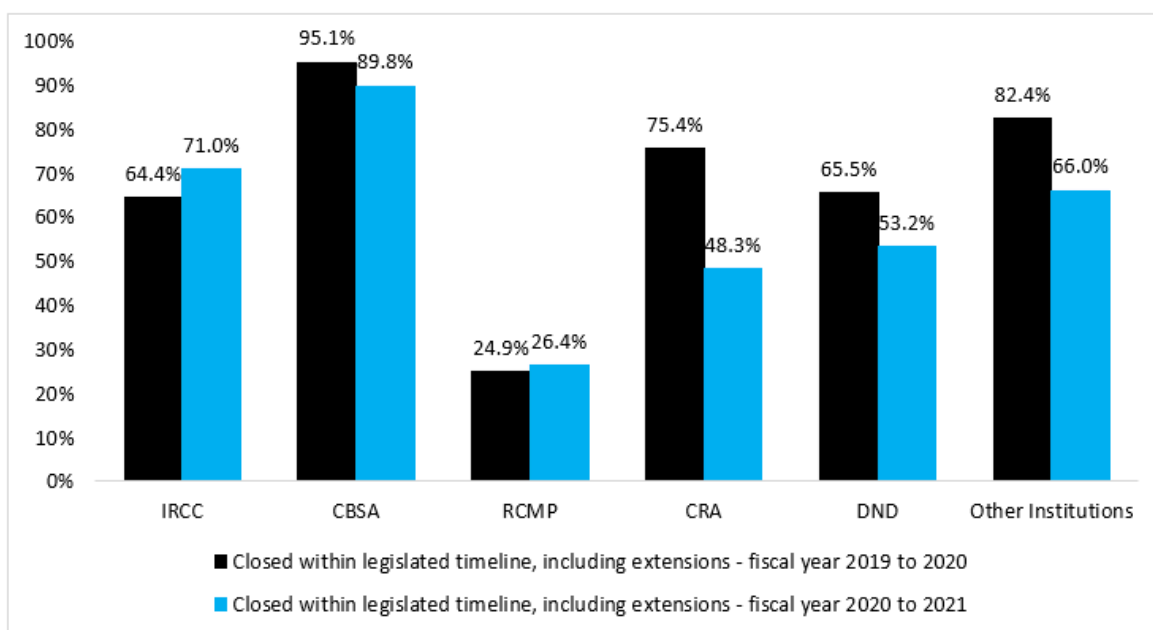


Timeliness

Of all the ATI requests that were closed by the five institutions who received the most requests in the 2020 to 2021 fiscal year, 70.1 percent were closed within legislated timelines, including extensions. This is an increase of 5.1 percent from the 2019 to 2020 fiscal year.

For all other institutions, of all the ATI requests that were closed in the 2020 to 2021 fiscal year, 66 percent were closed within legislated timelines, including extensions. This a decrease of 16.4 percent from the 2019 to 2020 fiscal year.

Figure 24: percentage of ATI requests closed within the legislated timeline, including extensions, by the five institutions that received the highest volume of requests and all other institutions, from fiscal year 2016 to 2017 to fiscal year 2020 to 2021



