



Annual Report
On the Administration of the
Government of Nunavut

Access to Information and Protection of
Privacy Act

For the period April 1, 2009 to March 31, 2010

Submitted by the Department of Executive and Intergovernmental Affairs

June 2010

**2009-2010 Annual Report
of the
Administration of the Government of Nunavut
Access to Information and Protection of Privacy Act
(ATIPP)**

The Department of Executive and Intergovernmental Affairs is pleased to submit its annual report of activity surrounding the Access to Information and Protection of Privacy Act for the year beginning April 1, 2009 and ending March 31, 2010.

Background

The Nunavut *Access to Information and Protection of Privacy Act* was duplicated from Northwest Territories Statutes in 1999. Since that time, several amendments have been made to the Act, including an update to the list of public bodies responsive to the Act and identified in the ATIPP regulations, Schedule A. This amendment, registered in June 2004, identified public bodies created since the inception of the territory and eliminated outdated public bodies associated with the Northwest Territories or no longer in existence in Nunavut. Bill 18 – *An Act to Amend Nunavut Statutes in Response to Section 4(2) of the Access to Information and Protection of Privacy Act* received assent in November, 2007. Section 4(2) would have come into effect on December 31, 2007 and would have made the *Access to Information and Protection of Privacy Act* prevail over any other Act where there was an inconsistency or conflict, unless another Act expressly provided that it would prevail over the ATIPP Act. In anticipation of the coming into effect of Section 4(2) a review of all territorial statutes was carried out for the purpose of identifying conflicts between the ATIPP Act and other legislation. Where potential conflicts were identified between the ATIPP Act and other territorial Acts or regulations, these enactments were reviewed to determine whether an amendment was required to provide which Act would prevail.

The ATIPP Act provides members of the public with a legal right of access to information held by public bodies including government departments and offices but also provides limited exceptions to the right of access to certain records.

The Act defines parameters for the collection, use and disclosure of personal information; gives individuals the right to access the personal information public bodies have about them and to request corrections to that information.

The Act also provides for an independent review of decisions made by public bodies under the Act by the Information and Privacy Commissioner (IPC).

ATIPP Process

The Manager of Access to Information and Protection of Privacy position, located in the Department of Executive and Intergovernmental Affairs (EIA), is responsible for coordination of all ATIPP functions throughout the government, including legislative issues, training, policies and procedures and inter-departmental activity.

An ATIPP coordinator is identified in each public body. The Department of Health and Social Services (HSS) and the Department of Environment (DOE) are the only departments to have dedicated positions for ATIPP Coordinators /Records Management.

Specialized ATIPP process and procedure training is provided by an external ATIPP specialist to coordinators and other staff who are responsible for processing ATIPP requests, ATIPP administration within their departments and monitoring privacy issues or concerns. Specific topic-related training modules are also provided on access and privacy related issues on a regular basis.

Internal ATIPP training delivered by the ATIPP Manager is built into staff orientation sessions and is part of the records management Administrative Records Classification System (ARCS) training in Iqaluit and other communities. ATIPP modules can also be provided to departments and public bodies based on their specific needs. In the fiscal year 2009-2010, there were thirty-six (36) training sessions held. In total, 444 GN staff received some form of ATIPP training. These included basic ATIPP training sessions as well as specialized ATIPP training sessions for ATIPP Coordinators. Specialized training sessions were also held for Senior Management, Health and Social Services employees, and Wildlife Officers. Attached to this report is a schedule of ATIPP training provided in the 2009-2010 fiscal year. The total number of GN employees who received training also includes the ATIPP Coordinators' meetings, chaired by the ATIPP Manager, which allow for discussions regarding issues, concerns and updates to be brought forward. Although the majority of the training was conducted in Iqaluit, training sessions were also provided in Baker Lake, Cambridge Bay, Igloolik, Pond Inlet and Rankin Inlet. Due to time and cost constraints, both teleconference training and TeleHealth training was provided in order to reach more communities.

The ATIPP manager works closely with Community and Government Services Records Management and Informatics Planning and Services staff, with the Territorial Archivist, located in Community Language Elders and Youth and is a member of the Public Records Committee.

Access to Information and Privacy Requests

In the 2009-2010 fiscal year, the Government of Nunavut recorded eighty-seven (87) formal ATIPP requests; thirty-two (32) were requests from individuals for access to personal information, forty-seven (47) were requests for access to general government records under the access provisions of the Act and eight (8) requests were from other governments requesting third party review under their Access to Information legislation. There were no requests for corrections of personal information.

