



2016-17

ANNUAL REPORT ON THE ADMINISTRATION OF THE PRIVACY ACT

Innovation, Sciences et Développement économique Canada

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CONTENTS

	Page
PREFACE AND PURPOSE	1
ABOUT THE ORGANIZATION Departmental Mandate Access to Information and Privacy Services Delegation of Authority Policies, Procedures and Business Practices Training and Outreach 	2
PRIVACY - TRENDS AND STATISTICS ► Statistical Report - Interpretation and Analysis ► Complaints, Audits, Investigations and Appeals APPENDICES	4
Appendix A – Statistical Report on the <i>Privacy Act</i> Appendix B – Delegation of Authority	

PREFACE AND PURPOSE

The *Privacy Act* (Revised Statutes of Canada, Chapter A–1, 1985) was proclaimed on July 1, 1983.

The purpose of the *Privacy Act* "is to extend the present laws of Canada that protect the privacy of individuals with respect to personal information about themselves held by a government institution and to provide individuals with a right of access to that information". The law also protects an individual's privacy by preventing others from having access to that personal information and allows an individual specific rights concerning the collection and use of his/her information.

Section 72 of the *Privacy Act* requires that the head of every government institution prepare for submission to Parliament an annual report on the administration of this Act within the institution during each financial year.

This annual report is tabled in Parliament in accordance with section 72 of the *Privacy Act* and describes how Innovation, Science and Economic Development Canada administered its responsibilities for the reporting period.

ABOUT THE ORGANIZATION

Departmental Mandate

Innovation, Science and Economic Development Canada (ISED) helps Canadian businesses grow, innovate and export so that they can create good quality jobs and wealth for Canadians. The Department works with provinces, territories, municipalities, the post-secondary education system, employers and labour to improve the quality and impact of its programs that support innovation, scientific research and entrepreneurship, in order to build a prosperous and innovative Canada.

ISED works with Canadians in all areas of the economy and in all parts of the country to improve conditions for investment, to enhance Canada's innovation performance, and to make Canadian firms more productive and competitive in the knowledge-based economy. The Department works on a broad range of matters related to industry and technology, trade and commerce, science, consumer affairs, corporations and corporate securities, competition and restraint of trade, weights and measures, bankruptcy and insolvency, intellectual property, investment, small business, and tourism. ISED supports three ministers and two deputy ministers.

Access to Information and Privacy Services

Access to Information and Privacy (ATIP) Services is part of the Office of the Corporate Secretary (OCS) of Innovation, Science and Economic Development Canada. The team has a complement of 15 employees consisting of one Director, three managers, nine advisors and two support staff, all of whom are dedicated to processing access and privacy requests, as well as related functions. In 2016-17, the team lost two seasoned advisors (PM-04 and PM-05).

ATIP Services is responsible for the implementation and management of programs and services relating to the administration of the *Access to Information Act* and *Privacy Act* for the Department. Specifically, ATIP Services makes decisions on the disposition of access and privacy requests; promotes awareness of the legislation to ensure departmental responsiveness to statutory obligations; monitors and advises on departmental compliance with the Acts, regulations, procedures and policies; and acts as the spokesperson for the Department when dealing with the Treasury Board Secretariat, the Information Commissioner, the Privacy Commissioner, and other government departments and agencies. ATIP Services is also responsible for consulting with other federal departments and third parties with respect to ATIP requests received.



Delegation of Authority

The current ATIP Delegation Order was approved in June 2016. Pursuant to section 73 of the Acts, the Minister has delegated full authority to the Corporate Secretary, the Director and the Managers of ATIP Services. The designation of the Corporate Secretary position is for the purposes of providing strategic support and advice to the executive management of the Department concerning ATIP issues, if and when required. For all daily ATIP activities and operations, the Director and the Managers of ATIP Services exercise full responsibility (see Appendix B).

The Director of ATIP Services is responsible for the development, coordination and implementation of effective policies, guidelines and procedures to manage the Department's compliance with the Acts. The administration of the legislation within the Department is managed by ATIP Services, but is also facilitated at the sector, branch and regional office levels. Each sector and corporate branch has an ATIP Liaison Officer (reporting to an Assistant Deputy Minister, Executive Director, etc.) who coordinates activities and provides guidance on the administrative processes and procedures of the Acts. ATIP Services, which is located in Ottawa, responds to all formal requests submitted to the Department under both Acts.

