



Canadian International
Development Agency

Agence canadienne de
développement international

**GUIDE ON POLICY AND PROCEDURES
FOR
THE INTERNAL DISCLOSURE PROCESS
IN
THE CANADIAN INTERNATIONAL DEVELOPMENT AGENCY
(CIDA)**

Approved by Management Board

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The *Public Servants Disclosure Protection Act (PSDPA)* requires that federal departments maintain an environment in which public servants may disclose allegations of wrongdoing and be protected from reprisal for having made a disclosure in good faith. The *PSDPA* aims at providing support to public servants disclosing allegations of wrongdoing and at protecting them against reprisal. It also establishes a fair and objective process for those against whom allegations are made.

The *PSDPA* came into force, April 15th, 2007. The Canada Public Service Agency (CPSA) is responsible for leadership and support to organizations in the implementation of the *PSDPA*.

This document provides guidelines and procedures for implementing the *Public Servants Disclosure Protection Act* within the Canadian International Development Agency

Responsibilities and Authorities

President of the Agency

The primary authority and responsibility for implementing the *PSDPA* in CIDA rests with the President of the Agency. The President must:

1. Develop a code of conduct consistent with the Code of conduct established by the Treasury Board;
2. Establish internal procedures to manage disclosures made under the Act by public servants;
3. Designate the Senior Officer responsible for receiving and dealing with disclosures of wrongdoings;
4. Safeguard information and protect the identity of persons involved in the disclosure process in agreement with principles of procedural fairness and natural justice;
5. If wrongdoing is found, ensure that public access to information that describes the wrongdoing, recommendations made to the President by the Senior Officer or the Public Sector Integrity Commissioner and corrective actions taken to remedy the situation are promptly provided;
6. Ensure that corrective actions or other disciplinary actions are appropriately implemented;
7. Within 60 days after the end of each financial year, the President must prepare and submit to the Canada Public Service Agency a report on the past year activities respecting disclosures;
8. The President may temporarily assign other duties to a public servant who is involved in a disclosure or a complaint in respect of a reprisal if the President believes on reasonable grounds that the public servant's involvement has become known in the public servant's

workplace and that temporary assignment is necessary to maintain the effective operation of the workplace.

Senior Officer

The Senior Officer may receive inquiries from a public servant of the organization or a disclosure made by a public servant or referred by a supervisor.

In dealing with inquiries or disclosures of wrongdoing, the Senior Officer has the following responsibilities:

- Provides advice and guidance to a public servant who is considering making a disclosure or is seeking information or to a non public servant who has information about a wrongdoing;
- Manages the departmental internal disclosure process;
- Performs initial screening and preliminary analysis of the information received through a disclosure;
- If the Senior Officer decides to investigate a disclosure, mandate the Office of the Chief Audit Executive to conduct an investigation in compliance with the requirements of the Act;
- Protects the identity of all persons involved in a disclosure process;
- Protects employees from reprisals;
- Recommends to the President to assign a discloser or a witness of an investigation to other duties, if the identity of those persons become known in the organization, they consent to be transferred for a certain period of time and/or their presence could disturb the operations of the workplace;
- Sets up a register to record enquiries and disclosures;
- Safeguards information regarding an enquiry or a disclosure;
- Files and maintains records of inquiries and disclosures in a lockable filing cabinet;
- Once an investigation is complete, the Senior Officer reviews the results and findings, and make recommendations to the President of the Agency;
- If the allegations of wrongdoing are founded, the Senior Officer prepares a public report for the President;
- The Senior Officer informs the discloser of the outcome of the disclosure.

Immediate Supervisor

The role and responsibilities of supervisors are to:

- Inform employees about the *Public Servants Disclosure Protection Act (PSDPA)*, wrongdoings, options for making disclosures, the protection provided by the *PSDPA* and where to go to obtain more information;
- Redirect non public servants to the Public Sector Integrity Commissioner for matters relating to a wrongdoing;
- Receive enquiries and disclosures of wrongdoing from employees, record them and report immediately disclosures of wrongdoing to the Senior Officer;
- Record information on a paper document including departmental forms or an electronic portable storage device;
- Protect the identity of all persons involved in the disclosure process;
- Protect the employee from possible reprisals;
- Safeguard information concerning an enquiry or a disclosure;
- Transmit all enquiries and disclosure information to the Senior Officer.

