



Transportation
Safety Board
of Canada

Bureau de la sécurité
des transports
du Canada

**ANNUAL REPORT TO PARLIAMENT
ON THE APPLICATION OF
THE *PRIVACY ACT*
1 APRIL 2016 TO 31 MARCH 2017**

Canada 

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Annual report to Parliament on the application of the *Privacy Act* 2016–17

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Place du Centre
200 Promenade du Portage
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Gatineau, Quebec
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09 June 2017

The Honourable Karina Gould, P.C., M.P.
Minister of Democratic Institutions and
President of the Queen's Privy Council for Canada
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Minister:

In accordance with section 72 of the *Privacy Act*, the Transportation Safety Board of Canada is pleased to submit to Parliament this report on its activities relating to the application of the Act for the period 1 April 2016 to 31 March 2017.

Sincerely,

Kathleen Fox
Chair

Canada

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1.0 Introduction

Pursuant to section 72 of the [Privacy Act](#), the Transportation Safety Board of Canada (TSB) is pleased to table in Parliament this report on its activities relating to the application of the Act. The report covers the period from 1 April 2016 to 31 March 2017.

The purpose of the *Privacy Act* is to protect the privacy of individuals with respect to personal information about themselves held by government institutions such as the TSB, and to provide individuals with a right of access to that information.

The [Canadian Transportation Accident Investigation and Safety Board Act](#) provides the legal framework that governs TSB activities. Our mandate is to advance transportation safety in the marine, pipeline, rail and air modes of transportation by:

- conducting independent investigations, including public inquiries when necessary, into selected transportation occurrences in order to make findings as to their causes and contributing factors;
- identifying safety deficiencies, as evidenced by transportation occurrences;
- making recommendations designed to eliminate or reduce any such safety deficiencies; and
- reporting publicly on our investigations and on the findings in relation thereto.

More information on the TSB is available at www.bst-tsb.gc.ca.

The TSB's administration of its Access to Information and Privacy (ATIP) activities is in accordance with the government's stated principles that government information should be available to the public with only specific and limited exceptions. Furthermore, the TSB treats personal information in compliance with the code of fair information practice expressed in the *Privacy Act*.

2.0 ATIP Office organization

During 2016–17, the General Counsel had the responsibilities of the ATIP Coordinator. The remainder of the ATIP Office consisted of five full-time positions, one term position and a casual position.

The ATIP Office administers requests made pursuant to the Act and provides functional advice and guidance to managers and employees concerning the release of information and protection of privacy. In addition, ATIP analysts are required to exhibit strong consultative and negotiating skills when meeting with requesters, employees of the TSB and representatives of the Office of the Privacy Commissioner.

3.0 Delegation of authority

As required by the legislation, a delegation of authority is in place. For the purposes of the *Privacy Act*, the “head of the institution” as defined in section 3 of the Act is the Chair. The incumbents of the positions of Chief Operating Officer, General Counsel and Senior ATIP Analyst have been delegated powers by the Chair deemed appropriate for the effective administration of the Act. These employees ensure that the TSB meets all its obligations fairly and consistently. The delegation authority was updated in 2016–17. A copy of the Delegation Order is attached as Appendix A.

4.0 Disposition of requests

4.1 Requests for personal information

During the 2016–17 reporting period, thirty-two (32) formal requests for personal information were received compared to forty-six (46) received in 2015–16. Privacy requests received by the TSB are primarily attributed to Canadian airline pilots inquiring as to whether they are named in any occurrences reported to the TSB. Certain international airlines request this information as a pre-employment requirement.

Of the thirty-two (32) requests closed in 2016–17, records were fully disclosed to thirty-one (31) applicants and one (1) request was abandoned. No request was carried over to the next fiscal year.

Of the thirty-two (32) requests closed during the reporting period, twenty-eight (28) were completed within 1 to 15 days and three (3) were completed within 16 to 30 days. The average time taken to process a request during the 2016–17 reporting period was 8.9 calendar days, compared with last year’s average of 8.8 calendar days.

During this period, the ATIP Office was involved in the search, preparation and review of 40 pages of information and the reproduction and release of 40 pages of information. Last year, 318 pages were reviewed and 148 pages were released. The variation in the number of pages reviewed between years is due simply to the different type of requests received.

The TSB’s policy of openness allows for the disclosure of information to its employees without necessarily requiring that they invoke the *Privacy Act*. Human Resources officers and support staff handle this sort of request as part of their routine duties. The TSB remains vigilant in meeting requirements under the Act to protect personal information under its control. This is achieved by ensuring that employees are cognizant of their responsibility to protect the personal information they handle in the course of their duties and by respecting the code of fair information practice enshrined in the legislation.

