



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

For the period April 1, 2014 to March 31, 2015

Department of Executive and Intergovernmental Affairs

May 2015

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## **Fiscal Year 2014-2015 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 2014-2015 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, 2014 and March 31, 2015. It also provides information on important updates and work done under the ATIPP function throughout the fiscal year.

### **Requests**

In fiscal year 2014-2015, a total of 140 requests were received by the public bodies under the Act, an increase of 24% from the requests received in the previous fiscal year.

This fiscal year, the applicants received a response within the first 30 days after receipt of the request in 65% of the completed requests. The majority of requests were related to access to personal information, although there was a noted increase of 30% in request for general information.

All requests received in 2014-2015 were received and processed in English, although public bodies are prepared to respond to a request received in any of the official languages,

### **Regulations Development**

In 2014-2015, the department worked with public bodies and the Department of Justice to develop draft amendments to the ATIPP Regulations. As of March 31, 2015, the draft amendments were close to finalization.

In response to the recommendation of the Information and Privacy Commissioner, Schedule A of the ATIPP Regulations will be amended to include Local Housing Associations and Local Housing Authorities. The Nunavut Housing Corporation will be designated as the “public body” for Local Housing Associations and Local Housing Authorities and the Minister Responsible for Nunavut Housing Corporation will be designated as the “head” of each Local Housing Association and Local Housing Authority.

The draft amendments will allow for oral consent of disclosure of personal information but the public body will be required to make and maintain a written record of the oral consent. Other types of identification will be added such as provincial and territorial driver’s licenses, health cards and general identification as well as passport issued by any country to applicant who is

requesting or consenting to disclosure of his or her personal information to prove his identity specially when the applicant is no longer a resident of Nunavut.

Section 7 will be amended by substituting “the division of the Department of Finance that provides internal audit services” for “the Audit Bureau of the Financial Management Board Secretariate” as the latter does not exist in Nunavut.

The draft amendments will allow charging a fee for reviewing a record for information that the public body is required to refuse from disclosure.

The draft amendments will update the “head” for Apprenticeship, Trade and Occupational Certification Board established under the Apprenticeship, Trade and Occupational Certification Act, to the Minister of Family Services, and remove agencies and organizations that are of NWT jurisdiction.

The word “reviewing” will be added to Schedule B to allow the public body to charge for reviewing a record for disclosure. Obsolete types of media storage used for copying records will be removed. The draft amendments will also allow charging the actual cost of media storage and copying to it.

The intention of the draft amendments are to provide clear direction on the administration of the ATIPP Act and ensure accountability and transparency of government operations and respect the principle of Tunnganarniq by fostering good spirit by being open and transparent.

## **Administration**

### **ATIPP Training**

The Government of Nunavut (GN) 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, 289 GN employees attended formal 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 that focused on how to assist members of the public in placing a request under the ATIPP Act.

This fiscal year there were two substantial ATIPP training sessions provided to GN employees, each consisting of in-depth training covering various topics pertaining to access to information and protection of privacy. Sessions were provided on basic and advanced topics related to access to information and privacy protection. Training was delivered to all Nunavut School Principals and Human Resources Coordinators Committee.

## **Consultation with Municipalities**

### City of Iqaluit

In January 2014 a consultation letter was sent to the City of Iqaluit regarding the future of Access to Information and Protection of Privacy (ATIPP) for the municipality. Although the letter was included in the City Council package for the following council meeting, no discussion or follow up came from the letter. In February another letter was sent to the City of Iqaluit which included a compliance schedule. Following this letter, senior staff attended an ATIPP training session hosted specifically for City staff. The Information and Privacy Commissioner was present for this session.

On March 11, 2014 the ATIPP Manager went before City Council to make a presentation on ATIPP and the compliance schedule. The discussion was positive and the Mayor and Council committed to moving forward voluntarily with ATIPP.

### Other progress (2014-2015)

Given the higher capacity of the two largest municipalities in the Kivalliq and Kitikmeot regions Rankin Inlet and Cambridge Bay were also sent consultation letters and compliance schedules. Training sessions on ATIPP were delivered in Rankin Inlet and Cambridge Bay. One employee from Rankin Inlet attended a one day session, while there were no attendees for the Cambridge Bay municipality session. On May 13, 2014 the Cambridge Bay Council made a motion to respond to the GN saying they would refer all ATIPP issues to the Nunavut Association of Municipalities. By the date of this report, no further correspondence has been received by the GN from Cambridge Bay or Rankin Inlet.

