

2023

Annual Report to Parliament

VIA Rail Canada inc.

Administration of the *Privacy Act*

EMERGENCY E



VIA Rail Canada

TABLE OF CONTENTS

1. INTRODUCTION	3
2. INSTITUTION	3
3. ACCESS TO INFORMATION AND PRIVACY ("ATIP") UNIT	4
4. DELEGATION ORDER	5
5. PERFORMANCE 2023 – 2024.....	5
6. TRAINING AND AWARENESS	6
7. POLICIES, GUIDELINES, PROCEDURES AND INITIATIVES	7
8. COMPLAINTS.....	7
9. MONITORING COMPLIANCE.....	7
10. MATERIAL PRIVACY BREACHES	7
11. PRIVACY IMPACT ASSESSMENTS ("PIA").....	7
12. PUBLIC INTEREST DISCLOSURES	7

1. INTRODUCTION

According to the *Federal Accountability Act* effective September 1, 2007, VIA Rail Canada Inc. ("VIA Rail") is subject to the legal requirements of the *Privacy Act* ("PA").

The PA gives Canadian citizens and all people living in Canada the right to access their personal information that are held by the Federal Government. The PA also protects Canadian citizens against unauthorized disclosure of their personal information and controls how the institution will collect, use, store, disclose and dispose of personal information.

This annual report is tabled in Parliament according to section 72 of the PA and covers the period from April 1, 2023 to March 31, 2024.

2. INSTITUTION

VIA Rail operates Canada's national passenger rail service on behalf of the Government of Canada. An independent Crown corporation established in 1977, VIA Rail provides a safe, cost-effective and environmentally responsible service from coast to coast in both official languages. The Corporation operates close to 370 train departures weekly on a 12,500-kilometre network, connecting over 400 Canadian communities. With 3,668 active employees, VIA Rail carried 4.1 million passengers in 2023.

VIA Rail's Services

Inter-city Travel (The Corridor)

In the densely populated Corridor between Québec City and Windsor, VIA Rail's trains provide travel between the downtown cores of major urban centers, as well as between suburban centers and communities. These trains carry more than 96% of the Corporation's total ridership.

Long-distance Travel and Tourism

In Western and Eastern Canada, VIA Rail's trains provide intercity service connecting communities while Supporting Canada's tourism industry by attracting travelers from around the world. The *Canadian*, VIA Rail's Western transcontinental train, provides service between Vancouver and Toronto. In Eastern Canada, The *Ocean* runs between Montreal and Halifax.

