



Annual Report
On the Administration of the
Government of Nunavut

Access to Information and Protection of Privacy Act

For the period April 1, 2010 to March 31, 2011

Submitted by the Department of Executive and Intergovernmental Affairs

October 2011

**2010-2011 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, 2010 and ending March 31, 2011.

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registered in June 2004, identified public bodies created since the inception of the territory and eliminated outdated public bodies associated with the Northwest Territories or no longer in existence in Nunavut.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 2010-2011, there were twenty-seven (27) training sessions held. In total, 283 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, and Health and Social Services employees. Attached to this report is a schedule of ATIPP training provided in the 2010-2011 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 Cambridge Bay and Rankin Inlet.

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

Access to Information and Privacy Requests

In the 2010-2011 fiscal year, the Government of Nunavut recorded one hundred and nineteen (119) formal ATIPP requests; sixty-eight (68) were requests from individuals for access to personal information, forty-three (43) 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, Education and Justice have received requests pertaining to Indian and Residential School Resolutions. Although the Department of Health and Social services deals with these requests informally, after a review performed by the information and Privacy Commissioner (IPC) the Department of Justice handles these requests formally, whereas the Department of Education has always handled these requests formally. These requests have come from law firms representing their clients' interest in the Indian and Residential School Resolution settlement or from the Federal Government in order for individuals 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 fifty-eight (58) of these requests informally taking a total of 184 hours. In the same time period, the Department of Education handled six (6) of these requests taking a total of forty-three (43) hours that were handled formally under the Act. The Department of Justice has received four (4) of these requests taking a total of nine (9) hours which they handled formally under the Act.

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 ePersonality (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 thirteen (13) hours was spent on the ePersonality 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 2010-2011 fiscal year, there were five (5) requests of this nature.

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 twelve (12) 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 four (4) 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 2010-2011, there were seventy-nine (79) applicants, who generated the one hundred and nineteen (119) requests.

Although an ATIPP request can be placed in any of the official languages of Nunavut, all the requests generated in 2010-2011 were made in English.

Requests for Review

Five (5) requests were subject to review by the Information Privacy Commissioner. One (1) for Nunavut Housing Corporation, two (2) for the Department of Community and Government Services, one (1) for the Department of Culture, Language, Elders and Youth, and one(1) for the Department of Human Resources.

The recommendations that were made by the Information Privacy Commissioner were followed by Nunavut Housing Corporation, the Department of Human Resources as well as the Department of Culture, Language, Elders and Youth.

Both reviews for the Department of Community of Government Services were submitted to Information Privacy Commissioner in 2010 but to date the Department of Community and Government Services has only received a response with recommendations for one request. Under Section 31 (3) a review must be completed by the Information and Privacy Commissioner within 180 days after the receipt of the request for review from the applicant.

In 2009 a request was sent to the IPC to review a privacy breach. Although a review was initiated by the IPC, a response was never received by the GN. We now consider this file to be closed.

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.) The collected fees are entered into general revenue.

A total of \$1581.16 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 1255.7 hours for a cost of \$43,949.50. Reported administration costs total \$7,008.75 for 200.25 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 \$19,378.11. As a very conservative estimate, it costs the departments and public bodies of the Government of Nunavut approximately \$70,336.36 in 2010-2011 to process ATIPP requests, perform administrative functions and take part in advanced training opportunities associated with access and privacy.

Updates

- There are areas of the ATIPP Act that 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 Executive and Intergovernmental Affairs, the Government of Nunavut is working towards updating the ATIPP Act. We are currently working with the Justice Department to develop a standard Privacy Breach Directive for the Government of Nunavut.
- Electronic Health Records- iEHR project is up and running in Nunavut. The iEHR system is governed by a comprehensive privacy framework and supporting privacy policies.
- The Information Management Handbook has been completed. This handbook includes basic information about ATIPP, records management and information security. This handbook was completed with the assistance of the Department of Community and Government Services, and has been circulated across the Government of Nunavut.

