

Privacy Act

Annual Report 2023-2024

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Introduction

Through this Annual Report on the *Privacy Act*, the [College of Patent Agents and Trademark Agents \(CPATA\)](#) presents to Parliament a summary of its activities in accordance with section 72 of the *Privacy Act*. CPATA is one of only a few independent regulatory bodies subject to federal legislation such as the *Privacy Act*.

The protection of confidentiality for licensees and members of the public who engage with CPATA is vital to the College's operations and credibility. Like other professional regulators, CPATA preserves the privacy rights of registrants as a tenet and hallmark of quality oversight of the patent and trademark profession. In this way, the regulatory standards, objectives and principles of CPATA align perfectly with the purpose of the *Privacy Act*, which "is to extend the present laws of Canada that protect the privacy of individuals with respect to personal information about themselves held by a government institution and that provide individuals with a right of access to that information". Unless information is required to be made public, such as the requirements to keep a Public Register of agents, agents in training and foreign practitioners (ss. 28 and 31 of the [CPATA Act](#)), it is treated as confidential, not be disclosed and to be used only to advance CPATA's work as a public interest regulator. Requirements for preservation of confidential information are embedded in the [CPATA Act](#) in ss.52, 65 and 66.

This report describes the activities taken by CPATA to support compliance with the *Privacy Act* during CPATA's third year of existence, from March 31, 2023 to March 31, 2024.

Institutional Mandate

The Government of Canada enacted the [College of Patent and Trademark Agents \(CPATA\) Act](#) in 2018, as part of its National Innovation Strategy to position the country as a world leader in innovation.

As an independent regulator, CPATA protects the public interest by strengthening the competencies of patent agents and trademark agents, and building confidence in

accessible, ethical and expert intellectual property services in Canada. Our commitment to supporting the rigour and sophistication of the profession plays an important part in driving innovation and stimulating Canada’s economic growth.

The College is responsible for protecting the public interest by:

- Setting competence standards for the profession and administering entry requirements that address those standards;
- Implementing the Code of Professional Conduct established by the Minister of Innovation, Science and Industry;
- Administering a fair and open process to respond to concerns about the competence or conduct of agents;
- Establishing expectations for liability insurance, continuing professional development, and pro bono requirements; and,
- Promoting innovation in the delivery of patent and trademark services.

CPATA has adopted the following regulatory objectives:

1. Protect and promote the public interest in patent and trademark services;
2. Protect those who use patent and trademark services;
3. Promote innovation in the delivery of patent and trademark services and the protection of intellectual property rights;
4. Improve access to, and promote competition in the provision of, patent and trademark services;
5. Promote the independence of the patent and trademark profession;
6. Oversee the ethical and competent delivery of patent and trademark services by licensees; and,
7. Promote equity, diversity and inclusion in the patent and trademark profession and in the delivery of patent and trademark services.

Organizational Structure

CPATA is a small organization that is still in development. CPATA has a Board of Directors, five committees, and a small team of less than ten employees led by a CEO/Registrar.

CPATA's Board of Directors consists of five appointed and four elected Directors. Appointed Directors are non-licensees who are appointed by the Honourable François-Philippe Champagne, Minister of Innovation, Science and Industry. Elected Directors are licensees who are elected from the profession to contribute IP subject-matter expertise to the public interest mandate of CPATA's Board of Directors.

Most of CPATA's daily operational work is done by the CEO/Registrar and five staff, who handle interactions with licensees, trainees, and members of the public.

All the Privacy work is conducted by one Privacy and Access Officer, with some support from the rest of the CPATA staff.

Delegation Authority

The Delegation Order dated February 17th (the "2023 Delegation Order") designates the Access to Information and Privacy Officer to exercise certain powers and perform certain duties and functions of the CEO under the Act and is attached hereto and forms part of this annual report (see Annex A).

Performance 2023-2024

CPATA received no requests during the reporting period.

No exemptions were applied in the 2023-24 fiscal year.

CPATA did not receive advice from a privacy consultant in the fiscal year with regards to formal or informal request.

Operating Costs

The cost of delivering CPATA's Privacy program and services for 2023–2024 was \$12,910 based on salary costs, equating to 0.10 full-time employees, when averaged over the year. No professional Services contracts were granted for the year.

Training and Awareness

Through its training activities, CPATA continues to work towards its commitment to privacy vigilance. As CPATA is a fully virtual organization, Security and Privacy Training was prioritized to inform employees of any potential security or privacy breach risks while working from home.

This fiscal year, CPATA provided privacy training for new Board and Committee members as part of its privacy management program.

