

National Energy
Board



Office national
de l'énergie

Annual Report **Pursuant to the** *Privacy Act*

1 April 2016 – 31 March 2017

Canada

National Energy Board

Annual Report
Pursuant to the
Privacy Act

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1. Introduction

Privacy Act

The *Privacy Act* (the Act) gives individuals the right of access to information about themselves held by the federal government, with certain specific and limited exceptions. The Act protects an individual's privacy by setting out provisions related to the collection, retention, use and disclosure of personal information.

In accordance with section 72 of the Act, the head of every federal institution is required to submit an Annual Report to Parliament on the administration of the Act following the close of each fiscal year. The Annual Reports are then tabled in Parliament pursuant to section 72 of the Act. This report describes how the National Energy Board (NEB) fulfilled its privacy responsibilities during the fiscal year 2016-2017.

About the National Energy Board

The NEB is an independent federal regulator established in 1959 to promote safety and security, environmental protection and economic efficiency in the Canadian public interest within the mandate set by Parliament for the regulation of pipelines, energy development and trade. The NEB reports to Parliament through the Minister of Natural Resources. The NEB regulates the following specific aspects of the energy industry:

- the construction and operation of interprovincial and international pipelines;
- pipeline traffic, tolls and tariffs;
- the construction and operation of international and designated interprovincial power lines;
- the export and import of natural gas;
- the export of oil and electricity; and
- Frontier oil and gas activities.

Other responsibilities include:

- providing energy advice to the Minister of Natural Resources in areas where the NEB has expertise derived from its regulatory functions;
- carrying out studies and preparing reports when requested by the Minister;
- conducting studies into specific energy matters;
- holding public inquiries when appropriate; and
- monitoring current and future supplies of Canada's major energy commodities.

In addition to its responsibilities under the *National Energy Board Act* (NEB Act), the NEB also has responsibilities under the *Canada Oil and Gas Operations Act*, the *Canadian Environmental Assessment Act*, the *Northern Pipeline Act*, and certain provisions of the *Canada Petroleum Resources Act*. As a result of the *Canada Transportation Act*, which came into effect on 1 July 1996, the NEB's jurisdiction has been broadened to also include pipelines that transport commodities other than oil or natural gas.

For more information about the NEB, please visit our website at: www.neb-one.gc.ca

2. Description of institutional structure

The Access to Information and Privacy (ATIP) Office

The Chair and CEO of the NEB has overall responsibility for ensuring that the NEB's policies, procedures and practices are compliant with the application and administration of the *Privacy Act*. However, the activities relating to the *Privacy Act* are delegated by the Chair and CEO to a designated Access to Information and Privacy Coordinator (ATIP Coordinator). During the reporting year, the ATIP Coordinator position was shared between the Secretary of the NEB, from 1 April 2016 to 31 August 2016, and the Executive Vice President of Transparency and Strategic Engagement, from 1 September 2016 to 31 March 2017.

Privacy requests at the NEB are processed by the ATIP Office which reports to the Executive Vice President of Transparency and Strategic Engagement, as the ATIP Coordinator, through the People and Knowledge Business Unit. The ATIP Office is comprised of two permanent full-time officers and one senior officer on assignment from another department of the NEB. During the reporting year, the NEB also hired one casual employee and one contractor to help cope with the significant increase of access to information requests received.

The ATIP Office is supported by the NEB's Legal Services which provides occasional legal advice and guidance to the ATIP Office on issues related to the application of the *Privacy Act*.

The ATIP Office is responsible for the coordination and implementation of policies, guidelines and procedures to ensure the organization's compliance with the *Privacy Act*. The office also provides the following services to the organization:

- Advising program managers of the requirements of the *Privacy Act* for the collection, retention, use, and disclosure of personal information;
- Promoting staff awareness and providing training on the *Privacy Act*;
- Responding to privacy requests;
- Managing the electronic tracking system;
- Preparing an Annual Report to Parliament;
- Ensuring that the NEB's personal information holdings are published in Info Source;
- Coordinating and overseeing the Privacy Impact Assessment process for the NEB;
- Developing corporate privacy policies and practices to protect and guide access to personal information;
- Participating in forums for the ATIP community, such as the Treasury Board of Canada Secretariat ATIP Community meetings and working groups; and
- Monitoring trends in national and international privacy issues to provide informed advice to clients.

