



Military Police  
Complaints Commission  
of Canada

Commission d'examen des plaintes  
concernant la police militaire  
du Canada

## **Privacy Act**

Annual Report

April 1, 2020 – March 31, 2021

For an electronic version of the publication, please consult the Military Police Complaints Commission of Canada's website at [mpcc-cppm.gc.ca](http://mpcc-cppm.gc.ca).

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## **1. Introduction**

### **Purpose of the *Privacy Act***

The *Privacy Act (PA)* protects the privacy of individuals with respect to personal information about themselves held by a government institution and provides individuals with a right of access to that information.

The Annual Report to Parliament on the *PA* is prepared and tabled in Parliament in accordance with section 72 of the *PA*.

### **Military Police Complaints Commission of Canada**

#### **The Mandate**

The Military Police Complaints Commission of Canada (MPCC) provides independent civilian oversight of the Canadian Armed Forces (CAF) Military Police (MP) and carries out its quasi-judicial functions pursuant to the powers conferred under Part IV of the *National Defence Act*.

The MPCC reviews and investigates complaints concerning MP conduct and investigates allegations of interference in MP investigations. The MPCC reports its findings and makes recommendations directly to the MP and national defence leadership.

#### **The Mission**

The mission of the MPCC is to promote and ensure the highest standards of conduct of MP in the performance of policing duties, and to discourage interference in any MP investigation.

## **2. Organizational Structure**

### **The Organization**

The Military Police Complaints Commission of Canada (MPCC) is a micro-agency consisting of 29 planned full-time equivalents with an ongoing annual budget of \$4.7M.

As Deputy Head, the Chairperson is supported by the Senior General Counsel and Director General, the Senior Director of Corporate Services, the General Counsel and Senior Director of Operations, up to four part-time Governor-in-Council (GIC) appointed Commission Members, MPCC personnel and consultants.

The MPCC did not provide services related to privacy to other government institutions and was not party to any services agreements with other government institutions under section 73.1 of the *Privacy Act*.

## **MPCC Access to Information and Privacy (ATIP) Program**

The MPCC ATIP program provides services/products under the *Access to Information Act (ATIA)* and *PA*, but also provides services/products during the phases of large Public Interest Hearings (PIH) and investigations. Furthermore, the MPCC continues to utilize an *Access to Information and Privacy Framework- Plans and Strategies* encompassing documented processes and management accountability to strengthen the integrity of the ATIP program.

## **MPCC Access to Information and Privacy Coordinator and Personnel**

The ATIP Coordinator for the MPCC is the Senior Director of Corporate Services (SDCS) who is supported by the Senior Planning & Administration Coordinator (SPAC) and the Administrative Services Officer. The MPCC also engages an ATIP consultant, as required. As such, *PA* requests are a shared responsibility between two delegated salaried employees, an assistant who provides administrative support and the Offices of Primary Interest (i.e. Operations, Registrar, Finance, the Records and Information Management Officer, etc.) who also perform ATIP duties in addition to their regular workload.

The main activities of the individual handling *PA* requests are the following;

- Handles assigned cases, analyzes purpose/history of request, interprets legislation and determines information that may be disclosed, exempted and excluded;
- Provides advice and consultation to requesters and third party stakeholders and MPCC management and employees, responds to questions and concerns and ensures that they have a clear understanding of legislation and MPCC policies and procedures for handling requests and other *PA* related issues, including document security classification;
- Conducts research and consultations with other departments and third parties to prepare responses to requesters;
- Analyzes and provides recommendations in the preparation of exhibits for disclosure during a PIH in accordance with *PA* legislation, Open Court Principles and other related policies and procedures; and
- Prepares reports for MPCC management on *PA* requests, other *PA* related issues, including statistical reports, Annual Reports for submission to Parliament and Info Source.

The MPCC does not have any regional offices.

### **3. Delegation Order**

Pursuant to section 73 of the *PA*, the Chairperson appointed the SDCS, the SPAC and the Administrative Services Officer with the duty to exercise certain powers and to perform duties and functions under the *PA* and Regulations. ([Appendix A – Privacy Act Delegation Order](#)).

#### 4. Privacy Act Statistics

During this review period, the MPCC received ten (10) PA requests and closed eight (8) requests. Two (2) requests were carried-forward to the next fiscal year.

No documents were disclosed for any of the eight (8) PA requests closed as no records existed.

