

ANNUAL REPORT ON THE PRIVACY ACT

2020/2021

June 30, 2021

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Presentation of the 2020/2021 Annual Report

In compliance with section 72 of the *Privacy Act* (the “**Act**”), this annual report is prepared by Telefilm Canada (hereinafter also referred to as the “**Corporation**”) and tabled on its behalf in Parliament by the Minister of Canadian Heritage.

Purpose of the *Privacy Act*

The Act provides Canadian citizens with the right to access personal information held by the government and protection of that information against unauthorized use and disclosure. This right is subject to exceptions specified in the Act. Also, decisions made by federal institutions on the use and disclosure of personal information are subject to independent review by the Office of the Privacy Commissioner of Canada (the “**Commissioner**”) as well as by the federal courts.

Mandate of the Institution

Telefilm Canada is a federal cultural institution dedicated to the development and promotion of the Canadian audiovisual industry. Telefilm Canada provides financial support to the private sector to create distinctively Canadian productions that appeal to domestic and international audiences. The Corporation also administers the funding programs of the Canada Media Fund.

Organization

The Vice President, Legal Services, is the designated Access to Information and Privacy Coordinator (the “**Coordinator**”) for the Corporation. Requests filed under the Act are automatically referred to designated Legal Services staff, consisting of three legal counsels and one paralegal, who ensure the coordination of filed requests as well as all aspects of their processing, including final decisions issued to applicants (the “**Legal Services staff**”). Furthermore, Legal Services staff are also responsible for addressing and processing issues related to privacy within the Corporation. Monitoring of the time required to process requests filed under the Act is performed on a timely basis in the course of weekly meetings with the Coordinator.

Telefilm Canada was not a party to any service agreements within the meaning of section 73.1 of the Act during fiscal 2020/2021.

Findings

In 2020/2021, the number of requests to access personal information increased compared to previous years. Telefilm Canada received 3 requests under the Act during fiscal 2020/2021, which is 3 more than in the previous financial year (2019/2020). This represents a solid increase, considering the lack of requests in 2017/2018, 2018/2019 and 2019/2020.

Regarding the number of privacy requests that have been closed, Telefilm Canada completed 2 of the requests during 2020/2021, while the third request had to be carried over to the next reporting period. Both files completed during the 2020/2021 period were closed within the legislated timelines. The processing time for these files ranged between 16 to 30 days (1 file or 50%) and 31 to 60 days (1 file or 50%), respectively. The latter file necessitated an extension of processing time, due to a further review required to determine exemptions. One request (50%) was entirely disclosed, whereas the other request (50%) was disclosed in part.

Moreover, as in the 2017/2018 to 2019/2020 periods, the Corporation made no disclosures pursuant to section 8(2)(m) of the Act during fiscal 2020/2021.

Furthermore, since fiscal 2017/2018 until the current financial year, Telefilm Canada undertook no new data matching and sharing activities.

The Corporation completed 2 Privacy Impact Assessments (the “PIAs”) during the 2020/2021 period in connection with the submission of 2 draft Personal Information Banks (the “PIBs”) to the Information and Privacy Policy Division of the Treasury Board Secretariat (“TBS”) for approval.

The first PIA was in relation to plans for the collection of additional personal information, including in relation to equity and diversity, for Telefilm Canada’s programs and activities¹. This additional information would be used to validate the eligibility of applicants and their requests for funding, their requests for recommendations to obtain official coproduction status, or their requests to participate in an activity organized by Telefilm Canada. The financial support provided to applicants is primarily for the development, production and marketing and/or promotion of projects, but may also be used to fund professional development activities, mentoring, promotional support for Canadian content in Canada and abroad, travel and talent development within the audiovisual industry. The risk identification and classification carried-out in accordance with the PIA’s standard evaluation grid enabled Telefilm Canada to address the risks tied to collecting additional information including as regards the sensitivity of the information, the long term duration of the program, the transmission of personal information when using wireless technology and the potential for reputational damage or embarrassment in the event of a privacy breach, among others. This PIA enabled Telefilm Canada to determine the adequacy of the planned measures in relation to the implementation of this collection of personal information, including, among other things, collecting such information via a form available through Telefilm Canada’s secure Dialogue application, the inclusion of a hyperlink to the personal information collection statement published on Telefilm Canada’s website, as well as limiting collection to personal information that is directly related to the processing of applications to Telefilm Canada’s programs or activities.

