



**2017 ANNUAL
REPORT
TO PARLIAMENT
VIA RAIL CANADA**

ADMINISTRATION OF THE *PRIVACY ACT*

TABLE OF CONTENTS

1. Introduction.....	1
2. Institution.....	1
3. VIA Rail’s Access to Information and Privacy Unit.....	2
4. Delegation Order	3
5. Interpretation of the Statistical Report.....	3
6. Educational and Training Activities	4
7. Policies, Guidelines and Procedures.....	4
8. Complaints.....	5
9. Monitoring of Processing Time.....	5
10. Material Privacy Breaches.....	5
11. Privacy Impact Assessments.....	6
12. Public Interest Disclosures	6
APPENDICES	7

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 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, 2017 to March 31, 2018.

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 approximately 2,900 active employees, VIA Rail carried over 4,39 million passengers in 2017.

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 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.

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 the President & Chief Executive Officer on the disclosure of information. The 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. It is to be noted that significant parts of these responsibilities are likely to be exercised by or in collaboration with the Legal Counsel & Corporate Secretary.

The organizational structure of VIA Rail's ATIP unit as of March 31, 2018 was as follows:



4. DELEGATION ORDER

Pursuant to section 73 of the *PA*, VIA Rail's President & 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 Legal Counsel & Corporate Secretary.

The delegation order is attached as Appendix 1.

5. INTERPRETATION OF THE STATISTICAL REPORT

The complete statistical report for 2017 is attached as Appendix 2.

Requests:

VIA Rail received thirty-one (31) personal information requests between April 1, 2017 and March 31, 2018. Of these thirty-one (31) requests, only one (1) request was carried over to the next reporting period. The percentage of response to these requests is therefore 97%.

No requests were carried over from the previous reporting period (April 1, 2016 to March 31, 2017).

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 2017-2018 reporting period was twenty-seven (27) days in comparison to the legislative requirement of 30 days. The median completion time was seventeen (17) days.

		2015-2016	2016-2017	2017-2018
Number of requests by completion time	1 to 15 days	3	5	15
	16 to 30 days	15	9	11
	31 to 60 days	1	0	1
	61 to 120 days	0	1	1
	121 to 180 days	0	0	2

Extensions

During this reporting period, an extension was taken for one (1) request for the reason that the said request required a consultation according to section 15 a)(ii) *PA*. The length of the extension was between one (1) and fifteen (15) days.

Exemptions applied

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

		2015-2016	2016-2017	2017-2018
Number of requests based on the applied exemption	<i>s. 26 PA – personal information</i>	14	8	9
	<i>s. 27 PA – solicitor-client privilege</i>	0	0	1

Costs:

The total costs incurred by the ATIP unit with respect to the protection of personal information for the 2017-2018 reporting period were \$110,183. This amount includes \$8,500 in salary and \$101,683 in consultation fees.

Human resources:

As for human resources, it has been estimated that 0.21 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.

VIA Rail did not provide any other educational and training activities in 2017 due to a lack of resources. The ATIP unit is currently seeking to fill a position to provide better educational and training activities regarding privacy and information management to its employees.

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

Three (3) complaints were filed between April 1, 2017 and March 31, 2018. None of these complaints were closed as of March 31, 2018.

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 Legal Counsel & Corporate Secretary.

10. MATERIAL PRIVACY BREACHES

One (1) material privacy breach took place during the reporting period.

The incident occurred from July 12, 2017 until the root of the breach was identified on August 24, 2017 and affected 128,311 individuals. A VIA Rail service provider had insufficient security measures in place to protect personal information belonging to VIA Rail's customers. VIA Rail quickly took steps to prevent further unauthorized access to the customers' information and to address, with the support of the service provider, the technical issue that led to the breach. Furthermore, an independent cyber-forensics investigation was carried out to gain a better understanding of the incident's circumstances and extent of the unauthorized access in order to prevent a similar situation from occurring in the future.

VIA Rail assessed that the main risk resulting from the privacy breach to individuals who had personal information in the files (i.e. full name, email address, certain travel details and VIA Preference number) was phishing attacks. A communication was therefore sent out on September 11, 2017 notifying affected customers of the breach and advising them to remain vigilant and refrain from giving out their personal information should they receive advertisements or unsolicited emails (e.g. spam/junk mail) that refer to their recent communications with VIA Rail or their VIA Preference account.

The Office of the Privacy Commissioner was notified of this incident.

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.

12. PUBLIC INTEREST DISCLOSURES

No disclosures were made under paragraph 8 (2)(m) of the *PA* during this reporting period.

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 1, 2018.

Signé à Montréal, ce 1 juin 2018.

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 Chief Legal & Risk Officer (ATIP Coordinator)	Gabrielle Caron Legal Counsel & Corporate Secretary	Peter Lambrinakos 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 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 Chief Legal & Risk Officer (ATIP Coordinator)	Gabrielle Caron Legal Counsel & Corporate Secretary	Peter Lambrinakos Chief of Police
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: 2017-04-01 to 2018-03-31

Part 1: Requests Under the *Privacy Act*

	Number of Requests
Received during reporting period	31
Outstanding from previous reporting period	0
Total	31
Closed during reporting period	30
Carried over to next reporting period	1

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	7	7	1	0	0	0	0	15
Disclosed in part	6	2	0	0	1	0	0	9
All exempted	0	1	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	2	1	0	1	1	0	0	5
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	15	11	1	1	2	0	0	30

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	9
19(1)(f)	0	22.1	0	27	1
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	9	6	0
Disclosed in part	4	5	0
Total	13	11	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	166	166	15
Disclosed in part	1503	1503	9
All exempted	61	0	1
All excluded	0	0	0
Request abandoned	562	0	5
Neither confirmed nor denied	0	0	0
Total	2292	1669	30

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	15	166	0	0	0	0	0	0	0	0
Disclosed in part	5	165	3	746	1	592	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	2	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	24	331	5	746	1	592	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	1	0	0	1
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	1	0	0	2

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
2	0	1	1	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	1	1
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	1	0	1
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	1	1	2

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	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
Total	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	1	0
Disclosed in part	0	0	0	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
Total	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	1	0
16 to 30 days	0	0	0	0
Total	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	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
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	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

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	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

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
Total	0	0	0	0	0	0	0	0	0	0

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
Total	0	0	0	0	0	0	0	0	0	0

Part 8: Complaints and Investigations Notices Received

Section 31	Section 33	Section 35	Court action	Total
3	3	0	0	6

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	\$8,500
Overtime	\$0
Goods and Services	\$101,683
• Professional services contracts	\$101,683
• Other	\$0
Total	\$110,183

10.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.06
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.15
Total	0.21

Note: Enter values to two decimal places.