Standing Committee on Oversight of Government Operations and Public Accounts Review of the 2014-15 Annual Reports of the Information and Privacy Commissioner of Nunavut Iqaluit, Nunavut September 28, 2015 ΔΡ<

Ο Μο

## **Members Present**:

Tony Akoak
Pat Angnakak
Joe Enook
George Hickes, Chair
David Joanasie
Pauloosie Keyootak
Steve Mapsalak
Simeon Mikkungwak
Allan Rumbolt
Alexander Sammurtok
Tom Sammurtok
Joe Savikataaq

### **Staff Members:**

Alex Baldwin Stephen Innuksuk

### **Interpreters**:

Morgan Arnakallak Andrew Dialla Mary Nashook Philip Paneak Blandina Tulugarjuk

#### Witnesses:

Elaine Keenan Bengts, Information and Privacy Commissioner

>>Committee commenced at 13:27

Chairman (Mr. Hickes): Good afternoon. I would like to welcome everyone to the hearing and the appearance of the Information and Privacy Commissioner before the Standing Committee on Oversight of

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I would like to first please ask Mr. Enook if he wouldn't mind leading us in prayer this afternoon.

>>Prayer

Chairman: Thank you, Mr. Enook. Everyone has a copy of the agenda in front of them. Any questions or concerns? Hearing none, I would like to just go right into my opening comments.

Good afternoon and thank you. Before proceeding, I ask Members, witnesses, and visitors to put their cellphones, BlackBerrys, and other electronic devices on silent mode, please.

I would like to take this time to formally welcome everyone present to this meeting of the Legislative Assembly's Standing Committee on Oversight of Government Operations and Public Accounts. We are meeting today on the occasion of our Standing Committee's televised hearing on the 2014-15 annual report to the Legislative Assembly of the Information and Privacy Commissioner of Nunavut, Ms. Elaine Keenan Bengts.

I would first like to introduce my Standing Committee colleagues:

- Tony Akoak, Member for Gjoa Haven;
- Pat Angnakak, Member for Iqaluit-Niaqunnguu;
- Joe Enook, Member for Tununig;
- David Joanasie, Member for South Baffin;
- Pauloosie Keyootak, Member for Uqqummiut;
- Steve Mapsalak, Member for Aivilik;

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- Simeon Mikkungwak, Member for Baker Lake:
- Allan Rumbolt, Member for Hudson Bay;
- Alexander Sammurtok, Member for Rankin Inlet South and Co-Chair of the Committee:
- Tom Sammurtok, Member for Rankin Inlet North-Chesterfield Inlet; and
- Joe Savikataaq, Member for Arviat South.

Mr. Isaac Shooyook is not able to join us today due to family reasons.

As an independent officer of the House, the Information and Privacy Commissioner is required to prepare and submit an annual report to the Legislative Assembly.

The Access to Information and Protection of Privacy Act exists to achieve two broad goals: ensuring that the public has access to government information while preventing the unauthorized use or disclosure of personal information held by government departments and other public bodies. The Information and Privacy Commissioner plays a key role in maintaining this balance.

In addition to providing independent reviews of decisions made by public bodies concerning requests made under the legislation, the Information and Privacy Commissioner may offer formal comments on proposed legislation, as well as providing public education on the principles of the *Access to Information and Protection of Privacy Act*.

Ms. Elaine Keenan Bengts was appointed Nunavut's first Information and Privacy Commissioner in 1999. She was

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reappointed in February of this year for a fourth five-year term of office.

I would also like to note for the record that she has served as the Information and Privacy Commissioner of the Northwest Territories since 1996, when that jurisdiction's legislation originally came into effect.

The Information and Privacy Commissioner's most recent appearance before this Standing Committee took place on September 18, 2014, on the occasion of our televised hearing on her 2012-13 and 2013-14 annual reports to the Legislative Assembly.

Officials from the Government of Nunavut's Department of Executive and Intergovernmental Affairs subsequently appeared before the Standing Committee.

The Standing Committee's report on its hearing was subsequently presented to the Legislative Assembly on October 28, 2014. The Government of Nunavut's response to the Standing Committee's report was tabled in the Legislative Assembly on February 26, 2015.

The Information and Privacy Commissioner's 2014-15 annual report was backdoor tabled under the provisions of Rule 44(2) of the *Rules of the Legislative Assembly of Nunavut* on July 7, 2015. It will be formally tabled in the House during the upcoming fall sitting of this House.