Public bodies deal with informal requests for access to information on a regular basis. Ideally, an applicant will be able to access information through dialogue with the public body. Informal requests are handled within the spirit and intent of the Act but without the formal ATIPP process. Each public body processes informal requests on a daily basis.

Three departments – Health and Social Services, Justice and Education have received requests pertaining to Indian and Residential School Resolutions. Although the Department of Health and Social services and the Department of Education deal with these requests informally, the Department of Justice handles these requests as formal ATIPP Requests after recommendations from the IPC to do so. These requests have come from law firms representing their clients' interest in the Residential School settlement or from the Federal Government in order for them to be able to process their claims. These often require an extensive amount of work since very little information is given in the request and the information, specifically as it relates to health information, can be spread across many communities. This fiscal year, the Department of Health and Social Services handled thirty (30) of these requests informally taking a total of 220 hours. In the same time period, the Department of Education handled four (4) of these requests taking a total of 25 hours. The Department of Justice has received twelve (12) of these requests which they handled formally under the Act, accounting for their increase in formal requests documented.

As part of the administration hours under the Department of Human Resources, tracking is now done on the amount of requests by other departments for personal employee information available in P2K (Personality 2000 Database for Employee Information). These requests go through the ATIPP Coordinator for the Department of Human Resources and information is only given out if the departments need it to perform their duties. A total of fifteen (15) hours was spent on the P2K requests.

All public bodies are encouraged to develop policies and procedures to enable information to be disclosed without the need for a formal ATIPP application.

When a formal request is made but resolved in an informal way, the request may be cancelled in writing. In the 2009-2010 fiscal year, there were fourteen (14) requests of this nature.

At other times, requests may be cancelled for other reasons. There were twenty-five (25) requests cancelled for other reasons – eleven (11) because the request needed either more information or needed to be clarified before the public body could respond to the request and this information was not or could not be provided and fourteen (14) requests were cancelled by the applicants who no longer needed or wanted the information.

Many requests are multi-departmental. One applicant may make a single request that names several departments. Each department must search, retrieve and process records applicable to the request. Approximately eight (8) of the requests were made to multiple departments.

There may be times when a department is not in possession of the records in question. In that case, the request may need to be transferred. Transfers occurred in twelve (12) situations.

In some cases, one applicant will make multiple requests either at the same time or one after another for various types of records and from one or more departments or public bodies. In 2009-2010, there were thirty (30) applicants, who generated the eighty-seven (87) requests.

Although an ATIPP request can be placed in any of the official languages of Nunavut, all the request generated in 2009-2010 were made in English.

Four requests were carried over from the 2008-2009 fiscal year and were counted in with that year's statistics.

Requests for Review

Three requests were subject to review by the IPC. One for the Department of Justice, one for the Department of Community and Government Services, and one for the Department of Human Resources. The review for the Department of Justice has been completed and the Department has implemented one of the two recommendations made by the IPC.

Fees

An individual is not required to pay a fee to access personal records (about him or herself) held by government. However, a \$25 access fee is applied to requests for access to other government records. Applicants may be required to pay fees for services such as copying a record, shipping, preparing and handling a record for disclosure and other fees as set out under Schedule B of the ATIPP Regulations. (Note: the department or agency may choose to excuse the applicant from paying all or part of a fee if, for example, the applicant cannot afford the assessed fees.)

A total of \$525.00 was collected in application fees and photocopying charges.

Time and Costs

Each public body is responsible for tracking time spent processing ATIPP requests and on related administrative functions, as well as providing data to the ATIPP Manager on an annual basis. The process for tracking various aspects of access to information and privacy requests was introduced in the fall of 2003. Therefore, the 2004-2005 fiscal year was the

first full year of tracking. Modifications are still being developed to facilitate even more accurate reporting.

The number of hours spent on both ATIPP requests and administrative functions are approximations. Administration hours are calculated separately from the actual hours spent on ATIPP requests. These hours include training for ATIPP staff, consultation within the departments (including staff inquiries and education), consultation with external bodies, and the management of privacy issues as well as reporting and general maintenance of the ATIPP process.

An average hourly rate of \$35 was used in the calculation of the costs to the GN departments and public bodies.

The total hours reported for processing ATIPP requests was 926.7 for a cost of \$32,434.50. Reported administration costs total \$12,390.00 for 354 hours. These estimates are based on information reported by the public bodies and may therefore be lower than actual costs incurred. In a separate line item, the training cost for the external ATIPP specialist was \$18,652.55. As a very conservative estimate, it costs the departments and public bodies of the Government of Nunavut approximately \$63,477.05 in 2009-2010 to process ATIPP requests, perform administrative functions and take part in advanced training opportunities associated with access and privacy.