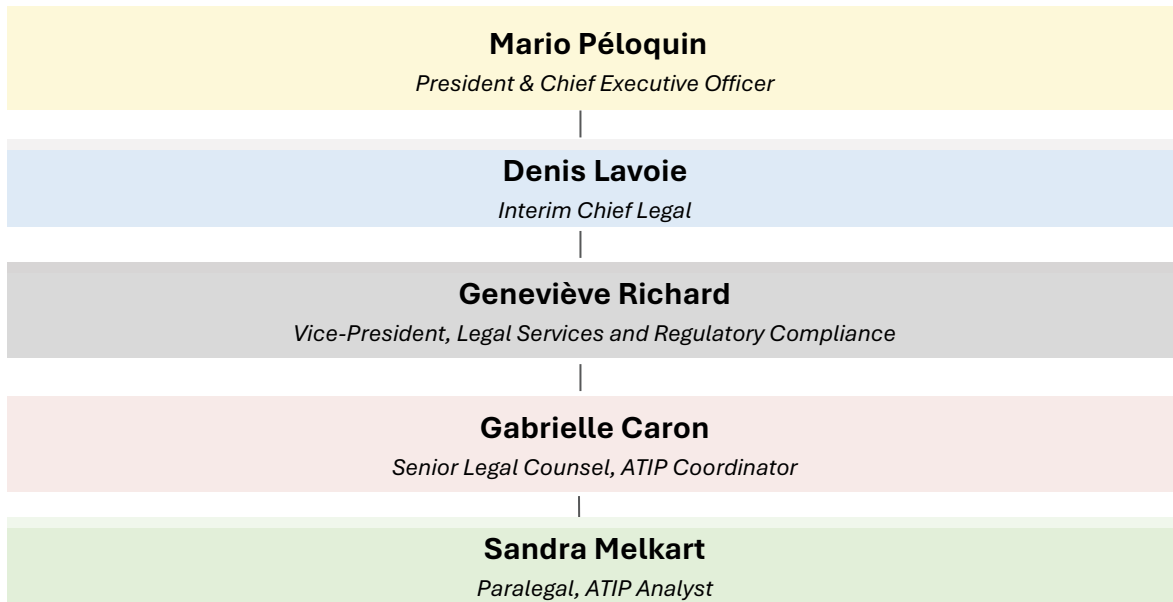
Mandatory Services

VIA Rail also provides passenger service in several rural and remote regions of Canada. Mandated by the Government of Canada to meet essential transportation needs, these trains serve many communities where alternative, year-round transportation is limited or unavailable.

3. ACCESS TO INFORMATION AND PRIVACY ("ATIP") UNIT

VIA Rail's ATIP unit was created in 2007. ATIP falls under the responsibility of VIA Rail's ATIP Coordinator, who currently also acts as Legal Counsel.

The ATIP Coordinator is responsible for interpreting and applying the statutory and policy requirements as they relate to the public's right of access to VIA Rail's records under the *Access to Information Act* and to their personal information under the *PA*. In more complex cases, the ATIP Coordinator makes recommendations to the President & Chief Executive Officer on the disclosure of information. The ATIP Coordinator's responsibilities include administering the process by which access to information and personal information requests are received and responded to, in compliance with the applicable statutory and policy requirements. The organizational structure of VIA Rail's ATIP unit as of March 31, 2024, was as follows:



4. DELEGATION ORDER

Pursuant to section 73 of the *PA*, VIA Rail's President & Chief Executive Officer has delegated the totality of his functions as they relate to the administration of the *PA* within VIA Rail to the Corporation's ATIP Coordinator.

The Delegation Order is attached as Appendix 1.

VIA Rail was not party to any service agreements under section 73.1 of the *PA* during the reporting period.

5. PERFORMANCE 2023 – 2024

The complete Statistical Report for 2023 is attached as Appendix 2.

The complete Supplemental Statistical Report for 2023 is attached as Appendix 3.

Requests:

VIA Rail received sixteen (16) personal information requests between April 1, 2023 and March 31, 2024, which eleven (11) were closed. Five (5) requests were carried over to the next reporting period. The response percentage to these requests is therefore 81%.

No consultation requests were completed for other institutions during the period covered by this report.

Completion time:

VIA Rail's average completion time for the closure of requests during the 2023-2024 reporting period was sixteen (16) days in comparison to the legislative requirement of thirty (30) days. The median completion time was fifteen (15) days. The percentage of requests responded to within the established deadline is 100%.

		2021-2022	2022-2023	2023-2024
Number of requests by completion time	1 to 15 days	3	9	5
	16 to 30 days	6	5	6
	31 to 60 days	1	2	0
	61 to 120 days	0	0	0
	121 to 180 days	0	0	0

Disposition of Requests

During the reporting period, ten (10) requests were ‘All Disclosed’, and one (1) request was ‘Disclosed in part’.

Extensions

During this reporting period, no extension was taken.

Exemptions applied

The main exemptions of the PA applied by VIA Rail during this reporting period are the following:

		2021-2022	2022-2023	2023-2024
Number of requests based on the applied exemption	s. 19(1)a) PA – <i>personal information</i>	0	0	1
	s. 27 PA – <i>solicitor-client privilege</i>	0	2	0

Costs:

The total costs incurred by the ATIP unit with respect to the protection of personal information for the 2022-2023 reporting period was \$73,428.

Human resources:

As for human resources, it has been estimated that 0.663 FTE (Full Time Equivalent) was dedicated to activities associated with the protection of personal information.

6. TRAINING AND AWARENESS

A training activity on VIA Rail Canada's new Code of Conduct and Ethics was offered to VIA Rail employees during the period covered by this report. This training covered the obligations and applicable measures surrounding the management of personal information by VIA Rail employees and the importance of ensuring the confidentiality of this information.

7. POLICIES, GUIDELINES, PROCEDURES AND INITIATIVES

The VIA Rail Canada's Code of Conduct and Ethics was revised by VIA Rail during the reporting period. This Code covers and explains the obligation for the employees and partners to comply with the requirements set out in the *PA*.