The Government of Nunavut's Department of Executive and Intergovernmental Affairs has overarching responsibility for the government's administration of the Access to Information and Protection of

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Privacy Act. The government's 2013-14 annual report on the administration of the Access to Information and Protection of Privacy Act was tabled in the Legislative Assembly on November 4, 2014.

The government's formal response to the Information and Privacy Commissioner's 2013-14 annual report has not yet been tabled in the House.

Amendments to the Access to *Information and Protection of Privacy* Act were passed by the Legislative Assembly in 2012 and came into force in May of 2013. These amendments provide the Information and Privacy Commissioner with clear authority to undertake privacy-related reviews concerning personal information held by public bodies. The amendments also establish a statutory requirement for public bodies to notify her office where a material breach of privacy has occurred with respect to personal information under their control. The Government of Nunavut's Department of Executive and Intergovernmental Affairs has recently produced a formal Privacy Breach and Incident Policy.

Amendments to the Access to Information and Protection of Privacy Regulations were published in the April 2015 edition of Part II of the Nunavut Gazette. The most significant amendment is the inclusion of housing associations and housing authorities under the definition of "public body." This means that the Access to Information and Protection of Privacy Act now applies to local housing organizations. This is an issue that received considerable attention during the Standing Committee's 2014 televised hearing.

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In recent years, a number of important themes and issues have emerged during consideration of the Information and Privacy Commissioner's annual reports to the Legislative Assembly. These include:

- Public disclosure of contracting, procurement and leasing activities undertaken by Government of Nunavut departments, Crown agencies, and territorial corporations;
- They also include the application of access to information and protection of privacy legislation to municipalities;
- Also, the management of electronic health records and the development of health-specific privacy legislation; and
- The safeguarding of personal information under the *Adoption Act* and the *Child and Family Services Act*.

Last year, the Information and Privacy Commissioner indicated that she would be discontinuing her private law practice in early 2015 in order to focus on her work as Information and Privacy Commissioner for both Nunavut and the Northwest Territories. A significant increase in her office's budget has followed this transition.

The Standing Committee is of the view that this will help enable the Information and Privacy Commissioner to engage in more training, education, and outreach activities, as well as helping to ensure that her website is kept up to date on an ongoing basis.

Today's televised hearing provides an opportunity for the Information and Privacy Commissioner's observations,

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Tomorrow morning, senior officials from the Government of Nunavut will appear before the Standing Committee to publicly account for the government's actions in response to recommendations from the Information and Privacy Commissioner and Standing Committees of the Legislative Assembly.

This hearing is being televised live across Nunavut on local community cable stations and direct-to-home satellite service. Transcripts of the hearing will be posted on the Legislative Assembly's website.

In keeping with parliamentary practice, the Standing Committee anticipates reporting its findings and recommendations to the Legislative Assembly during the upcoming fall sitting. Under Rule 91(5) of the Rules of the Legislative Assembly, the government will be required to table a formal response to our report within 120 days of its presentation.

I would like to conclude by addressing some housekeeping matters.

For the benefit of our recording system, I ask witnesses to wait until I invite you to speak before activating your microphone.

I also ask witnesses to always go through the Chair when responding to Members' questions and interventions.

Members of the Standing Committee have been provided with a number of

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reports and other documents for their ease of reference during this hearing. For the benefit of our witnesses and interpreters, I ask Members to be precise when quoting from or making reference to specific documents.

With that, I will again welcome the Information and Privacy Commissioner to this hearing and invite her to make her opening statement. Thank you. Ms. Keenan Bengts

**Ms. Keenan Bengts**: Thank you, Mr. Chairman. Good afternoon. I am very pleased to be here once again to appear before you to update you on the activities of my office for the fiscal 2014-15 year.

From my perspective, it has been an exciting one. As you have heard, the Office of the Information and Privacy Commissioner was established under the *Access to Information and Protection of Privacy Act* as an office to provide independent review and oversight of issues arising from the application of that Act. The Act came into effect in the Northwest Territories in 1997 and became a part of the law of Nunavut at the time of division.

I was appointed as the first Information and Privacy Commissioner of Nunavut in early 2000, and I am very happy to have been reappointed this spring for the third time and that I would be able to continue to serve Nunavut in this capacity until the spring of 2020. I will note that this appointment makes me the longest standing Information and Privacy Commissioner in Canada. I am humbled by the confidence that this legislature has shown in me with this appointment.

In addition to my reappointment, and

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perhaps more exciting, this year also saw a big change in the structure of my office. Until December of 2014, I undertook my responsibilities under the Act on a part time, as needed basis. In addition to my work as the Information and Privacy Commissioner for Nunavut, I was also playing the same role in the Northwest Territories as well as running a busy private law practice.