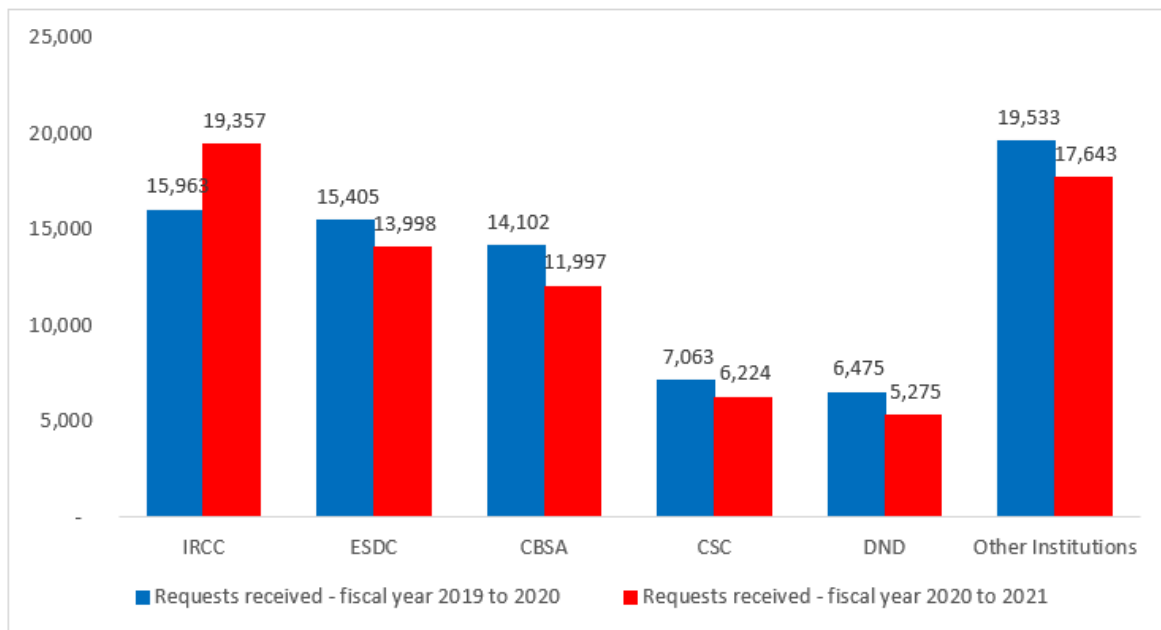
Requests under the *Privacy Act*

In the 2020 to 2021 fiscal year, five institutions received 76.3 percent of all *Privacy Act* requests received by all federal institutions. These five institutions are Immigration, Refugees and Citizenship Canada (IRCC), Employment and Social Development Canada (ESDC), Canada Border Services Agency (CBSA), Correctional Service of Canada (CSC), and the Department of National Defence (DND). To provide a more detailed understanding of the privacy program, this Annex provides data for these five institutions.

The number of requests received by the five institutions who received the most requests, decreased by 3.7 percent since the last fiscal year, from 59,008 in the 2019 to 2020 fiscal year to 56,851 in the 2020 to 2021 fiscal year.

The number of requests received by all other institutions decreased by 9.7 percent since the last fiscal year, from 19,533 in the 2019 to 2020 fiscal year to 17,643 in the 2020 to 2021 fiscal year.

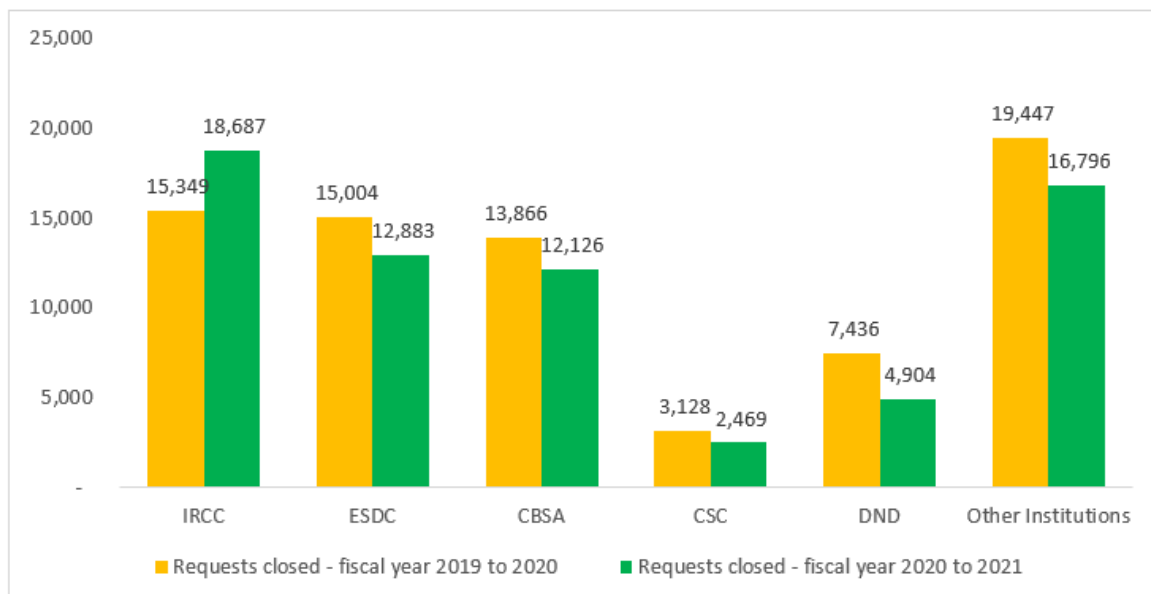
Figure 25: requests received under the *Privacy Act*, by the five institutions that received the highest volume of requests and all other institutions, from fiscal year 2019 to 2020 to fiscal year 2020 to 2021