Info Source

Info Source is a series of publications containing information about and/or collected by the Government of Canada. The primary purpose of *Info Source* is to assist individuals in exercising their rights under the *Access to Information Act* and the *Privacy Act*. *Info Source* also supports the federal government's commitment to facilitate access to information regarding its activities.

During this reporting period, the ATIP Office continued to maintain and update the content of its self-published *Info Source* page. This included providing information on how individuals can submit an access to information request and providing links to the correlating applicable forms provided by the Treasury Board of Canada Secretariat.

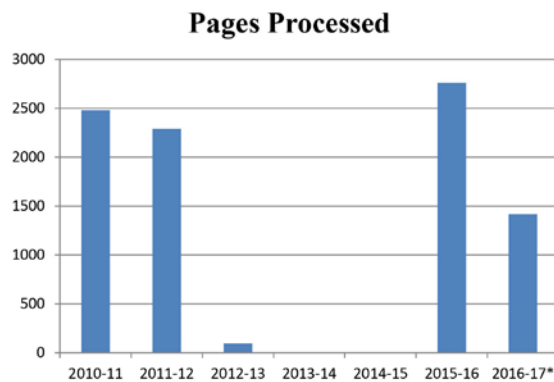
Reading Room

The *Privacy Act* requires government institutions to provide facilities where members of the public may obtain information such as *Info Source*. The following NEB location in Calgary has been designated as a public reading room:

National Energy Board Library
2nd Floor, 517 - 10th Avenue SW
Calgary, AB T2R 0A8

Workload and Multiyear Trend

During the present reporting period, the NEB did not receive any privacy requests. Only one privacy request was carried over from the previous reporting year 2015-16 and for which 1418 pages were processed. The charts below indicate the multiyear trend of privacy requests received and pages processed by the NEB.



* The pages processed for 2016-17 stem from a privacy request which was carried over from 2015-16.

3. Delegation Orders

National Energy
Board



Office national
de l'énergie

Privacy Act Designation Replacement Order

The Chair and CEO of the National Energy Board (the Board), pursuant to Section 73 of the *Privacy Act* (the Act) hereby replaces the *Privacy Act Designation Order* made on the 1st day of April 2011 at the City of Calgary, in the Province of Alberta by the following text.

The Chair and CEO of the Board, pursuant to Section 73 of the *Privacy Act*¹ hereby designates the person holding the position of Secretary of the Board to exercise the powers and perform the duties and functions of the Chair and CEO as head of a government institution under the Act.

Dated at the City of Calgary, in the Province of Alberta, this 1st day of February 2013.

A handwritten signature in blue ink, appearing to read 'Gaétan Caron', written over a horizontal line.

Gaétan Caron
Chair and CEO

¹ S.C. 1980-81-82 c. 111

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Privacy Act Designation Replacement Order

The Chair and CEO of the National Energy Board (the Board), pursuant to Section 73 of the *Privacy Act* (the Act) hereby replaces the *Privacy Act Designation Order* made on the 1st day of February 2013 at the City of Calgary, in the Province of Alberta by the following text.

The Chair and CEO of the Board, pursuant to Section 73 of the *Privacy Act*¹ hereby designates the person holding the position of Executive Vice President, Transparency and Strategic Engagement to exercise the powers and perform the duties and functions of the Chair and CEO as head of a government institution under the Act.

Dated at the City of Calgary, in the Province of Alberta, this 1st day of September 2016.

A handwritten signature in black ink, appearing to read 'Peter Watson', written over a horizontal line.