8. COMPLAINTS

No complaint was filed with the Office of the Privacy Commissioner of Canada during this reporting period.

9. MONITORING COMPLIANCE

VIA Rail analyzes each request as soon as they are received in order to determine the time required to process such request which is established based on discussions held with appropriate information holders, the necessity for consultations with third parties, etc.

Since 2017, requests are processed with the additional assistance of a computer software that allows the ATIP analysts to more effectively process these requests. In addition, a file consolidates all relevant information regarding the status of each active request. This file is being monitored on a weekly basis by the ATIP Coordinator.

10. MATERIAL PRIVACY BREACHES

No material privacy breaches took place during the reporting period.

11. PRIVACY IMPACT ASSESSMENTS ("PIA")

No formal PIAs were initiated or completed during this reporting period. However, VIA Rail performs risk assessments for all of its projects, which includes a privacy component when applicable.

12. PUBLIC INTEREST DISCLOSURES

No public interest disclosures took place during the reporting period.

Appendix 1

Delegation of authority

**DÉLÉGATION D'AUTORITÉ
LOI SUR L'ACCÈS À L'INFORMATION ET LOI SUR LA
PROTECTION DES RENSEIGNEMENTS PERSONNELS**

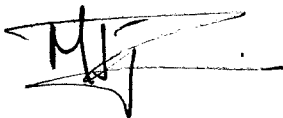
**DELEGATION OF AUTHORITY
ACCESS TO INFORMATION ACT AND PRIVACY ACT**

Le 12 juin 2023

June 12, 2023

Je, soussigné, Président et chef de la direction, conformément à l'article 95 de la *Loi sur l'accès à l'information* et à l'article 73 de la *Loi sur la protection des renseignements personnels*, délègue par la présente les agents et les employés de VIA Rail occupant les postes identifiés dans l'annexe ci-jointe à assumer au nom de Président et chef de la direction les pouvoirs de signature ainsi que les attributions, fonctions et pouvoirs qui y sont spécifiés.

I, the undersigned, President and Chief Executive Officer, pursuant to Section 95 of the *Access to Information Act* and Section 73 of the *Privacy Act*, hereby delegate officers and employees of VIA Rail occupying positions identified within the attached appendix to exercise signing authorities or perform any of the President and Chief Executive Officer's powers, duties or functions specified therein.



Signée à Montréal, ce 12 juin 2023

Signed in Montreal this June 12, 2023

Mario Pélouquin
Président et chef de la direction
President and Chief Executive Officer

VIA Rail Canada Inc.
Delegation of Authority
Under the *Privacy Act*

Subject	Privacy Act Section	Position / Title			
		ATIP Coordinator	Vice-President, Legal Services	ATIP Analyst	Chief of Police

Disclosure for any purposes in accordance with any Act of Parliament	8(2)(b)	●	●	●	●
Disclosure for any purposes in accordance with the <i>Security of Canada Information Act</i>	8(2)(b)	●	●	●	●
Disclosure to investigative bodies	8(2)(e)	●	●	●	●
Disclosure for research and statistics	8(2)(j)	●	●	●	●
Disclosure in public interest, benefit of individual	8(2)(m)	●	●	●	●
Copy of requests under paragraph 8(2) e) to be retained	8(4)	●	●	●	●
Notice of disclosure under paragraph 8(2)(m)	8(5)	●	●	●	●
Record of disclosures to be retained	9(1)	●	●	●	●
Notify Privacy Commissioner of consistent uses	9(4)	●	●	●	●
Personal information in banks	10(1)	●	●	●	●
Notice where access is requested	14	●	●	●	●
Extension of time limits	15	●	●	●	●
Notice where access is refused	16	●	●	●	●
Decision regarding translation	17(2)(b)	●	●	●	●
Conversion to alternate format	17(3)(b)	●	●	●	●
Refuse access - exempt bank	18(2)	●	●	●	●
Refuse access - confidential information obtained from another government	19(1)	●	●	●	●
Disclose confidential information obtained from another government	19(2)	●	●	●	●
Refuse access - federal-provincial affairs	20	●	●	●	●
Refuse access - international affairs and defense	21	●	●	●	●
Refuse access - law enforcement and investigation	22	●	●	●	●
National Security and Intelligence Committee	22.4	●	●	●	●
Refuse access - security clearance	23	●	●	●	●

