



PORT
QUÉBEC

ANNUAL REPORT
TABLED IN PARLIAMENT

PRIVACY ACT

REFERENCE PERIOD
APRIL 1, 2019, TO MARCH 31, 2020

Canada 

TABLE OF CONTENTS

	PAGE
1. INTRODUCTION	1
2. ORGANIZATIONAL STRUCTURE	1
3. DELEGATION ORDER.....	2
4. HIGHLIGHTS OF THE STATISTICAL REPORT 2019-2020	2
4.1 Number of requests received.....	2
4.2 Number of pages processed and disclosed.....	3
4.3 Exemptions and exclusions	3
4.4 Processing time	3
4.5 Extension of the time limit	3
4.6 Corrections	3
4.7 Costs	4
4.8 COVID-19 measures	
5. TRAINING, AWARENESS AND CAPACITY BUILDING.....	4
6. POLICIES, GUIDELINES, PROCEDURES AND INITIATIVES	4
6.1 Publicly accessible information and inquiry points.....	4
6.2 Policy development.....	5
7. SUMMARY OF KEY ISSUES AND ACTIONS TAKEN ON COMPLAINTS OF AUDITS	5
8. MONITORING COMPLIANCE.....	5
9. MATERIAL PRIVACY BREACHES	6
10. PRIVACY IMPACT ASSESSMENTS (PIAS).....	6
11. PUBLIC INTEREST DISCLOSURES MADE PURSUANT TO PARAGRAPH 8(2)(M)	6
12. PERSONAL INFORMATION BANKS.....	6
APPENDICES	
APPENDIX A	Statistical report pertaining to the <i>Privacy Act</i> / Form TBS/SCT 350-63 (Rev. 2014/03)
APPENDIX B	Delegation of powers tool for the <i>Access to Information Act</i> and the <i>Privacy Act</i>
APPENDIX C	Supplemental Statistical Report – Requests affected by COVID-19 measures

1. INTRODUCTION

The *Privacy Act* (R.S.C., 1985, c. P-21) came into effect on July 1, 1983. It governs the collection of personal information by the federal government, restricts the use and disclosure of this information and grants individuals the right to access and correct information about them. Section 72 of the *Privacy Act* requires that the head of every government institution submit to Parliament an Annual Report on the administration of this Act within the institution during the financial year.

This Report is submitted in accordance with section 72 of the *Privacy Act*. It provides an overview of the activities the Québec Port Authority has carried out pertaining to the protection of personal information during the period from April 1, 2019, to March 31, 2020.

The Québec Port Authority is a not-for-profit shared governance organization that was created on May 1, 1999, following the adoption of the *Canada Marine Act*.

The mission of the Québec Port Authority is to promote and develop maritime trade, to serve the economic interests of the Québec area and of Canada, and to ensure the Port of Québec's profitability in a way that respects both the community and the environment. The means associated with achieving this mandate are to effectively develop and manage the Québec Port Authority's assets, create industrial activity and commercial growth, innovate in the port and transportation sectors, and preserve port heritage.

2. ORGANIZATIONAL STRUCTURE

The Corporate Secretary and Director, Compliance and Legal Affairs acts as the Access to Information and Privacy Coordinator for the Québec Port Authority and has the delegated powers to do so. (See the Delegation of powers tool enclosed in Appendix B.)

In accordance with established practices, all formal requests for access to information or to documents are sent directly to the above-mentioned person that, ensures all requests are promptly processed in accordance with the provisions of the Act. To ensure an increased level of privacy, a separate file is created for each request.

In accordance with the description of every service agreement pursuant to article 73.1 of the *Privacy Act*, Québec Port Authority did not provide any service under subsection (1) to another government institution during the period from April 1, 2019, to March 31, 2020.

3. DELEGATION ORDER

The Access to Information and Privacy Coordinator is Me Karine Hébert, Corporate Secretary and Director, Compliance and Legal Affairs. She is responsible for making decisions with respect to the enforcement of various provisions in the *Privacy Act*. (See the Delegation enclosed in Appendix B.)