ATIP Policies, Procedures and Business Practices

To improve the administration of the ATIP program, and to ensure that Treasury Board ATIP policies are respected and implemented, ATIP Services regularly develops and updates various internal guidelines, procedures, and business practices.

Faced with a significant workload increase, the team put in place measures to address the volume of work and mitigate a possible backlog situation using past experiences and lessons learned. For example, team members doubled their efforts in negotiating with applicants, conducted faster consultations with other government departments and third-parties, relied on research and evidence provided by program officials to reduce the amount of consultations overall, ensured timelines at all stages of the process were efficient, and that tracking and reporting mechanisms were effective. Ongoing communication and collaboration across the department was also critical in achieving the level of productivity achieved by the team.

ISED is currently exploring ways to leverage encryption technology to improve timelines for processing privacy requests. More information will be included in next year's report.

ATIP Services communicates information using various methods from direct interactions with departmental officials (i.e.: training and meetings), to publishing articles in the department's weekly newsletter and/or posting on its intranet site.

The department now regularly uses epost Connect [™] to transmit records to requesters electronically in a safe, secure and timely manner. Feedback from our clients who have signed up for this service has been positive.

ATIP Services continues to maintain its lean engineering practices by reviewing processes and eliminating redundant administrative activities to ensure a high-level compliance and performance as well as positive communications with its clients and stakeholders.

Training and Outreach

Enhanced awareness and knowledge of ATIP obligations on the part of departmental officials has shown to improve the quality of responses and the Department's rate of compliance with legal obligations.

Due to a 54 percent increase in formal requests (access, privacy and access consultations) and limited capacity in ATIP Services, very little training was made available to employees. Only new employees received training this year – approximately 12 sessions took place over the year and about 50 individuals received training.

PRIVACY - TRENDS AND STATISTICS

The Department's mandate is focused on Canadian businesses. Departmental programs and initiatives assist in building a more productive, competitive and knowledge-based economy for Canada. As a result, there are few privacy requests or privacy related issues.

A summarized statistical report on *Privacy Act* requests processed from April 1, 2016 to March 31, 2017 is found at Appendix A. An explanation and interpretation of the information contained in the statistical report follows.

<u>Statistical Report - Interpretation and Analysis</u>

Number of requests received and completed

In 2016-2017, the Department received 47 requests submitted under the *Privacy Act* as compared to 55 requests received during 2015-2016. This represents a 17 percent decrease from the previous reporting period.

The Department completed 49 requests during this reporting period, less than the previous year (58), but only one request was carried forward to the following reporting period. Of those completed, 23 were disclosed in part, and 10 were all disclosed. No records were located with regard to 12 of the completed requests, and 4 were abandoned.

The Department did not receive any consultation requests from other Government of Canada institutions or other organizations during the reporting period.

Nature of information requested

The privacy requests processed involved issues related to staffing exercises (such as rating guides and screening processes), performance, personal comments and/or bankruptcy files held by the Office of the Superintendent of Bankruptcy. This is in keeping with previous years. No significant trends were noted in the processing of privacy requests.

Volume of pages processed

A total of 4,513 pages were processed during the reporting period, a 148 percent decrease from the 11,213 pages processed last year. Of these, 3,134 pages were released, which represents 69 percent of records processed during the reporting period, compared to 48 percent in 2015-16.

Completion Time

The 49 requests were completed within the following timeframes:

- 10 within 1 to 15 days (20%)
- 24 within 16 to 30 days (49%)
- 11 within 31 to 60 days (23 %)
- 3 within 61 to 120 days (6 %)
- 0 within 121-180 days (0 %)
- 1 within 181-365 days (2 %)
- 0 in more than 365 days (0 %)

Overall, 92 percent of these requests were completed within 60 days, compared to 88 percent in 2015-16.

With respect to monitoring the processing time of requests, ATIP Services has continued the following business practices:

- Managers regularly review and monitor the status of privacy requests using the ATIP case management tool (Axcess-1);
- Managers conduct weekly operational meetings with staff to review work plans and establish priorities; and
- Managers report weekly to the Director on requests to be closed as well as on-time compliance.

Disposition of requests

The disposition of the 49 completed requests is as follows:

- 23 were disclosed in part (47 %)
- 10 were fully disclosed (21%)
- 4 requests were abandoned (8%)
- 12 had no existing records (24%)
- 0 were fully withheld (0%)

No records were provided in response to 16 requests because either the request was abandoned or no records were located during a search. This comprised 32 percent of responses, as compared to 34 percent for the previous reporting period.