The MPCC responded to eight (8) of the PA requests within the legislated 30-day timeline.

As a small micro-organization, COVID-19 related measures did not impact the MPCC's ability to fulfil its *Privacy Act* responsibilities.

For additional information, please refer to [Appendix B](#) and [Appendix C](#).

#### Extensions

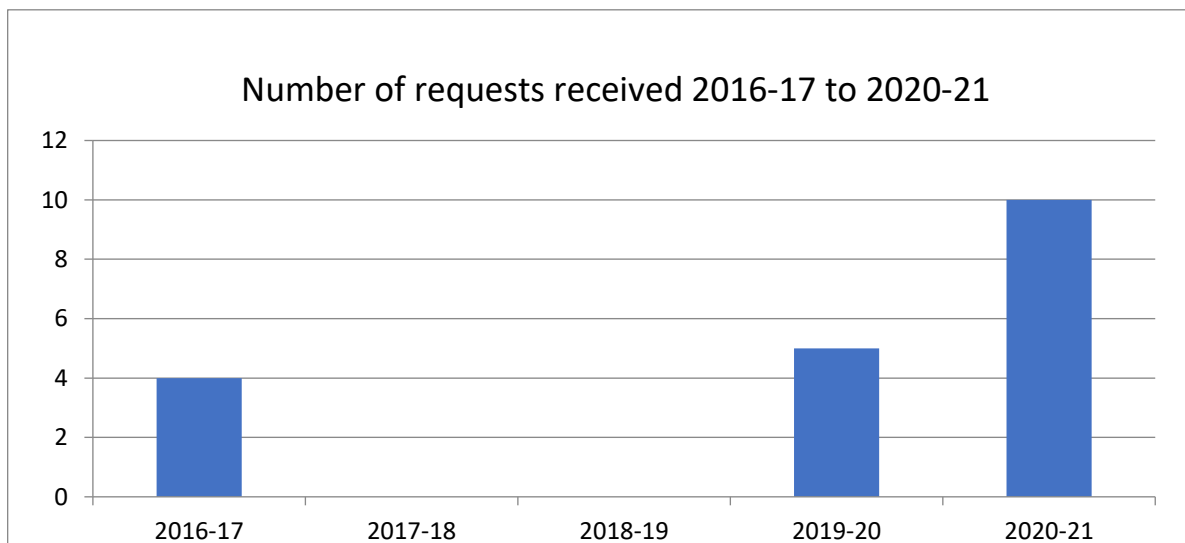
No extension was used under Section 15 of the PA due to external consultations.

#### Consultations from Other Institutions

No consultation from other government departments was received.

#### Multi-Year Trends

Due to the generally small numbers of requests, it is difficult to extrapolate trends. The number of requests in 2016-17 was very low. No Privacy Requests were received by the MPCC in 2017-18 and in 2018-19. The MPCC received only five (5) Privacy Requests in 2019-20. The number of requests increased significantly during the current reporting period 2020-21.



## **5. Training and Awareness**

In 2020-21, the MPCC implemented a learning directive aimed at providing managers and employees a common understanding of the MPCC's expectations regarding learning development. The objective of the directive is to help build a skilled, well-trained and professional workforce, strengthen organizational leadership, and adopt leading-edge practices to encourage innovation and continuous improvement in performance. The directive requires the completion of two mandatory online courses on privacy through the Canada School of Public Service, Access to Information and Privacy Fundamentals (I015) and Fundamentals of Information Management (I301).

## **6. Institutional Policies and Procedures**

During the reporting period, the MPCC accepted requests using the Government of Canada's ATIP Online Request Portal that provides a centralized point of access for the public for a faster, easier and more convenient way to submit access to information or privacy requests.

The MPCC continued to use a manual Tickler system (time limit reminder) to more efficiently respond to files within legislative deadlines and a weekly review of current files. Procedures for processing Access to Information were updated and provided to staff during ATIP training sessions.

### **Handling of Formal Requests**

The MPCC has adopted the following process to handle formal requests:

1. Receive and acknowledge receipt of the privacy request;
2. Create a file and register the request including capturing and updating the information in the Report on the *PA*;
3. Review the request and determine next steps;
4. Gather and review all documents including redacting the information if required;
5. Validate and approve the release of the information; and
6. Audits.

Furthermore, several of the *PA* requests received are intended for the Department of National Defence (DND) and are received by the MPCC in error. As a result, in consultation with DND, the MPCC has developed a process to transfer the requests directly to DND without requiring the requestor to resubmit the request.

