



Annual Report on the Administration of the Access to Information and Protection of Privacy Act

For the period April 1, 2012 to March 31, 2013

Submitted by the Department of Executive and Intergovernmental Affairs

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Fiscal Year 2012-2013 in Review

The Department of Executive and Intergovernmental Affairs (EIA) tables an annual report in the Legislative Assembly on the administration of the *Access to Information and Protection of Privacy (ATIPP) Act*. Although this report is not a statutory requirement, it is important that the government is accountable to the public regarding this function. Statistics on the administration of the ATIPP Act are recorded individually by each public body before the information is compiled centrally in the ATIPP office within the Department of EIA.

We are pleased to table the 2012-2013 Annual Report on the Administration of the ATIPP Act. This report provides a summary of formal requests received by public bodies under the ATIPP Act between April 1, 2012 and March 31, 2013. It also provides information on important updates and work done under ATIPP throughout the fiscal year.

Requests

In fiscal year 2012-2013 a total of 218 requests were received by the public bodies under the Act, an increase of 46% from last fiscal year. This fiscal year the applicants received a response within the first 30 days after receipt of the request in 80% of the completed requests. The majority of requests were related to access to personal information. Although the public bodies are prepared to respond to a request received in any of the official languages, all requests received in the past two fiscal years have been received in English.

Legislation

The amendments to the *Access to Information and Protection of Privacy Act* received assent June 8, 2012. The amendments were not brought into force upon assent as time was needed to train our employees on the new legislation and administration to ensure compliance with the new amendments.

The amendments to the ATIPP Act strengthen Nunavummiut's privacy protection by:

- Oversight
 - Individuals will have the right to make privacy complaints to the Commissioner.
 - The Commissioner will be able to initiate privacy investigations
- Mandatory reporting
 - Public bodies will be required to report serious privacy breaches to the Commissioner and notify affected individuals.

The amendments also address administrative concerns identified by ATIPP Coordinators including:

- Abandoned requests
 - At times, an applicant under the Act will be required to pay a fee or clarify the scope of the request. Where the public body does not hear from an applicant within 90 days the request can legally be declared abandoned. The public body is required to follow up diligently with the applicant throughout those 90 days before declaring a request abandoned and the applicant can re-submit the request for access to information, which would start the process over again.
- Extensions for translations
 - Applicants have the right to request translations of records received under the ATIPP Act. The time it takes for translations should not be seen as a way to delay access to information. This provision will allow public bodies to release records in the language they are found within the 30 days and provide the translations at a later date, within a reasonable time period.

Administration

ATIPP Coordinators Committee (ACC)

Since April of 2012, ATIPP Coordinators from across the GN have been working to formalize the ATIPP Coordinators Committee. The role of the committee is to ensure consistency in administration and processing of ATIPP requests across all public bodies. Since beginning the process, the following items have been accomplished:

- A general ATIPP policy was created by the Committee which sets out the priority of the GN to ensure effective administration of the ATIPP Act. It does so by outlining the roles and responsibilities of employees and specific groups within each public body, including the ACC.
- Terms of reference for the ACC have been created and finalized.

ATIPP Training

The Government of Nunavut is committed to the successful implementation of the ATIPP Act throughout all public bodies. As the centralized point of coordination for the ATIPP function, the ATIPP office organizes training sessions for ATIPP coordinators, and other GN staff, throughout the year.

In total over 323 GN employees attended ATIPP training sessions this fiscal year. These sessions are often combined with records management training, or provided during employee orientation sessions. Training was also provided to the Government Liaison Officers in September 2012. Furthermore, training that focuses on how to assist members of the public in placing a request

under the ATIPP Act as well as privacy protection, will be provided to the GLOs in the next fiscal year.

This fiscal year there were two substantial ATIPP training sessions provided to ATIPP coordinators, each consisting of five days of in-depth training covering various topics pertaining to access to information and protection of privacy.

The first five-day training session took place in Iqaluit in May, and had a broad focus on both the access and privacy aspects of the ATIPP Act. Each department was represented at the ATIPP training session in May.

The second five-day training session was held in Iqaluit in September and was designed to focus on the privacy portion of the ATIPP Act. Specifically, the first draft of the Privacy Management Manual (PMM) was used to provide administrative training to ATIPP Coordinators. This session was very beneficial to coordinators as it provided them with new information on how to handle the amendments to the ATIPP Act, and it provided insight as to how to make the PMM more user friendly for all GN employees. All but two departments were in attendance during the September session.