Limits to the right of access – Exemptions and Exclusions



Exemptions in accordance with sections 19 through 28 of the *Privacy Act* can be invoked to withhold information from being released to a requester. Several exempting provisions can be applied to withhold information in response to one request, and these are reported separately in the statistical report. However, the same exempting provision invoked to withhold information more than once within the same request is reported only once in the statistical report.

The statistics demonstrate that the Department only invoked three exempting provisions throughout the reporting period – sections 22, 26 and 27. This reflects the nature of the information held by the Department (i.e., personal information about other individuals contained in staffing files, and administrative investigations carried out under the Bankruptcy and Insolvency Act).

The Privacy Act does not apply to published material, material available for purchase by the public, or confidences of the Queen's Privy Council for Canada, pursuant to sections 69 and 70 of the Act, respectively. One exclusion was invoked to refuse access to information that was linked to a Cabinet confidence.

Requests for Correction of Personal Information and Notations

Similar to previous years, no requests for corrections or notations, were received for the reporting period. As a result, no monitoring processes were required during the reporting period.

Levelling of costs and human resources

ATIP Services

Total salary costs associated with ATIP Services administering the Privacy Act amounted to \$29,357 for this reporting period. Non-salary costs amounted to \$1,198 for a total cost of \$30,555.

The human resources required to administer the *Privacy Act* amounted to 0.37 full-time equivalents (FTE), nearly half of what was reported the previous year.

Department

Administrative costs as reported by program officials across the Department associated with retrieving, reviewing and providing information to ATIP Services amounted to \$10,509. The human resources outside of ATIP Services required to retrieve documents and provide recommendations totaled 0.15 FTEs.

Total Costs

The overall cost to administer the *Privacy Act* at Innovation, Science and Economic Development Canada amounts to \$41,064 for the reporting period. Total human resources required to administer the *Privacy Act* for the reporting period was less than 1 FTE (0.5).

Disclosures Under Subsection 8(2)(m)

Subsection 8(2) of the *Privacy Act* provides limited and specific circumstances under which institutions may disclose personal information without an individual's consent. Subsection 8(2)(m) allows institutions to release personal information if either the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or if the disclosure would clearly benefit the individual to whom the information relates.

During the reporting period, Innovation, Science and Economic Development Canada did not disclose personal information pursuant to paragraph 8(2)(m) of the *Privacy Act*.

Privacy Impact Assessments Completed During the Year

No privacy impact assessments (PIAs) were completed during the reporting period.

Material Privacy Breaches

No material privacy breaches occurred during the reporting period.

Complaints, Audits, Investigations and Appeals

Applicants have the right of complaint pursuant to the Act and may exercise this right at any time during or after the processing of their request. The Department received two formal complaints during the reporting period – both were related to the improper use and disclosure of personal information. These complaint investigations are ongoing.

The Office of the Privacy Commissioner (OPC) completed four complaint investigations during the reporting period – one involving allegations of improper use and disclosure, one regarding the collection of personal information, one concerning the application of exemptions to withhold information and the other concerning time limits. The first two complaints were discontinued, the third was deemed well founded and the last one was not well founded. This is in keeping with previous years.

No court challenges were received during the reporting period, nor were any audits relating to the administration of the privacy legislation conducted during the reporting period.

APPENDIX A

Statistical Report on the Privacy Act

Name of

institution: Innovation, Science and Economic Development

Reporting

period: 2016-04-01 to 2017-03-31

Part 1: Requests Under the Privacy Act

	Number of Requests
Received during reporting period	47
Outstanding from previous reporting period	3
Total	50
Closed during reporting period	49
Carried over to next reporting period	1

Part 2: Requests Closed During the Reporting Period

2.1 Disposition and completion time

		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	0	9	1	0	0	0	0	10
Disclosed in part	0	9	10	3	0	1	0	23
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	6	6	0	0	0	0	0	12
Request abandoned	4	0	0	0	0	0	0	4
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	10	24	11	3	0	1	0	49

2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
18(2)	0	22(1)(a)(i)	2	23(a)	0
19(1)(a)	0	22(1)(a)(ii)	1	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	17
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)	1	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	8	2	0
Disclosed in part	9	14	0
Total	17	16	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	219	204	10
Disclosed in part	4,294	2,930	23
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	4
Neither confirmed nor denied	0	0	0