## **7. Complaints, Audits and Investigations**

Fourteen (14) complaints, which were outstanding from 2016-17, were abandoned by the Office of the Privacy Commissioner of Canada. No audits were conducted and no appeals concerning *ATIA* requests with the MPCC were filed in Federal Court during the reporting period. No Privacy Complaints were received by MPCC during the reporting period.

## **8. Monitoring**

All ATIP requests are monitored by the SDCS/ATIP Coordinator throughout the year and information such as the statistics and time to process *PA* requests are captured in an ATIP report. This monitoring occurs from the receipt to the closure of all *PA* requests.

On a quarterly basis, the SDCS/ATIP Coordinator submits ATIP reports (i.e. *ATIA* and *PA* Annual Reports and Statistical Reports, Info Source, Personal Information Bank, etc.) to the Executive Committee as a standing agenda item. The Executive Committee consists of the Chairperson (Deputy Head), the Senior General Counsel and Director General, the SDCS/ATIP Coordinator and the General Counsel and Senior Director of Operations. The report is tabled, discussed and approved at these quarterly meetings.

## **9. Privacy Breaches**

No material privacy breach occurred at the MPCC during the reporting period.

## **10. Privacy Impact Assessments (PIA)**

No PIA were conducted during the reporting period.

## **11. Disclosure**

The MPCC has not disclosed any personal information pursuant to subsection 8(2)(m) of the *PA*.

**APPENDIX A**

***Privacy Act Delegation Order***





Military Police  
Complaints Commission  
of Canada

Commission d'examen des plaintes  
concernant la police militaire  
du Canada

**Access to Information Act and Privacy  
Act Delegation Order**

The Chairperson of the Military Police Complaints Commission of Canada, pursuant to section 73 of the *Access to Information Act* and section 73 of 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, duties and functions of the Chairperson as the head of Military Police Complaints Commission of Canada, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders.

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

En vertu de l'article 73 de la *Loi sur l'accès à l'information* et de l'article 73 de la *Loi sur la protection des renseignements personnels*, la présidente de la Commission d'examen des plaintes concernant la police militaire du Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire lesdits postes, les attributions dont le/la président(e) est, en qualité de responsable de Commission d'examen des plaintes concernant la police militaire du Canada, investi[e] par les dispositions de la Loi ou de son règlement mentionnées en regard de chaque poste. Le présent document remplace et annule tout arrêté antérieur.

La présidente de  
La Commission d'examen des plaintes concernant la police militaire du Canada

Hilary C. McCormack  
Chairperson  
Military Police Complaints Commission of Canada

Signed in Ottawa, Ontario, Canada this 15<sup>th</sup> day of May, 2019  
Signé à Ottawa, Ontario, Canada le 15<sup>ème</sup> jour de mai 2019

**Privacy Act Delegation Order**

The Chairperson of the Military Police Complaints Commission of Canada, pursuant to section 73 of 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, duties and functions of the Chairperson as the head of the Military Police Complaints Commission of Canada, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation replaces all previous designation orders.

**Privacy Act**

<b>Provision</b>	<b>Description</b>	<b>Chairperson*</b>	<b>Senior Director of Corporate Services</b>	<b>Senior Planning and Administration Coordinator</b>	<b>Administrative Services Officer</b>
8(2)(e)	Disclose to investigative body	•	•		
8(2)(j)	Disclosure for research or statistical purposes	•	•		
8(2)(m)	Disclosure in the public interest or in the interest of the individual	•	•		
8(4)	Copies of requests under paragraph 8(2)(e)	•	•	•	•
8(5)	Notice of disclosure under paragraph 8(2)(m)	•	•		
9(1)	Record of disclosure	•	•		
9(4)	Consistent uses	•	•		
10	Personal information banks	•	•		
14	Notice where access requested	•	•	•	•
15	Extension of time	•	•		
16(1)(a)(b)	Where access refused	•	•		
17(2)(b)	Language of access	•	•	•	•
17(3)(b)	Access in an alternative format	•	•	•	•
<b>Exemption Provisions of the Privacy Act</b>					
<b>Provision</b>	<b>Description</b>	<b>Chairperson*</b>	<b>Senior Director of Corporate Services</b>	<b>Senior Planning and Administration Coordinator</b>	<b>Administrative Services Officer</b>
18(2)	Exemption – Exempt banks	•	•		
19(1)	Exemption – Personal information obtained in confidence	•	•		