4. HIGHLIGHTS OF THE STATISTICAL REPORT, 2019-2020

Interpretation of the Statistical Report:

- Number of requests received
- Number of pages processed and disclosed
- Exemptions and exclusions
- Processing time
- Extension of the time limit
- Corrections
- Costs
- COVID-19 measures

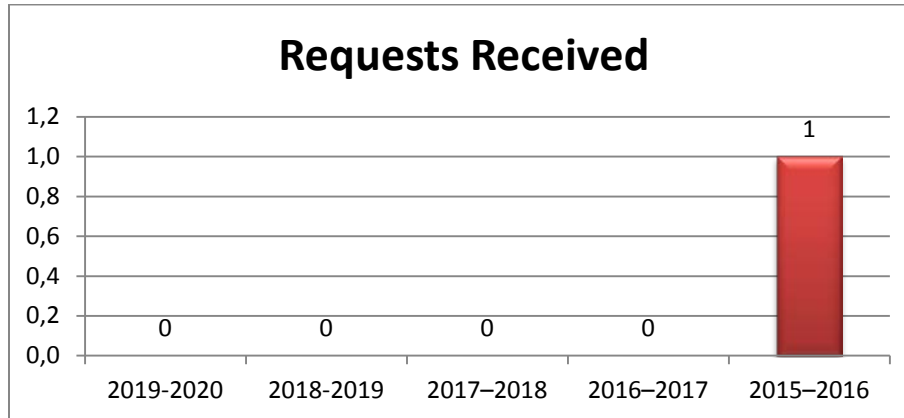
The Québec Port Authority’s Statistical Report regarding the *Privacy Act* is available in Appendix A in accordance with form TBS/SCT 350-63 (Rev. 2014/03) issued by the Government of Canada.

4.1. Number of requests received

Between April 1, 2019, and March 31, 2020, the Québec Port Authority did not receive any official request.

In comparison with the previous year, i.e., the period from April 1, 2018, to March 31, 2019, when the Québec Port Authority had also not received any official requests under the *Privacy Act*.

The chart below shows the number of requests received for the years 2019-2020, 2018-2019, 2017–2018, 2016–2017 and 2015–2016.



4.2. Number of pages processed and disclosed

During the reference period, the number of pages that were processed and disclosed was 0. In the previous period, i.e., the period from April 1, 2018, to March 31, 2019, the number of pages that were processed and disclosed was also 0.

4.3. Exemptions and exclusions

The *Privacy Act* provides for some exemptions and exclusions under which the Québec Port Authority can or must refuse to disclose certain information.

For 2019–2020, the Québec Port Authority did not invoke any such exemptions or exclusions.

4.4. Processing time

During the reference period, i.e., the period from April 1, 2019, to March 31, 2020, there was no processing time.

4.5. Extension of the time limit

No requests for access received for the 2019–2020 period were granted an extension of the time limit.

4.6. Corrections

Paragraph 12(2)(a) of the *Privacy Act* grants every individual the right to request correction of any personal information about the individual that is held by the federal government. No corrections were requested or made in 2019–2020.

4.7. Costs

The total cost to enforce the *Privacy Act* was evaluated to be \$0.

4.8. COVID-19 measures

During the period between March 13, 2020 until March 31, 2020, Québec Port Authority did not receive any request under the Privacy Act. With respect the operational impact of measures to curb the spread of COVID-19 on processing Privacy Access to Information requests, it has to be noted that as of March 13, 2020, the employees of the Administration are teleworking, it is important to note that since March 13, 2020, the employees of Quebec Port Authority are working remotely. Therefore, many records were kept in our office are were not accessible due to the situation with COVID-19.

5. TRAINING AND AWARENESS, AND CAPACITY BUILDING

The Québec Port Authority remains determined to train and retain staff who have specialized skills and could continue to provide the best possible service to both internal and external clients. In this respect, the Access to Information and Privacy Coordinator has a master's degree in law and is a member of the Barreau du Québec.

It is important to note that, each new employee hired by the Québec Port Authority, attends a meeting with the Access to Information and Privacy Coordinator to receive information about the application of the *Access to Information Act* and the *Privacy Act*.

6. POLICIES, GUIDELINES AND PROCEDURES

Each year, the Access to Information and Privacy Secretariat submits to the Treasury Board of Canada Secretariat, for the purpose of publication in Info Source, updates about the Québec Port Authority's activities and information holdings.

In 2019–2020, the Québec Port Authority continued to revise the Info Source chapter in accordance with its activities.

6.1. Publicly accessible information and inquiry points

Info Source is a database that provides individuals and employees of the government with relevant information to access personal information about themselves held by

government institutions. The purpose of Info Source is to assist individuals in accessing government information and exercising their rights under the *Access to Information Act* and the *Privacy Act*.

In December 2011, the Québec Port Authority began publishing completed requests for access to information on its website. This practice has been carried on until this reporting period. On March 17, 2015, the Québec Port Authority received an instruction to the effect that summaries of completed requests for access to information have to be published on Canada’s Open Government portal (open.canada.ca). Unfortunately, we still have not received, until this reporting period, the information and necessary access to add these requests to the portal as requested by Info Source. Given these circumstances, the Québec Port Authority continues on publishing summaries directly on its website. The Québec Port Authority will also publish the 2019–2020 Annual Report on the *Privacy Act*.

