

4.3 Discretionary Release Policy

Policy

Sub-section 17(2) of the Statistics Act allows the discretionary disclosure of certain identifiable information by order of the Chief Statistician. Statistics Canada will generally provide access to such information when:

- the information is needed for statistical or analytical purposes, and
- the information released does not disadvantage Statistics Canada's respondents and does not harm the relationship between the agency and its respondents.

Review and Approval Process

The Discretionary Release Review Committee, a sub-committee of the Confidentiality and Legislation Committee, will review all requests for disclosure of confidential information pursuant to sub-section 17(2) of the Statistics Act. The Chairman of The Discretionary Release Review Committee may decide that cases already covered by existing precedents need not be referred to the full Committee. Recommendations will be made to the Chief Statistician by the Chairman of the Confidentiality and Legislation Management Committee.

I. Criteria for assessing requests for discretionary release of confidential information pursuant to sub-section 17(2) of the Statistics Act

Introduction

Sub-section 17(2) of the Statistics Act allows the discretionary disclosure of the following types of information:

- (a) information collected by persons, organizations or departments for their own purposes and communicated to Statistics Canada as long as the secrecy requirements to which this information was subjected when first collected are adhered to. This information may only be disclosed by Statistics Canada by an agreement between the Chief Statistician and the collector;
- (b) information relating to a person or organization if the organization or person consents to the disclosure in writing;

(c) information relating to a business if the owner for the time being of the business consents to the disclosure in writing;

(d) information available to the public under any statutory or other law;

(e) information relating to a hospital, mental institution, library, educational institution, welfare institution or other similar non-commercial institution as long as individuals within those institutions cannot be identified;

(f) lists of individual establishments, firms or businesses including their names and addresses/locations; the telephone numbers at which they may be reached in relation to statistical matters; the official language in which they prefer to be addressed in relation to statistical matters; products produced, manufactured, processed, transported, stored, purchased, sold, services provided; and the specific ranges of number of employees;

(g) information relating to carriers or public utilities.

Since the most frequent requests for confidential information are for the release of lists of individual establishments, firms or businesses [paragraph 17(2)(f)], information collected by other departments [paragraph 17(2)(a)] and information on carriers and public utilities [paragraph 17(2)(g)], criteria have been developed for those types of requests only.

A. Criteria for Release of Lists [Paragraph 17(2)(f)]

The Review Committee will assess requests for the release of lists on the basis of the use to which the list is to be put and of the potential impact of such use.

1. Survey Purposes

Lists may be released for the collection of statistical data as long as the survey in question;

- is methodologically acceptable;
- does not enquire into a topic considered by the Committee to be offensive;
- will not result in the duplication of information collected by departments of government and
- does not appear to jeopardize the respondent's continued cooperation with Statistics Canada.

2. Analytical Purposes

Lists may be released to assist data users in the analysis or interpretation of data, e.g., the disclosure of the names and addresses of establishments, firms or businesses surveyed in monthly, quarterly or annual reports, or special tabulations produced by Statistics Canada.

Note: Requests for lists for purposes of obtaining current market intelligence, gauging market penetration, administrative monitoring, etc. will not normally be granted.

Special Considerations

Lists Derived from Farm Register

Lists derived from the Farm Register will not as a rule be released except in the interest of federal-provincial cooperation in the collection of agricultural data.

However, requests for these lists will be considered by the Committee with a view to assist the requestor in other ways, such as Statistics Canada undertaking part (mail-out) or all (survey) of the work on the requestor's behalf on a cost-recovery basis.

Lists Containing Taxation-Derived Name and Address Information

Lists of businesses containing names and addresses provided by the Canada Revenue Agency may only be released to federal or provincial government departments and agencies and only for obtaining statistical data for research and analysis. The authority to disclose this information is found in paragraph 241(4)(d)(ix) of the Income Tax Act.

B. Criteria for Release of Information Collected by other Departments [Paragraph 17(2)(a)] and for Information on Carriers and Public Utilities [Paragraph 17(2)(g)]

To minimize respondent burden Statistics Canada has, over the years, obtained information collected for administrative purposes by other government departments as an alternative to direct data collection.

Information obtained from other sources and information on carriers and public utilities may be released for statistical or analytical purposes where the data would assist users in analysing or interpreting the information for research, or for policy purposes.

However, it is a requirement that where the information is obtained from other sources, disclosure may only take place where the collector and the Chief Statistician have agreed to the manner and extent of that disclosure.

II. Use of Lists for Statistics Canada's Marketing Program

Survey lists may be used to facilitate Statistics Canada's own marketing purposes. Even though a disclosure order is not required for such a use, requests for access to lists for internal marketing/dissemination purposes must be reviewed by the Committee and approved by the Chief Statistician.

III. General

Procedures for Submitting Requests for an Order of the Chief Statistician

1. All requests shall be forwarded to the Secretary, Discretionary Release Review Committee, located at 25-C, R.H. Coats Building and should include the following:

- (a) memo of transmittal to the Committee. This memo should be signed by the Director of the Division;
- (b) the letter of request, detailing what information is required and how it will be used;
- (c) an undertaking of confidentiality - this may be included in the letter of request;
- (d) any supporting documentation, if available.

The letter and undertaking of confidentiality must be signed by an officer of the requesting organization with the authority to make such an undertaking. The undertaking should include a statement that the information will be used only for the purposes for which it was requested.

2. The requests will be reviewed by the Discretionary Release Review Committee. The Chairman, Confidentiality and Legislation Committee will make recommendations to the Chief Statistician for disclosure or non-disclosure.

3. The Chief Statistician's decision will be communicated to the division concerned by the secretary of the Committee. If the response is a positive one, two copies of the signed Order will be sent. One copy is to be retained by the division and the other is to be forwarded to the requestor along with the requested information. If the response is a negative one, the reasons for non-disclosure will be given.

Meetings

Requests will be reviewed as they are received. Where a meeting of the full Committee is required, this will be arranged at the earliest convenience of Committee members.

Inquiries

Inquiries concerning this policy are to be directed to the Director, Data Access and Control Services.