19(2)	Exemption – where disclosure authorized	•	•		
20	Exemption – Federal-provincial affairs	•	•		
21	Exemption – International affairs and defence	•	•		
22	Exemption – Law enforcement and investigations	•	•		
22.3	Exemption – <i>Public Servants Disclosure Protection Act</i>	•	•		
23	Exemption – Security clearances	•	•		
24	Exemption – Individuals sentenced for an offence	•	•		
25	Exemption – Safety of individuals	•	•		
26	Exemption – Information about another individual	•	•		
27	Exemption – Solicitor-client privilege	•	•		
28	Exemption – Medical record	•	•		
<b>Other Provisions of the Privacy Act</b>					
<b>Provision</b>	<b>Description</b>	<b>Chairperson*</b>	<b>Senior Director of Corporate Services</b>	<b>Senior Planning and Administration Coordinator</b>	<b>Administrative Services Officer</b>
33(2)	Right to make representations	•	•		
35(1)(b)	Notice of actions to implement recommendations of Commissioner	•	•	•	•
35(4)	Access to be given to complainant	•	•	•	•
36(3)(b)	Notice of actions to implement recommendations of Commissioner concerning exempt banks	•	•	•	•
51(2)(b)	Special rules for hearings	•	•		
51(3)	<i>Ex parte</i> representations	•	•		
72	Annual report to Parliament	•	•		

Privacy Regulations					
Provision	Description	Chairperson*	Senior Director of Corporate Services	Senior Planning and Administration Coordinator	Administrative Services Officer
9	Examination of information	•	•	•	•
11(2)	Notification that correction to personal information has been made	•	•	•	•
11(4)	Notification that correction to personal information has been refused	•	•	•	•
14	Examination in presence of medical practitioner or psychologist	•	•		

Dated at the City of Ottawa this 15<sup>th</sup> day of May 2019.

Hilary C. McCormack  
 Chairperson  
 Military Police Complaints Commission of Canada

**APPENDIX B**

**2020-21 *Privacy Act* Statistical Report**



## Statistical Report on the *Privacy Act*

Name of institution: Military Police Complaints Commission of 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	10
Outstanding from previous reporting period	0
<b>Total</b>	<b>10</b>
Closed during reporting period	8
Carried over to next reporting period	2

### 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	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
No records exist	7	1	0	0	0	0	0	8
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>7</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</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	0
19(1)(f)	0	22.1	0	27	0
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	0	0

## 2.5 Complexity

### 2.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
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	0	0	0	0	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
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>	0	0	0	0	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
<b>Total</b>	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	8
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
<b>Total</b>	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	0
16 to 30 days	0	0	0	0	0	0	0	0
31 days or greater								0
<b>Total</b>	0	0	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
<b>Total</b>	0	0	0	0
Closed during the reporting period	0	0	0	0
Carried over to the next reporting period	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
<b>Total</b>	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
<b>Total</b>	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
0	0	0	0	0

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

### 9.1 Privacy Impact Assessments

Number of PIA(s) completed	0
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### 9.2 Personal Information Banks

Personal Information Banks	Active	Created	Terminated	Modified
	0	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	\$4,456
Overtime	\$0
Goods and Services	\$1,762
• Professional services contracts	\$1,762
• Other	\$0
<b>Total</b>	<b>\$6,218</b>

### 11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.040
Part-time and casual employees	0.000
Regional staff	0.000
Consultants and agency personnel	0.004
Students	0.000
<b>Total</b>	<b>0.044</b>

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

**APPENDIX C**

**2020-21 *Privacy Act* Supplemental Report**



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

Name of institution: Military Police Complaints Commission of 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	52
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
<b>Unclassified Paper Records</b>	0	0	52	<b>52</b>
<b>Protected B Paper Records</b>	0	0	52	<b>52</b>
<b>Secret and Top Secret Paper Records</b>	0	0	52	<b>52</b>



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

	<b>No Capacity</b>	<b>Partial Capacity</b>	<b>Full Capacity</b>	<b>Total</b>
<b>Unclassified Electronic Records</b>	0	0	52	<b>52</b>
<b>Protected B Electronic Records</b>	0	0	52	<b>52</b>
<b>Secret and Top Secret Electronic Records</b>	0	0	52	<b>52</b>