## **Consultations with the Information and Privacy Commissioner**

The GN has various initiatives currently being undertaken that have possible implications under the ATIPP Act. To ensure the interests of Nunavummiut are being met and appropriate stakeholders are consulted, the Information and Privacy Commissioner (the Commissioner) was invited to Iqaluit for face to face consultations with various public bodies. A summary of those consultations follows:

### Department of Health- Health Specific Privacy Legislation

The Commissioner met with senior officials from the Department of Health to discuss health specific privacy legislation. The department has committed to the creation of the new legislation, which is in line with other Canadian jurisdictions. Officials asked the Commissioner for advice or guidance in creating the legislation based on her experiences and her review of the legislation being created in the Northwest Territories.

This consultation provided to be a successful initial consultation with the Commissioner on the Health Privacy Legislation process. The department will continue to consult with the Commissioner throughout the process.

#### Department of Finance- Human Resources and ATIPP

The Commissioner met with the Department of Finance to discuss two issues specific to their department:

1. Making Referents' statement exempt from disclosure in the Human Resources Reference Information (Check) Process, pursuant to Section 22 of ATIPP Act, Confidential Evaluation.
2. The Commissioner was also consulted on the proposed proactive salary disclosure of public servants, also called the Sunshine List, in regards to thresholds and potential privacy issues, pursuant to section 23(4)(e) of ATIPP Act.

The Commissioner showed her appreciation for the issues and stressed that she would not explicitly support the department on these issues, but if performed with great care and professionalism and in accordance with the intent of ATIPP legislation she would not object to either proposed change by the department of Finance.

#### Department of Family Services- Sharing Personal Information with Designated Inuit Organizations

The Department of Family Services had committed to reviewing the processes for sharing personal information with Designated Inuit Organizations (DIOs). This was an issue highlighted on the *Review of the Auditor General's 2014 Follow-up Report on Child and Family Services in Nunavut*. It was further identified as an issue by the Standing Committee on Oversight of Government Operations and Public Accounts. The Standing Committee recommended the department work with DIOs and the Commissioner to determine safe practices for sharing personal information held by the department.

In meeting with the Commissioner, the department was able to highlight the complexity of the issue which allowed the Commissioner and the department to discuss steps to move forward in addressing the concerns.

The department will continue to consult with the Commissioner on the steps taken to ensure the security and integrity of personal information collected by the department and shared with DIOs.

#### ATIPP Coordinators Committee- Current Issues Surrounding the GN ATIPP Function

The ATIPP Coordinators Committee is a committee comprised of all ATIPP coordinators from each public body subject to the ATIPP Act.

In this consultation the ATIPP Coordinators Committee discussed the changes to the ATIPP regulation in response to the recommendation of the Standing Committee on Oversight of Government Operations and public Accounts Report on the Review of the 2012-2013 and 2013-

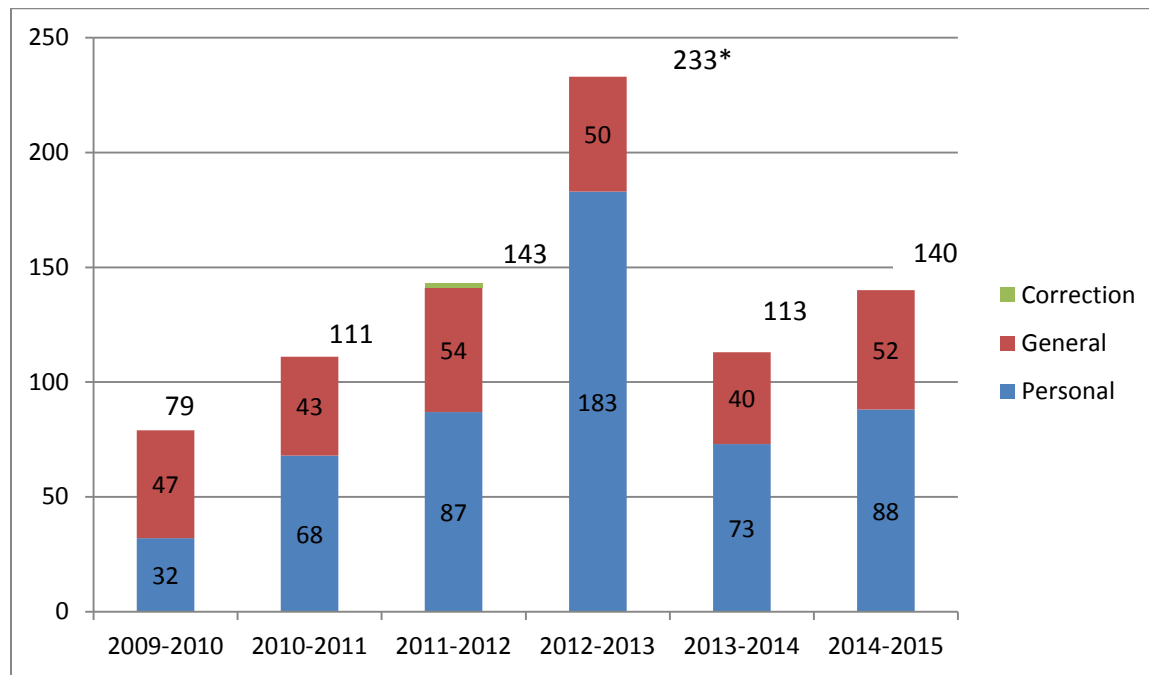
2014 Annual Report of the Information and Privacy Commissioner. Despite a few minor concerns, overall the Commissioner was supportive of the changes.

