



# ANNUAL REPORT 2016 TO PARLIAMENT VIA RAIL CANADA

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 information about them that is held by the federal administration. The PA also protects them 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, 2016 to March 31, 2017.

## 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 494 train departures weekly on a 12,500 kilometers network, connecting over 400 Canadian communities. With approximately 2,700 active employees, VIA Rail carried 3.97 million passengers in 2016.

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

#### ***Inter-city Travel (The Corridor)***

In the densely populated Corridor between Québec City, QC and Windsor, ON, more than 390 trains per week provide downtown-to-downtown travel between major urban centers, suburban centers and communities. These trains carry more than 90 percent 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. VIA RAIL'S ACCESS TO INFORMATION AND PRIVACY ("ATIP") UNIT

VIA Rail's ATIP unit was created in 2007. Since June 1, 2010, ATIP falls under the responsibility of VIA Rail's ATIP Coordinator, who is also the Corporation's Chief Legal & Risk Officer and Corporate Secretary.

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 personal information under the *PA*. In more complex cases, the Coordinator makes recommendations to senior management on the disclosure of information. The Coordinator's area of responsibility includes 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. It is to be noted that significant parts of these responsibilities are likely to be exercised by or in collaboration with the ATIP Analysts.

The organizational structure of VIA Rail's ATIP unit effective from April 1st, 2016 to March 31, 2017, is as follows:



### 4. DELEGATION ORDER

Pursuant to section 73 of the *PA*, VIA Rail's President and Chief Executive Officer has delegated the totality of his functions as they relate to the administration of the *PA* within VIA Rail, to the Corporation's ATIP Coordinator and to the ATIP Analysts.

The delegation order is attached as Appendix 1.

## 5. INTERPRETATION OF THE STATISTICAL REPORT

The completed statistical report for 2016 is attached as Appendix 2.

### **Requests:**

VIA Rail received twelve (12) personal information requests between April 1, 2016 and March 31, 2017. Of these twelve (12) requests, three (3) were carried over from the previous reporting period (April 1, 2015 to March 31, 2016).

No requests were carried over to the next reporting period.

### **Completion time:**

VIA Rail's completion time for requests closed during the 2016-2017 reporting period is of 23 days as compared to the legislative requirement of 30 days.

### **Costs:**

The total costs incurred by the ATIP unit regarding privacy were of \$18,795. This amount includes \$15,990 in salary, \$2,605 in consultation fees and \$200 for expenditures related to the standard operations of the service.

### **Human resources:**

As for human resources, it has been estimated that 0.34 FTE (full time employee) was dedicated to privacy activities.

### **MULTI-YEAR TRENDS**

		2014-2015	2015-2016	2016-2017
<b>Number of requests by completion time</b>	1 to 15 days	8	3	5
	16 to 30 days	2	15	9
	31 to 60 days	2	1	0
	61 to 120 days	2	0	1

		2014-2015	2015-2016	2016-2017
<b>Number of requests by exemption</b>	s. 26 PA	5	14	8
	s. 27 PA	2	0	0

## **6. EDUCATIONAL AND TRAINING ACTIVITIES**

Listed below are some of VIA Rail's activities for 2016 in order to meet the legal requirements of the *PA*:

- A privacy training activity was held in November 2016 for VIA Rail's project managers. Approximately fifteen employees participated in this training. The thirty minute training focused primarily on the protection of confidential and personal information and was intended to promote a better understanding of various issues related to privacy.
- A report on privacy was included as part of every VIA Rail annual report as well as the quarterly reports.
- 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.
- A quarterly newsletter is published on VIA Rail's intranet in order to raise our employees' awareness to privacy issues.

## **7. POLICIES, GUIDELINES AND PROCEDURES**

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

## **8. COMPLAINTS**

No complaints were filed between April 1, 2016 and March 31, 2017.

## **9. MONITORING OF PROCESSING TIME**

VIA Rail analyzes each request as soon as they are received in order to determine the time required for their processing, based on discussions 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 allowing the ATIP analysts to more effectively process the requests.

## **10. MATERIAL PRIVACY BREACHES**

No material privacy breaches took place during this reporting period

## **11. PRIVACY IMPACT ASSESSMENTS ("PIA")**

No formal PIAs were initiated or completed during this reporting period. However, VIA Rail performs a risk assessment for all of its projects, which include a privacy impact analysis.

## **APPENDIX 1 – DELEGATION OF AUTHORITY**





*DELEGATION OF AUTHORITY*

*DÉLÉGATION DE POUVOIRS*

*ACCESS TO INFORMATION ACT  
AND PRIVACY ACT*

*LOI SUR L'ACCÈS À L'INFORMATION  
ET LOI SUR LA PROTECTION DES  
RENSEIGNEMENTS PERSONNELS*

I, the undersigned, President, pursuant to Section 73 of the *Access to Information Act* and Section 73 of the *Privacy Act*, hereby authorize 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.