Over the past few years, it became increasingly obvious that I was no longer able to keep up on the demands of all three positions and I have been slowly closing my law practice to focus on my role as Information and Privacy Commissioner of the two jurisdictions. As of January 1 of this year, my law practice has been closed and I am now working as the Information and Privacy Commissioner for the two territories on more or less a full-time basis.

I have spent most of the year so far catching up on some backlog in both offices and preparing for the coming into force of the *Health Information Act* in the Northwest Territories, which is slated for October 1. In Nunavut, I have updated my office logo and you can see it on my name plate. I am very proud of it. I am slowly updating and adding new resources to my website. There's lots of work yet to do and I am looking forward to the next five years.

As you know, the *Access to Information* and *Protection of Privacy Act* has two main objectives. The first is to provide members of the public with a right of access to public records. The second objective is to ensure that the information that the Government of Nunavut holds about individuals is protected from unauthorized collection, use, or

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When the public has concerns about either their right to access to public records or about the way in which public bodies are handling their personal information, a request to my office provides them with an independent assessment of the way in which the public body has acted. When a complaint is received in my office, I investigate and provide a report which contains recommendations directed to the public bodies.

While my authority is limited to making recommendations only - I cannot compel public bodies to take any particular step - the power of my office lies in my ability to engage the public through the publication of my review reports and to make statements to the press and in other public forums such as this one. My goal, however, has always been to work with the Government of Nunavut to improve procedures and protocols and responses, and that approach, for the most part, works well.

In 2014-15, I opened 25 new files, which is up slightly, but is fairly consistent with each of the last two fiscal years, in which I opened 21 and 23 files respectively. The vast majority of the requests for review received were in relation to access to information issues. This year, there was only one breach of privacy complaint. There was, however, an increase in the number of requests which I received from public bodies to provide comments and input on various access and privacy matters relating to new government initiatives and proposed legislation.

I issued 18 review recommendations in 2014-15, which may be something of a

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record. This compares to five in 2012-13 and ten in 2013-14. No one department stood out in terms of the number of requests for review received, although the Department of Finance, as a function of their role in human resources, played a role in four of the requests received. It should be noted that while the Department of Finance has been named in my annual report as the department involved in matters involving human resources matters, this is for indexing purposes only. In most of these cases, the primary public body involved is a different department where the complainant is employed or is seeking employment. I have not named the primary department either in my review recommendations or in my annual report in order to protect the privacy of the complainant because naming the actual department together with the facts outlined in the reports would, in many cases, serve to identify the complainant.

The Access to Information and Protection of Privacy Act requires that I include in my annual report a statement indicating when my recommendations are not accepted. As you will note from a review of the annual report, public bodies have, for the most part, accepted my recommendations in full. This year, my recommendations were not accepted in two instances and in one case, the public body failed to comment one way or the other on some of the recommendations made with respect to how access requests were processed.

In one of these cases, a recommendation was made which the public body itself was not in a position to comply with because it was a recommendation to expand the scope of the Act to municipal governments. This is an issue that EIA

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would have to deal with and EIA was not a party to the privacy complaint being reviewed. This is a recommendation that I have made many times and I will continue to make it whenever issues arise involving municipalities. That said, the department involved in this particular complaint had no mandate to make the recommended changes to include municipalities and no control over such policy decisions. It could not therefore accept my recommendation. I understood that when I made the recommendation.

In another case, I made comments about the way in which ATIPP requests are processed, noting that there is an inherent conflict of interest in asking employees to review their own email records to identify and respond to access requests when the issue at hand may have repercussions for that employee. I therefore made some recommendations in relation to how requests are processed in such cases. The public body simply did not respond to those recommendations.

The last instance in which the public body refused to accept my recommendations involved the Department of Finance and their refusal to disclose copies of an audit report prepared with respect to certain financial aspects of the Oullig Energy Corporation. While I accepted that portions of the report were protected from disclosure under one or more sections of the Act, I recommended the disclosure of large portions of the audit report. The department declined to accept those recommendations on the basis that the issues raised in the report were being investigated by the RCMP.

In closing, I would like to thank the Legislative Assembly for its continued 
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support in my work and indicating their continued confidence in the work that I do by reappointing me this spring. I am passionate about the important rights codified by the *Access to Information and Protection of Privacy Act*. I believe that the work I do is important to good government and I look forward to continuing my efforts on behalf of the people of Nunavut.

Thank you. I would be happy to answer any questions you might have.

Chairman: Thank you, Ms. Keenan Bengts. At this time, I would like to open the floor for any questions regarding the opening comments and the 2014-15 annual report. Ms. Angnakak.