The objectives of the privacy training are for employees, committee members and Board members to:

- understand their obligations under the College's privacy policies,
- familiarize themselves with privacy principles and best practices that form the basis for CPATA's privacy management program, and
- understand how to apply these principles in order to protect individuals' privacy in carrying out work with CPATA.

All employees, board members, and providers handling personal information as part of carrying out services for CPATA must complete privacy training. The College will periodically review and update the privacy training based on significant changes to privacy legislation, best practices, or risks impacting CPATA.

Policies, Guidelines, Procedures, and Initiatives

No new or revised privacy policies or guidelines were formally implemented during the last fiscal year. CPATA developed a Privacy Management Program in the 2021–2022 fiscal year to manage its privacy obligations. The program defines the privacy policies, procedures, and other controls needed to distribute privacy responsibilities, manage privacy risks and ensure compliance with applicable legislation. The privacy

management program is intended to demonstrate accountability for the management of this information to the organization’s stakeholders.

The main components of the Privacy Management Program include:

- Definitions of accountability, roles, and responsibilities for privacy
- Privacy Policies and Procedures to provide clear direction to employees, committee members, Directors, and service providers on acceptable information practices at the College
- Privacy statements and notices
- Completion of privacy impact assessments
- Standard privacy and security provisions to include in agreements with service providers who manage or act on the College’s behalf with respect to personal information
- Privacy training materials
- Procedures for meeting annual federal government privacy and access reporting requirements
- Process for monitoring the effectiveness of the privacy management program and revising privacy controls as needed

Privacy Policies

The table below describes the policies, procedures and other resources as part of CPATA’s Privacy Management Program.

Policy	Policy Description
Privacy Policy	Describes how personal information in CPATA’s custody or under its control is created, collected, retained, used, disclosed and disposed of in a manner that respects and complies with the <i>Privacy Act</i> and its Regulations and aligns with TBS privacy policies and directives. CPATA upholds the privacy rights of individuals whose personal information is controlled by the College, in accordance with these requirements. The policy outlines the roles and responsibilities of the Board of Directors of the College, employees, the CEO of the College, and the Privacy Officer of the College.
Website Privacy Statement	Describes the CPATA’s practices for protecting the privacy of the personal information it collects from visitors to the College’s website and social media pages and describes ways in which

Policy	Policy Description
	CPATA collects, uses, discloses, and manages their personal information.
Agent Privacy Statement	Describes how CPATA collects, uses, discloses, and protects the personal information of patent agents, trademark agents and agents in training, their rights and choices with respect to that personal information, and how the College protects it.
Privacy Notices	CPATA has a Privacy Notice framework to ensure it identifies the purpose and the College’s authority for collecting personal information from individuals, in accordance with the TBS Directive on Privacy Practices.
Privacy Inquiry Procedure	Describes how CPATA responds to inquiries or challenges regarding its information practices, including any alleged contravention of the <i>Privacy Act</i> , Regulations or College Privacy Policies.
Request for Access to or Correction of Personal Information Procedure	Describes the process by which individuals may request access to their personal information in the custody and control of the College, pursuant to the <i>Privacy Act</i> , and the steps to be followed by CPATA when individuals request access to or corrections to their personal information. This procedure was developed in compliance with the TBS Directive on Personal Information Requests and Correction of Personal Information.
Privacy Breach Management Protocol	Outlines the steps that must be followed by anyone working for or on behalf of CPATA with respect to personal information who discovers a possible breach of privacy related to personal information controlled by the College.
Procedure for Updating privacy policies and procedures	Includes the process for developing, updating and reviewing privacy policies, privacy statements, privacy protocols, and privacy notices.

Initiatives and Projects to Improve Privacy

No new initiatives and projects to improve privacy were implemented during the last fiscal year.

Summary of Key Issues and Actions Taken on Complaints

No complaints were received or concluded during the reporting period.

Material Privacy Breaches

No material privacy breaches were reported to the Office of the Privacy Commissioner and to Treasury Board of Canada Secretariat (Information and Privacy Policy Division) during the reporting period.

Privacy Impact Assessments

A Privacy Impact Assessment (PIA) is a risk management process that helps institutions ensure they meet legislative requirements and identify the impacts their programs and activities will have on the privacy of individuals. To fulfill its mandate, some of CPATA's responsibilities require the collection, use and disclosure of personal information.

As a trusted custodian of this information, the College uses PIAs as a means of ensuring compliance with the legal requirements set out in the *Privacy Act*, in adherence with TBS's policies and directives. A PIA assists in the identification and management of privacy breaches, however, it may not eliminate risk. A PIA serves to evolve a project's design to reveal an effective method with minimal risk to the privacy of individuals.

One PIA was completed during the 2023-2024 fiscal year. Below is a brief description of the PIA.