Summary of May 7-11, 2012 training session

The session held in May consisted of training for ATIPP coordinators, general GN employees and municipal staff from around Nunavut. The sessions were broken down as follows:

- Basic one day ATIPP training for all employees and municipal staff
- Advanced one day ATIPP training for ATIPP coordinators and employees in privacy or access related fields, and municipal staff
- Administrative Processes for Municipal employees
 - Representatives from the Hamlets of Repulse Bay, Kimmirut and the City of Iqaluit were in attendance.
- Communications and ATIPP for GN communications staff
- Health specific ATIPP training delivered specifically to the Department of Health and Social Services staff in person and via telehealth

The Information and Privacy Commissioner was present for the first four sessions. Her inclusion in these sessions assisted in communicating the issues that face Nunavut in providing ATIPP services to the public. As a result of this collaboration, the Commissioner changed one of her recommendations regarding Municipalities from complete inclusion under the ATIPP Act, to working together to create policies and procedures.

Summary of September 17-21, 2012 training session

The session held in September consisted of one day basic training for all GN employees and four days of intensive privacy-specific training. The sessions were broken down as follows:

- Basic one day training for all GN employees

- Advanced one day training on privacy breaches and incidents for ATIPP coordinators
- Privacy Impact Assessments two-day training session for ATIPP coordinators
- Health specific ATIPP training delivered to Qikiqtani General Hospital staff

These sessions were delivered in anticipation of the amendments to the privacy provisions of the ATIPP Act coming into force in the 2013-14 fiscal year. The draft Privacy Management Manual was used as a guide in the delivery of the privacy related sessions.

Consultation with Municipalities

On April 2, 2012, a letter was sent to all Senior Administrative Officers inviting them to take part in a three-day ATIPP Act training session. Two days consisted of in-depth training on the legislation and its purpose. The third day was dedicated to next steps in working toward inclusion of municipalities under the ATIPP Act. Three municipalities participated in the sessions, Kimmirut, Repulse Bay and the City of Iqaluit. In total, seven municipal employees took part in this session. The Information and Privacy Commissioner was also present for this session.

The discussions were extremely beneficial to both the municipal employees and the GN. The GN obtained a better understanding of what issues are currently facing municipalities, and what type of support they would require in order to comply with the impending changes to the Act. Further plans were made to work together toward creating an access and privacy regime that is in line with the spirit and intent of the ATIPP Act.

Initial discussions were commenced with the City of Iqaluit regarding access to information and protection of privacy and records management. The GN is hopeful that these discussions can be continued and built upon in the coming year.

The GN continues to work with and assist the municipalities and Commissioner in the coming fiscal year to ensure accountability and transparency throughout all levels of government in Nunavut.

Health Specific Privacy Directives

The Government of Nunavut has very strict privacy directives related to the handling of personal health information in the electronic health records system. The Department of Health and Social Services (from April 1, 2013, the Department of Health) drafted nine privacy and security directives with respect to electronic health records. These directives provide the Department of Health with a structured set of guidelines and guiding principles for the use of the electronic health records system. Along with the *Access to Information and Protection of Privacy Act* these directives provide strong legislative and regulatory controls over the protection of personal health information until specific health privacy legislation for Nunavut is created.

Efforts to inform the public of the Nutaqqavut Health Information System (NHIS) have been made through various means, including a radio show and community event, information

brochures available in all community health centres, the development of an NHIS website that will be accessible via the Department of Health website, and a healthy living website that is being developed which will promote healthy child development.

Health care providers are informed of NHIS and continue to receive information via the following: an information flyer, bi-monthly newsletters, telehealth sessions with the NHIS team as well as regular in-person meetings and educational teleconferences for health care providers and for community health representatives.