Je, soussigné, Président, conformément à l'article 73 de la *Loi sur l'accès à l'information* et à l'article 73 de la *Loi sur la protection des renseignements*, autorise par la présente les agents et les employés de VIA Rail occupant les postes identifiés dans l'annexe ci-jointe à assumer au nom du Président les pouvoirs de signature ainsi que les attributions, fonctions et pouvoirs qui y sont spécifiés.

Signed at Montreal this June 5, 2017.

Signé à Montréal, ce 5 juin 2017.

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President and Chief Executive Officer  
Président et chef de la direction

**VIA Rail  
Delegation of Authority  
Under the *Privacy Act***

Subject	Privacy Act Section	Position / Title		
		Jean-François Legault Head, Legal Services (ATIP Coordinator)	Gabrielle Caron et Kristel Cantara ATIP Analysts	Peter Lambrinakos Director, Corporate Security
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 defence	21	●	●	
Refuse access - law enforcement and investigation	22	●	●	
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	●	●	

**VIA Rail  
Delegation of Authority  
Under the *Privacy Act***

Subject	Privacy Act Section	Position / Title		
		Jean-François Legault Head, Legal Services (ATIP Coordinator)	Gabrielle Caron et Kristel Cantara ATIP Analysts	Peter Lambrinakos Director, Corporate Security
Refuse access - solicitor-client privilege	27	●	●	
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: 2016-04-01 to 2017-03-31

### Part 1: Requests Under the *Privacy Act*

	Number of Requests
Received during reporting period	12
Outstanding from previous reporting period	3
<b>Total</b>	<b>15</b>
Closed during reporting period	15
Carried over to next reporting period	0

### Part 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	4	3	0	0	0	0	0	7
Disclosed in part	0	6	0	1	0	0	0	7
All exempted	1	0	0	0	0	0	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
<b>Total</b>	<b>5</b>	<b>9</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15</b>

## 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	8
19(1)(f)	0	22.1	0	27	0
20	0	22.2	0	28	0
21	0	22.3	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

Disposition	Paper	Electronic	Other formats
All disclosed	2	5	0
Disclosed in part	3	4	0
<b>Total</b>	5	9	0

## 2.5 Complexity

### 2.5.1 Relevant pages processed and disclosed

Disposition of Requests	Number of Pages Processed	Number of Pages Disclosed	Number of Requests
All disclosed	38	38	7
Disclosed in part	1452	1452	7
All exempted	0	0	1
All excluded	0	0	0
Request abandoned	0	0	0
Neither confirmed nor denied	0	0	0
<b>Total</b>	1490	1490	15

### 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	7	38	0	0	0	0	0	0	0	0
Disclosed in part	2	64	4	676	1	712	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	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>10</b>	<b>102</b>	<b>4</b>	<b>676</b>	<b>1</b>	<b>712</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 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
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>

### 2.6 Deemed refusals

#### 2.6.1 Reasons for not meeting statutory deadline

Number of Requests Closed Past the Statutory Deadline	Principal Reason			
	Workload	External Consultation	Internal Consultation	Other
1	0	1	0	0

#### 2.6.2 Number of days past deadline

Number of Days Past Deadline	Number of Requests Past Deadline Where No Extension Was Taken	Number of Requests Past Deadline Where An Extension Was Taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	1	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
<b>Total</b>	0	1	1

## 2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
<b>Total</b>	0	0	0

## Part 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

## Part 4: Requests for Correction of Personal Information and Notations

Disposition for Correction Requests Received	Number
Notations attached	0
Requests for correction accepted	0
<b>Total</b>	0

## Part 5: Extensions

### 5.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	15(a)(i) Interference With Operations	15(a)(ii) Consultation		15(b) Translation or Conversion
		Section 70	Other	
All disclosed	0	0	0	0
Disclosed in part	0	0	1	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
<b>Total</b>	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
		Section 70	Other	
1 to 15 days	0	0	0	0
16 to 30 days	0	0	1	0
<b>Total</b>	0	0	1	0

## Part 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	1	2	0	0
Outstanding from the previous reporting period	0	0	0	0
<b>Total</b>	1	2	0	0
Closed during the reporting period	1	2	0	0
Pending at the end of the reporting period	0	0	0	0

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

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	1	0	0	0	0	0	0	1
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
<b>Total</b>	1	0	0	0	0	0	0	1

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

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Ddays	More Than 365 Days	
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Part 7: Completion Time of Consultations on Cabinet Confidences

### 7.1 Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 7.2 Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Part 8: Complaints and Investigations Notices Received

Section 31	Section 33	Section 35	Court action	Total
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0	0	0	0	0
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**Part 9: Privacy Impact Assessments (PIAs)**

Number of PIA(s) completed	0
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**Part 10: Resources Related to the Privacy Act**

**10.1 Costs**

Expenditures		Amount
Salaries		\$15,990
Overtime		\$0
Goods and Services		\$2,805
• Professional services contracts	\$2,605	
• Other	\$200	
<b>Total</b>		<b>\$18,795</b>

**10.2 Human Resources**

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.34
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
<b>Total</b>	<b>0.34</b>

**Note:** Enter values to two decimal places.