Refuse access – individual sentenced for an offence	24	●	●	●	●
Refuse access - safety of individuals	25	●	●	●	●
Refuse access - another individual's information	26	●	●	●	●
Refuse access - solicitor-client privilege	27	●	●	●	●
Patent or Trademark privilege	27.1	●	●	●	●
Refuse access - medical record	28	●	●	●	●
Action to take in response to the notice of intention to investigate	31	●	●	●	●
Representation to Privacy Commissioner	33(2)	●	●	●	●
Information previously exempted	35(1)(b)	●	●	●	●
Access to be given	35(4)	●	●	●	●
Response to review of exempt banks	36(3)(b)	●	●	●	●
Report of findings and recommendations	37(3)	●	●	●	●
Request court hearing in the National Capital Region	51(2)	●	●	●	●
Ex-parte representation to court	51(3)	●	●	●	●

Appendix 2

Statistical Report



Statistical Report on the *Privacy Act*

Name of institution: VIA Rail Canada Inc.

Reporting period: 2023-04-01 to 2024-03-31

Section 1: Requests Under the *Privacy Act*

1.1 Number of requests received

		Number of Requests
Received during reporting period		16
Outstanding from previous reporting periods		0
• Outstanding from previous reporting period	0	
• Outstanding from more than one reporting period	0	
Total		16
Closed during reporting period		11
Carried over to next reporting period		5
• Carried over within legislated timeline	0	
• Carried over beyond legislated timeline	5	

1.2 Channels of requests

Source	Number of Requests
Online	0
E-mail	16
Mail	0
In person	0
Phone	0
Fax	0
Total	16

3.2 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)	1	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		

3.3 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

3.4 Format of information released

Paper	Electronic				Other
	E-record	Data set	Video	Audio	
1	10	0	0	0	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed for paper, e-record and dataset formats

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
206	206	11

3.5.2 Relevant pages processed per request disposition for paper, e-record and dataset formats by size of requests

Disposition	Less Than 100 Pages Processed		100-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Processed	Number of Requests	Pages Processed	Number of Requests	Pages Processed	Number of Requests	Pages Processed	Number of Requests	Pages Processed
All disclosed	9	68	1	117	0	0	0	0	0	0
Disclosed in part	1	21	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
Total	10	89	1	117	0	0	0	0	0	0

3.5.3 Relevant minutes processed and disclosed for audio formats

Number of Minutes Processed	Number of Minutes Disclosed	Number of Requests
0	0	0

3.5.4 Relevant minutes processed per request disposition for audio formats by size of requests

Disposition	Less than 60 Minutes processed		60-120 Minutes processed		More than 120 Minutes processed	
	Number of requests	Minutes Processed	Number of requests	Minutes Processed	Number of requests	Minutes Processed
All disclosed	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0
All exempted	0	0	0	0	0	0
All excluded	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0
Total	0	0	0	0	0	0

3.5.5 Relevant minutes processed and disclosed for video formats

Number of Minutes Processed	Number of Minutes Disclosed	Number of Requests
0	0	0

3.5.6 Relevant minutes processed per request disposition for video formats by size of requests

Disposition	Less than 60 Minutes processed		60-120 Minutes processed		More than 120 Minutes processed	
	Number of requests	Minutes Processed	Number of requests	Minutes Processed	Number of requests	Minutes Processed
All disclosed	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0
All exempted	0	0	0	0	0	0
All excluded	0	0	0	0	0	0

Request abandoned	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0
Total	0	0	0	0	0	0

3.5.7 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

3.6 Closed requests

3.6.1 Number of requests closed within legislated timelines

Number of requests closed within legislated timelines	11
Percentage of requests closed within legislated timelines (%)	100

3.7 Deemed refusals

3.7.1 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

3.7.2 Request 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 timeline 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

3.8 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Section 4: Disclosures Under Subsections 8(2) and 8(5)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Subsection 8(5)	Total
0	0	0	0

8.2 Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		100–500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Section 9: Complaints and Investigations Notices Received

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

Section 10: Privacy Impact Assessments (PIAs) and Personal Information Banks (PIBs)

10.1 Privacy Impact Assessments

Number of PIAs completed	0
Number of PIAs modified	0

10.2 Institution-specific and Central Personal Information Banks

Personal Information Banks	Active	Created	Terminated	Modified
Institution-specific	0	0	0	0
Central	0	0	0	0
Total	0	0	0	0

