

2013

Annual Report to
Parliament

VIA Rail Canada

Administration of the
Privacy Act

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1. Introduction

As a result of the *Federal Accountability Act* effective September 1, 2007, VIA Rail Canada Inc. ("VIA Rail") is included under the legislative requirements of the *Privacy Act* ("PA").

The *PA* gives Canadian citizens and all people living in Canada, the right to access information that is held about them by the institution. The *PA* also protects against unauthorized disclosure of that 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 of April 1, 2013 to March 31, 2014.

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, efficient and environmentally responsible service from coast to coast in both official languages. The corporation operates almost 500 trains weekly on 12,500 kilometers of track, connecting over 450 Canadian communities. With approximately 2,500 employees, VIA Rail carried nearly four million passengers in 2013.

VIA Rail's Services

Rapid Intercity Travel

In the densely populated Corridor between Ontario and Quebec, more than 460 trains per week provide fast, convenient, downtown-to-downtown travel between major urban and suburban centres and communities. These trains carry more than 90 percent of 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 legendary western transcontinental train, provides service between Vancouver and Toronto. In Eastern Canada, the *Ocean* runs between Montreal and Halifax.

Mandatory Services

VIA Rail operates 48 trains weekly 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 the Chief Corporate and Legal Officer & Corporate Secretary, the Coordinator for ATIP at VIA Rail.

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 *ATIA* 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 requests for access to information and for personal information 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 Analyst of the ATIP.

Here is the organizational structure of VIA Rail's ATIP unit effective from April 1, 2013 to March 31, 2014:



4. Delegation order

Pursuant to section 73 of the *PA*, the President and Chief Executive Officer of VIA Rail 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 the ATIP Analyst.

The delegation order is included in Appendix 1.

5. Interpretation of the statistical report

The completed statistical report for 2013 previously submitted to the Treasury Board Secretariat is included in Appendix 2. This also includes the supplementary reporting with regards to the number of Privacy Impact Assessments completed, and the table relating to processing times of Cabinet confidences.

Requests:

VIA Rail received three (3) requests between April 1, 2013 and March 31, 2014 and no request was carried over from the previous reporting period. The three (3) requests were closed during this reporting period.

Completion time:

VIA Rail's completion time for requests closed during the reporting period is 32 days compared to the legislative requirement of 30 days. It should be noted that one of the requests took more than 365 days to close due to administrative reasons.

Costs:

The total costs related to the unit and regarding privacy were \$11,161. This amount includes \$8,226 in salary, \$2,835 for consultation fees and \$100 for expenditures related to the standard operation of the service.

ATIP staff resources dedicated to privacy represent 0.214 FTE (full time employee).

6. ATIP educational and training activities

Listed below are some of VIA Rail's activities for 2013 in order to meet the legal requirements of the *PA*:

- A review of key governance policies that includes an overview of access to information and privacy was presented to the Corporate Governance Committee of the Board of Directors in November 2013.

- A report on privacy is included in every VIA Rail annual report as well as in each quarterly report.
- Employees are required to complete an on-line course on the Code of Conduct which includes questions on privacy with respect to both individual and corporate responsibility.

7. Policies, guidelines and procedures

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

8. Complaints

No complaint was filed between April 1, 2013 and March 31, 2014.

9. Privacy Impact Assessment ("PIA")

No formal PIA was initiated or completed during the reporting period.

10. Disclosure pursuant paragraph 8(2)(m)

There was no disclosure of personal information pursuant to subsection 8(2)m) during the reporting period.

Appendix 1

VIA RAIL

DELEGATION OF AUTHORITY

ACCESS TO INFORMATION ACT
AND PRIVACY ACT

DÉLÉGATION DE POUVOIRS

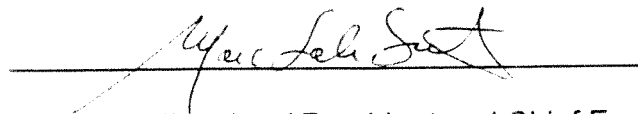
LOI SUR L'ACCÈS À L'INFORMATION
ET LOI SUR LA PROTECTION DES
RENSEIGNEMENTS PERSONNELS

I, the undersigned, President, pursuant to Section 73 of the *Access to Information Act* and Section 73 of the *Privacy Act*, hereby authorizes those officers and employees of VIA Rail occupying the positions identified within the attached schedule to exercise signing authorities or perform any of the President 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 personnels*, 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 et les attributions, fonctions et pouvoirs qui y sont spécifiés.