Persons Disclosing Wrongdoings

The *Public Servants Disclosure Protection Act (PSDPA)* encourages public servants to come forward if they believe that wrongdoing has occurred or is about to occur in the workplace or if they have been requested to make a wrongdoing.

Public servants should understand the main provisions of the *Act*, its mechanisms for disclosure, its confidentiality provisions and its reprisal protection measures; know what constitutes wrongdoing under the *Act*; be knowledgeable of the options for making a protected disclosure and where to get related information and advice.

In making a disclosure of wrongdoing, public servants must provide no more information than is necessary to make the disclosure and follow established organizational procedures for the secure handling, storage and transmission of all records (letters, memos, notes, etc) pertinent to the disclosure.

Public servants cannot disclose information described in Schedule 3 of the *PSDPA* that could be highly injurious if the information is released. This includes information gathered under the *Canadian Security Intelligence Service Act*, section 18; the *DNA Identification Act*, section 6; the *Sex Offender Information Registration Act*, section 16; the *Witness Protection Program Act*, section 11; the *Youth Criminal Justice Act*, section 129; Cabinet confidences and any solicitor-client privileges and special operational information within the meaning of subsection 8(1) of the *Security of Information Act* (see Annex 6).

Once a disclosure has been made, the disclosers must maintain confidentiality with respect to the disclosure. They should not knowingly make a false or misleading statement to a supervisor, the investigator, the Senior Officer or the Commissioner. They should not willfully obstruct investigators in the performance of their investigation. No person knowing that a document or thing is likely to be relevant to an investigation, destroy, mutilate, falsify or conceal the document or thing.

ROLES OF FEDERAL INSTITUTIONS

Treasury Board and the Canada Public Service Agency (CPSA)

Treasury Board must establish a code of conduct applicable to the public sector. The Minister of the CPSA must promote ethical practices in the public sector and a positive environment for disclosing wrongdoings by disseminating information about the *PSDPA*. The Agency must also prepare and submit to the Minister a report for the financial year that describes the activities throughout the public sector regarding protected disclosures.

Public Sector Integrity Commissioner

The duties of the commissioner are to:

- Provide information and advice regarding disclosures;
- Receive, record and review disclosures of wrongdoing and reprisal by public servants and information relating to a wrongdoing from non public servants;
- Conduct investigations of disclosures;
- Ensure that the right to procedural fairness and natural justice of all persons involved in an investigation is respected;
- Protect to the extent possible in accordance with the law the identity of persons involved in the disclosure process;
- Establish procedures for processing disclosures and ensure the confidentiality of information;
- Review the results of investigations into disclosures;
- Make recommendations to chief executives;
- Receive, review investigate and deal with complaints made in respect of reprisals.

Public Servants Disclosure Protection Tribunal

Composed of federal and provincial superior court judges, the Tribunal receives applications from the Public Sector Integrity Commissioner to hear and deal with complaints of reprisal in order to determine whether reprisal was taken against the complainant or not. If the Tribunal determines that reprisal took place, it may order a remedy in favor of the complainant and a disciplinary action against any person who took the reprisal. Proceedings before the Tribunal are executed as informally and expeditiously as the requirements of natural justice and the rules of procedure allow. A hearing before the tribunal may be held in camera or in public.

There are a number of possible remedial measures that the Tribunal may order if allegations of reprisals are founded: Allowing a public servant to return to their duties; reinstating the public servant or ordering a payment of compensation in lieu of reinstatement; ordering a payment of compensation for lost income; overturning any disciplinary action and compensating the public servant for financial lost; ordering the reimbursement of any expenses as a direct result of the reprisal; or awarding up to \$10,000 for pain and suffering as a result of the reprisal.

WRONGDOING

Definition

The *PSDPA* defines wrongdoing in the public sector as:

1. Violating any Act of Parliament or any Act of provincial legislatures including regulations;
2. Misusing public funds or a public asset;
3. Gross mismanagement;
4. Doing something or failing to do something that creates a substantial and specific danger to the health, safety, or life of persons or to environment;
5. Seriously breaching the public sector Code of conduct or the organization's Code of conduct;
6. Knowingly directing or counseling a person to commit wrongdoing as defined above.

The definition of wrongdoing is not restricted to activities of public servants and includes any wrongdoing in or in relation to the public sector.

Disclosure of Wrongdoing

A disclosure of wrongdoing is the filing of any information by a public servant that could show that a wrongdoing has been committed or is about to be committed or that he or she has been asked to commit wrongdoing.