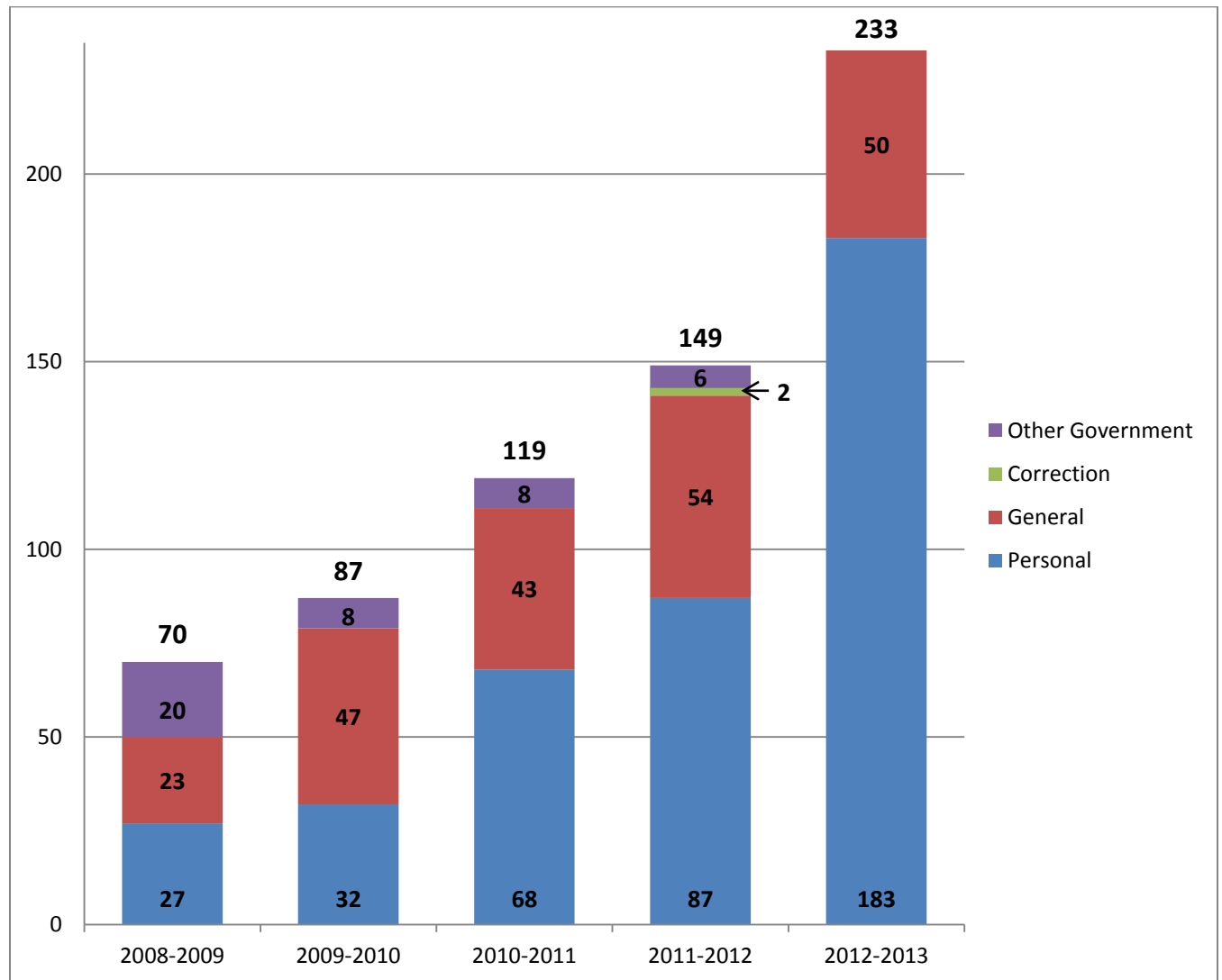
Representatives of Nunavut Tunngavik Incorporated and Qaujigiartiit Health Research Centre sit on the NHIS advisory committee and inform community involvement in the implementation of the NHIS.

Furthermore, the Privacy Commissioner was consulted on the Privacy Impact Assessment (PIA) for this project. The department is awaiting comments from the Privacy Commissioner before the document can be finalized, translated and table in the Legislative Assembly.

Statistics Fiscal Year 2012-2013

Total Number of Formal Requests Received by Fiscal Year

Since 2008, the number of formal requests received by the Government of Nunavut has steadily increased. The majority of requests received by public bodies are from applicants seeking personal information about themselves held by the government.



* Please note that there were requests under the category “Other Government” which are third party requests from other governments, in 2012-2013. These were treated as informal requests and were not tracked in fiscal year 2012-2013 and thus not included in the statistics for 2012-2013.

Total Number of Requests Received by Public Bodies in 2012-2013

In 2012-2013 a total of 218 formal access to information requests were received by public bodies under the ATIPP Act. The table below lists public bodies that received one or more formal requests. Out of the public bodies who received formal requests in 2012-2013, the Department of Justice received the highest percentage with 45.9 percent of the requests.