Section 11: Privacy Breaches

11.1 Material Privacy Breaches reported

Number of material privacy breaches reported to TBS	0
Number of material privacy breaches reported to OPC	0

11.2 Non-Material Privacy Breaches

Number of non-material privacy breaches	0
---	---

Section 12: Resources Related to the Privacy Act

12.1 Allocated Costs

Expenditures		Amount
Salaries		\$51,525
Overtime		\$0
Goods and Services		\$21,903
• Professional services contracts	\$21,903	
• Other	\$0	
Total		\$73,428

12.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.663
Part-time and casual employees	0.000
Regional staff	0.000
Consultants and agency personnel	0.000
Students	0.000
Total	0.663

Note: Enter values to three decimal places.

Appendix 3

Supplemental Statistical Report

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

Name of institution: VIA Rail Canada inc.

Reporting period: 2023-04-01 to 2024-03-31

Section 1: Open Requests and Complaints Under the Access to Information Act

1.1 Enter the number of open requests that are outstanding from previous reporting periods.

Fiscal Year Open Requests Were Received	Open Requests that are <i>Within</i> Legislated Timelines as of March 31, 2024	Open Requests that are <i>Beyond</i> Legislated Timelines as of March 31, 2024	Total
Received in 2023-24	0	1	1
Received in 2022-23	0	0	0
Received in 2021-22	0	2	2
Received in 2020-21	0	0	0
Received in 2019-20	0	0	0
Received in 2018-19	0	0	0
Received in 2017-18	0	0	0
Received in 2016-17	0	0	0
Received in 2015-16	0	0	0
Received in 2014-15 or earlier	0	0	0
Total	0	3	3

Row 11, Col. 3 of Section 1.1 must equal Row 7, Col. 1 of Section 1.1 of the 2023-24 Statistical Report on the Access to Information Act

1.2 Enter the number of open complaints with the Information Commissioner of Canada that are outstanding from previous reporting periods.

Fiscal Year Open Complaints Were Received by Institution	Number of Open Complaints
Received in 2023-24	1

Received in 2023-24	1
Received in 2022-23	1
Received in 2021-22	1
Received in 2020-21	0
Received in 2019-20	0
Received in 2018-19	0
Received in 2017-18	0
Received in 2016-17	0
Received in 2015-16	0
Received in 2014-15 or earlier	0
Total	3

Section 2: Open Requests and Complaints Under the *Privacy Act*

2.1 Enter the number of open requests that are outstanding from previous reporting periods.

Fiscal Year Open Requests Were Received	Open Requests that are <i>Within</i> Legislated Timelines as of March 31, 2024	Open Requests that are <i>Beyond</i> Legislated Timelines as of March 31, 2024	Total
Received in 2023-24	0	5	5
Received in 2022-23	0	0	0
Received in 2021-22	0	0	0
Received in 2020-21	0	0	0
Received in 2019-20	0	0	0
Received in 2018-19	0	0	0
Received in 2017-18	0	0	0
Received in 2016-17	0	0	0
Received in 2015-16	0	0	0
Received in 2014-15 or earlier	0	0	0

Total	0	5	5
-------	---	---	---

Row 11, Col. 3 of Section 2.1 must equal Row 7, Col. 1 of Section 1.1 of the 2023-24 Statistical Report on the *Privacy Act*

2.2 Enter the number of open complaints with the Privacy Commissioner of Canada that are outstanding from previous reporting periods.

Fiscal Year Open Complaints Were Received by Institution	Number of Open Complaints
Received in 2023-24	0
Received in 2022-23	0
Received in 2021-22	0
Received in 2020-21	0
Received in 2019-20	0
Received in 2018-19	0
Received in 2017-18	0
Received in 2016-17	0
Received in 2015-16	0
Received in 2014-15 or earlier	0
Total	0

Section 3: Social Insurance Number

Has your institution begun a new collection or a new consistent use of the SIN in 2023-24?	No
--	----

Section 4: Universal Access under the Privacy Act

How many requests were received from foreign nationals outside of Canada in 2023-24?	0
--	---

Row 1, Col. 1 of Section 4 must be equal to or less than Row 1, Col. 1 of Section 1.1 of the 2023-24 Statistical Report on the *Privacy Act*

Canada