A “Protected disclosure” means a disclosure that is made in good faith and that is made by a public servant in accordance with the *Public Servants Disclosure Protection Act*; in the course of a parliamentary proceeding; in the course of a procedure established under any other Act of Parliament; or when lawfully required to do so.

A public servant may make a disclosure regarding possible wrongdoing to any one of the following:

- the immediate supervisor
- the Senior Officer
- The Public Sector Integrity Commissioner (PSIC).

Making a disclosure in good faith to one of these persons allows the public servant to receive the protections provided by the *PSDPA*.

A disclosure may be made however to the mass media by a public servant if there is not sufficient time to make the disclosure to the above noted persons and the public servant believes on reasonable grounds that the subject matter of the disclosure is an act or omission that constitute a serious offence under an Act of Parliament or a provincial legislature or constitutes an imminent risk of substantial and specific danger to the life, health and safety of persons or the environment. In those circumstances, the disclosure will be protected under the Act.

Nothing in the *PSDPA* prohibits anyone from making an anonymous disclosure, but an anonymous disclosure is not a disclosure made under the *Act*. As a result, protections against reprisal and provisions respecting protection of information are not available. Similarly, a disclosure made through a representative (e.g. union representative or third-party organization) would not provide the direct protections of the *Act* to the public servant who requests that a disclosure be made on their behalf. The public servant is the only one who can make a disclosure of wrongdoing.

PROCEDURAL REQUIREMENTS FOR ENQUIRY AND INTERNAL DISCLOSURE OF WRONGDOING

A public servant may seek information from their immediate supervisor or the Senior Officer about a possible wrongdoing.

In their own organization, public servants may make a disclosure to their immediate supervisor or the Senior Officer.

A disclosure under the Act may be made verbally or in writing.

A paper document or a document on electronic support could be used to record information about enquiries or disclosures.

For each inquiry regarding a potential wrongdoing, an **Intake Form** must be completed (see Annex 2) by the immediate supervisor or the Senior Officer.

The Senior Officer should establish a central intake register for all inquiries and formal disclosures (see Annex 4).

The *PSDPA* contains several provisions that permit or restraints the kind of information provided by public servants when making a disclosure of wrongdoing (see Schedule 3 of the *PSDPA*).

The supervisor and the Senior Officer should use the **Disclosure form** for the submission of disclosures (see Annex 3 -**Disclosure Form**). If allegations of wrongdoing are made verbally, the Senior Officer or the supervisor should also complete a Disclosure Form.

The public servant should provide only as much information as reasonably necessary to make the disclosure including written documentation.

For each disclosure a new case file must be created by the Senior Officer. File creation requires discipline and order to ensure that all pertinent records are easily retrieved. Human Resources, Access to Information-Corporate Secretariat, Legal Services, Office of the Chief Audit Executive may require the information in case of internal or external requests or proceedings.

All staff having access to any information regarding an inquiry or a disclosure must have a **SECRET** security clearance.

A person considering making a disclosure within their own organization can also obtain free legal advice by presenting a request to the PSIC provided the following conditions are met: The person asking for access or legal advice must not have access to other free legal advice; and if the person is only at the stage of considering making a disclosure; the PSIC must be convinced that the information would likely lead to an investigation under the Act.

The allegations of wrongdoing must relate to serious violations that go against public interest or those of the organization.

If after a preliminary review of a disclosure made in good faith, further evaluation or investigation is required, the Senior Officer must mandate a team or an investigator for example the Office of the Chief Audit Executive to conduct an investigation in adherence to the requirements of the *Act*.

The confidentiality of information received and collected in a disclosure including protecting, to the extent possible, the identity of the person or persons alleged to have committed any wrongdoing, and the identities of any potential witness must be ensured.

Organizations must protect employees from reprisal and if a person has made a potential reprisal take immediate measures to correct the situation. If the identity of persons who made a disclosure or who are witnesses in an investigation become known in their workplace, the Senior Officer may recommend to the President that the person(s) be assigned to other duties in the

organization for a period not to exceed 3 months to be renewed one or more times by the President.

The Senior Officer must review the report of the investigation team or investigator and make recommendations to the President of the Agency who should take corrective action (if necessary) to remedy the situation as soon as possible.