Use of Cloud and Other Technologies

About the Program

To help accomplish its responsibilities under the *CPATA Act*, the College has engaged a third-party service provider to implement a cloud-based licensee management solution and several different technology vendors to assist the College in meeting its mandate.

The overall objective of this PIA is to analyze the privacy impacts and risks associated with the proposed design and implementation of several different technology companies and third-party vendors, as well as the supporting CPATA's processes to determine whether the handling of personal information related to such operations is authorized under the *Privacy Act*.

Scope of the PIA

The scope of this PIA encompasses the collection, use, disclosure, retention, and handling of personal information by CPATA. This PIA also identifies high-level privacy considerations related to application and registration, examinations, complaints, investigations, and discipline processes.

The PIA identified four low privacy risks and five medium privacy risks, with their respective recommendations for mitigation. The mitigation strategies to address these risks are being implemented and scheduled for completion in 2023-2024.

Public Interest Disclosures

No disclosures were made under paragraph 8 (2)(m) of the *Privacy Act* during the reporting period.

Monitoring Compliance

No monitoring was conducted during the reporting period.

Conclusion

Care for confidentiality and privacy are foundational to effective professional regulation. As a modern, risk-based professional regulator, CPATA treats the personal information of its licensees, the public and other stakeholders with great respect. As one of very few professional regulators subject to the *Privacy Act*, CPATA welcomes advice regarding how to effectively meet its obligations under the *Privacy Act*.

In the coming years, the College will continue to dedicate resources and time to building the operational infrastructure necessary to protect the privacy rights of individuals, in accordance with its regulatory objectives, standards and principles, as well as its institutional values of confidentiality and accountability.

ANNEX A – Delegation of Authority

Access to Information and Privacy Act Delegation Order

I, undersigned, CEO of CPATA, pursuant to section 73(1) of the *Privacy Act* and s.95(1) of the *Access to Information Act* and s.22 of the *College of Patent and Trademark Agents Act*, hereby designate the Access to Information and Privacy Officer, or person occupying that position on an acting basis, to exercise signing authorities or perform any of the CEO’s powers, duties or functions as head of institution that are specified in the attached Schedule B. This designation replaces all previous delegation orders.

Original signed by



Juda Strawczynski

Chief Executive Officer of CPATA

Date: 2023-02-17

Schedule B – Sections of the *Privacy Act and the Access to Information Act and Regulations* to be delegated

Position	Powers, Duties or Functions
Access to Information and Privacy Officer	Full Authority

ANNEX B – Statistical Report on the Privacy Act



Statistical Report on the *Privacy Act*

Name of institution: College of Patent Agents and Trademark Agents

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		0
Outstanding from previous reporting periods		0
• Outstanding from previous reporting period	0	
• Outstanding from more than one reporting period	0	
Total		0
Closed during reporting period		0
Carried over to next reporting period		0
• Carried over within legislated timeline	0	
• Carried over beyond legislated timeline	0	

1.2 Channels of requests

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

Section 2: Informal requests**2.1 Number of informal requests**

		Number of Requests
Received during reporting period		0
Outstanding from previous reporting periods		0
• Outstanding from previous reporting period	0	
• Outstanding from more than one reporting period	0	
Total		0
Closed during reporting period		0
Carried over to next reporting period		0

2.2 Channels of informal requests

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

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)	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		

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	
0	0	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
0	0	0

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	0	0	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	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	0	0	0	0	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	0
Percentage of requests closed within legislated timelines (%)	0

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	1
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	1
Central	0	0	0	0
Total	0	0	0	1

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
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Section 12: Resources Related to the Privacy Act**12.1 Allocated Costs**

Expenditures		Amount
Salaries		\$12,910
Overtime		\$0
Goods and Services		\$0
• Professional services contracts	\$0	
• Other	\$0	
Total		\$12,910

12.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	0.100
Part-time and casual employees	0.000
Regional staff	0.000
Consultants and agency personnel	0.000
Students	0.000
Total	0.100

Note: Enter values to three decimal places.

ANNEX C – Supplemental Statistical Report on the Access to Information Act and Privacy Act



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

Name of institution: College of Patent Agents and Trademark Agents

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	0	0
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	0	0

Row 11, Col. 3 of Section 1.1 must equ 2023-24 Statistical Report on the Acce:

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	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 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	0	0
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	0	0

Row 11, Col. 3 of Section 2.1 must equ 2023-24 Statistical Report on the *Priva*

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
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Section 4: Universal Access under the Privacy Act

How many requests were received from foreign nationals outside of Canada in 2023-24?	0
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Row 1, Col. 1 of 5
Section 1.1 of the