**Ms. Angnakak**: Thank you, Mr. Chairman. Welcome to the House. It's good to see you again.

Just from your opening comments, I guess what sparked my interest is your comment saying that "While my authority is limited to making recommendations only..." I guess it's my understanding that some information and privacy commissioners in other Canadian jurisdictions may have the statutory authority to issue binding orders. In Nunavut, your position doesn't have that power. Can you clarify whether you would recommend that Nunavut's Access to Information and Protection of Privacy Act should be amended to provide you with this power? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

**Ms. Keenan Bengts**: Thank you, Mr. Chairman. I have thought about this a lot and I have talked about it with my

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colleagues in other parts of the country. There are benefits to both models. The biggest benefit to the ombuds model, which is the model that I operate under, is that quite frankly, I can do more when I make recommendations. The process is not is not as formal as it would be if I were making an order. I can work with the department and I can provide more options than I could if making orders. For the most part, it works. For the most part, the recommendations I make are received and accepted, and we move on. It would always be nice to have order power, I suppose, in some cases in which I do not see eye to eye with the public body. Those cases are few and far between and I'm not sure at this point that it's something that I would recommend for Nunavut.

It's interesting to note that Newfoundland and Labrador have recently passed new legislation after a very thorough review of their legislation by three very preeminent experts in the area. They tried something new and we have yet to see how it's going to work out. Essentially what happens now in Newfoundland and Labrador is that the Information and Privacy Commissioner makes recommendations, as do I. Those recommendations are given to the public bodies. If the public bodies do not agree with them or if they do not respond within the requisite period of time, the Information and Privacy Commissioner can essentially march the order down to the courthouse and it becomes an order. It's an interesting kind of two-level process and like I say, it will be interesting to see how it works.

Chairman: Ms. Angnakak.

Ms. Angnakak: Thank you, Mr.

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Chairman. Thank you for your response. When you look at the privacy commissioners across Canada, what would be the percentage of those that have these binding orders versus those that can only make recommendations? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. If I am not mistaken, British Columbia, Alberta, Ontario, and Prince Edward Island are the jurisdictions that have order-making power and now, in a pseudo kind of way, Newfoundland and Labrador.

Chairman: Ms. Angnakak.

Ms. Angnakak: Thank you, Mr. Chairman. I would assume that you would want to see how Newfoundland and Labrador's new version will work itself out, but is that something you think Nunavut could perhaps look at doing? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. I'm going to be watching it very carefully because it's a very interesting and unique approach. Frankly, I think the rest of the country is looking at it too, particularly those jurisdictions with the ombuds model. As I say, in Nunavut, it's very rarely that my recommendations aren't accepted, so I think we have time to kind of sit back and look to see and determine how it works for Newfoundland and Labrador.

Chairman: Ms. Angnakak.

Ms. Angnakak: Thank you, Mr.

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Chairman. Talking about recommendations, in reviewing your annual report, like you said, the government accepts the majority of the recommendations that you make. However, one thing that is not very clear to me is how the government's compliance with your recommendations is monitored or enforced. Can you describe how you monitor the government's implementation of your recommendations? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. Another good question because it's another thing that I deal with in my own head quite a bit. The fact of the matter is that the Act ends for me when my recommendations are made and the public body says, "Yes, we accept your recommendations" or "No, we don't." There is no further process for me. When it comes to access to information matters, there is a right for the applicant to appeal a decision or to follow up with a decision to the Nunavut Court of Justice. That doesn't hold true for privacy complaints.

When there's a privacy complaint and the public body makes a decision, whether that is to accept my recommendations or not to accept my recommendations, that's the end of it. There is no right of appeal. There is no way for me to determine, once a recommendation has been accepted, whether or not the public body actually follows through, although I suspect, in most cases, they do because otherwise I am sure I would hear from the applicants.

Chairman: Ms. Angnakak.

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Ms. Angnakak: Thank you, Mr. Chairman. I think the thing I would be concerned about is accountability. Without being able to monitor whether or not something is taking place or not, I think in a way, maybe some people just don't want to go through the process again. I don't know.

Like you said, in some cases, the government doesn't agree with your recommendations. Do they usually provide you detailed justification of why they wouldn't accept your recommendations? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. Not detailed; I wouldn't say that. I can use as an example the recommendation which was rejected this year and that is the one dealing with the audit reports. The public body in that case relied on a section of the Act which says that a public body may refuse to disclose information where that disclosure would prejudice an ongoing legal proceeding or a legal investigation. It's a discretionary matter.

