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#### 1. INTRODUCTION

According to the Federal Accountability Act effective September 1, 2007, VIA Rail Canada Inc. ("VIA Rail") is subject to the legal requirements of the Privacy Act ("PA").

The PA gives Canadian citizens and all people living in Canada the right to access their personal information that is held by the Federal Government. The PA also protects Canadian citizens against unauthorized disclosure of their personal information and controls how the institution will collect, use, store, disclose and dispose of personal information.

This annual report is tabled in Parliament according to section 72 of the *PA* and covers the period from April 1, 2020 to March 31, 2021.

#### 2. INSTITUTION

VIA Rail operates Canada's national passenger rail service on behalf of the Government of Canada. An independent Crown corporation established in 1977, VIA Rail provides a safe, cost-effective and environmentally responsible service from coast to coast in both official languages. In normal, pre-pandemic times, the Corporation operates close to 514 train departures weekly on a 12,500-kilometre network, connecting over 400 Canadian communities. With 3,545 active employees, VIA Rail carried 1.1 million passengers in 2020.

#### **VIA Rail's Services**

#### Intercity Travel (The Corridor)

In the densely populated Corridor between Québec City, QC and Windsor, ON, VIA Rail's trains provide downtown-to-downtown travel between major urban centres, suburban centres and communities. These trains carry more than 90% of the Corporation's total ridership.

#### Long-distance Travel and Tourism

In Western and Eastern Canada, VIA Rail's trains attract travellers from around the world and support Canada's tourism industry. The *Canadian*, VIA Rail's Western transcontinental train, provides service between Vancouver and Toronto. In Eastern Canada, The *Ocean* runs between Montréal and Halifax.

Of course, VIA Rail's long-distance routes have been hit hard by the pandemic in 2020. VIA Rail is hopeful that it will be able to resume regular service by the end of 2021.

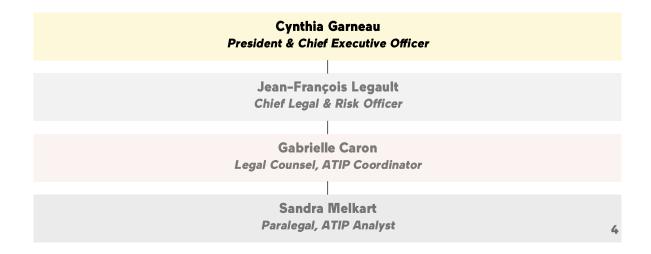
#### **Mandatory Services**

VIA Rail also provides a passenger service in several rural and remote regions of Canada. Mandated by the Government of Canada to meet essential transportation needs, these trains serve many communities where alternative, year-round transportation is limited or unavailable. Of course, VIA Rail had to reduce some of these services in 2020 in consideration of the pandemic. These services will resume in full once the pandemic situation has been stabilized.

#### 3. ORGANIZATIONAL STRUCTURE

VIA Rail's ATIP unit was created in 2007. ATIP falls under the responsibility of VIA Rail's ATIP Coordinator, who currently also acts as Legal Counsel.

The ATIP Coordinator is responsible for interpreting and applying the statutory and policy requirements as they relate to the public's right of access to VIA Rail's records under the Access to Information Act and to their personal information under the PA. In more complex cases, the ATIP Coordinator makes recommendations to the President & Chief Executive Officer on the disclosure of information. The ATIP Coordinator's responsibilities include administering the process by which access to information and personal information requests are received and responded to, in compliance with the applicable statutory and policy requirements. The organizational structure of VIA Rail's ATIP unit as of March 31, 2021 is as follows:



#### 4. **DELEGATION ORDER**

Pursuant to section 72 of the *PA*, VIA Rail's President & Chief Executive Officer has delegated the totality of her functions as they relate to the administration of the *PA* within VIA Rail to the Corporation's ATIP Coordinator.

The Delegation Order is attached as Appendix 1.

VIA Rail was not party to any service agreements under section 73.1 of the PA during the reporting period.

#### 5. PERFORMANCE 2020-2021

The complete Statistical Report for 2020 is attached as Appendix 2.

The complete Supplemental Statistical Report for 2020-2021 is attached as Appendix 3.

#### Requests:

VIA Rail received seventeen (17) personal information requests between April 1, 2020 and March 31, 2021. No requests were carried over to the next reporting period.

Three (3) requests were carried over from the previous reporting period (April 1, 2019 to March 31, 2020). All three (3) requests were closed during the reporting period.