				ı
Total	4513	3134	37	ı

2.5.2 Relevant pages processed and disclosed by size of requests

		han 100 rocessed		I-500 Processed		-1000 Processed	Pag	-5000 ges essed	50 Pa	Than 000 ges essed
Disposition	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	10	204	0	0	0	0	0	0	0	0
Disclosed in part	14	506	5	660	4	1,764	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	4	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	28	710	5	660	4	1764	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	2	1	0	1	4
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	2	1	0	1	4

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of Requests Closed	Principal Reason				
Number of Requests Closed Past the Statutory Deadline	Workload	External Consultation	Internal Consultation	Other	
5	3	2	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	1	0	1
31 to 60 days	0	3	3
61 to 120 days	0	0	0
121 to 180 days	0	1	1
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	1	4	5

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
2	0	0	2

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	15(a)(i) Interference	15(a Consu	15(b) Translation	
Where an Extension Was Taken	With Operations	Section 70	Other	or Conversion
All disclosed	1	0	0	0
Disclosed in part	10	0	2	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	11	0	2	0

5.2 Length of extensions

	15(a)(i) Interference		a)(ii) Iltation	- 15(b) Translation purposes	
Length of Extensions	with operations	Section 70	Other		
1 to 15 days	0	0	0	0	
16 to 30 days	11	0	2	0	
Total	11	0	2	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



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

	Nu	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	More 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 requ									
Recommendation	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	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	



Part 7: Completion Time of Consultations on Cabinet Confidences

7.1 Requests with Legal Services

		han 100 rocessed	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	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

		han 100 rocessed	501-1000 101–500 Pages Pages Processed Processed		1001-5000 Pages Processed		More than 5000 Pages Processed			
Number of Days	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
2	0	0	0	2

Part 9: Privacy Impact Assessments (PIAs)

Number of PIA(s) completed	0

Part 10: Resources Related to the *Privacy Act*

10.1 Costs

Expenditures		Amount
Salaries		\$29,357
Overtime		\$0
Goods and Services		\$1,198
Professional services contracts	\$0	
• Other	\$1,198	
Total		\$30,555

10.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.37
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	0.37

APPENDIX B

DELEGATION OF AUTHORITY

Industry Canada (to be known as Innovation, Science and Economic Development)

Industrie Canada (qui sera connu sous le nom d'Innovation, Sciences et Développement économique)

Access to Information Act and Privacy Act Delegation Order

Arrêté sur la délégation en vertu de la Loi sur l'accès à l'information et de la Loi sur la protection des renseignements personnels

The Minister of Industry Canada, pursuant to section 73 of the Access to Information Act and the Privacy Act, hereby designates the persons holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers and functions of the Minister as the head of a government institution, under the section of the Acts set out in the schedule opposite each position. This Delegation Order supersedes all previous Delegation Orders

En vertu de l'article 73 de la *Loi sur l'accès à l'information* et la *Loi sur la protection des renseignements personnels*, le Ministre d'Industrie Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire les-dits postes, les attributions dont il est, en qualité de responsable d'une institution fédérale, investie par les articles des lois mentionnées en regard de chaque poste. Le présent décret de délégation remplace et annule tout décret antérieur

Schedule / Annexe

Position	/	Poste

Access to information Act and Regulations / Loi sur l'accès à l'information et règlements

Privacy Act and Regulations / Loi sur la protection des renseignements personnels et règlements

Corporate Secretary / Secrétaire général

Full authority / Autorité absolue

Full authority / Autorité absolue

Director, Access to Information and Privacy (ATIP) Services / Directeur (trice), Service de l'accès à l'information et à la protection des renseignements personnels (AIPRP)

Full authority / Autorité absolue

Full authority / Autorité absolue

Manager, ATIP Services / Gestionnaire, Services de l'AIPRP

Full authority / Autorité absolue

Full authority / Autorité absolue

And / et

Senior Advisor, ATIP Services / Conseiller (ère) principal(e), Services de 1'AIPRP

Section / Articles: 7, 8(1), 9, 11(4)(5), 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27(1), 68, 69

Section / Articles: 8(1), 14, 15, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 69, 70

Dated, at the City of Ottawa this 10 day of June

Daté, en la ville d'Ottawa , 2016 ce 10 jour de join

2016

THE HONOURABLE NAVDEEP SINGH BAINS MINISTER OF INDUSTRY CANADA (to be known as Minister of INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT)

MINISTRE D'INDUSTRIE CANADA

(identifié comme Ministre d'INNOVATION, SCIENCES

et DÉVELOPPEMENT ÉCONOMIQUE)

L'HONORABLE NAVDEEP SINGH BAINS