
2019 Annual Report to Parliament

VIA Rail Canada Inc.

Administration of the Privacy Act



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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 are 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, 2019 to March 31, 2020.

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. The Corporation operates close to 514 train departures weekly on a 12,500-kilometre network, connecting over 400 Canadian communities. With 3,234 active employees, VIA Rail carried more than 5 million passengers in 2019.

VIA Rail's Services

Inter-city 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 Montreal and Halifax.

Mandatory Services

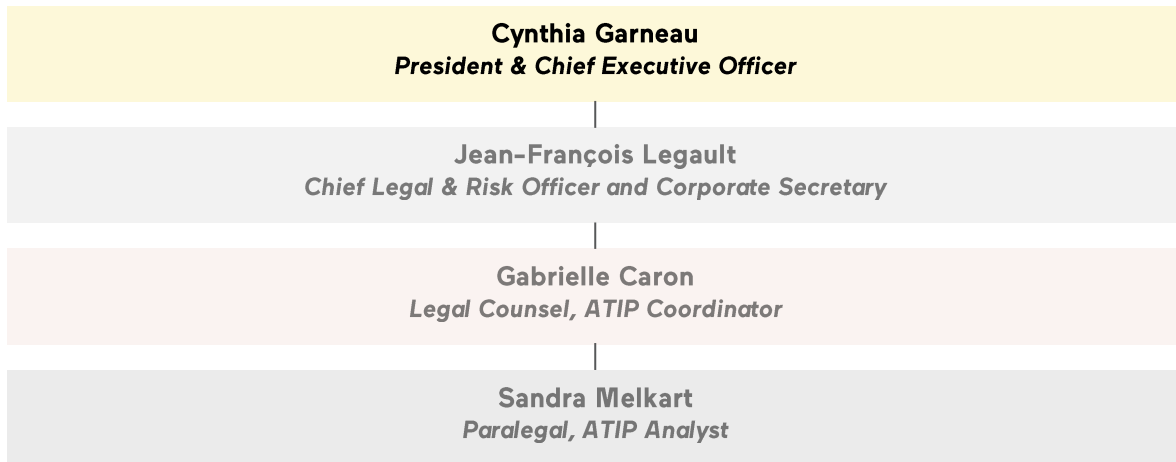
VIA Rail provides a passenger service in several rural and remote regions of Canada. Mandated by the Government of Canada to meet essential transportation needs, these trains serve many communities where alternative, year-round transportation is limited or unavailable.

3. ACCESS TO INFORMATION AND PRIVACY ("ATIP") UNIT

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.

This person 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, 2020 is as follows:



4. DELEGATION ORDER

Pursuant to section 73(1) 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. INTERPRETATION OF THE STATISTICAL REPORT

The complete statistical report for 2019 is attached as Appendix 2.

Requests:

VIA Rail received twenty-four (24) personal information requests between April 1, 2019 and March 31, 2020. Of these twenty-four (24) requests, three (3) requests were carried over to the next reporting period.

One (1) request was carried over from the previous reporting period (April 1, 2018 to March 31, 2019). Said request was closed during the reporting period.

In total, twenty-two (22) out of twenty-five (25) requests were closed at the end of the reporting period. The response percentage to these requests is therefore 88%.

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 2019-2020 reporting period was twenty (20) 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 86,4%.

	2017-2018	2018-2019	2019-2020
Number of requests by completion	1 to 15 days	15	6
	16 to 30 days	11	12
	31 to 60 days	1	4

time	61 to 120 days	1	0	0
	121 to 180 days	2	0	0

Extensions

During this reporting period, an extension was taken for three (3) 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 one (1) requests required an extension between sixteen (16) and thirty (30) days.

Exemptions applied

		2017-2018	2018-2019	2019-2020
Number of requests based on the applied exemption	s. 26 PA – personal information	9	2	2
	s. 27 PA – solicitor-client privilege	1	0	1

Costs:

The total costs incurred by the ATIP unit with respect to the protection of personal information for the 2019-2020 reporting period was \$104,135. This amount includes \$95,000 in salary and \$9,135 in external professional fees.