Also, it was beneficial as it allowed us to reconnect with the Commissioner which supports a healthy working relationship.

## Statistics Fiscal Year 2014-2015

### **Total Number of Formal Requests Received by Fiscal Year**

The majority of requests received by public bodies are from applicants seeking their personal information held by the government, an increase of 21% from the request received in the 2013-2014 fiscal year.



\* The 2012-2013 number (233) includes the total of requests open in 2012-2013, whereas the other years only report the new requests received in each fiscal year. There were only 218 requests received in 2012-2013.

Please note that there were 9 third-party requests from other governments in 2014-2015. These were treated as informal requests and thus were not included in the statistics for 2014-2015. In addition to 1 business informal request, 7 out of 9 third-party requests were handled by Community & Government Services.

## Total Number of Requests Received by Public Bodies in 2014-2015

In 2014-2015, a total of 140 formal accesses 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 2014-20145, the Department of Education and the Department of Justice received the highest percentage with 22.9 and 21.4 percent of the requests. Out of the 30 requests received by the Department of Justice, 11 requests were in relation to the Indian Residential School Resolutions.

Some public bodies did not receive any requests in fiscal year 2014-2015: Apprenticeship, Trade and Occupations Certificate Board; Labour Standards Board; Legal Services Board of Nunavut; Liquor Commission; Liquor Licensing Board; Nunavut Business Credit Corporation; Nunavut Development Corporation; Public Records Committee; Qullit Nunavut Status of Women Council; Victims Assistance Committee; Workers' Safety and Compensation Commission (WSCC). Although the WSCC did not receive any new formal access to information requests, numerous requests were placed on behalf of individuals making claims for Indian Residential School Resolutions. As it is policy of the WSCC, workers are entitled to a copy of their file at no cost. These were not tracked, and are therefore not included in the numbers.

Public Body	# of Requests	% to Total Requests
<b>Community and Government Services</b>	11	7.9%
<b>Culture and Heritage</b>	1	0.7%
<b>Economic Development and Transportation</b>	6	4.3%
<b>Education</b>	32	22.9%
<b>Environment</b>	2	1.4%
<b>Executive and Intergovernmental Affairs</b>	9	6.4%
<b>Family Services</b>	10	7.1%
<b>Finance</b>	12	8.6%
<b>Health</b>	24	17.1%
<b>Justice</b>	30	21.4%
<b>Nunavut Arctic College</b>	2	1.4%
<b>Nunavut Housing Corporation</b>	1	0.7%
<b>Total</b>	140	100.0%



## Types of Applicants

The type of applicants placing new requests in the fiscal year 2014-2015 is presented below.

Type of Applicant	# of Requests	% to Total Requests
Law Firm*	56	40.0%
Public	58	41.4%
Media	15	10.7%
Business	11	7.9%
<b>Total</b>	<b>140</b>	<b>100.0%</b>

\* This includes 18 requests specific to the *Indian Residential School Resolution Canada*.