The number of requests closed by the five institutions who received the most requests decreased by 6.8 percent since the last fiscal year, from 54,783 in the 2019 to 2020 fiscal year to 51,069 in the 2020 to 2021 fiscal year.

The number of requests closed by all other institutions decreased by 13.6 percent since the last fiscal year, from 19,447 in the 2019 to 2020 fiscal year to 16,796 in the 2020 to 2021 fiscal year.

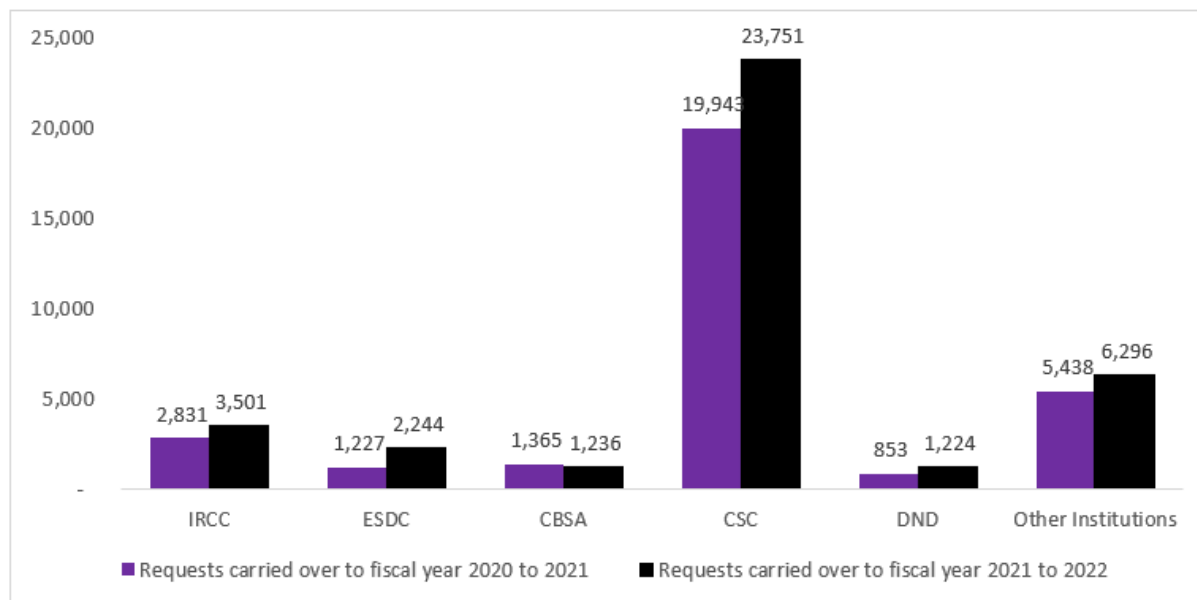
Figure 26: requests closed under the *Privacy Act*, by the five institutions that received the highest volume of requests and all other institutions, from fiscal year 2019 to 2020 to fiscal year 2020 to 2021



The number of requests carried over by the five institutions who received the most requests increased by 21.9 percent since the last fiscal year, from 26,219 in the 2019 to 2020 fiscal year to 31,956 in the 2020 to 2021 fiscal year.