Some public bodies did not receive any requests in fiscal year 2012-2013: Apprenticeship, Trade and Occupations Certificate Board; Labour Standards Board; Legal Services Board of Nunavut; Nunavut Business Credit Corporation; Nunavut Development Corporation; Public Records Committee; Qullit Nunavut Status of Women Council; Victims Assistance Committee; Workers' Safety and Compensation Committee; and, the Department of Culture and Heritage.

Public Body	# of Requests	% of Total Requests
Community and Government Services	10	4.6%
Economic Development and Transportation	6	2.8%
Education	28	12.8%
Environment	6	2.8%
Executive and Intergovernmental Affairs	4	1.8%
Finance	6	2.8%
Health and Social Services	29	13.3%
Human Resources	13	6.0%
Justice	100	45.9%
Nunavut Arctic College	4	1.8%
Qulliq Energy Corporation	6	2.8%
Nunavut Housing Corporation	4	1.8%
Liquor Commission	1	0.5%
Liquor Licensing Board	1	0.5%
Total	218	100.0%

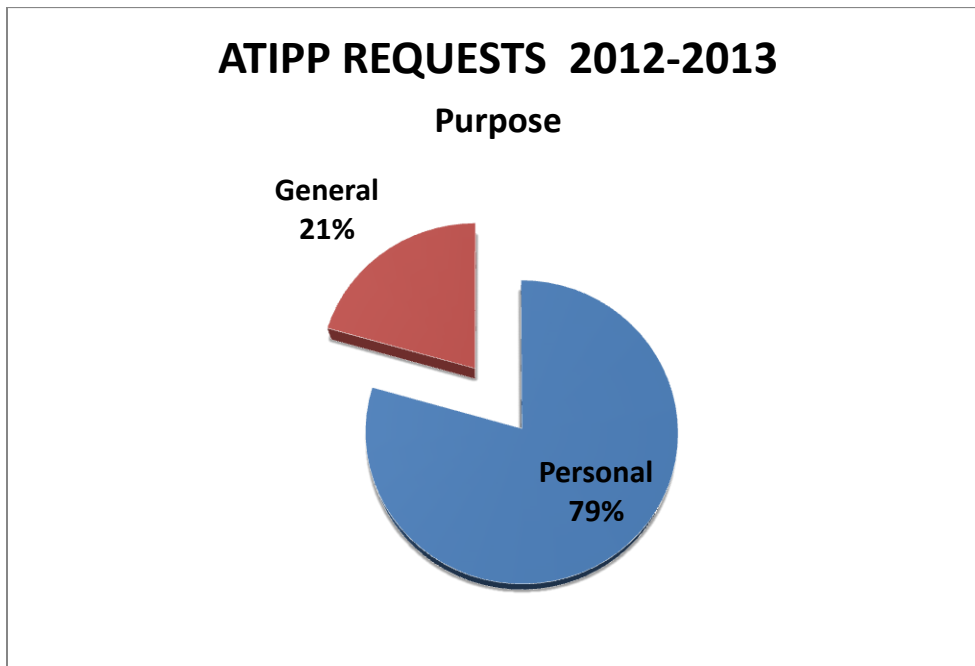
Total Number of Formal Requests Completed in 2011/2012

In 2012-2013, a total of 218 formal requests were received by public bodies under the ATIPP Act. Fifteen requests were carried over from 2011-2012 resulting in a total of 233 formal requests being open during the 2012-2013 fiscal year. Any request that was still open on April 1, 2013 was carried over into the 2013-2014 fiscal year.

Carried forward from 2011-2012	15
New requests in 2012-2013	218
Total requests that were open during 2012-2013	233
Completed in 2012-2013	219
Carried forward as of March 31, 2013	14