As set out in the *Privacy Act*, government institutions such as the Québec Port Authority must respond to requests from individuals, public or private organizations and others for access to information. The list includes the request number in both official languages, the number of pages transmitted and an indication of whether the pages were transmitted in whole or in part. Moreover, requests pertaining to personal or proprietary information related to a third party are not included.

Moreover, if individuals wish to obtain a copy of the documents published in response to requests submitted on the Québec Port Authority’s website, the entire procedure to follow as well as the contact information for the Access to Information and Privacy Coordinator can be found on the website.

6.2. Policy development

During the 2019–2020 reference period, the Québec Port Authority has maintained its policies and instructions on access to information and protection of personal information, in accordance with the Treasury Board of Canada Secretariat’s requirements.

7. SUMMARY OF KEY ISSUES AND ACTIONS TAKEN ON COMPLAINTS OR AUDITS

For this reporting period, no complaints were filed with the Privacy Commissioner, no applications for judicial review were filed with the Federal Court, and no appeals were filed with the Federal Court of Appeal.

Furthermore, no complaint investigations were carried out by the Office of the Privacy Commissioner or were under way for the 2019–2020 reference period.

8. MONITORING COMPLIANCE

The Corporate Secretariat, Legal Affairs and Compliance Department monitors the processing time of access to information requests. First, a file is opened for each request, and then, this request is added to a follow-up table. The progress of requests is tracked within this follow-up table. Regular emails are sent to every person that should be addressed to respond appropriately, within the prescribed deadline, to the received requests. The President and Chief Executive Officer is notified of each request received by the Access to Information and Privacy Coordinator.

9. MATERIAL PRIVACY BREACHES

A material privacy breach involves the irregular or unauthorized collection, use, disclosure, retention or disposal of sensitive personal information that could reasonably be thought to cause serious harm or injury to the person involved.

No material privacy breaches occurred during the reporting period.

10. PRIVACY IMPACT ASSESSMENTS

To achieve its mandate, the Québec Port Authority must fulfill certain responsibilities that require the collection, use and disclosure of personal information. As the guardian of this information, the Québec Port Authority uses privacy impact assessments (PIAs) as a risk management tool in accordance with the Treasury Board's policy.

The Québec Port Authority did not complete or initiate any PIAs, and therefore, no evaluations were sent to the Office of the Privacy Commissioner of Canada in the reporting period.

11. DISCLOSURES MADE PURSUANT TO PARAGRAPH 8(2)(m)

Paragraphs 8(2)(e) and (m) of the *Privacy Act* authorize the disclosure of personal information to various investigative or regulatory bodies, or to members of Parliament, or the disclosure of such information in the public interest.

The Québec Port Authority did not disclose personal information pursuant to the previously cited paragraphs, specifically paragraph 8(2)(m) of the aforementioned Act, during the 2019–2020 reference period.

12. PERSONAL INFORMATION BANKS

Over the course of 2009, the Québec Port Authority examined personal information banks collected on it, and this examination is still ongoing. Personal information banks are being restructured so that they better reflect the Québec Port Authority's actual situation.

APPENDIX A

**STATISTICAL REPORT
PERTAINING TO THE
*PRIVACY ACT***



Statistical Report on the *Privacy Act*

Name of institution: Québec Port Authority

Reporting period: 2019-04-01 to 2020-03-31

Section 1: Requests Under the *Privacy Act*

1.1 Number of requests

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

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	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	0	0	0	0	0

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

2.5.3 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	0
Percentage of requests closed within legislated timelines (%)	0

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

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
Total	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
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

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

11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0,00
Part-time and casual employees	0,00
Regional staff	0,00
Consultants and agency personnel	0,00
Students	0,00
Total	0,00

Note: Enter values to two decimal places.

APPENDIX B

**DELEGATION OF POWERS TOOL
ACCESS TO INFORMATION ACT
AND
*PRIVACY ACT***

Delegation of Powers Tool

Notes regarding delegation

The purpose of this section is to establish the management framework for the *Access to Information Act* and the *Privacy Act*. In accordance with section 73 of the *Privacy Act* and section 73 of the *Access to Information Act*, I the undersigned, Mario Girard, President and CEO of the Québec Port Authority, delegate to its Corporate Secretary and Director, Compliance, Legal Affairs, Mrs. Karine Hébert, the power to perform the duties of Access to Information and Privacy Coordinator under the following sections of the aforementioned statutes.