Updates

- The Department of Health and Social Services eHealth Project has retained Privacy and Security Specialists that have helped develop a Design Level Privacy Impact Assessment based on the Meditech Clinical Information System. The Privacy Advisory Group with guidance from subject matter experts has created a detailed suite of industry standard privacy and security policies that will govern the Nunavut Interoperable Electronic Health Record. The Department of Health and Social Services has also created a new Senior Health Privacy Officer position which is tasked with implementing and monitoring the privacy and security program. This position will work closely with the multidepartment Privacy Advisory Group which includes members from the ATIPP Division and Records Management for the GN.
- In 2009-2010 many areas of the ATIPP Act were identified as being outdated or inconsistent with current government practices or other jurisdictional legislation. A preliminary review of the ATIPP Act occurred and under the leadership of the Department of EIA, the Government of Nunavut is working towards updating the ATIPP Act.

Conclusion

In the 2009-2010 fiscal year there were a total of eighty-seven (87) formal ATIPP requests. This number shows a 24% increase in request from the previous fiscal year. This increase can be explained by the decision of the Department of Justice to handle Indian and Residential School Resolution requests formally under the Act.

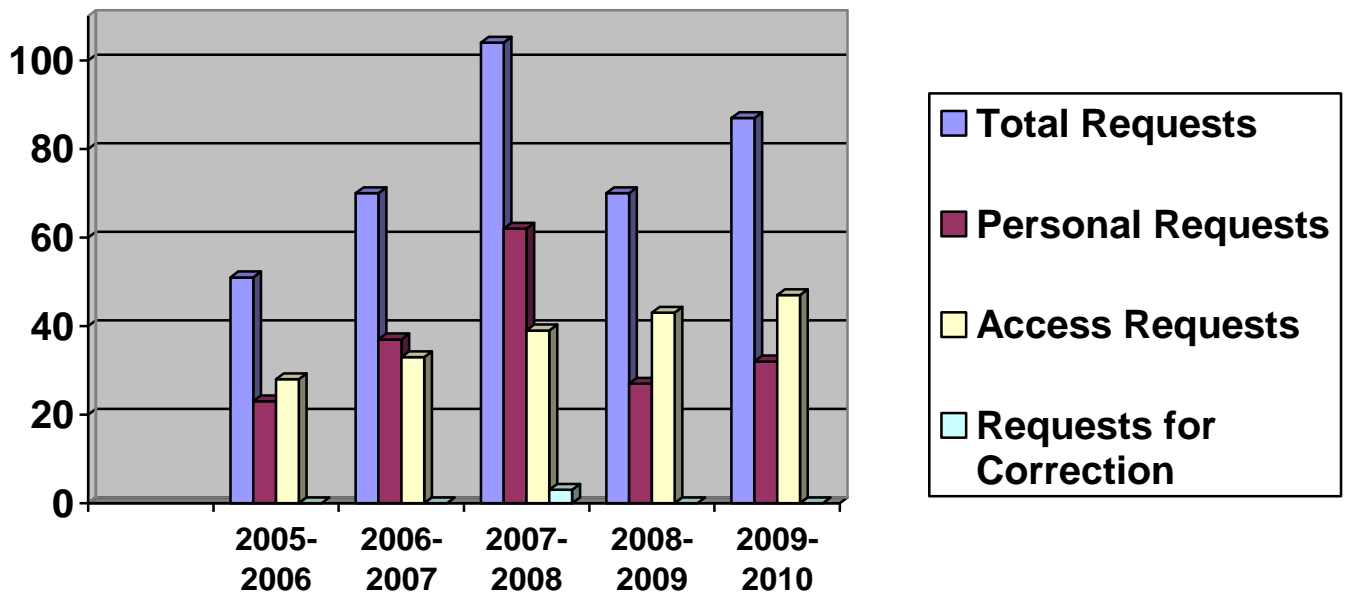
The process of tracking the number of hours spent on each request is still not fully accurate. With consistency overtime, tracking should become more exact as ATIPP coordinators and other staff become more familiar with the administration of the Act. Currently we still have issues with tracking the time of all employees who are involved in the ATIPP process. For example, the staff who are required to search their records or the lawyers who provide legal advice are not always included in the ATIPP tracking hours.

The least amount of time recorded to handle a very straightforward request was .5 hours. Most departments put in between 10-30 hours on a single request while one department was required to spend 150 hour on one single ATIPP file. The amount of material provided for requests is now being tracked using a number stamp. The amount of pages released for a single ATIPP request ranged from one page for a very simple request to 551 pages for an access to information request from the Department of Health and Social Services.