Peter Watson
Chair and CEO

¹S.C. 1980-81-82 c. 111

4. **Statistical Report and Interpretation**
 a) **Statistical Report:**



Government of Canada
 Gouvernement du Canada

Statistical Report on the *Privacy Act*

Name of institution: National Energy Board of Canada

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

Part 1: Requests Under the *Privacy Act*

	Number of Requests
Received during reporting period	0
Outstanding from previous reporting period	1
Total	1
Closed during reporting period	1
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	0	0	0	0	0	0
Disclosed in part	0	0	0	1	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	0	0	1	0	0	0	1

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	1
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	0	0	0
Disclosed in part	0	1	0
Total	0	1	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	0	0	0
Disclosed in part	1418	1032	1
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	0
Neither confirmed nor denied	0	0	0
Total	1418	1032	1

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	1	1032	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	0	0	0	0	1	1032	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 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
1	0	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	0	1	1
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	1	1

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	0	0
Disclosed in part	1	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	1	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
0	0	1	0	1

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		\$1,423
Overtime		\$0
Goods and Services		\$0
• Professional services contracts	\$0	
• Other	\$0	
Total		\$1,423

10.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.02
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	0.02

b) Interpretation / Explanation**PART 1 - Requests Under the *Privacy Act***

During the reporting period, the NEB received 0 requests pursuant to the *Privacy Act*. Only 1 privacy request was carried over from the previous reporting period.

PART 2 - Requests Closed During the Reporting Period

The 1 privacy request which was carried over from the previous reporting period was closed during the present reporting period.

PART 3 - Disclosures Under Subsections 8(2) and 8(5)

The NEB did not disclose any information under subsections 8(2) or 8(5).

PART 4 - Requests for Correction of Personal Information and Notations

There were no requests for the correction or the notation of personal information during the reporting period.

PART 5 - Extensions

The NEB requested 1 extension for a period of 30 days.

PART 6 - Consultations Received From Other Institutions and Organizations

The NEB did not receive any consultations from other government institutions and organizations.

PART 7 - Completion Time of Consultations on Cabinet Confidences

The NEB did not undertake any consultations on the application of section 70 of the *Privacy Act* that were sent to the Cabinet Confidences Section of the Privy Council Office.

PART 8 - Complaints and Investigations Notices Received

There were no privacy complaints received and no audits were held during the reporting period. There was 1 investigation concluded during the reporting period.

PART 9 - Privacy Impact Assessments (PIAs)

There were no PIAs completed during the reporting period.

PART 10 - Resources related to the *Privacy Act*

Costs

Costs are only to include those related to the administration of the *Privacy Act* incurred by the ATIP Office that has authority to respond to formal privacy requests or requests for correction of personal information. The total cost for resources related to the *Privacy Act* over the reporting period was \$1,423.

The total amount paid for salaries of employees working in the ATIP Office on activities related to the administration of the *Privacy Act* was \$1,423. This represents an 89.7% decrease in salary costs from the previous 2015-16 reporting period.

The NEB incurred no costs on goods and services related to the administration of the *Privacy Act*, neither on professional services contracts nor on other goods and services.

Human Resources

Over the reporting period, the ATIP Office dedicated the equivalent of 0.02 person years to privacy activities. This represents a decrease from the 2015-16 reporting period where the equivalent of 0.14 person years was dedicated to privacy activities. Since there was 0 privacy request received during the reporting period, and only 1 privacy request was carried over from the previous reporting period, the bulk of the ATIP Office resources were dedicated primarily to activities related to Access to Information or Parliamentary Inquiries. The resources associated with administering the *Access to Information Act* were reported on the statistical report for Access to Information and not duplicated on the statistical report for Privacy, in accordance with direction from the Treasury Board of Canada Secretariat.

5. Description of Education and Training Activities

Training for National Energy Board Staff

The NEB promotes access to information imperatives in face-to-face meetings, presentations, learning products, on the Intranet and through its training program. It fosters responsible working relationships with clients and operates under clearly defined timelines.