If a disclosure leads to a finding of wrongdoing, public access to information about the wrongdoing, recommendations resulting from the findings, corrective action taken as a result of the wrongdoing or why no corrective action was taken should be provided promptly by the President.

Reporting this information is in addition to the annual requirements to report to CPSA on activity under the *Act*.

DEPARTMENTAL INTERNAL DISCLOSURE AND RESOLUTION PROCESS

Communications

The Senior Officer should communicate information about the new Act and other related documents regarding the departmental disclosure process through usual electronic communications means such as ‘‘Entre-Nous’’ in the Agency.

Enquiries to the Immediate Supervisor or the Senior Officer

An employee may decide to contact his or her immediate supervisor or the Senior Officer for the purpose of seeking information or general advice about a wrongdoing.

The employee may be accompanied by another person such as a union representative or a colleague to request information or make a disclosure.

Non public servants requesting information about disclosure of wrongdoing should be referred to the PSIC.

When the information provided by the employee regards human resources issues, such as staffing, collective agreement matter, harassment, post-employment issues another mechanism such as the grievance process or other recourses should be recommended to the employee.

If the allegations of wrongdoing are related to illegal offences under the *Criminal Code* or the *Financial Administration Act* or some other federal statute where the RCMP or a local police

department has primary jurisdiction, the case should be referred to those authorities. The Senior Officer or the immediate supervisor should consult with legal services before taking any action.

If the disclosure does not suggest a possible serious wrongdoing but a case that is minor in nature, it should be addressed by the immediate supervisor of the working unit. The immediate supervisor should consult with the Senior Officer about the nature of the wrongdoing before making a final decision.

In all cases, an **Intake Form** must be completed on a paper document or on an electronic document by the immediate supervisor or the Senior Officer (See Annex 2). It must be safeguarded as a Protected 'B' document (see Annex 5 for the handling of such a document) and must be transmitted to the Senior Officer who will register the inquiry. Mailing systems, Fax with secure process, intranet or an electronic portable storage device could be used to circulate documents. Internet cannot be used.

If the information concerns a potential wrongdoing as defined under the Act, it should be treated as a formal disclosure and the following procedure should be followed.

Formal Disclosure

A disclosure of wrongdoing under the Act may be made verbally or in writing.

For each disclosure of wrongdoing, a new file must be created by the Senior Officer.

The information should be recorded on the **Disclosure Form**, by the immediate supervisor or the Senior Officer (see Annex 3). The **Disclosure Form** includes information about the discloser, his or her representatives (if applicable); nature and description of the wrongdoing; name(s) of the person(s) alleged to have committed the wrongdoing; date and location where the wrongdoing took place; and other pertinent information.

Once the **Disclosure Form** is completed on a paper document or an electronic document, it must be safeguarded as a Protected "B" document. It must be transmitted to the Senior Officer through either the mailing systems or Fax with secure process, intranet or an electronic portable storage device. It should be safeguarded by the Senior Officer who will create a new case file where all records regarding the disclosure will be retained.

All files will be kept in a lockable filing cabinet in the Senior Officer's office.

The supervisor or Senior Officer should indicate to the employee that the disclosure will be treated in confidence and that the identity of the person making the disclosure and other persons involved into the disclosure of the wrongdoing will be protected to the extent possible in compliance with principles of natural justice and procedural fairness.

Persons who make disclosure or who are witnesses in a disclosure investigation should be ensured by the immediate supervisor or the Senior Officer that they will be protected from reprisal, including the possibility, upon a recommendation made to the President by the Senior Officer in collaboration with Human Resources to be temporarily assigned to other duties if their

identity has become known in the workplace and they consent to be transferred to another location within the Agency.

If the disclosure is provided to the immediate supervisor, he/she should inform the person that the wrongdoing will be reported to the Senior Officer who will contact the discloser and review the disclosure to determine whether it warrants an investigation.

CONDUCTING INTERNAL INVESTIGATIONS

An investigation is a systematic process of gathering evidence in order to determine whether the allegations of wrongdoing are founded or unfounded.

The Senior Officer has three main responsibilities with respect to investigations:

1. Receiving, screening and carrying out a preliminary analysis of disclosures;
2. Mandating the Office of the Chief Audit Executive to conduct an investigation;
3. Reviewing the investigation report and making recommendations to the President of the Agency.