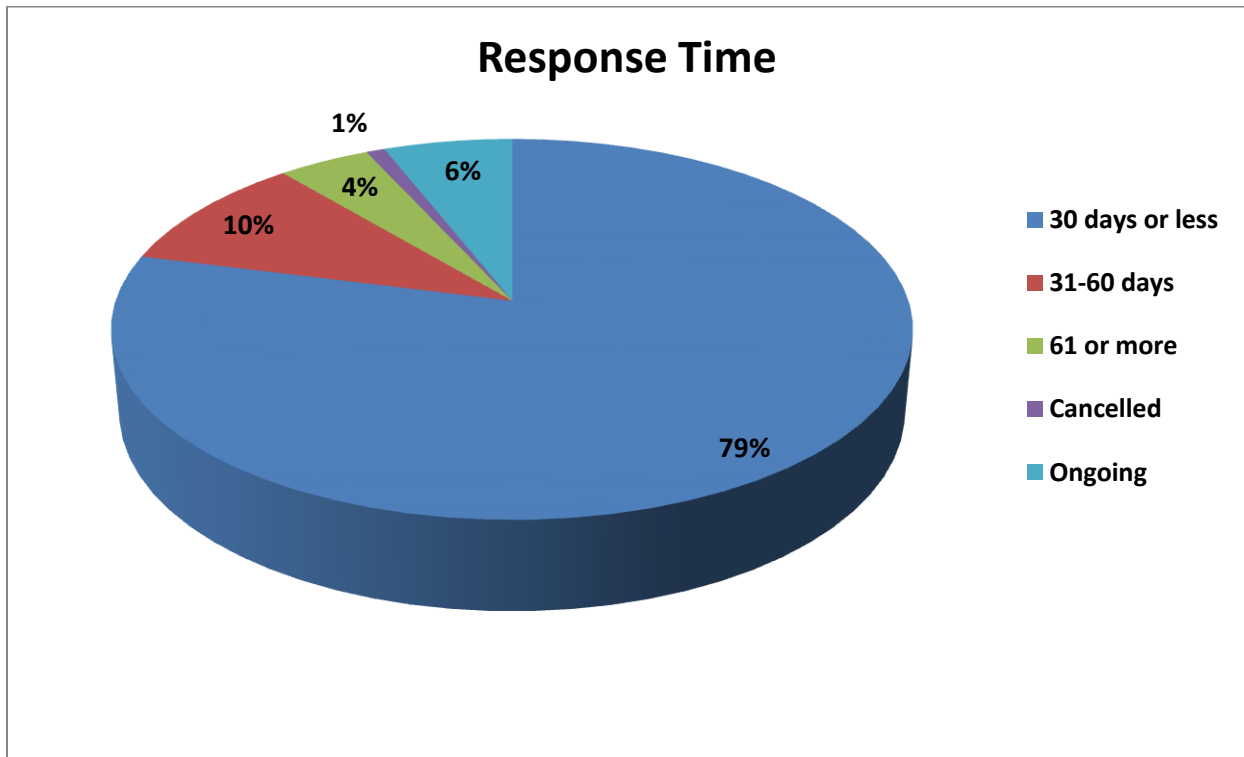
Purpose of Formal Requests in 2012-2013

In fiscal year 2012-2013 of the 228 open ATIPP requests, 21 % were general requests for access to information; whereas, 79% were requests for personal information.



Response Time of Total Formal Requests Completed in 2012-2013

Under section 8 of the *Access to Information and Protection of Privacy Act*, a public body has 30 calendar days from the date it receives a formal request for access to information to provide a response to the applicant. There are many reasons why a public body may require more than 30 days to process a formal access to information request, including, but not limited to: the complexity of a request, third party notifications, time required to seek more information or fee payment from an applicant, as well as reviews conducted by the Information and Privacy Commissioner.



The chart above indicates that 79% of requests were responded to within the first 30 days. The main reason for a prolonged response time beyond 30 days falls within the category of third party notifications. Under the Act section 26(2)(c), third parties have 60 days to respond to the public body. Upon receipt of a third party response, the public body has another 30 days to make a decision regarding the third party representation or consent to release. This can prolong the response time to the applicant quite significantly. Only 14% of requests had a longer response time than 30 days.

The chart below presents a detailed summary of all formal requests open in 2012-2013. Any request that was opened in 2012-2013 and remained open past March 31, 2013 was carried over into the new fiscal year.

Summary of all ATIPP requests handled in fiscal year 2012-2013

Public Body	RESPONSE TIME					PURPOSE OF REQUEST		OPEN REQUESTS IN 2012-2013				
	30 days or less	31-60 days	61 or more days	Ongoing	Cancelled	Personal	General	Carried over from 2011-2012	New 2012-2013	Open in 2012-2013	Completed 2012-2013	Carried Over to 2013-2014
Community and Government Services	7	2	1	1		1	10	1	10	11	10	1
Economic Development and Transportation	2	1	2	1		4	2		6	6	5	1
Education	23	3		1	1	26	2		28	28	27	1
Environment	3		1	1	1	3	3		6	6	5	1
Executive and Intergovernmental Affairs	5					5		1	4	5	5	
Finance	6					2	5		6	6	6	
Health and Social Services	21	12	2	1		26	10	7	29	36	35	1
Human Resources	13		1			13	1	1	13	14	14	
Justice	89	5	2	6		95	7	2	100	102	96	6
Liquor Commission	1					1			1	1	1	
Liquor Licensing Board	1					1			1	1	1	
Nunavut Arctic College	2			2		4			4	4	2	2
Nunavut Housing Corporation	3			1		1	3		4	4	3	1
Qulliq Energy Corporation	8					1	7	2	6	8	8	
Workers Safety and Compensation Commission			1			1		1		1	1	
TOTAL	184	23	10	14	2	183	50	15	218	233	219	14