Conclusion

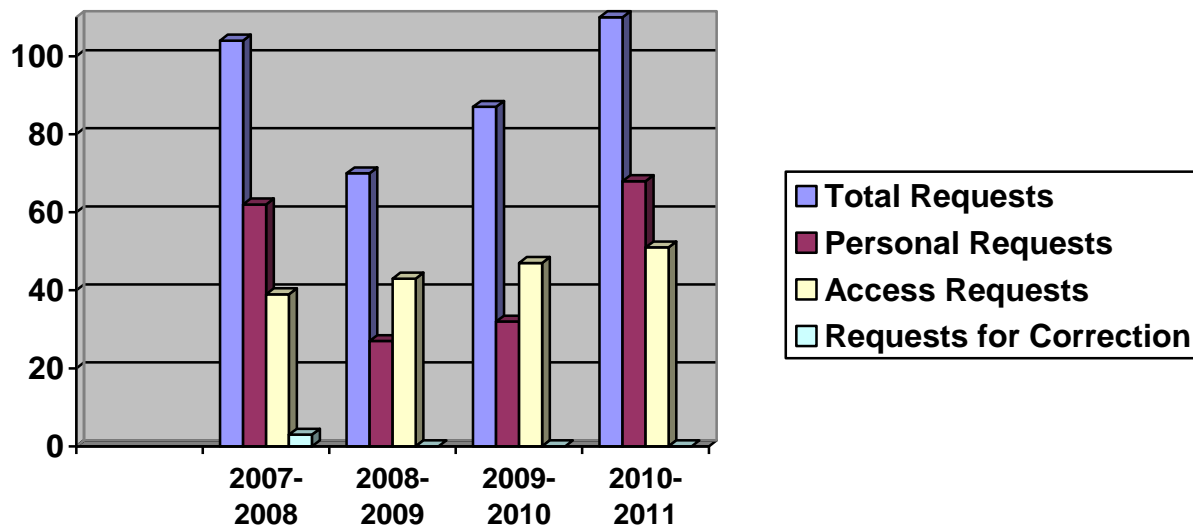
In the 2010-2011 fiscal year there were a total of one hundred and nineteen (119) formal ATIPP requests. This number shows a 36% increase in request from the previous fiscal year.

The process of tracking the number of hours spent on each request is still not fully accurate. With consistency over time, 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.

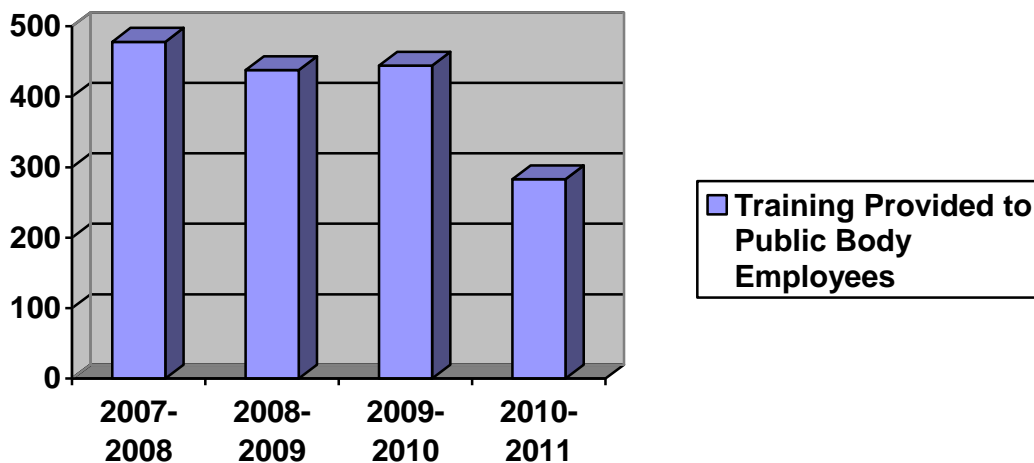
The least amount of time recorded to handle a very straightforward request was .5 hours. Most departments put in between 10-30 hours on a single request while one department was required to spend 160 hours on one single ATIPP file. The amount of material provided for requests is being tracked using a number stamp. The amount of pages released for a single ATIPP request ranged from one (1) page for a very simple request to 1797 pages for an access to information request from the Department of Human Resources.

Increased public awareness of the right of access under the ATIPP Act, ongoing training for staff and the commitment by Government of Nunavut 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.

| Public Body | Total# Requests | #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) | 7 | 1 | 6 | 0 | 46.5 | 44 | 1 | \$75.00 | 2 | \$3167.50 |
| Culture, Language, Elders and Youth (CLEY) | 1 | 0 | 1 | 0 | 3 | 0 | 1 | \$25.00 | 1 | \$105.00 |
| Economic Development and Transportation (EDT) | 13 | 4 | 8 | 1 | 57 | 10 | 1 | \$75.00 | 0 | \$2345.00 |
| Education | 15 | 10 | 5 | 0 | 138 | 8 | 0 | \$75.00 | 0 | \$4200.00 |
| Environment | 4 | 0 | 3 | 1 | 1.5 | 0 | 1 | 0 | 0 | \$52.50 |
| Executive and Intergovernmental Affairs (EIA) | 3 | 2 | 0 | 1 | 13 | 0 | 0 | \$50.00 | 0 | \$455.00 |
| Finance | 5 | 4 | 1 | 0 | 17 | 3 | 0 | 0 | 0 | \$700.00 |
| Health and Social Services (HSS) | 23 | 19 | 0 | 4 | 175 | 36.5 | 0 | \$462 | 0 | \$7402.50 |
| Human Resources (HR) – includes time spent on P2K requests | 11 | 10 | 1 | 0 | 332.5 | 13.15 | 0 | \$229.16 | 1 | \$12,101.25 |
| Justice | 20 | 12 | 8 | 0 | 245.2 | 48 | 0 | \$50.00 | 0 | \$10262.00 |
| Labour Standards Board | 1 | 0 | 1 | 0 | 1.75 | 1 | 0 | \$25.00 | 0 | \$96.25 |
| Legal Services Board of Nunavut | 2 | 0 | 2 | 0 | 7 | 1 | 0 | 0 | 0 | \$280.00 |
| 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) | 3 | 0 | 2 | 1 | 4 | 3 | 1 | 0 | 0 | \$245.00 |
| Nunavut Housing Corporation (NHC) | 8 | 4 | 4 | 0 | 234 | 28.5 | 0 | \$515.00 | 1 | \$9187.50 |
| Nunavut Business Credit Corporation (NBCC) | 1 | 0 | 1 | 0 | 0.25 | 0 | 0 | 0 | 0 | \$8.75 |
| Nunavut Power/Quilliq Energy Corporation | 2 | 2 | 0 | 0 | 6 | 7 | 0 | 0 | 0 | \$455.00 |
| 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 | 119 | 68 | 43 | 8 | 1281.7 | 203.15 | 5 | \$1581.16 | 5 | \$51,063.25 |