The investigation process should include three stages:

- Initiation stage (Receiving, screening and making a preliminary analysis of disclosures of wrongdoing allegations);
- Execution stage (selecting, mandating and managing the investigation team or investigator);
- Reporting stage (Findings of the Investigation).

Initiation Stage

The Senior Officer must ensure that the allegations are clear enough to prepare terms of reference for the Office of the Chief Audit Executive in order to conduct a preliminary analysis of the situation.

Once the allegations have been clearly described, the Office of the Chief Audit Executive will conduct a preliminary assessment as to the validity and credibility of the information provided; ascertain possible sources of information to provide sufficient evidence; identify issues that may require immediate attention such as urgent safety or security matters, potentially criminal acts or other on-going concerns and identify subject matters that should be addressed by other processes or authorities.

Upon a recommendation by the Office of the Chief Audit Executive, a substantiated decision is made by the Senior Officer to proceed or not proceed with a formal investigation.

If the investigation is to proceed, a mandate for the investigation team or investigator must be approved by the Senior Officer.

Execution Stage

Terms of Reference could include: Scope of the investigation; the investigators' responsibilities for informing witnesses of their rights and obligations; a preliminary list of the witnesses that may be interviewed and documentary evidence needed. Authorizations from various sources to conduct the investigation may also be required. Resources needed to conduct the investigation must be identified.

The Office of the Chief Audit Executive will select the team and conduct the investigation.

A detailed investigation plan will be developed by the Office of the Chief Audit Executive and approved by the Senior Officer.

The investigation will be conducted on-site (or where the wrongdoing is deemed to have occurred) by the investigator(s) in order to collect pertinent written documentation and testimonies.

The investigation may be conducted by an external firm that must meet the requirements of confidentiality and the safeguarding of information defined by the *Act*.

Reporting Stage

A report will be prepared for the Senior Officer with all relevant facts and required analysis. The report and all evidence will be identified as Protected 'B' documents and should be kept in a lockable cabinet. Once the investigation is completed and finalized, all documents should be transmitted to the Senior Officer who should file and safeguard them.

The Senior Officer will prepare a separate report that clearly states that the facts collected during the investigation substantiate or not a founded allegation of wrongdoing that meets the requirements of section 8 of the *Act*.

The Senior Officer will make recommendations in co-operation with Human Resources, Legal Services and the Chief Financial Officer to the President of the Agency in order to implement corrective actions and take any disciplinary measures.

PREVENTING REPRISALS

Reprisal includes any administrative and disciplinary measures taken by management against subordinates because they have made or plan to make a disclosure of wrongdoing or co-operated in an investigation.

The *PSDPA* defines reprisal as:

- Disciplinary measure;
- Demotion;
- Termination of employment;
- Measures that adversely affect the employee’s employment or working conditions;
- Threats by an employer to demote, terminate or take measures that adversely affect a public servant’s employment or working conditions;

The PSIC receives and investigates all reprisals complaints from public servants. During the course of an investigation into a complaint of reprisal, the Commissioner may decide to appoint a conciliator to resolve the complaint. If the Commissioner approves a settlement, the complaint of reprisal will be dismissed.

If the Commissioner decides to bring the matter to the Public Servants Disclosure Protection Tribunal and it is found that reprisal took place, the Tribunal may issue an order to remedy the situation.

Based on the findings of an investigation into a complaint of reprisal, the Commissioner may also decide to dismiss the complaint.

Organizations should be proactive in preventing reprisals. Measures that can be taken include:

1. Raising awareness about the *PSDPA*;
2. Offer learning opportunities to immediate supervisors to assist them in dealing with disclosures of wrongdoing and how to prevent reprisals;
3. Support employees and protect those who disclose allegations of wrongdoing;
4. Ensure that Senior Officer maintains good lines of communication with the discloser and offer support;
5. If the identity of a discloser or witness has become known in the workplace, take immediate measures to prevent possible reprisals;
6. Respect and protect the confidentiality of the discloser and witnesses when conducting a disclosure investigation;

HANDLING SENSITIVE INFORMATION

The Senior Officer and the supervisor must ensure the information is protected and the handling, storage, transportation and transmission of information or documents are secured. Information may be collected on paper or electronic documents and must be stored in a lockable filing cabinet.

The identity of all persons involved in the disclosure of a wrongdoing must be protected while adhering to the principles of procedural fairness and natural justice.

Disclosure records must be treated in accordance with the *Access to Information Act (ATIA)*, the *Privacy Act (PA)* and the *Personal Information Protection Electronic Documents Act (PIPEDA)*.

