

**ANNUAL REPORT TO PARLIAMENT OF THE  
CANADIAN HUMAN RIGHTS TRIBUNAL  
UNDER S. 72 OF THE *PRIVACY ACT*  
FOR THE PERIOD APRIL 1, 2008 TO MARCH 31, 2009**

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## 1. INTRODUCTION

The Canadian Human Rights Tribunal is a quasi-judicial body mandated to adjudicate proceedings under two pieces of legislation, the *Canadian Human Rights Act (CHRA)* and the *Employment Equity Act (EEA)*.

Under the *CHRA*, the Tribunal hears complaints of discrimination referred to it by the Canadian Human Rights Commission (Commission) and determines whether the activities complained of violate this legislation.

The Tribunal's role under the *CHRA* is to provide independent and impartial decision-making in the context of an inquiry where all parties, including the Commission, the complainant and the person and /or organization complained against, have a full and ample opportunity to appear, present evidence and make representations.

In the event that the Tribunal finds the complaint to be substantiated, it is authorized under the *CHRA* to make remedial orders with a view to placing the victim of the discriminatory practice in the position where he or she would have been, but for the discrimination.

Under the *EEA*, members of the Tribunal are constituted as an Employment Equity Review Tribunal (EERT) which is similarly empowered to hold quasi-judicial hearings. *EEA* proceedings generally involve either:

(1) Reviews of directions issued by the Commission to employers in relation to the elimination of systemic barriers to a fully representative workforce. The EERT may confirm, vary or rescind the Commission's direction.

(2) Reviews of monetary penalties assessed by the Minister of Labour against employers in respect of certain kinds of non-compliance with the *EEA*. If the EERT determines that an employer has committed the alleged violation, it may issue its determination of the appropriate penalty.

The Tribunal during 2008-2009 was composed of three full-time members, as well as seven part-time members. The Tribunal members (GIC appointees) are supported in their work by the Tribunal Registry, which is composed of approximately twenty six employees appointed under the *Public Service Employment Act*.

## 2. INSTITUTION STRUCTURE FOR THE ATP

The Tribunal's privacy policy is that, generally speaking, all personal information is provided to the person to whom the information relates upon request, in a timely manner. Given the Tribunal's mandate to hold inquiries which are almost

always public, a certain amount of personal information is collected and disclosed for operational purposes consistent with the *CHRA*. However, the Tribunal has the legislative authority to carry out inquiries in a confidential manner where to do otherwise would (1) result in the disclosure of personal matters causing undue hardship to persons involved, or; (2) endanger the life, liberty or security of a person.

The Tribunal's general privacy policy is subject to the exemptions and exclusions contained in the Act. Furthermore, one unique feature of institutions which perform quasi-judicial functions is the need to protect adjudicative privilege, whereby decision-makers may confer and deliberate with the assurance that records internal to the decision-making thought process will not be disclosed. The ultimate result of the decision-making, however, and the reasons given for the decision, are disclosed.

### **3. ORGANIZATION OF ACTIVITIES (DELEGATION)**

Given the small size of the Tribunal membership and registry, extensive delegations are neither required nor desirable. Certain administrative/reporting tasks required by the *Privacy Act* are carried out by the ATIP Coordinator. However, all decisions to provide access or to invoke an exemption, exclusion etc. are made by the deputy head of the institution, the Chairperson.

### **4. STATISTICAL REPORT**

The statistical report for 2008-2009 is attached as Appendix "A".

The Tribunal received one request for access to personal information during this period.

### **5. INTERPRETATION OF STATISTICAL REPORT**

There is no statistical data to interpret for this reporting period. One explanation for the low number of requests generally may be that, as a quasi-judicial body, the Tribunal already offers a high level of transparency to the individuals involved in its cases.

**6. INFORMATION ON PIAs AND PPIAs**

The Tribunal did not initiate any Privacy Impact Assessments. During the reporting period, the Tribunal did not develop new programs or activities requiring an assessment.

**7. PRIVACY IMPACT OF INITIATIVES AND AGREEMENTS**

The Tribunal is not a party to any data matching or data sharing agreements. The Tribunal purchases personnel, compensation and staffing services from the Shared Human Resources Services of Public Works and Government Services Canada, however this arrangement is not believed to compromise the privacy of Tribunal employees.

**8. EDUCATION AND TRAINING ACTIVITIES**

The Tribunal continues to inform employees about the importance of protecting personal information contained in case files and for which they are responsible. Tribunal members and Registry employees are aware of the *Privacy Act*. The *Privacy Act* is addressed in meetings where pertinent concerns arise. Specific discussion has focussed on the dissemination of personal information in decisions posted on the Tribunal's website.

The Tribunal's Executive Director, in his capacity as well in representing the small departments / agency community, joined the Government Assistant Deputy Ministers ATIP Committee in 2008 as a venue for better being informed of privacy and access to information concerns and issues.

**9. DISCLOSURES MADE PURSUANT TO PARAGRAPH 8(2) (e)**

The Tribunal had no disclosure of personal information pursuant to paragraph 8(2) (e) of the *Privacy Act* during the reporting period.

**10. DISCLOSURES MADE PURSUANT TO PARAGRAPH 8(2) (f) (g)**

The Tribunal had no disclosure of personal information pursuant to paragraph 8(2) (f) (g) of the *Privacy Act* during the reporting period.

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

The Tribunal had no disclosure of personal information pursuant to paragraph 8(2) (m) of the *Privacy Act* during the reporting period.

## 12. SIGNIFICANT CHANGES

Historically, the Tribunal receives very few requests, and this trend continued through 2008-2009. The Tribunal has had an independent entry in the publication of *Info Source: Sources of Federal Government Information* since 2002-2003. Thus far, however, the new entry has not had a large impact on the number of personal information requests received by the Tribunal. Furthermore, the Tribunal undertook, in 2008-2009, a revision of the chapters contained in *Info Source* to ensure all the information contained in *Info Source* is up to date and that any other databanks containing personal information is registered with Treasury Board.