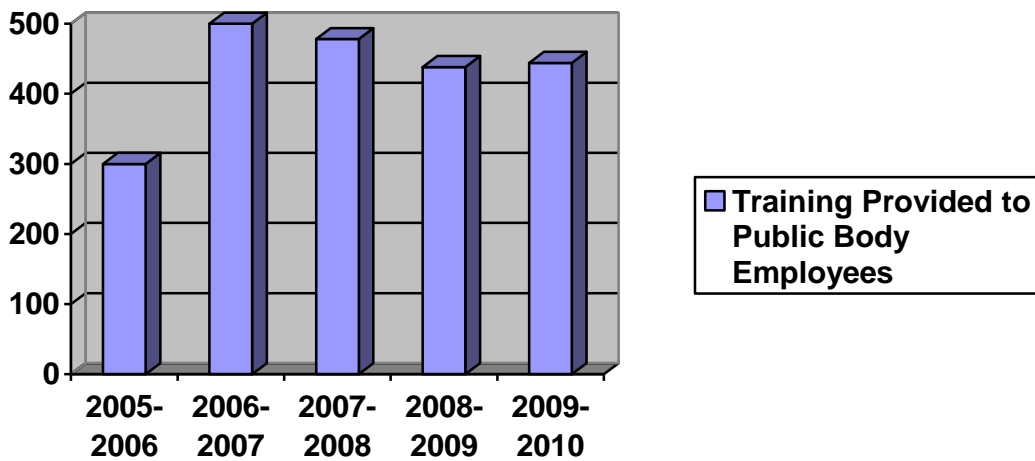
Increased public awareness of the right of access under the ATIPP Act, ongoing training for staff and the commitment by government to the access and privacy provisions of the Act continues to encourage ATIPP activity within the departments and public bodies of the Government of Nunavut.

Annual ATIPP Activity Report 2009-2010

Public Body	Total# Request s	#Personal Requests	#Access Requests	Request for Release from Other Gov't.	Hours ATIPP Request	Hours Admin	Requests Cancelled	Fees Collected	Request for Review	Cost \$
Apprenticeship, Trade and Certification Board	0	0	0	0	0	0	0	0	0	0
Community Government Services (CGS)	15	0	14	1	124.5	0	2	\$200.00	1	\$4357.50
Culture, Language, Elders and Youth (CLEY)	3	0	3	0	22.5	29	1	\$25.00	0	\$1802.50
Economic Development and Transportation (EDT)	9	4	5	0	56	0	1	\$50	0	\$1960.00
Education	3	1	2	0	6	19	2	\$25.00	0	\$875.00
Environment	7	2	3	2	276	7	1	\$25.00	0	\$9905.00
Executive and Intergovernmental Affairs (EIA)	9	1	4	4	35	0	3	\$25.00	0	\$1225.00
Finance	4	2	2	0	11	3	2		0	\$490.00
Health and Social Services (HSS)	10	2	8	0	87.5	220	1	\$75.00	0	\$10762.50
Human Resources (HR) – includes time spent on P2K requests	6	5	1	0	46	15	0	\$25.00	1	\$2135.00
Justice	17	14	2	1	245.2	48	12	\$50.00	1	\$10262.00
Labour Standards Board	0	0	0	0	0	0	0	0	0	\$0
Legal Services Board of Nunavut	0	0	0	0	0	0	0	0	0	\$0
Liquor Licensing Board	0	0	0	0	0	0	0	0	0	\$0
Liquor Management Board	0	0	0	0	0	0	0	0	0	\$0
Nunavut Arctic College (NAC)	2	0	2	0	4	10	1	\$25.00	0	\$490.00
Nunavut Housing Corporation (NHC)	2	1	1	0	13	3	1	\$25.00	0	\$560.00
Nunavut Business Credit Corporation (NBCC)	0	0	0	0	0	0	0	0	0	\$0
Nunavut Power/Quilliq Energy Corporation	0	0	0	0	0	2	0	0	0	\$0
Nunavut Development Corporation (NDC)	0	0	0	0	0	0	0	0	0	\$0
Public Records Committee Nunavut Archives	0	0	0	0	0	0	0	0	0	\$0
Status of Women Council	0	0	0	0	0	0	0	0	0	\$0
Victims' Assistance Committee	0	0	0	0	0	0	0	0	0	\$0
Workers' Safety and Compensation Commission	0	0	0	0	0	0	0	0	0	\$0
Totals	87	32	47	8	926.7	356	27	\$525.00	3	\$44894.50



The above graph shows ATIPP request activity over a four year period. Please note that the requests for release of records from other governments are included in with the access requests.



The above graph shows ATIPP Training provided to GN Employees over a five year period.