Public Servants may disclose information that is otherwise restricted under other Acts of Parliament except those set out in schedule 3 of the *PSDPA* and that are described in the above noted responsibilities of employees.

All records gathered related to an enquiry, disclosure or an investigation should be kept under the control of the Senior Officer.

Access to Information and Privacy

Protection of disclosure records, including the identity of the discloser and witnesses is essential to ensure that persons involved in a disclosure process feel protected.

Changes made to the *Access to Information Act (ATIA)*, *Privacy Act (PA)* and the *Personal Information Protection and Electronic Documents Act (PIPEDA)* provide broad protection for records containing information about a disclosure.

The *PSDPA* also protects the reputations of persons alleged to have done a wrongdoing but who are cleared of any wrongdoing;

Changes to the Access to Information Act (ATIA)

The *ATIA* contains mandatory, permanent exceptions related to the *PSDPA*:

- Records containing information about a disclosure are permanently protected and cannot be released in response to *ATIA* requests.
- If wrongdoing is found after an investigation, the *PSDPA* requires public reporting.

Changes to the Privacy Act (PA)

The *PA* contains mandatory, permanent exemptions related to the *PSDPA*:

- Personal information that was created for the purpose of making a disclosure or in the course of an investigation is permanently protected and cannot be released in response to requests for personal information;
- Allegations made about an individual are the personal information of that individual and normally may be released to that individual on request, subject to the provisions of the *PA*. Nevertheless, requests for personal information related to a disclosure must be refused in accordance with the exemptions under *PA* as they pertain to the *PSDPA*.
- The *PSDPA* also requires that information related to a disclosure be protected subject to the principles of procedural fairness and natural justice. Generally, a person facing an allegation of wrongdoing has the right to be informed of the allegations, as permitted by s. 27(2) of the *PSDPA*. This requirement, however, does not necessarily result in providing the identity of persons involved with the disclosure except if it is necessary to describe the substance of the allegations adequately. The amount of personal information provided during an investigation has to be assessed on a case- by- case basis.

Changes to the Personal Information Protection and Electronic Documents Act

(PIPEDA)

- Organizations may refuse to give an individual his or her own personal information if the information relates to a disclosure made under the *PSDPA*;
- In accordance with *PIPEDA*, allegations made about an individual are the personal information of that individual and may be released to the individual on request subject to the provisions of *PIPEDA*. Nevertheless a request made under *PIPEDA* for personal information related to a disclosure may be refused to keep the confidentiality of identities.

PUBLIC REPORTING

Findings of Wrongdoing

If a disclosure leads to a finding of wrongdoing, the President of CIDA must promptly:

1. Provide public access in the **Proactive Disclosure Section of Public Enquiries** of the CIDA Website to information describing the wrongdoing, indicating any recommendations that result from the findings of wrongdoing, or explaining why no corrective action was taken;
2. In describing the wrongdoing, the Act allows that, if not otherwise restricted by any other statute, the President of the Agency may divulge information that might identify the person who committed the wrongdoing, only if it is required to describe the wrongdoing adequately.

Public Reporting Requirements for CPSA

Within 60 days of the end of each fiscal year, the President must submit a report to CPSA with respect to all enquiries/disclosures made to immediate supervisors or the Senior Officer in their organization. Subsequently, within 6 months of the end of each fiscal year, and based on reports from deputy heads, the President of CPSA will submit a report to the President of the Treasury Board indicating:

1. The number of inquiries received related to the *Act*;
2. The number of disclosures received under the *Act* and whether they were acted upon;
3. The number of investigations commenced;
4. Whether any systematic problems were found that led to wrongdoing;
5. Any other matter deemed necessary by the President of CPSA.

The Minister of CPSA must table its annual report in each House of Parliament.

STANDARDS FOR PROTECTED INFORMATION

Protected 'B'

Unauthorized disclosure of such a document could reasonably be expected to cause serious injury to an individual, organization or government such as prejudicial treatment, loss of reputation or competitive edge.

Examples:

- Solicitor-client privilege
- Contract negotiations
- Risk assessments
- Government decision-making documents
- Criminal, medical, psychiatric or psychological records
- Performance evaluation and character references
- Trade secrets

Document Standards

Marking: all pages on top right corner – **PROTECTED B Storage:** Approved security container with approved key lock in approved operations zone.