4.2 Costs

During 2015-16, the ATIP Office incurred an estimated \$38,306 in costs to administer the *Privacy Act* compared to \$5,049 for the 2016-17 reporting period. These costs include salaries, overtime, goods and services, and professional services contracts for temporary help staff but do not include the resources expended by other areas of the TSB to meet the requirements of the Act. The reduction in cost is the result of the decreased number of records reviewed compared to the previous reporting period.

5.0 Training and education

The TSB has an orientation program in place for new employees, which includes training on ATIP awareness. In addition, the TSB has now made it mandatory for all staff to attend more comprehensive ATIP training sessions given by the ATIP Office. During 2016-17, the ATIP Office provided twelve (12) standalone training sessions to one hundred and eighteen (118) employees at headquarters and regional offices. Further, two (2) sessions were offered as part of the new employee orientation program to nineteen (19) participants. The ATIP Office also continues to provide advice and guidance upon request to individuals and small groups of employees.

ATIP staff attended two (2) ATIP Community Meetings organized by the Treasury Board Secretariat. These Community Meetings provided ATIP staff with valuable information on trends and best practices within the ATIP circle, updates on recent complaints and court cases, and tools to help improve service standards within the field. Additionally, an outside authority on the Act shared his considerable experience on the application of exemptions and exclusions within the context of the TSB.

6.0 Policies, guidelines and procedures

No new or revised privacy-related policies, guidelines or procedures were implemented by the TSB during the reporting period.

7.0 Complaints and investigations

No complaints were received during 2016-17.

8.0 Monitoring process

The TSB monitors the time to process privacy requests, through bi-weekly meetings between the General Counsel (ATIP Coordinator) and the Senior ATIP Analyst during which the status of outstanding requests are reviewed. Any significant issues are raised to the Chief Operating Officer on an ad hoc basis when required.

9.0 *Material Privacy Breaches*

No material privacy breaches occurred during the reporting period.

10.0 *Privacy impact assessments*

The TSB did not undertake any privacy impact assessments (PIA) during the reporting period.

11.0 *Disclosures pursuant to paragraph 8(2)(m)*

During fiscal year 2016-2017, the TSB made one disclosure of information in the public interest pursuant to paragraph 8(2)(m)(i). The TSB notified the Office of the Privacy Commissioner of Canada about this disclosure in accordance with the *Privacy Act*.

12.0 *Statistics required by Treasury Board*

The statistics required by the Treasury Board Secretariat are found in Appendix B.

Appendices

Appendix A – Delegation order

Transportation Safety Board
of Canada



Bureau de la sécurité des transports
du Canada

5 January 2017


Our file / Notre référence

Designation Order – Privacy Act

The Chair of the Transportation Safety Board of Canada, pursuant to section 73 of the *Privacy Act*, hereby designates the persons holding the positions set out in the table below, or the persons occupying on an acting basis those positions, to exercise the specified powers and perform the related duties and functions of the Chair as the Head of a government institution under the *Privacy Act*.

This designation replaces the designation dated 1 June 2015.

| Positions | Sections of the <i>Privacy Act</i> |
|-------------------------|------------------------------------|
| Chair | All sections |
| Chief Operating Officer | All sections |
| General Counsel | All sections |
| Senior ATIP Analyst | Section 15 - extensions |


Kathleen Fox
Chair

Canada

Appendix B – Statistical report on the Privacy Act

Statistical Report on the *Privacy Act*

Name of institution: Transportation Safety Board of Canada

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

Part 1: Requests Under the Privacy Act

1.1. Requests under the Privacy Act

| | Number of requests |
|--|--------------------|
| Received during reporting period | 32 |
| Outstanding from previous reporting period | 0 |
| Total | 32 |
| Closed during reporting period | 32 |
| 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 | 28 | 3 | 0 | 0 | 0 | 0 | 0 | 31 |
| Disclosed in part | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| All exempted | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| All excluded | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| No records exist | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Request abandoned | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Neither confirmed nor denied | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 29 | 3 | 0 | 0 | 0 | 0 | 0 | 32 |