In this case, the public body didn't convince me, although it was a legal matter and there were issues, there was an investigation, and it had been referred to the RCMP and all of that. They provided me with nothing to suggest that disclosing the information which I had suggested they disclose, which is very basic information about process and that sort of thing, would interfere with that investigation.

They didn't meet the onus, as far as I was concerned, to show that the information

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they wanted to withhold fell within the exception. They came back to me saying, "No, it's in the hands of the RCMP, so we're not disclosing it." It's one of those things. They didn't disagree with me necessarily; they just didn't meet the onus in the first place. Had they given me enough information in the first place, I might have agreed with them. So I don't know.

Chairman: Ms. Angnakak.

Ms. Angnakak: Thank you, Mr. Chairman. When the government provides submissions to you, where can we as MLAs get copies of those submissions? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. Those have not been available to the public and to be honest, I have never thought about whether or not they should be. I would have to think about that. It is my work product in terms of my investigation. I have to think about that and I will think about that.

Chairman: Ms. Angnakak.

Ms. Angnakak: Thank you. In the opening comments again, you talk about issuing 18 review recommendations, which may be something of a record. It made me think about the different communities that we have in Nunavut. If I wanted to access information from this government, maybe within the offices within Iqaluit, it's easier to do than if I was in Grise Fiord and I wanted information from the government office there just because of capacity. It really made me think, "Well, everyone has equal rights." What are your thoughts on

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that? How do we address the limitations because of the lack of capacity, perhaps, in some of the other smaller communities? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. Again, another interesting question. I have had a number of access issues arise out of the smaller communities. They appear to be dealt with very effectively and very efficiently. They have a lot of help from the manager of ATIPP here in Iqaluit. They have ATIPP coordinators in each of the departments who also assist in the process. If I understand the way things work here and I think I do, it's the ATIPP coordinators who take the lead and they say, "These are the records we need. You get them to us." Those in the communities will collect them and send them, and the ATIPP coordinator here normally does most of the work.

It seems to work fairly well in most cases. There was one case many years ago where it had to do with a teacher in one of the small communities and the complaint was made just as summer was coming on and there was no one left in the community to respond. That kind of problem is going to arise from time to time, but other than that, it hasn't really been a problem.

Chairman: Ms. Angnakak.

Ms. Angnakak: Thank you, Mr. Chairman. In your annual report, I was reading up in some of the cases and the recommendations, and in a couple of them, I read that the applicant sometimes felt that not all the information was actually provided to you. They felt that

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there was something that the government wasn't actually forthcoming on. How do you as a commissioner evaluate that concern? How do you know that for sure, all the information that is there has been provided to you? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

**Ms. Keenan Bengts**: Thank you, Mr. Chairman. It's one of those things where you have to rely, at least to an extent, on the people you're working with. The ATIPP coordinators, again, I trust them to be thorough.

In some of the cases that you're referring to here, I asked the applicant, "What is it that makes you think that is missing?" Give me something more than "I don't think they're giving me everything." When the applicant can't do that, and in most cases where that happens, quite frankly, it's somebody who has had a beef with someone or some department and it's very personal to them and they really don't have anything but "There has to be more because nothing could have happened like this unless there was more," but there just isn't more. In those ones, you get a fairly good sense of what's going on, but again, it's the ATIPP coordinators. They're the frontline workers and for the most part, I trust them to get me the information I need.

There are some cases where, for example, when one employee has made a complaint against another employee and is then looking for the information that the other employee said about them. In those kinds of circumstances where an individual has something to gain or to lose, that's where I think there might be a

bit of a conflict.

I think what is happening is that the ATIPP coordinators are asking for that information from the individual who has to go to their own computer to get that information, but before they make that ask, they're going to the IT people and saying, "Give me a screenshot of everything you have" or "Give me a backup." The persons looking through their own computer are told, "Look, there's a record. We know it's there. You can't be erasing anything. There could be repercussions for you if you don't give us everything."

There are some kinds of checks and balances in place, but unless I can look through every document every time, I'm not going to be able to be absolutely sure that everything has been identified. It's just impossible.

Chairman: Ms. Angnakak.

Ms. Angnakak: Thank you, Mr. Chairman. I'm not implying, really, that you're not getting all the information that you have requested, but I wonder what your thoughts are. If the ATIPP coordinators and all of them were non-government workers, would the results be different, do you think? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. No, I don't think so. I think all of the ATIPP coordinators, quite frankly, are pretty adamant about.... They know their job. They aren't directly involved in the situation and if they were, then I would ask somebody else to do it. I think the ATIPP coordinators are doing the job

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they have been tasked to do and I trust that they are doing it. That raises all sorts of other questions. For example, how is a third party non-government employee to be given access to all of this information? I think the ATIPP coordinators, for the most part, are doing a really good job. They're well trained. They've got lots of support behind them if they run into a problem. I am fairly confident that they are getting everything that they possibly can. Thank you.