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. EDUCATIONAL AND TRAINING ACTIVITIES

New employees are required to complete an on-line Code of Conduct module which includes questions about privacy with respect to both individual and corporate responsibility.

General or targeted awareness initiatives were developed during the period covered by this report, notably with the finalization of an online training course on information security that will soon be deployed to all employees who are likely to access personal information of employees or passengers in the course of their duties.

In addition, in October 2019, during Cyber Security Awareness Month and in collaboration with the Information Technology Security team, VIA Rail's ATIP team implemented information security best-practices, such as an information security awareness campaign throughout the organization in the form of thematic posters, workshop-conferences, practical discussions and knowledge tests to encourage best practices.

7. POLICIES, GUIDELINES AND PROCEDURES

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, 2019 and March 31, 2020. One (1) complaint was closed between April 1, 2019 and March 31, 2020.

OPC File 050942

This complaint was filed with the Office of the Privacy Commissioner of Canada in November 2017 and was closed in January 2020. The complaint alleged that VIA Rail refused to provide access to the individual's personal information within the delays prescribed by law. The matter was resolved. It was resolved that VIA Rail had indeed provided the requested information when the request was originally processed.

On-going Files

There are no on-going complaints at the Office of the Privacy Commissioner of Canada.

9. MONITORING OF PROCESSING TIME

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 ("PIA")

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.

In addition, during the period covered by this report, new corporate tools were developed in collaboration with VIA Rail's Information Technology Security Team to identify upstream risk types, in particular those associated with technological choices, and the need to conduct privacy impact assessments.

12. PUBLIC INTEREST DISCLOSURES

In the context of the fight against the spread of the COVID-19 pandemic declared by the World Health Organization on March 11, 2020, and pursuant to paragraph 8(2)(m) of the PA, VIA Rail made disclosures of personal information to the appropriate health authorities during the reporting period. The Office of the Privacy Commissioner had been informed in advance by VIA Rail.

13. REQUESTS AFFECTED BY COVID-19 MEASURES

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.

Between March 14 and March 31, 2020, VIA Rail received one (1) access to personal information request. Such request has since been closed.

The complete 2019-2020 Supplemental Statistical Report – Requests affected by COVID-19 Measures is attached as Appendix 3.

Appendix 1

Delegation of authority

A large, vertical, yellow stylized letter 'V' logo on the left side of the page.

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 2020

March 31, 2020

Je, soussignée, présidente, conformément à l'article 95(1) de la *Loi sur l'accès à l'information* et à l'article 73(1) 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 les pouvoirs de signature ainsi que les attributions, fonctions et pouvoirs qui y sont spécifiés.

I, the undersigned, President, pursuant to Section 95(1) of the *Access to Information Act* and Section 73(1) 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's powers, duties or functions specified therein.

Signée à Montréal, ce 31 mars 2020

Signed in Montreal this March 31, 2020

A handwritten signature in black ink that reads 'Cynthia Garneau'.

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 / Title			
		ATIP Coordinator	Legal Affairs Director	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 <i>Security of Canada Information Act</i>	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: VIA Rail Canada Inc.

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	24
Outstanding from previous reporting period	1
Total	25
Closed during reporting period	22
Carried over to next reporting period	3

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	5	11	3	0	0	0	0	19
Disclosed in part	0	1	1	0	0	0	0	2
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	0	0	0	0	0	0	0	0
Request abandoned	1	0	0	0	0	0	0	1
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	6	12	4	0	0	0	0	22

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	1
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
20	1	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
1984	1984	22

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	12	68	7	1758	0	0	0	0	0	0
Disclosed in part	1	45	1	113	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	1	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	14	113	8	1871	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	1	0	0	0	1
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	1	0	0	0	1