In total, all twenty (20) requests were closed at the end of the reporting period. The response percentage to these requests is therefore 100%.

No consultation requests were completed for other institutions during the period covered by this report.

#### Completion time:

VIA Rail's average completion time for the closure of requests during the 2020-2021 reporting period was twenty-three (23) days in comparison to the legislative requirement of thirty (30) days. The median completion time was twenty-three (23) days. The percentage of requests responded to within the established deadline is 80%.

		2018-2019	2019-2020	2020-2021
	1 to 15 days	10	6	6
Number of	16 to 30 days	12	12	10
requests by completion	31 to 60 days	2	4	4
time	61 to 120 days	0	0	0
	121 to 180 days	0	0	0

#### Disposition of Requests

During the reporting period, twelve (12) requests were 'All Disclosed' and three (3) requests were 'Disclosed in part'.

#### Impact of COVID-19

Although those responsible for processing access to personal information requests were required to work remotely and some staff had reduced working hours, the COVID-19 pandemic did not significantly reduce VIA Rail's capacity to receive, process or respond to access to personal information requests. To make reasonable efforts to respond to requests in accordance with operational realities, VIA Rail encouraged requestors to submit their requests through its dedicated inbox as opposed to submitting their requests by mail.

#### Extensions

During this reporting period, an extension was taken for four (4) requests as they required extensions according to sections 15(a)i), 15(a)ii) or 15(b) of the PA. Two (2) requests required an extension between one (1) and fifteen (15) days and two (2) requests required an extension between sixteen (16) and thirty (30) days.

#### Exemptions applied

The main exemptions applied by VIA Rail during this reporting period are the following:

		2018-2019	2019-2020	2020-2021
Number of requests based	s. 26 PA – personal information	2	2	2
on the applied exemption	s. 27 PA – solicitor-client privilege	0	1	0

#### Costs:

The total costs incurred by the ATIP unit with respect to the protection of personal information for the 2019-2020 reporting period was \$95,000.

#### Human resources:

As for human resources, it has been estimated that 1.00 FTE (Full-Time Equivalent) was dedicated to activities associated with the protection of personal information.

#### 6. TRAINING AND AWARENESS

VIA Rail has developed a training program for business units whose employees have access to personal information in the course of their work.

## 7. POLICIES, GUIDELINES, PROCEDURES AND INITIATIVES

VIA Rail did not implement or substantially review any policies, guidelines or procedures related to privacy during this reporting period.

#### 8. COMPLAINTS

No complaints were filed between April 1, 2020 and March 31, 2021.

#### **Ongoing Files**

There are no ongoing complaints at the Office of the Privacy Commissioner of Canada.

#### 9. MONITORING COMPLIANCE

VIA Rail analyzes each request as soon as they are received in order to determine the time required to process such request, which is established based on discussions held with appropriate information holders, the necessity for consultations with third parties, etc.

Since 2017, requests are processed with the additional assistance of a computer software that allows the ATIP analysts to more effectively process these requests. In addition, a file consolidates all relevant information regarding the status of each active request. This file is being monitored on a weekly basis by the ATIP Coordinator.

## 10. MATERIAL PRIVACY BREACHES

No material privacy breaches took place during the reporting period.

## 11. PRIVACY IMPACT ASSESSMENTS

No formal PIAs were initiated or completed during this reporting period. However, VIA Rail performs risk assessments for all of its projects, which includes a privacy component when applicable.

## 12. PUBLIC INTEREST DISCLOSURE

No public interest disclosures took place during the reporting period.

# Appendix 1

Delegation of authority





# DÉLÉGATION D'AUTORITÉ LOI SUR L'ACCÈS À L'INFORMATION ET LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

## DELEGATION OF AUTHORITY ACCESS TO INFORMATION ACT AND PRIVACY ACT

Le 31 mars 2021

March 31, 2021

Je, soussignée, Présidente et chef de la I, the undersigned, President and Chief direction, conformément à l'article 94 de la Loi sur l'accès à l'information et à l'article 72 de la Loi sur la protection des renseignements personnels, délègue par la présente les agents et les employés de VIA Rail occupant les postes identifiés dans l'annexe ci-jointe à assumer au nom de la Présidente et chef de la direction les pouvoirs de signature ainsi que les duties or functions specified therein. attributions, fonctions et pouvoirs qui y sont spécifiés.