The second PIA was in relation to plans for the collection through an online form or questionnaire of personal information related to diversity and inclusion and stored in an automated data system². Personal information provided voluntarily for self-identification purposes would assist the Corporation in establishing measures to improve equity and access to funding programs in terms of targeted support, including for applicants who work in an official language minority community, or who come from Black, Indigenous or racialized communities, or who belong to under-represented identities. The risk identification and classification carried-out in accordance with the PIA’s standard evaluation grid enabled Telefilm Canada to address the risks tied to collecting additional information including as regards, the sensitivity of the information, the long term duration of the program, the transmission of personal information when using wireless technology and the potential for reputational damage or embarrassment in the event of a privacy breach, among others. This PIA enabled Telefilm Canada to determine that the planned measures in relation to the implementation of voluntary self-identification including, among others, limiting the amount of people who can access this personal information and limiting collection to personal information that is directly connected to the purpose of self-identification, are in accordance with the Act.

¹ The PIA summary for applications related to programs or activities is available at the following link:
<https://telefilm.ca/wp-content/uploads/pia-summary-applications-related-to-programs-or-activities-en.pdf>

² The PIA summary for voluntary self-identification is available at the following link:
<https://telefilm.ca/wp-content/uploads/pia-summary-voluntary-self-identification-en.pdf>

Following the concurrent filing of the above-mentioned PIAs with the Commissioner, the latter made a few observations. For both PIAs, Telefilm Canada relied on section 10 of the *Telefilm Canada Act* to provide legal authority to collect personal information. Given that this section only sets out Telefilm's overall mission and responsibilities, the Commissioner encouraged Telefilm Canada to explain in greater detail how this section confers the necessary authority to collect the information and suggested considering whether other laws, such as the *Official Languages Act* and the *Canadian Multiculturalism Act*, may apply. On the first PIA concerning the collection of personal information for Telefilm Canada's programs and activities, the Commissioner suggested that the Corporation clarify what activities and events will require this collection. On the second PIA concerning the collection through an online form or questionnaire of personal information related to diversity and inclusion, the Commissioner underscored the necessity of designing forms in a way that only collects the necessary information, as well as the importance of ensuring that the Privacy Notice clearly explains the purposes of the collection and any use or disclosure consistent with originally declared purposes. On the latter aspect, the Commissioner encouraged the Corporation to ensure that any reports generated, as well as any sharing with other authorized parties, be done with aggregated/anonymized data, and that Telefilm Canada consider the risk of re-identification given the relatively small size of the Canadian audiovisual industry. The Corporation will take into account the Commissioner's observations, along with the recommendations from TBS on submitted PIBs that are yet to come, as it continues working on shaping programs and activities, as well as designing a voluntary self-identification process, to ensure better support for creators from underrepresented identities.

During the 2020/2021 period, Legal Services provided 1 training session to the staff of Telefilm Canada to raise awareness on the part of employees and managers about important aspects related to privacy. As in previous financial years, this training was delivered by way of an interactive online platform and included a questionnaire. Total participation for all offices was estimated at 185 individuals.

During the same period, Legal Services also delivered to 11 new employees live virtual training sessions to raise their awareness about, among other things, important aspects related to privacy.

In addition to the foregoing, Legal Services continued, on a punctual basis, to respond to questions and the needs of the Corporation's employees and managers regarding privacy.

During the 2020/2021 period, the Corporation did not implement any new or revised privacy-related policies, guidelines or procedures.

No material privacy breaches were reported during fiscal 2020/2021 to the Commissioner and to the Information and Privacy Policy Division at the Treasury Board of Canada Secretariat.

During fiscal 2020/2021, the Commissioner opened a single complaint file in connection with an access to personal information request processed by the Corporation. This complaint, which alleges that Telefilm Canada contravened section 12(1) of the Act (right of access) in its processing of the request is still pending. Aside from this complaint file, no other privacy-related complaints were received by the Corporation and no investigations or audits of the Corporation were conducted during the same period.

Aside from the weekly meetings previously mentioned under the "Organization" section of this report, no additional monitoring measures were required during the 2020/2021 period with respect to the time needed to process requests filed under the Act.

Due to the public health measures imposed in connection with the COVID-19 pandemic during the 2020/2021 period, Legal Services staff had no on-site access for processing physical files (for example, reviewing paper records, scanning, processing incoming and outgoing mail). Telefilm Canada's offices being

closed since March 17, 2020, all staff continued working remotely during fiscal 2020/2021. Aside from the lack of on-site access, the continuation of the COVID-19 pandemic had no other impact on the Corporation's ability to fulfill its responsibilities under the Act and did not require adopting specific mitigation measures in connection with privacy or the Act.