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 four year period.

| Date | Location | Audience | Attendance | Type | Presenter |
|--------------|---------------------------|--------------------------------------|-------------------|--------------------------------|---------------------------------|
| April 20/10 | Iqaluit | Various GN Departments | 12 | ATIPP/ARCS | ATIPP Manager/ Records |
| May 3/10 | Telehealth- 5 Communities | Health Care Providers | 11 | Health Specific ATIPP Training | Yvon Gauthier/ ATIPP Specialist |
| May 7/10 | Iqaluit | Senior Managers/ Various Departments | 12 | ATIPP Training | Yvon Gauthier/ ATIPP Specialist |
| May 14/10 | Iqaluit | Various GN Departments | 8 | ATIPP/ARCS | ATIPP Manager/ Records |
| May 17/10 | Iqaluit | Various GN Departments | 8 | Intro to ATIPP | Yvon Gauthier/ ATIPP Specialist |
| May 18/10 | Iqaluit | Various GN Public Bodies | 16 | ATIPP/ARCS | ATIPP Manager/ Records |
| May 18-19/10 | Iqaluit | Various GN Public Bodies | 14 | Advanced ATIPP | Yvon Gauthier/ ATIPP Specialist |
| May 20/10 | Iqaluit | Various GN Public Bodies | 8 | ATIPP- Contracts | Yvon Gauthier/ ATIPP Specialist |
| June 22/10 | Iqaluit | Various GN Departments | 14 | ATIPP/ARCS | ATIPP Manager |
| June 29/10 | Iqaluit | Various GN Departments | 11 | Student EOP | ATIPP Manager |
| July 12/10 | Iqaluit | Various GN Departments | 14 | Outlook/ATIPP | ATIPP Manager |
| July 13/10 | Iqaluit | Various GN Departments | 12 | EOP | ATIPP Manager |
| July | Iqaluit | Various GN | 9 | Outlook/ATIPP | ATIPP |

| | | | | | |
|------------|---------------|------------------------|------------|------------|----------------|
| 13/10 | | public bodies | | | Manager |
| July 22/10 | Iqaluit | Various GN departments | 14 | ATIPP/ARCS | ATIPP Manager |
| Sept 14/10 | Iqaluit | Various GN departments | 7 | ATIPP/ARCS | ATIPP Manager |
| Sept 21/10 | Rankin | Various GN departments | 14 | ATIPP/ARCS | ATIPP Manager |
| Sept 27/10 | Cambridge Bay | Various GN departments | 6 | ATIPP/ARCS | ATIPP Manager |
| Oct 13/10 | Iqaluit | Various GN Departments | 12 | ATIPP/ARCS | ATIPP Manager |
| Oct 26/10 | Iqaluit | Various GN Departments | 15 | EOP | ATIPP Manager |
| Nov 30/10 | Iqaluit | Various GN Departments | 13 | ATIPP/ARCS | ATIPP Manager |
| Dec 1/10 | Iqaluit | HSS ATIPP Coordinator | 1 | ATIPP | ATIPP Manager |
| Dec 2/10 | Iqaluit | HSS ATIPP Coordinator | 1 | ATIPP | ATIIPP Manager |
| Jan 26/11 | Iqaluit | ENV ATIPP Coordinator | 1 | ATIPP | ATIPP Manager |
| Feb 23/11 | Iqaluit | Various GN Departments | 13 | ATIPP/ARCS | ATIPP Manager |
| Feb 24/11 | Iqaluit | Various GN Departments | 15 | ATIPP/ARCS | ATIPP Manager |
| Mar 30/11 | Iqaluit | Various GN Departments | 14 | ATIPP/ARCS | ATIPP Manager |
| Mar 31/11 | Iqaluit | Political Staff | 8 | ATIPP/ARCS | ATIPP Manager |
| | | Total Attendees | 283 | | |