Executive Officer, pursuant to Section 94 of the Access to Information Act and Section 72 of the Privacy Act, hereby delegate officers and employees of VIA Rail occupying positions identified within the attached appendix to exercise signing authorities or perform any of the President and Chief Executive Officer's powers,

Signée à Montréal, ce 31 mars 2021

Signed in Montreal this March 31, 2021

Cynthia Garneau Présidente et chef de la direction President and Chief Executive Officer

## VIA Rail Canada Inc.

## **Delegation of Authority**

## Under the Privacy Act

Subject	Privacy Act Section		Position / T		
		ATIP Coordinator	Vice- President, Legal Services	ATIP Analyst	Chief of Police
Disclosure for any purposes in accordance with any Act of Parliament	8(2)(b)	•	•	•	•
Disclosure for any purposes in accordance with the Security of Canada Information Act	8(2)(b)	•	•	•	•
Disclosure to investigative bodies	8(2)(e)	•	•	•	•
Disclosure for research and statistics	8(2)(j)	•	•	•	•
Disclosure in public interest, benefit of individual	8(2)(m)	•	•	•	•
Copy of requests under paragraph 8(2) e) to be retained	8(4)	•	•	•	•
Notice of disclosure under paragraph 8(2)(m)	8(5)	•	•	•	•
Record of disclosures to be retained	9(1)	•	•	•	•
Notify Privacy Commissioner of consistent uses	9(4)	•	•	•	•
Personal information in banks	10(1)	•	•	•	•
Notice where access is requested	14	•	•	•	•
Extension of time limits	15	•	•	•	•
Notice where access is refused	16	•	•	•	•
Decision regarding translation	17(2)(b)	•	•	•	•
Conversion to alternate format	17(3)(b)	•	•	•	•
Refuse access - exempt bank	18(2)	•	•	•	•
Refuse access - confidential information obtained from another government	19(1)	•	•	•	•
Disclose confidential information obtained from another government	19(2)	•	•	•	•
Refuse access - federal-provincial affairs	20	•	•	•	•
Refuse access - international affairs and defense	21	•	•	•	•
Refuse access - law enforcement and investigation	22	•	•	•	•
National Security and Intelligence Committee	22.4	•	•	•	•
Refuse access - security clearance	23	•	•	•	•

Refuse access – individual sentenced for an offence	24	•	•	•	•
Refuse access - safety of individuals	25	•	•	•	•
Refuse access - another individual's information	26	•	•	•	•
Refuse access - solicitor-client privilege	27	•	•	•	•
Patent or Trademark privilege	27.1	•	•	•	•
Refuse access - medical record	28	•	•	•	•
Action to take in response to the notice of intention to investigate	31	•	•	•	•
Representation to Privacy Commissioner	33(2)	•	•	•	•
Information previously exempted	35(1)(b)	•	•	•	•
Access to be given	35(4)	•	•	•	•
Response to review of exempt banks	36(3)(b)	•	•	•	•
Report of findings and recommendations	37(3)	•	•	•	•
Request court hearing in the National Capital Region	51(2)(b)	•	•	•	•
Ex-parte representation to court	51(3)	•	•	•	•

# Appendix 2

Statistical Report



## Statistical Report on the Privacy Act

Name of institution:				
Reporting period:	2020-04-01	to	2021-03-31	

## Section 1: Requests Under the Privacy Act

#### 1.1 Number of requests

	Number of Requests
Received during reporting period	17
Outstanding from previous reporting period	3
Total	20
Closed during reporting period	20
Carried over to next reporting period	0

## **Section 2: Requests Closed During the Reporting Period**

## 2.1 Disposition and completion time

Diama di ana d		Completion Time						
Disposition of 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
All disclosed	2	6	4	0	0	0	0	12
Disclosed in part	0	3	0	0	0	0	0	3
All exempted	1	0	0	0	0	0	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	0	1	0	0	0	0	0	1
Request abandoned	3	0	0	0	0	0	0	3
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	6	10	4	0	0	0	0	20

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## 2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
18(2)	0	22(1)(a)(i)	0	23(a)	0
19(1)(a)	0	22(1)(a)(ii)	0	23(b)	0
19(1)(b)	0	22(1)(a)(iii)	0	24(a)	0
19(1)(c)	0	22(1)(b)	0	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	2
19(1)(f)	0	22,1	0	27	0
20	0	22,2	0	27,1	0
21	0	22,3	0	28	0
	•	22,4	0		•