Schedule "A"

Copy of the Delegation Order

TO: Stéphane Odesse, Director, Legal Services and ATIP Coordinator
 Pierre-Yves Marchand, Paralegal
 Khadidja Kedir, Legal Counsel
 Joshua Samson, Legal Counsel
 Jordan Bélanger, Legal Counsel

FROM: Christa Dickenson, Executive Director

DATE: January 11, 2021

SUBJECT: Delegation of Powers, Duties and Functions under the *Access to Information Act* and the *Privacy Act*.

This is to confirm in writing that effective October 13, 2020 I designated, pursuant to sections 95(1) of the *Access to Information Act* ("ATIA") and 73(1) of the *Privacy Act*, Stéphane Odesse, Director, Legal Services and Access to Information and Privacy ("ATIP") Coordinator for Telefilm Canada, to exercise and perform all the powers, duties and functions of the Executive Director as head of Telefilm Canada under the ATIA and the *Privacy Act*.

In addition, effective October 13, 2020 I delegated these same powers, duties and functions to Pierre-Yves Marchand, Paralegal, Khadidja Kedir, Legal Counsel, Joshua Samson, Legal Counsel and Jordan Bélanger, Legal Counsel, for the administration and carrying out of all and any of Telefilm Canada's responsibilities and activities pursuant to and under the ATIA and the *Privacy Act*.

The Paralegal and Legal Counsels listed above shall report directly to the Director, Legal Services and ATIP Coordinator and to no other person within Telefilm Canada for ATIA and *Privacy Act* purposes.

Any proposed changes to the authority and procedure hereby granted shall require my prior written authorization.

Signed this 11th day of January, 2021.

Telefilm Canada



Christa Dickenson
 Executive Director

Schedule “B”

Statistical Report



Statistical Report on the *Privacy Act*

 Name of institution: Telefilm Canada

 Reporting period: 2020-04-01 to 2021-03-31

Section 1: Requests Under the *Privacy Act*

1.1 Number of requests

	Number of Requests
Received during reporting period	3
Outstanding from previous reporting period	0
Total	3
Closed during reporting period	2
Carried over to next reporting period	1

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	0	1	0	0	0	0	0	1
Disclosed in part	0	0	1	0	0	0	0	1
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
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	0	1	1	0	0	0	0	2

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	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
0	2	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
660	660	2

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	0	0	1	299	0	0	0	0	0	0
Disclosed in part	0	0	1	361	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	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	0	0	2	660	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
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Total	0	0	0	0	0

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	2
Percentage of requests closed within legislated timelines (%)	100

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
0	0	0	0	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	0	0	0
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	0	0	0
Total	0	0	0

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	Cabinet Confidence Section (Section 70)	External	Internal
1	1	0	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 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	0	0	0	0	0	0
16 to 30 days	1	0	0	0	0	0	0
31 days or greater							0
Total	1	0	0	0	0	0	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

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

Recommendation	Number of Days Required to Complete Consultation 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	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							
	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

Section 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

Section 8: Complaints and Investigations Notices Received

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

Section 9: Privacy Impact Assessments (PIA) and Personal Information Banks (PIB)

9.1 Privacy Impact Assessments

Number of PIA(s) completed	2
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9.2 Personal Information Banks

Personal Information Banks	Active	Created	Terminated	Modified
	1	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		\$60 902
Overtime		\$3 598
Goods and Services		\$0
• Professional services contracts	\$0	
• Other	\$0	
Total		\$64 500

11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0,525
Part-time and casual employees	0,000
Regional staff	0,000
Consultants and agency personnel	0,000
Students	0,000
Total	0,525

Note: Enter values to three decimal places.



Supplemental Statistical Report on the *Access to Information Act* and *Privacy Act*

Name of institution: Telefilm Canada

Reporting period: 2020-04-01 to 2021-03-31

Section 1: Capacity to Receive Requests

Enter the number of weeks your institution was able to receive ATIP requests through the different channels.

	Number of Weeks
Able to receive requests by mail	0
Able to receive requests by email	52
Able to receive requests through the digital request service	52

Section 2: Capacity to Process Records

2.1 Enter the number of weeks your institution was able to process paper records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Paper Records	52	0	0	52
Protected B Paper Records	52	0	0	52
Secret and Top Secret Paper Records	52	0	0	52

2.2 Enter the number of weeks your institution was able to process electronic records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Electronic Records	0	0	52	52
Protected B Electronic Records	0	0	52	52
Secret and Top Secret Electronic Records	52	0	0	52