Training on the provisions of the *Access to Information Act* and the *Privacy Act* is mandatory at the NEB and is included in the menu of New Employee Orientation Training. At least annually, the ATIP Office delivers both specialized training to respond to the needs of officers and clients, and general training to raise employees' awareness of their responsibilities under these Acts and the impact they have on NEB programs and initiatives.

Yvon Gauthier Info-Training provided a complete selection of training courses designed to increase knowledge and awareness of Access to Information and Privacy issues and legislation. This training was offered to all NEB staff and was held from 1 March 2017 to 10 March 2017.

Further, all NEB staff were required to take and successfully pass the Access to Information and Privacy Fundamentals - I015 course offered by Canadian School of Public service.

Special training sessions, entitled “ATIP Orientation for NEB Members”, were held throughout the year to introduce and train new permanent and temporary NEB Members joining the NEB.

The NEB further implemented an “ATIP Tip of the Week” initiative where each week a new ATIP tip was posted on the screensaver of all NEB staff as a means to train and remind them of ATIP best practices and their obligations under the *Access to Information Act* and the *Privacy Act*.

Training for ATIP Analysts

During the reporting period, the NEB’s ATIP Team participated in the same training opportunities as those offered to NEB Staff.

In addition, on 23 February 2017, two of the NEB’s ATIP officers participated in 3 courses offered by the Treasury Board of Canada Secretariat’s Information and Privacy Policy Department.

6. New or Revised Policies and Guidelines

The NEB did not roll out any additional policies, procedures, or guidelines directly related to privacy during 2016-17 fiscal, focusing rather on the effectiveness of our ATIP processes. The NEB complies with the *Policy on Privacy Protection*, the *Directive on Privacy Practices*, the *Guidelines on Privacy Breaches*, and all other related Treasury Board of Canada Secretariat policies, guidelines, and procedures.

In the spirit of continuous improvement, the NEB reviews and refines its processes for responding to *Privacy Act* requests as required. Responsible officials assessed as an office of primary interest are required to prepare written confirmation that all relevant materials have been submitted attesting that a thorough search has been performed, that there is a rationale for any recommended exemptions as supported by the Act, and that they have considered and abide by the principles supporting the duty to assist the requester. Procedures are streamlined to better assist the offices of primary interest with their retrieval processes to ensure that established timelines are respected.

7. Privacy Complaints and Audits

There were no privacy complaints received and no audits were held during the reporting period. There was 1 investigation concluded during the reporting period.

8. Enhancing Support and Sustaining Compliance

Senior management at the NEB supports the Privacy Management Framework as it enables a more effective management of privacy within the NEB and facilitates compliance with Treasury Board of Canada Secretariat Policy and Directives obligations.

The NEB continues to improve the timeliness, efficiency and accuracy of its responses to ATIP requests. The ATIP Office uses a database to track the process of completing requests and sends out weekly reports listing the outstanding requests. The ATIP Office meets weekly with the NEB ATIP Coordinator, along with legal counsel and other management level staff, to monitor and direct the progression of the requests. Senior management, including the Chief Operating Officer and the Executive Vice President, Law and General Counsel, are updated on a weekly basis by the ATIP Coordinator with respect to the status and nature of ATIP files. The NEB Chair and CEO is kept apprised of the volume and times required to process ATIP requests.

This year, the NEB:

- Continued to implement a structured and NEB-wide ATIP awareness program to ensure that staff and senior officials understand their roles and responsibilities regarding ATIP; and
- Worked collaboratively with consultants who have expertise in ATIP and business processes to assist with the development and implementation of a Privacy Management Framework.

9. Material Breaches

There were no material privacy breaches that occurred during the reporting period.

10. Privacy Impact Assessment (PIAs)

There were no PIAs completed during the reporting period.

11. Disclosures Pursuant to Paragraph 8(2)(m) of the *Privacy Act*

There were no disclosures made under paragraph 8(2)(m) of the *Privacy Act*.