2.2 Exemptions

| Section | Number of requests |
|---------------|--------------------|
| 18(2) | 0 |
| 19(1)(a) | 0 |
| 19(1)(b) | 0 |
| 19(1)(c) | 0 |
| 19(1)(d) | 0 |
| 19(1)(e) | 0 |
| 19(1)(f) | 0 |
| 20 | 0 |
| 21 | 0 |
| 22(1)(a)(i) | 0 |
| 22(1)(a)(ii) | 0 |
| 22(1)(a)(iii) | 0 |
| 22(1)(b) | 0 |
| 22(1)(c) | 0 |
| 22(2) | 0 |
| 22.1 | 0 |
| 22.2 | 0 |
| 22.3 | 0 |
| 23(a) | 0 |
| 23(b) | 0 |
| 24(a) | 0 |
| 24(b) | 0 |
| 25 | 0 |
| 26 | 3 |
| 27 | 0 |
| 28 | 0 |

2.3 Exclusions

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

2.4 Format of information released

| Disposition | Paper | Electronic | Other formats |
|-------------------|-------|------------|---------------|
| All disclosed | 0 | 31 | 0 |
| Disclosed in part | 0 | 0 | 0 |
| Total | 0 | 31 | 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 | 40 | 40 | 31 |
| Disclosed in part | 0 | 0 | 0 |
| All exempted | 0 | 0 | 0 |
| All excluded | 0 | 0 | 0 |
| Request abandoned | 0 | 0 | 1 |
| Neither confirmed nor denied | 0 | 0 | 0 |
| Total | 40 | 40 | 32 |

2.5.2 Relevant pages processed and disclosed, by size of request

| 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 | Number of pages disclosed | Number of requests | Number of pages disclosed | Number of requests | Number of pages disclosed | Number of requests | Number of pages disclosed | Number of requests | Number of pages disclosed |
| All disclosed | 31 | 40 | 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 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Neither confirmed nor denied | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 32 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

2.5.3 Other complexities

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 |
| 0 | 0 | 0 | 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 | 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 |

2.7 Requests for translation

2.7.1 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)

3.1 Disclosures under subsections 8(2) and 8(5)

| Paragraph 8(2)(e) | Paragraph 8(2)(m) | Subsection 8(5) | Total |
|-------------------|-------------------|-----------------|-------|
| 0 | 1 | 0 | 1 |

Part 4: Requests for correction of personal information and notations

4.1 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 | 0 | 0 | 0 | 0 |
| All exempted | 0 | 0 | 0 | 0 |
| All excluded | 0 | 0 | 0 | 0 |
| No records exist | 0 | 0 | 0 | 0 |
| Request abandoned | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 |

5.2 Length of extensions

| Length of extensions | 15(a)(i) Interference with operations | 15(a)(ii) Consultation | | 15(b) Translation purposes |
|----------------------|--|---------------------------|-------|-------------------------------|
| | | Section 70 | Other | |
| 1 to 15 days | 0 | 0 | 0 | 0 |
| 16 to 30 days | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 |

Part 6: Consultations received from other institutions and organizations

6.1 Consultations received from other Government of Canada institutions, 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 |
| Pending at the end of the 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 | | | | | | | 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 |
| Consult other institution | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

6.3 Recommendations and completion time for consultations received from other organizations

| Recommendation | Number of days required to complete consultation requests | | | | | | | Total |
|---------------------------|---|---------------|---------------|----------------|-----------------|-----------------|--------------------|-------|
| | 1 to 15 days | 16 to 30 days | 31 to 60 days | 61 to 120 days | 121 to 180 days | 181 to 365 days | 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 |
| 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

| 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 | Number of pages disclosed | Number of requests | Number of pages disclosed | Number of requests | Number of pages disclosed | Number of requests | Number of pages disclosed | Number of requests | Number of 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 | Number of pages disclosed | Number of requests | Number of pages disclosed | Number of requests | Pages Disclosed | Number of requests | Number of pages disclosed | Number of requests | Number of 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

8.1 Complaints and investigations notices received

| Section 31 | Section 33 | Section 35 | Court action | Total |
|------------|------------|------------|--------------|-------|
| 0 | 0 | 0 | 0 | 0 |

Part 9: Privacy impact assessments (PIAs)

| | |
|--------------------------|---|
| Number of PIAs completed | 0 |
|--------------------------|---|

Part 10: Resources related to the *Privacy Act*

10.1 Costs

| Expenditures | | Amount |
|-----------------------------------|-------|---------|
| Salaries | | \$4,825 |
| Overtime | | \$0 |
| Goods and services | | \$224 |
| • Professional services contracts | \$0 | |
| • Other | \$224 | |
| Total | | \$5,049 |

10.2 Human resources

| Resources | Person years dedicated to privacy activities |
|----------------------------------|--|
| Full-time employees | 0.01 |
| Part-time and casual employees | 0.00 |
| Regional staff | 0.00 |
| Consultants and agency personnel | 0.00 |
| Students | 0.00 |
| Total | 0.01 |