Chairman: Ms. Angnakak.

**Ms. Angnakak**: Thank you. Thanks for your response. Things could get complicated.

You mentioned again about your conflict of interest, asking employees to review their own emails. In your opening comments, you said that you made recommendations in relation to how requests are processed in some cases and you got no reply. Can you tell us today what kind of recommendations you made to address this kind of conflict? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. I don't have that recommendation with me, but if I recall correctly, some of the recommendations I made were to have somebody from IT do the search or to make sure, as I say, that the screenshots had been taken prior to any review. I can certainly undertake to provide you with a copy of that recommendation and would be happy to do so.

Chairman: Ms. Angnakak.

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Ms. Angnakak: Thank you, Mr. Chairman. I just want to switch gears, as somebody says. On page 1 of your 2014-15 annual report, you speak about beginning to "lay the groundwork for a full review of the *Access to Information and Protection of Privacy Act*" and you talk about "modernizing the legislation and making it more responsive to today's business realities." Are you doing this work in Nunavut and the Northwest Territories?

When you talk about modernization, are you referring to things such as BlackBerry? There's a lot of business now being conducted through the cellphone where there's a lot of texting going on. I understand that a lot of the texting that is done is not ATIPP-able. Maybe you can talk about that a little bit and make us understand the process that you're thinking about doing in regard to renewing the Act. Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. There is a process starting in the Northwest Territories to review the Act. That's a Department of Justice initiative and they have advised me that they're reviewing it and have asked me to participate in it.

Yes, both jurisdictions and yes, the impetus behind this - most jurisdictions in Canada have, except at the federal level, which makes you wonder - but they have been doing reviews of their ATIPP legislation over the last few years. British Columbia, Alberta, I'm not sure about Ontario, but the larger jurisdictions have always been ahead of the game on these things, so to speak, and are doing

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reviews.

Newfoundland and Labrador, as I have already noted, has done a very thorough review. All of us are very interested in how that's going to work out. If you really want some bedtime reading, read the report that came out of Newfoundland and Labrador. It's fascinating. It took me hours and hours to read, but it was a great read for me, then again I'm a bit of a geek when it comes to this stuff.

You hit the nail on the head. It's all of those mobile devices and what happens when, as in the Northwest Territories where it happened this year, a jump drive gets lost and it was full of health information. It was not encrypted. It never should have left the hospital and it got lost. Thankfully it was found and it doesn't appear that it was accessed.

It's all these things that we do on a day-to-day basis: texting, emailing, and working off of our own personal devices. We don't even think about it. It's not something that is nefarious. It's just that it's the way we work today and it's the way we do business. In 1997, we didn't have text messages. Cellphones were like this big and didn't do the sorts of things that they do today. Although the Act has the basic ground rules, it just hasn't kept up with the technological changes. That's really what needs to be addressed and it's not fully addressed.

One of the things that other jurisdictions are finding is that in some cases, there is no legislated duty to record what public bodies are doing. In some jurisdictions, not in Nunavut as far as I know, people are being counselled not to put things in writing. New legislation, for example, is addressing that issue, a duty to record.

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It's all of those little things that add up over the years, but you're right when you say that it's the technology that needs to be addressed.

Chairman: Ms. Angnakak.

Ms. Angnakak: Thank you, Mr. Chairman. When we talk about modernizing the Act and if you take away.... I guess it's a given that the cellphones and that all need to be added. What else in our Act is actually outdated that we really don't need in there? Thank you.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. I don't think there's much that we don't need. I think there are things that need to be clarified so that they jive more appropriately with technologies. I think that, more to the point, there are things to be added, such as the duty to record. This would be a perfect opportunity to look at order-making power versus the ombudsman model versus some sort of hybrid model.

Legislation tends to get stale and we're talking about legislation dealing with information in the information age. The legislation is going to become stale faster than in other circumstances. I think it's important just to keep up with changes in the way things are being done to look at it. Maybe there are not a lot of changes that are needed, but there are small changes that could certainly be made. As I say, I think even just looking at it is probably a good idea just to make sure we're keeping up with changes in the way things are done.

Chairman: Ms. Angnakak.

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**Ms. Angnakak**: Thank you, Mr. Chairman. Our Act is currently outdated. We need to add things in such as what we just spoke about, having texting, emailing, and that.