Privacy Act

- 8(2)(j) Disclose personal information for research purposes.
- 8(2)(m) Disclose personal information in the interest of the public or a person.
- 8(4) Retain a copy of requests received under paragraph 8(2)(e) and the documents that were transmitted.
- 8(5) Notify the Privacy Commissioner of any disclosure of personal information under paragraph 8(2)(m).
- 9(1) Retain a record of use.
- 9(4) Notify the Privacy Commissioner of consistent uses and update the index accordingly.
- 10 Include personal information in personal information banks.
- 14 Respond to requests for access to personal information within 30 days of receiving them, and give access to the information or notify the applicant otherwise.
- 15 Extend the time limit permitted to respond to a request for access.
- 17(2)(b) Determine whether it is necessary to have the requested information translated.
- 17(3)(b) Alternative format.

- 18(2) As necessary, refuse to disclose personal information contained in a personal information bank designated as an exempt bank.
- 19(1) Refuse to disclose personal information that was obtained in confidence from another government.
- 19(2) As necessary, disclose personal information requested under subsection 19(1) if the government from which the information was obtained consents to the disclosure or makes the information public.
- 20 As necessary, refuse to disclose information the disclosure of which could reasonably be expected to be injurious to the conduct of federal-provincial affairs.
- 21 As necessary, refuse to disclose information the disclosure of which could reasonably be expected to be injurious to the conduct of international affairs or defence.
- 22 As necessary, refuse to disclose information prepared by an investigative body or information the disclosure of which could reasonably be expected to be injurious to the enforcement of any law or the security of penal institutions.
- 22.1(1) The Privacy Commissioner shall refuse to disclose any personal information requested that was obtained or created by the Commissioner or on the Commissioner's behalf in the course of an investigation. [Applies only to the Privacy Commissioner.]
- 22.2 The Public Sector Integrity Commissioner shall refuse to disclose any personal information requested that was obtained or created by the Commissioner or on the Commissioner's behalf in the course of an investigation into a disclosure made under the *Public Servants Disclosure Protection Act* or an investigation commenced under section 33 of that Act. [Applies only to the Public Sector Integrity Commissioner.]
- 22.3 Refuse to disclose personal information requested that was created for the purpose of making a disclosure under the *Public Servants Disclosure Protection Act* or in the course of an investigation into a disclosure under that Act.
- 23 As necessary, refuse to disclose information prepared by an investigative body for the purpose of determining whether to grant security clearances.
- 24 As necessary, refuse to disclose information that was collected by the Correctional Service of Canada or the Parole Board of Canada while the individual who made the request was under sentence for an offence, if the situation corresponds to what is provided for in this section.

- 25 As necessary, refuse to disclose information the disclosure of which could reasonably be expected to threaten the safety of individuals.
- 26 As necessary, refuse to disclose information about an individual other than the individual who made the request, and refuse to disclose such information where the disclosure is prohibited under section 8.
- 27 As necessary, refuse to disclose information that is subject to solicitor-client privilege.
- 28 As necessary, refuse to disclose information that relates to the physical or mental health of the individual who requested it where the examination of the information by the individual would be contrary to the best interests of the individual.
- 31 Receive notice from the Privacy Commissioner of the intention to carry out an investigation.
- 33(2) In the course of an investigation, have an opportunity to make representations to the Privacy Commissioner.
- 35(1) Receive a report from the Privacy Commissioner containing the findings of the investigation, and give notice to the Commissioner of any action taken.
- 35(4) Give a complainant access to personal information after giving notice to the Privacy Commissioner that access will be given, in accordance with paragraph 35(1)(b).
- 36(3) Receive the Privacy Commissioner's report containing the findings of an investigation of an exempt bank.
- 37(3) Receive the Privacy Commissioner's report presenting the findings of the audit of an observation.
- 51(2)(b) Request that hearings pertaining to the cases described in section 51 be heard and determined in the National Capital Region.
- 51(3) Request and have the opportunity to make representations during hearings pertaining to the cases described in section 51.
- 72(1) Prepare an annual report to Parliament.
- 77 Fulfill the responsibilities that are conferred upon the head of an institution under section 77 of the Act and are not mentioned above.

Privacy Regulations

- 9 Provide reasonable facilities and set a time for the examination of personal information.
- 11(2) Provide notification that the requested corrections have been made.
- 11(4) Provide notification that the requested corrections were refused.
- 13(1) As necessary, authorize the disclosure of an individual's personal information relating to their physical or mental health to a duly qualified medical practitioner or psychologist in order that the practitioner or psychologist may provide an opinion as to whether disclosure of the information would be contrary to the best interests of the individual.
- 14 As necessary, disclose to an individual personal information relating to their physical or mental health in the presence of a duly qualified medical practitioner or psychologist.

