



Annual Report  
On the Administration of the  
Government of Nunavut

# *Access to Information and Protection of Privacy Act*

For the period April 1, 2005 to March 31, 2006

Submitted by Department of Executive and Intergovernmental Affairs

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2005-2006 Annual Report  
on 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, 2005 and ending March 31, 2006.

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registered in June 2004, identified public bodies created since the inception of the territory and eliminated outdated public bodies associated with the Northwest Territories or no longer in existence in Nunavut.

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 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.

ATIPP Process

The Manager of Access to Information and Privacy position, located in the department of Executive and Intergovernmental Affairs, 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. 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, administration functions and monitoring of privacy. 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 records management Administrative Records Classification System 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 2005-2006, over 300 GN staff received basic ATIPP training.

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

### Access to Information and Privacy Requests

In the fiscal year 2005-2006 the Government of Nunavut recorded 51 formal ATIPP requests; 23 were requests from individuals to access personal information under the privacy provisions of the Act and 28 were requests to access general government records under the access provisions of the Act.

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 approximately half a dozen informal ATIPP requests a month while the Manager for ATIPP tends to process that many in a week. These informal requests are not calculated in the activity report attached to this report.

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 nine instances other governments consulted with the GN regarding release of GN records on file with the other government. These records were subject to an access request in the other government's jurisdiction.

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 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 approximately two 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 2005-2006, there were 37 applicants who generated the 51 requests.

All requests were made in English except one which was in both English and French.

### Requests for Review

Five requests were subject to review by the Information and Privacy Commissioner. One of the requests was moved forward for completion from 2004-2005. Two requests were refused access altogether – one because the request applied to a non-profit organization which does not fall under the ATIPP Act and the other request was withdrawn by the applicant.

### Fees

An individual is not required to pay a fee to access personal records (about himself or herself) held by government. However, a \$25 access fee is applied to requests for access to other government records. A total of \$325 was collected in application fees.

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.)

### Time and Costs

Each public body is responsible for tracking time spent processing ATIPP requests and on administrative functions and 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 to the process in 2005-2006 continued to improve data collection and interpretation for future reports. 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 and include attendance at scheduled ATIPP staff meetings, training for ATIPP staff, consultation within the departments (including staff inquiries and education) and with external publics,

identification and 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 832.95 for a cost of \$29,153.25. Reported administration costs total \$14,656.25 for 418.75 hours. The hours spent by Informatics (Department of Community Government Services) to retrieve electronic documents for ATIPP requests was 406.5 hours for a cost of \$14,227.50. These estimates are based on information reported by the public bodies and are therefore lower than actual costs incurred. In separate line items the cost for the ATIPP Manager ( salary and training dollars) and the training cost for the Department of Human Resources who in the 2005-2006 fiscal year provided the monies for both community training and for the external ATIPP specialist from their specialized training fund came to a total of \$128,347.92. As a very conservative estimate it cost the departments and public bodies of the Government of Nunavut approximately \$190,000.00 in 2005-2006, to process ATIPP requests, perform administrative functions and take part in training opportunities associated with access and privacy.

### Conclusion

In 2004-2005, there were 92 formal requests. There appears to be a marked decrease with total requests reported for 2005-2006. However, part of the decrease may be due to the willingness of public bodies to make more information available to the public on a regular basis through press releases, information items, etc. The position of ATIPP Manager was also vacant for a number of months during this reporting time.

The process of tracking the number of hours spent on each request is a new concept and will gradually become more exact. A simple request for access to a personnel file, for example, might take one to four hours of an ATIPP coordinator's time. A multi-departmental request might take 300 or more employee hours, involve many employees to search and retrieve records (including Information Technology professionals), require legal advice and/or consultation with the ATIPP manager, third parties or other public bodies, and result in the processing of hundreds if not thousands of records.

The least time recorded to handle a very straightforward request was 2 hours and the greatest amount of time by a single department was 85 hours reported by Health and Social Services on a request for access to a personal information file.

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.