The other thing that I don't believe that's in the Act is a statement that says, "Every so many years, this Act should be renewed." Seeing that that's not in the Act, what's the process of getting this Act now under review? Is that for you? Is that your role? Is that the MLAs' role here or is that the government's role? Whose role is it to say, "We need to modernize this Act," and who should be involved in that? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. Well, I would suggest that it's the government; the legislators. It's my job to say, "This is something we should do." It's not my job to say what that should be or who should do it. It's my job to bring it to the forefront, to bring it to everyone's attention. I think I have done that and I will continue to do that.

I would like to have a role in the review if and whenever it happens. I would like to have some input. As the Information and Privacy Commissioner, I think I probably have a better view of how things are done or not done from my end of things at least and what would work and what wouldn't work. That said, I don't think it's my role to tell government of any description when or how to do its job.

Chairman: Ms. Angnakak.

Ms. Angnakak: Thank you, Mr.

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Chairman. When we talk about the different jurisdictions across Canada and their legislation, what do you consider to be the most modern in our country? Would you think it's maybe what you spoke about with Newfoundland and Labrador? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. Certainly, Newfoundland and Labrador has taken a big leap. They're doing things differently. They have changed a lot of timelines. They have changed, as I say, the manner in which review recommendations are dealt with. They have added the duty to record, as we have talked about. Certainly, they're cutting-edge and I think they're cuttingedge not only in Canada but frankly, I think they're cutting-edge internationally as well at this point. Every other jurisdiction in Canada is looking at Newfoundland and Labrador to see how it all plays out.

Chairman: Ms. Angnakak.

Ms. Angnakak: Thank you, Mr. Chairman. Thank you for your answer. I kind of thought maybe you would go that way, but I thought I would ask the question anyhow. I think you're right, it's definitely worth to look at what they're doing. They're leading the way.

I would like to go to something a little bit different and it is in relation to departmental submissions again. In your annual report of 2014-15, on pages 19 and 20, you discuss a review recommendation concerning the Department of Economic Development and [Transportation], and you indicated that you had concerns regarding the

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content and tone of the department's submissions. This is a concern to us when we see and read this. Can you describe in detail, then, what specific concerns did you have with the department's submissions? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts

**Ms. Keenan Bengts**: Thank you, Mr. Chairman. Again, I would be happy to send you a copy of the review recommendations.

Essentially, the tone of the submissions that I received from the department in that case was.... The tone of the government's response was "It's not our problem. It's the applicant's problem. We don't want to deal with it. We don't think that the applicant is being genuine. We don't think that the applicant is really meeting his responsibilities under the Act." I had to point out that applicants have no responsibilities under the Act. The applicant has a right to access to information and the public body has a responsibility and an obligation to respond, whether they like it or not. It's not up to the public body to question why the applicant wants that information or how much information they really need.

If an applicant says, "I want A, B, C, and D," the applicant is entitled to A, B, C, and D, subject only to the very narrow exceptions in the Act. In this particular case, it was quite clear that the public body was maybe frustrated with this particular applicant and was maybe fed up with this particular applicant, but that doesn't matter. It really doesn't matter. The Act says what it says and that was the problem that I was dealing with. They didn't want to take responsibility. They wanted to put responsibility on the

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applicant.

Chairman: Ms. Angnakak.

Ms. Angnakak: Thank you. Thank you for your response. It makes me think of another thing now. Let's say I didn't get along with somebody in the department and I decided that I'm going to use my right to access information. Because I really don't have to state why I want it, all I have to do is say I want it under the Act. How many times can I do that just to be a thorn in their side or something? Do you know what I mean? Do you know what I'm getting at? How do we protect staff from that happening too? We are talking about time spent going through files and figuring out stuff and putting it all together for presentation. Can I get your comments on that? Thank you.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you. There is a provision in the *Access to Information and Protection of Privacy Act* which allows a public body to ask me, and this is the only area where I can actually make what would amount to an order, to disregard an applicant. Now, it might take whole lot to get to that point.

If you were to ask the same question three times in three weeks, it would be an abuse of the process, but if you're asking different things, and it happens quite often where an applicant thinks he or she wants A, B, C, and D, they get the response to that and that brings up more questions for them, and then they ask for E, F, G, and H. When they get that, it raises more questions and they move on. That happens with some frequency. I think that is where departments get frustrated, but the fact of the matter is

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If it comes to a point where they think that the system is being abused, they can ask me to review it and I would review it. I can make an order in that case. It's not really an order, but it amounts to an order, "You can disregard this application or this applicant for a period of time" or whatever.