#### 2.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
69(1)(a)	0	70(1)	0	70(1)(d)	0
69(1)(b)	0	70(1)(a)	0	70(1)(e)	0
69,1	0	70(1)(b)	0	70(1)(f)	0
		70(1)(c)	0	70,1	0

## 2.4 Format of information released

Paper	Electronic	Other
0	13	2

## 2.5 Complexity

## 2.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
1102	1102	19

## 2.5.2 Relevant pages processed and disclosed by size of requests

				1-500 501-1000 Processed Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed		
Disposition	Number of Requests	Pages Disclosed	Number of Requests		Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	8	163	4	917	0	0	0	0	0	0
Disclosed in part	3	22	0	0	0	0	0	0	0	0
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	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	15	185	4	917	0	0	0	0	0	0

## 2.5.3 Other complexities

Disposition	Consultation Required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	0	0	0
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned			0	0	0
Neither confirmed nor denied	0	0	0	0	0
Total	0	0	0	0	0

## 2.6 Closed requests

## 2.6.1 Number of requests closed within legislated timelines

	Requests closed within legislated timelines
Number of requests closed within legislated timelines	16
Percentage of requests closed within legislated timelines (%)	80

#### 2.7 Deemed refusals

## 2.7.1 Reasons for not meeting legislated timelines

	Principal Reason					
Number of Requests Closed Past the Legislated Timelines	Interference with Operations / Workload	External Consultation	Internal Consultation	Other		
4	0	0	4	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	1	1	2
16 to 30 days	1	1	2
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	2	2	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

		15(a)(i) Interferen	ce with operations	15 (a)(ii) C				
Number of								
requests	Further review				Cabinet			15(b)
where an	required to				Confidence			Translation
extension	determine	Large volume of	Large volume of	Documents are	Section (Section			purposes or
was taken	exemptions	pages	requests	difficult to obtain	70)	External	Internal	conversion
4	0	0	0	4	0	0	0	0

## 5.2 Length of extensions

		15(a)(i) Interferen	15 (a)(ii) C	15 (a)(ii) Consultation				
Length of Extensions	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	15(b) Translation purposes or conversion
1 to 15 days	0	0	0	0	0	0	0	0
16 to 30 days	0	0	0	4	0	0	0	0
31 days or greater								0
Total	0	0	0	4	0	0	0	0

## Section 6: Consultations Received From Other Institutions and Organizations

## 6.1 Consultations received from other Government of Canada institutions and other organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during the reporting period	0	0	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	0	0	0	0
Closed during the reporting period	0	0	0	0
Carried over to the next reporting period	0	0	0	0

# 6.2 Recommendations and completion time for consultations received from other Government of Canada institutions

	N	lumber o	f Days Re	quired to C	omplete C	Consultation		s
Recommendation	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	Than 365 Days	Total
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

## 6.3 Recommendations and completion time for consultations received from other organizations

		Number of days required to complete consultation requests						
Recommendation	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	Than 365 Days	Total
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 7: Completion Time of Consultations on Cabinet Confidences**

## 7.1 Requests with Legal Services

	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 5000 Pages Processed	
Number of Days	Number of Requests	Pages Disclosed	Number of Requests		Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

## 7.2 Requests with Privy Council Office

	Fewer Than 1 Proces	•	101–500 Proce	O Pages essed	501-1000 1001-500 Pages Processed Pages Proce			More than 5000 Pages Processed		
Number of Days	Number of Requests	Pages Disclosed	Number of Requests		Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

## Section 8: Complaints and Investigations Notices Received

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

## Section 9: Privacy Impact Assessments (PIA) and Personal Information Banks (PIB)

## 9.1 Privacy Impact Assessments

Number of PIA(s) completed	0

#### 9.2 Personal Information Banks

Personal Information Banks	Active	Created	Terminated	Modified
	0	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	\$95 000		
Overtime	\$0		
Goods and Services	Goods and Services		
Professional services contracts	\$0		
Other			
Total	\$95 000		

#### 11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	1,000
Part-time and casual employees	0,000
Regional staff	0,000
Consultants and agency personnel	0,000
Students	0,000
Total	1,000

Note: Enter values to three decimal places.

# Appendix 3

Supplemental Report



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

Name of institution:	VIA Rail Canada Inc.			
Reporting period:	2020-04-01	to	2021-03-31	

#### Section 1: Capacity to Receive Requests

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

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

#### Section 2: Capacity to Process Records

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

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

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

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

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