Date	Location	Audience	Attendance	Type	Presenter
April 7/09	Iqaluit	EDT; FIN; Baffin Business Dev.Corp.; NAC; CGS; HR; JUS	12	ATIPP/ARCS	ATIPP Manager/Records Manager
April 8/09	Iqaluit	EDT; Fin.; HSS; DOE; CLEY; EIA (2 nd floor Leg.)	9	ATIPP/ARCS	ATIPP Manager/Records Manager
May 11/09	Iqaluit	All Departments	34	Basic ATIPP Training	ATIPP Specialist
May 12/09	Iqaluit	All Departments	28	Advanced ATIPP Training	ATIPP Specialist
May 13/09	Iqaluit	Senior Managers, Directors, ADMs, DMs, Presidents	19	Senior Officials ATIPP Presentation	ATIPP Specialist
May 13/09	Iqaluit	Various GN Departments	5	ATIPP/ARCS	ATIPP Manager/Records Manager
May 13/09	Iqaluit	Health and Social Services – Hospital	7	ATIPP for Health Care Providers	ATIPP Specialist
May 14/09	Iqaluit	Various GN Departments	25	Privacy Impact Assessments	ATIPP Specialist
May 15/09	Iqaluit	Health and Social Services	14 plus 1 teleconference from Cambridge Bay	ATIPP for Health Care Providers	ATIPP Specialist

June 10/09	Iqaluit	Various GN Departments	11	ATIPP/ARCS	ATIPP Manager/Records Manager
June 11/09	Iqaluit	Various GN Departments	10	ATIPP/ARCS	ATIPP Manager/Records Manager
June 24, 2009	Iqaluit	ATIPP Coordinators	9	ATIPP Coordinators' Meeting	ATIPP Manager
June 24/09	Iqaluit	GN Summer Students	20	Basic ATIPP	ATIPP Manager
June 26/09	Iqaluit	ATIPP Coordinators – Justice & CGS	2	ATIPP Coordinators' Training	ATIPP Manager
Sept 9/09	Iqaluit	Various GN Departments	20	Employee Orientation	ATIPP Manager
Sept 9/09	Iqaluit	Various GN Departments	12	ATIPP/ARCS	ATIPP Manager/Records
Sept 10/09	Iqaluit	Various GN Departments	12	ATIPP/ARCS	ATIPP Manager/Records
Oct 1/09	Iqaluit/telephone	Comm. Nurses	2	ATIPP/ARCS	ATIPP Manager
Oct 6/09	Iqaluit	Various GN Departments	12	ATIPP/ARCS	ATIPP Manager / Records
Oct 7/09	Iqaluit	Various GN Departments	9	ATIPP/ARCS	ATIPP Manager / Records
Oct 14/09	Iqaluit	ATIPP Coordinators	6	ATIPP Coordinators Meeting	ATIPP Manager
Oct 20/09	Baker Lake	Various GN Departments	19	ATIPP/ARCS	Records Management
Oct 22/09	Rankin Inlet	Various GN Departments	19	ATIPP/ARCS	Records Management
Nov 3/09	Igloolik	Various GN Departments	11	ATIPP/ARCS	Records Management
Nov 4/09	Pond Inlet	Various GN Departments	11	ATIPP/ARCS	Records Management
Nov 9/09	Cambay	Various GN Departments	10	ATIPP/ARCS	Records Management
Nov 24/09	Iqaluit	Various GN Departments	10	ATIPP/ARCS	ATIPP Manager / Records
Nov 25/01	Iqaluit	Environment Employees	15	ATIPP Training	Dept. Env. ATIPP Coordinator
Nov 25/09	Iqaluit/	Comm.	1	ATIPP/ARCS	ATIPP Manager

	telephone	Nurses			
Nov 25/09	Iqaluit	Various GN Departments	11	ATIPP/ARCS	ATIPP Manager/ Records
Nov 26/09	Iqaluit	Various GN Departments	7	ATIPP/ARCS	ATIPP Manager/ Records
Nov 26/09	Iqaluit	Various GN Departments	10	ATIPP/ARCS	ATIPP Manger/ Records
Jan 13/10	Iqaluit	ATIPP Coordinators	11	ATIPP Coordinators Meeting	
Jan 27/10	Iqaluit	Various GN Departments	16	Employee Orientation	ATIPP Manager
Feb 16/10	Iqaluit	Various GN Departments	10	ATIPP/ARCS	ATIPP Manager/ Records
Feb 17/10	Iqaluit	Various GN Departments	4	ATIPP/ARCS	ATIPP Manager/ Records
		Total Attendees	444		