Dated at Montréal this 10th day of March, 2011.

Fait à Montréal, ce 10^e jour de mars 2011.



Président et chef de la direction / President and Chief Executive Officer

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

Subject	Privacy Act Section	Position / Title				
		Head, Legal Services (ATIP Coordinator)	ATIP Analyst	Program / Functional Directors	Others (specify)	Others (specify)
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)	●	●			
Record of disclosure for investigations	8(4)	●	●			
Notify Privacy Commissioner of 8(2)(m)	8(5)	●	●			
Record of consistent uses	9(1)	●	●			
Notify Privacy Commissioner of consistent uses	9(4)	●	●			
Personal information in banks	10(1)	●	●			
Notice where access is granted	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, defence	21	●	●			

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

Subject	Privacy Act Section	Position / Title				
		Head, Legal Services (ATIP Coordinator)	ATIP Analyst	Program / Functional Directors	Others (specify)	Others (specify)
Refuse access - law enforcement and investigation	22	●	●			
Refuse access - security clearance	23	●	●			
Refuse access - person under sentence	24	●	●			
Refuse access - safety of individuals	25	●	●			
Refuse access - another person's information	26	●	●			
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 given to complainant	35(4)	●	●			
Response to review of exempt banks	36(3)(b)	●	●			
Response to review of compliance	37(3)	●	●			
Request court hearing in the National Capital Region	51(2)(b)	●	●			
Ex-parte representation to court	51(3)	●	●			

Appendix 2

**Statistical Report on the *Privacy Act***Name of institution: VIA Rail Canada inc.Reporting period: 4/1/2013 to 3/31/2014**PART 1 – Requests under the *Privacy Act***

	Number of Requests
Received during reporting period	3
Outstanding from previous reporting period	0
Total	3
Closed during reporting period	3
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	0	0	2	0	0	0	1	3
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
No records exist	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Total	0	0	2	0	0	0	1	3

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

Section	Number of requests	Section	Number of requests	Section	Number of requests
69(1)(a)	0	70(1)(a)	0	70(1)(d)	0
69(1)(b)	0	70(1)(b)	0	70(1)(e)	0
69.1	0	70(1)(c)	0	70(1)(f)	0
				70.1	0

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	3	0	0
Disclosed in part	0	0	0
Total	3	0	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	267	267	3
Disclosed in part	0	0	0
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	0

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	2	113	1	154	0	0	0	0	0	0
Disclosed in part	0	0	0	0	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
Abandoned	0	0	0	0	0	0	0	0	0	0
Total	2	113	1	154	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
Abandoned	0	0	0	0	0
Total	0	0	0	0	0

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
3	2	0	0	1

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	2	0	2
16 to 30 days	0	0	0
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	1	0	1
Total	3	0	3

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 subsection 8(2)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Total
0	0	0

PART 4 – Requests for correction of personal information and notations

	Number
Requests for correction received	0
Requests for correction accepted	0
Requests for correction refused	0
Notations attached	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	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	0	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	0	0
Total	0	0	0	0

PART 6 – Consultations received from other institutions and organizations

6.1 Consultations received from other government institutions and organizations

Consultations	Other government 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 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	than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	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	than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	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

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
Total	0	0

PART 8 – Resources related to the *Privacy Act*

8.1 Costs

Expenditures		Amount
Salaries		\$8,226
Overtime		\$0
Goods and Services		\$2,935
• Contracts for privacy impact assessments	\$0	
• Professional services contracts	\$2,835	
• Other	\$100	
Total		\$11,161

8.2 Human Resources

Resources	Dedicated full-time	Dedicated part-time	Total
Full-time employees	0.00	2.00	2.00
Part-time and casual employees	0.00	0.00	0.00
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.00	0.00	0.00
Students	1.00	0.00	1.00
Total	1.00	2.00	3.00