Access to Information Act

- 4(2.1) Make every reasonable effort to assist people making requests for access to information, respond to their questions accurately and completely, and provide timely access to documents in the format requested.
- 7(a) Notify the person who made the request for access.
- 7(b) Authorize access to the record.
- 8(1) Transfer the request to another institution.
- 9 Extend the time limit.
- 11(2), (3), (4), (5), (6) Additional fees.
- 12(2) Language of access to information.
- 12(3) Access to information in an alternative format.
- 13 Exemptions – Information obtained in confidence.
- 14 Exemptions – Federal-provincial affairs.
- 15 Exemptions – International affairs and defence.
- 16 Exemptions – Law enforcement and investigations.
- 16.1 Exemptions – Records relating to investigations, examinations and audits conducted by the Auditor General, the Commissioner of Official Languages, the Information Commissioner and the Privacy Commissioner.
- 16.2 Exemptions – Records relating to investigations conducted by the Commissioner of Lobbying.

- 16.3 Exemptions – Records relating to investigations and examinations conducted in accordance with the *Canada Elections Act*.
- 16.4 Exemptions – Records relating to investigations conducted by Public Sector Integrity Commissioner.
- 16.5 Exemptions – Records relating to the disclosure of information under the *Public Servants Disclosure Protection Act*.
- 17 Exemptions – Safety of individuals.
- 18 Exemptions – Economic interests of Canada.
- 18.1 Exemptions – Economic interests of the Canada Post Corporation, Export Development Canada, the Public Sector Pension Investment Board, and VIA Rail Canada Inc.
- 19 Exemptions – Personal information.
- 20 Exemptions – Third party information.
- 20.1 Exemptions – Third party information obtained by the Public Sector Pension Investment Board.
- 20.2 Exemptions – Third party information obtained by the Canada Pension Plan Investment Board.
- 20.4 Exemptions – Contracts of performing artists or the identity of anonymous donors of the National Arts Centre Corporation.
- 21 Exemptions – Operations of government.
- 22 Exemptions – Auditing procedures.
- 22.1 Exemptions – Audit working papers and draft audit reports.
- 23 Exemptions – Solicitor-client privilege.
- 24 Exemptions – Statutory prohibitions.
- 25 Severability.
- 26 Exemptions – Information to be published.
- 27(1), (4) Notice to third parties.
- 28(1), (2), (4) Notice to third parties.
- 29(1) Disclosure of information on the recommendation of the Information Commissioner.
- 33 Advise the Information Commissioner of the involvement of a third party.
- 35(2) Right to make representations.
- 37(4) Access to be given to a complainant.
- 43(1) Notice to third parties (application for review by the Federal Court).

- 44(2) Notice to the person who requested the record (application for review by the Federal Court, presented by a third party).
- 52(2), (3) Special rules for hearings.
- 71(1), (2) Exclusion of exempt information from manuals.
- 72 Prepare an annual report to Parliament.
- 77 Responsibilities that are conferred upon the head of an institution under section 77 of the Act and are not mentioned above.

Access to Information Regulations

- 6(1) Transfer a request.
- 7(2) Fees relating to search and preparation.
- 7(3) Fees relating to production and programming.
- 8 Give access to records.
- 8.1 Limitations in respect of format.

I signed in the City of Québec, Province of Quebec, this 4th day of July of the year 2017.



Mario Girard
President and Chief Executive Officer

APPENDIX C

***SUPPLEMENTAL STATISTICAL REPORT
REQUESTS AFFECTED BY COVID-19 MEASURES***

Supplemental Statistical Report on the *Privacy Act*

The following table reports the total number of formal requests received during two periods; 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 4 – Requests Received

	Number of requests
Received from 2019-04-01 to 2020-03-13	0
Received from 2020-03-14 to 2020-03-31	0
Total	0

The following table reports the total number of requests closed within the legislated timelines and the number of closed requests that were deemed refusals during two periods 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 5 – Requests Closed

	Number of requests closed within the legislated timelines	Number of requests closed past the legislated timelines
Received from 2019-04-01 to 2020-03-13 and outstanding from previous reporting periods	0	0
Received from 2020-03-14 to 2020-03-31	0	0
Total	0	0

The following table reports the total number of requests carried over during two periods; 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 6– Requests Carried Over

	Number of requests
Requests from 2019-04-01 to 2020-03-13 and outstanding from previous reporting period that were carried over to the 2020-2021 reporting period	0
Requests from 2020-03-14 to 2020-03-31 that were carried over to the 2020-2021 reporting period	0
Total ³	0