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	19
Percentage of requests closed within legislated timelines (%)	86,4

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
3	1	0	2	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	0	1
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	1	3

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	
3	1	1	0	0	0	1	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	1	0	0	0	0	0	
16 to 30 days	1	0	0	0	0	1	0	
31 days or greater								0
Total	1	1	0	0	0	1	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

Section 8: Complaints and Investigations Notices Received

Section 31	Section 33	Section 35	Court action	Total
0	0	1	0	1

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
	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	\$9 135
• Professional services contracts	\$9 135
• Other	\$0
Total	\$104 135

11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	1,00
Part-time and casual employees	0,00
Regional staff	0,00
Consultants and agency personnel	9135,00
Students	0,00
Total	9136,00

Note: Enter values to two decimal places.

Appendix 3

Supplemental Statistical Report

2019-2020 Supplemental Statistical Report – Requests affected by COVID-19 measures

In addition to completing the forms for the Statistical Reports on the ATIA and Privacy Act for 2019-20, institutions are asked to complete this Supplemental Report to help identify the impact of COVID-19 measures on institutional performance for 2019-20 and going forward. The data requirements are set out in the tables below.

Supplemental Statistical Report on the Access to Information Act

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 1 – Requests Received

		Column (Col.) 1
		Number of requests
Row 1	Received from 2019-04-01 to 2020-03-13	38
Row 2	Received from 2020-03-14 to 2020-03-31	10
Row 3	Total ¹	48

¹ – Total for Row 3 should equal the total in the ATI Statistical Report section 1.1 Row 1

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 2 – Requests Closed

		Col. 1	Col. 2
		Number of requests closed within the legislated timelines	Number of requests closed past the legislated timelines
Row 1	Received from 2019-04-01 to 2020-03-13 and outstanding from previous reporting periods	19	11
Row 2	Received from 2020-03-14 to 2020-03-31	0	0
Row 3	Total ²	19	11

² – Total for Row 3 Col. 1 should equal the total in the ATI Statistical Report section 3.6.1 Row 1 -- Total for Row 3 Col. 2 should equal the total in the ATI Statistical Report section 3.7.1. Col. 1 Row 1

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 3 – Requests Carried Over

		Col. 1 Number of requests
Row 1	Requests received from 2019-04-01 to 2020-03-13 and outstanding from previous reporting period that were carried over to the 2020-2021 reporting period	14
Row 2	Requests received from 2020-03-14 to 2020-03-31 that were carried over to the 2020-2021 reporting period	10
Row 3	Total ³	24

³ – Total for Row 3 should equal the total in the ATI Statistical Report section 1.1 Row 5

Supplemental Statistical Report on the Privacy Act

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

		Column (Col.) 1 Number of requests
Row 1	Received from 2019-04-01 to 2020-03-13	23
Row 2	Received from 2020-03-14 to 2020-03-31	1
Row 3	Total ¹	24

¹ – Total for Row 3 should equal the total in the Privacy Statistical Report Section 1.1 Row 1

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

	Col. 1	Col. 2
	Number of requests closed within the legislated timelines	Number of requests closed past the legislated timelines
Row 1	Received from 2019-04-01 to 2020-03-13 and outstanding from previous reporting periods	19
Row 2	Received from 2020-03-14 to 2020-03-31	0
Row 3	Total ²	19

² – Total for Row 3 Col. 1 should equal the total in the Privacy Statistical Report Section 2.6.1 Row 1 -- Total for Row 3 Col. 2 should equal the total in the Privacy Statistical Report Section 2.7.1. Col. 1 Row 1

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

	Col. 1
	Number of requests
Row 1	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
Row 2	Requests from 2020-03-14 to 2020-03-31 that were carried over to the 2020-2021 reporting period
Row 3	Total ³

³ – Total for Row 3 should equal the total in the Privacy Statistical Report Section 1.1 Row 5