Language of Formal Requests

All the requests received in fiscal year 2011-2012 as well as fiscal year 2012-2013 were submitted to the public bodies in English. The GN is prepared to respond to ATIPP requests received in any of Nunavut's official languages.

ATIPP Training Statistics 2012 -2013

The Government of Nunavut is committed to the successful implementation of the ATIPP Act throughout all public bodies. Training sessions on the legislation are provided to employees throughout each fiscal year, the majority of which is done through the Department of Executive and Intergovernmental Affairs.

Date	Location	Audience	Attendance	Type	Presenter
April 5/12	Iqaluit	Nunavut Arctic College Students	7	ATIPP/ARCS	ATIPP Office / Records Management
April 5/12	Iqaluit	EIA	6	ATIPP/ARCS	ATIPP Office / Records Management
May 7, 2012	Iqaluit	Various public bodies and hamlet representatives	21	ATIPP – Basic	Consultant (ATIPP Specialist)
May 8, 2012	Iqaluit	Various public bodies and hamlet representatives	28	ATIPP - Advanced	Consultant (ATIPP Specialist)
May 9, 2012	Iqaluit	Hamlet representatives	7	ATIPP – Administrative Processes for Municipal Employees	Consultant (ATIPP Specialist)
May 10, 2012	Iqaluit	GN communications staff	15	Communications and ATIPP	Consultant (ATIPP Specialist)
May 11, 2012	Iqaluit	GN Health Professionals	12	ATIPP – Health Specific	Consultant (ATIPP Specialist)
May 16, 2012	Iqaluit	Various GN Departments	13	ATIPP/ARCS	ATIPP Office / Records Management

May 17, 2012	Iqaluit	Various GN Departments	12	ATIPP/ARCS	ATIPP Office / Records Management
June 6, 2012	Iqaluit	Various GN Departments	9	ATIPP/ARCS	ATIPP Office / Records Management
June 6, 2012	Iqaluit	Various GN Departments	12	ATIPP – Employee Orientation Program	ATIPP Office
June 19, 2012	Iqaluit	Various GN Departments	13	ATIPP/ARCS	ATIPP Office / Records Management
June 21, 2012	Iqaluit	Various GN Departments	15	ATIPP/ARCS	ATIPP Office / Records Management
July 11, 2012	Iqaluit	Various GN Departments – Summer Students	8	ATIPP – Employee Orientation Program	ATIPP Legal counsel
September 9, 2012	Iqaluit	Various GN Departments	12	ATIPP/ARCS	ATIPP Office / Records Management
September 13, 2012	Iqaluit	GLOs	13	ATIPP	ATIPP Office
September 17, 2012	Iqaluit	Various GN Departments	7	ATIPP – Basic Privacy	Consultant (ATIPP Specialist)
September 18, 2012	Iqaluit	Various GN Departments	17	ATIPP – Advanced Privacy	Consultant (ATIPP Specialist)
September 19-20, 2012	Iqaluit	Various GN Departments	11	ATIPP – Privacy Impact Assessments	Consultant (ATIPP Specialist)
September 21, 2012	Iqaluit	GN Health Professionals	10	ATIPP – Health Specific	Consultant (ATIPP Specialist)
October 24, 2012	Iqaluit	Various GN Departments	14	ATIPP/ARCS	ATIPP Office / Records Management
November 21, 2012	Iqaluit	Various GN Departments	11	ATIPP/ARCS	ATIPP Office / Records Management

January 8, 2013	Iqaluit	ATIPP Coordinators Committee Members	8	ATIPP	ATIPP Office
January 30, 2013	Iqaluit	Various GN Departments	12	ATIPP/ARCS	ATIPP Office / Records Management
February 14, 2013	Iqaluit	Various GN Departments	23	ATIPP – Employee Orientation	ATIPP Office
March 27, 2013	Iqaluit	Various GN Departments	7	ATIPP/ARCS	ATIPP Office / Records Management
		TOTAL	323		