Disposal: Approved security shredder, in accordance with RCMP Guide G1-001 and approved records disposition authorities.

Mailing Standards

Address, no security marking

Within building: Envelope may be reusable – CIDA mail service

Inside/Outside Canada: Single sealed envelope, no security markings, return address, mail services 1st class, priority post, registered mail, reliable private courier services.

Electronic Standards

Storage: May be stored on electronic infrastructure without encryption. Encryption, such as PKI, is recommended to manage higher risk.

Printing: Network printer or local printer

Transmission:

- Facsimile – Regular fax with secure process
- Internet – Must be encrypted (PKI)
- Intranet – Does not require encryption
- Voice – Land line

Disposal:

- Hardware – contact your LAN admin or National Service Desk
- Information – There are limited record disposition authorities available. Please contact the IM section of Treasury Board for further details at 613-946-8199.

Definitions of “Special Operational Information and “Persons Permanently Bound to Secrecy” from the Security of Information Act, Section 8(1)

“person permanently bound to secrecy” means

(a) a current or former member or employee of a department, division, branch or office of the public service of Canada, or any of its parts, set out in the schedule; or

(b) a person who has been personally served with a notice issued under subsection 10(1) in respect of the person or who has been informed, in accordance with regulations made under subsection 11(2), of the issuance of such a notice in respect of the person.

“special operational information” means information that the Government of Canada is taking measures to safeguard that reveals, or from which may be inferred,

(a) the identity of a person, agency, group, body or entity that is or is intended to be, has been approached to be, or has offered or agreed to be, a confidential source of information, intelligence or assistance to the Government of Canada;

(b) the nature or content of plans of the Government of Canada for military operations in respect of a potential, imminent or present armed conflict;

(c) the means that the Government of Canada used, uses or intends to use, or is capable of using, to covertly collect or obtain, or to decipher, assess, analyze, process, handle, report, communicate or otherwise deal with information or intelligence, including any vulnerabilities or limitations of those means;

(d) whether a place, person, agency, group, body or entity was, is or is intended to be the object of a covert investigation, or a covert collection of information or intelligence, by the Government of Canada;

(e) the identity of any person who is, has been or is intended to be covertly engaged in an information- or intelligence-collection activity or program of the Government of Canada that is covert in nature;

(f) the means that the Government of Canada used, uses or intends to use, or is capable of using, to protect or exploit any information or intelligence referred to in any of paragraphs (a) to (e), including, but not limited to, encryption and cryptographic systems, and any vulnerabilities or limitations of those means; or

(g) information or intelligence similar in nature to information or intelligence referred to in any of paragraphs (a) to (f) that is in relation to, or received from, a foreign entity or terrorist group.

References

Relevant Legislation

Access to Information Act and Regulations

Canadian Human Rights Act

Personal Information Protection and Electronic Documents Act

Privacy Act and Regulations

Protection of Personal Information Regulations

Public Servants Disclosure Protection Act

Security of Information Act

Related Treasury Board Policies

Access to Information

Information Management

Internal Disclosure of Information Concerning Wrongdoing in the Workplace (no longer in effect)

Losses of Money and Offences and Other Illegal Acts Against the Crown

Prevention and Resolution of Harassment in the Workplace

Values and Ethics Code for the Public Service

Other Publications

2004-05 Annual Report on the Policy on the Internal Disclosure of Information Concerning Wrongdoing in the Workplace

Disclosure Form – PSIC

Disclosures for Public Servants – PSIC

Frequently Asked Questions About the Public Servants Disclosure Protection Act - CPSA

Guide to Access to Information and Privacy Considerations under the Public Servants Disclosure Protection Act – CPSA

Guide to Conducting Internal Investigations of Disclosures Received under the Public Servants Disclosure Protection Act – CPSA

Guide to Handling Sensitive Information under the Public Servants Disclosure Protection Act - CPSA

Guide to Organizational Disclosure Regimes under the Public Servants Disclosure Protection Act - CPSA

Guide to Organizational Public Reporting Obligations under the Public Servants Disclosure Protection Act – CPSA

Guide for Protecting and Handling Information - TB

Information for Employees on the Public Servants Disclosure Protection Act – CPSA

Information for Supervisors at all levels on the Public Servants Disclosure Protection Act – CPSA

Overview of the Public Servants Disclosure Protection Act - CPSA

Protection from Reprisals - PSIC