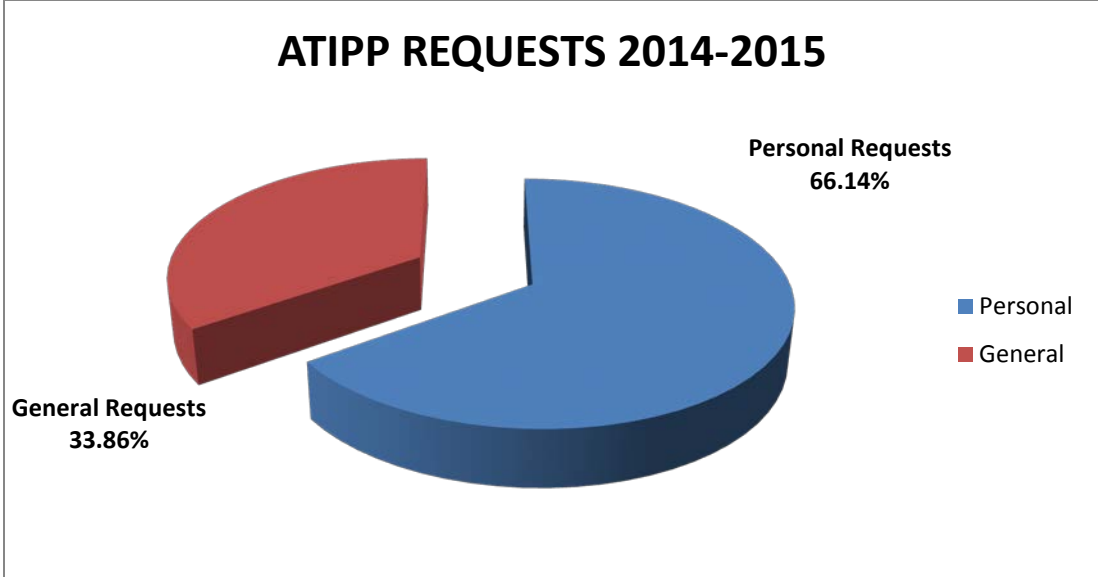
## Total Number of Formal Requests Completed in 2014-2015

In 2014-2015, a total of 140 formal requests were received by public bodies under the ATIPP Act. Eighteen (18) requests were carried over from 2013-2014 resulting in a total of 158 formal requests being open during the 2014-2015 fiscal year. Any request that was still open on April 1, 2015 was carried over into the 2015-2016 fiscal year.

Carried over from 2013-2014	18
New requests in 2014-2015	140
Total requests that were open during 2014-2015	158
Completed in 2014-2015	149
Carried forward as of March 31, 2015	9

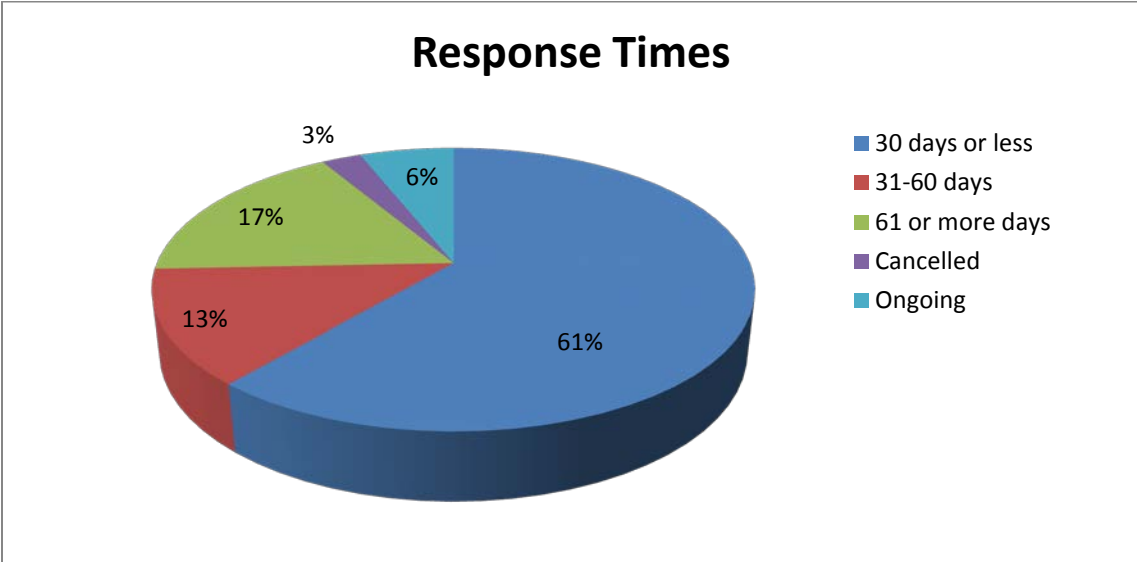
## Purpose of Formal Requests in 2014-2015

In fiscal year 2014-2015 of the 158 open ATIPP requests, 55 were general requests for access to information; whereas, 103 were requests for personal information.



### Response Time of Total Formal Requests Opened in 2014-2015

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 regarding the process, fees or third party reviews.