The number of requests carried over by all other institutions increased by 15.8 percent since the last fiscal year, from 5,438 in the 2019 to 2020 fiscal year to 6,296 in the 2020 to 2021 fiscal year.

Figure 27: requests carried over under the *Privacy Act*, by the five institutions that received the highest volume of requests and all other institutions, from fiscal year 2019 to 2020 to fiscal year 2020 to 2021

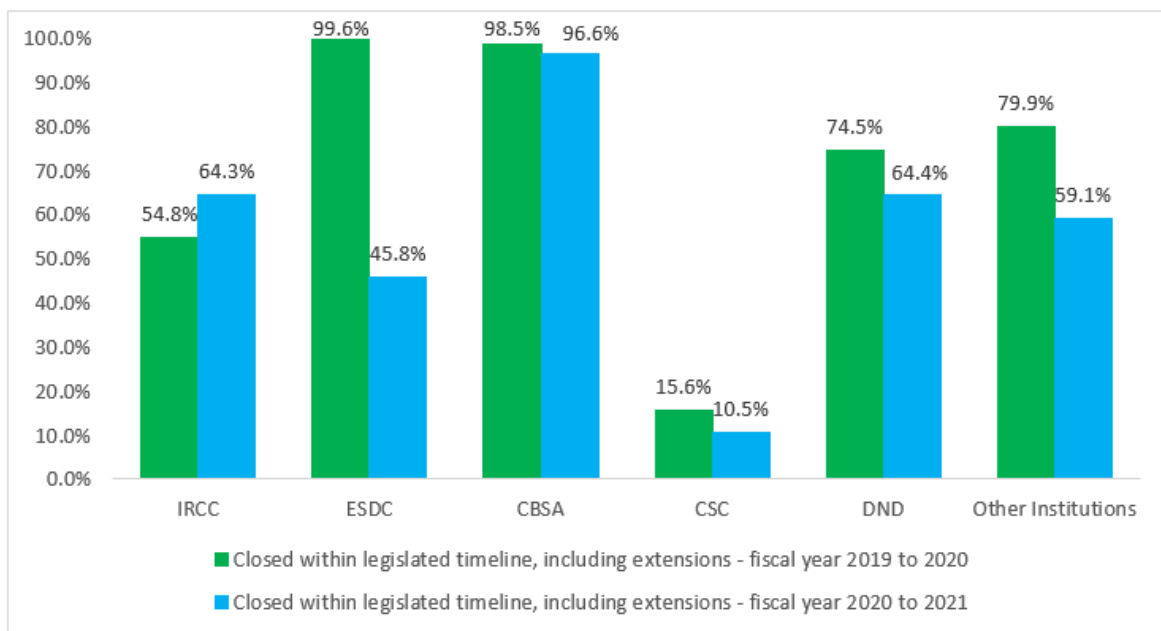


Timeliness

Of all the requests for personal information that were closed by the five institutions who received the most requests in the 2020 to 2021 fiscal year, 64.7 percent were closed within legislated timelines, including extensions. This is a decrease of 13.9 percent from the 2019 to 2020 fiscal year.

For all other institutions, of all the requests for personal information that were closed in the 2020 to 2021 fiscal year, 59.1 percent were closed within legislated timelines, including extensions. This a decrease of 20.8 percent from the 2019 to 2020 fiscal year.

Figure 28: percentage of requests for personal information closed within the legislated timeline, including extensions, by the five institutions that received the highest volume of requests and all other institutions, from fiscal year 2016 to 2017 to fiscal year 2020 to 2021



Footnotes

- 1 The frequency is calculated based on requests closed within dispositions, 'Disclosed in part', and 'All exempt'.

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