The chart above indicates that 61% of requests were responded to within the first 30 days. Most of the requests that exceeded the 30 day time limit were extended using legitimate reasons as stipulated by section 11 of the ATIPP Act.

The chart on the following page presents a detailed summary of all formal requests open in 2014-2015. Any request that was opened in 2014-2015 and remained open past March 31, 2015 was carried over into the 2015-2016 fiscal year.

## Summary of all ATIPP requests handled in fiscal year 2014-2015

Public Body	RESPONSE TIME					PURPOSE OF REQUEST		OPEN REQUESTS IN 2014-2015			
	30 days or less	31-60 days	61 or more days	Ongoing	Cancelled	Personal	General	Carried over from 2013-2014	New 2014-2015	Completed 2014-2015	Carried Over to 2015-2016
Community and Government Services	10	2	3	0	0	5	10	4	11	15	0
Culture and Heritage	1						1		1	1	
Economic Development and Transportation	2	3	3	0	1	8	1	3	6	9	0
Education	21	6	3	4	1	29	6	3	32	31	4
Environment	2	0	0	0	0	2	0	0	2	2	0
Executive and Intergovernmental Affairs	5	3	2	0	0	4	6	1	9	10	0
Family Services	9	0	1	0	0	8	2	0	10	10	0
Finance	8	2	5	1		14	2	4	12	15	1
Health	13	4	7	2	1	11	16	3	24	25	2
Justice	25	1	2	2	0	20	10	0	30	28	2
Nunavut Arctic College	1	0	1	0	0	2	0	0	2	2	0
Nunavut Housing Corporation	0	0	0	0	1	0	1	0	1	1	0
<b>TOTAL</b>	<b>97</b>	<b>21</b>	<b>27</b>	<b>9</b>	<b>4</b>	<b>103</b>	<b>55</b>	<b>18</b>	<b>140</b>	<b>149</b>	<b>9</b>

## ATIPP Training Statistics 2014-2015

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
08-Apr-14	Iqaluit	Various GN departments	14	Records Management	ATIPP Manager / Records Management
09-Apr-14	Iqaluit	Various GN departments	14	Records Management	ATIPP Manager / Records Management
09-Apr-14	Igloolik	Various GN departments	8	Employee Orientation Program	ATIPP Manager / EOP
21-May-14	Cape Dorset	Various GN departments	7	Employee Orientation Program	ATIPP Manager / EOP
03-Jun-14	Iqaluit	Various GN departments	14	Records Management	ATIPP Manager / Records Management
04-Jun-14	Iqaluit	Various GN departments	14	Records Management	ATIPP Manager / Records Management
18-Jun-14	Iqaluit	Various GN departments	14	Records Management	ATIPP Manager / Records Management
02-Sep-14	Iqaluit	Various GN departments	7	Records Management	ATIPP Manager / Records Management
03-Sep-14	Iqaluit	Various GN departments	7	Records Management	ATIPP Manager / Records Management
15-Sep-14	Iqaluit	All Nunavut Principals	55	Principals Meeting	Legal Counsel-Justice
07-Oct-14	Iqaluit	GN ATIPP Coordinators	5	ATIPP Coordinator Training	ATIPP Manager
07-Oct-14	Iqaluit	Various GN departments	12	Records Management	ATIPP Manager / Records Management

04-Nov-14	Iqaluit	Various GN departments	14	Records Management	ATIPP Manager / Records Management
18-Nov-14	Pond Inlet	Various GN departments	4	Employee Orientation Program	ATIPP Manager / EOP
25-Nov-14	Igloolik	Various GN departments	5	Employee Orientation Program	ATIPP Manager / EOP
27-Nov-14	Rankin Inlet	Various GN departments	5	Basic ATIPP for EOP	ATIPP Manager / EOP
27-Nov-14	Iqaluit	GN HR Coordinator Committee	20	HR Specific Privacy & access issues	ATIPP Manager
16-Dec14	Iqaluit	Various GN departments	14	Records Management	ATIPP Manager / Records Management
19-Jan-15	Cambridge Bay	Various GN departments	10	Records Management	ATIPP Manager / Records Management
20-Jan-15	Iqaluit	Various GN departments	10	Records Management	ATIPP Manager / Records Management
21-Jan-15	Iqaluit	Various GN departments	12	Records Management	ATIPP Manager / Records Management
19-Feb-15	Arviat	Various GN departments	10	Employee Orientation Program	ATIPP Manager / EOP
03-Mar-15	Iqaluit	Various GN departments	14	Records Management	ATIPP Manager / Records Management
		<b>TOTAL</b>	<b>289</b>		