**Chairman**: I can speak from experience through a previous life of mine. It takes a bit of time to get to that point. Ms. Angnakak.

Ms. Angnakak: Thank you. Again, from your annual report I was reading, you talk about record management systems. Have you had the chance to review the Government of Nunavut's record management systems and, if so, where does the GN's system stand in terms of addressing the bullets that you mention on page 4 of your annual report? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. I'm not an expert by any stretch of the imagination in technology. I know that there is a good records management system in place; the historical one that worked for paper. I'm assuming that it has transitioned as things become more electronic. The system used by Nunavut is, as I understand it, used fairly consistently throughout the country in one form or another. The processes are all there.

I do have ongoing discussions with the IT

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people from time to time about certain things and certain initiatives. That's going to always be an ongoing discussion. Sorry, I lost track of what the question was.

**Chairman**: Ms. Angnakak, would you like to rephrase your question?

Ms. Angnakak: Thank you. I was just making a note of the bullets that you put on page 4 about proper records and some of the things that need to happen. I'm wondering, when you look at Nunavut's record management system, do we meet all of those bulleted goals? Thank you.

Chairman: Ms. Keenan Bengts.

**Ms. Keenan Bengts**: Thank you, Mr. Chairman. Thank you for reminding me.

Some of these things are things that we need to do on an ongoing basis, for example, embedding privacy and access rights into the design of public programs as they are commenced. That's something we need to do and should do on an ongoing basis. Creating a legislated duty for employees to document matters, that's what we were talking about earlier. Adopting administrative and technical safeguards to prevent the loss or destruction of records, this I'm not so sure about.

I'm assuming and I'm fairly confident that the Government of Nunavut has all the right security in place and is as protected as anyone can be from hacking and that sort of thing. We all know, today, even the best security systems aren't necessarily going to prevent hacking, but I'm fairly confident that the IT people are keeping up to date and are keeping the records of Nunavut as safe as

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they can be insofar as they are electronic records. Electronic records are far easier, to be honest, to secure than are paper records.

I have also seen how some of the paper records in Nunavut are being stored, and that does cause concern. There's only so much that can be done with historical paper records. I think they're working on them, it's my understanding, but I have seen warehouses or at least one warehouse in Iqaluit that is full of paper records. They seem to know where everything is, but the question I would have is: what happens if there's a fire or a flood?

Chairman: Ms. Angnakak.

Ms. Angnakak: Thank you. That's exactly the question I was going to ask. What about if there is a fire or a flood? I'm bringing this up because I also noted in your annual report when I read it that one of the complaints, and I know that your recommendation was accepted, was about the fee.

In your review recommendation [14-081] that you quote on page 22, you say that when the "GN creates a record, it should be properly managed regardless of what media it is in. Good file management should be maintained for all government records," anyhow you go on to say. Without proper file management, I guess it creates longer search times which equals to higher fees that the applicant then has to make. Obviously, it's quite unfair on the applicant.

What authority do you have to ensure that the Government of Nunavut is properly implementing their filing procedures? Thank you, Mr. Chairman.

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Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. Most cases of access to information requests are for current day records or within the last few years. Almost everything is in electronic form. In fact, I get a little frustrated at times because, when an applicant asks for access to certain documents, the only thing that is searched these days is the electronic record. Perhaps it's because it's easier to find things in electronic records than it might be in a paper record, but it's almost as if the paper records don't even exist anymore sometimes. They don't even think of looking at paper records. There still are paper records.

As much we might like to think we live in a paperless society, we don't. People make notes all the time. There are still the old fogies amongst us, like myself, who like to write things down and like to print things out so that I can mark it all up in my yellow marker. Those things are all records. Sometimes I find that they're not even searching those records in response to access requests. When they do, it takes a little longer.

In this particular case, the submission said, "We have paper records that hadn't been properly filed, so it took us longer to find them." It's not a matter of them being in paper form; it's a matter of they weren't properly maintained. They weren't put away the way should have been put away. That was the issue in that case, not that they were paper records, but because they hadn't been properly filed away. We all have piles on our desk that need to be filed.

Chairman: Ms. Angnakak.

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Ms. Angnakak: Thank you, Mr. Chairman. I just have one last question again. I just want you to confirm what you stated earlier. After you make a recommendation to the government, your role is done. Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

**Ms. Keenan Bengts**: Thank you, Mr. Chairman. That's correct. Under the Act, as it currently exists, that's the end of my role.

If an applicant is unhappy, it's up to them to bring it to the court if it's an access to information matter, if that's what they choose to do. I'm not sure that that has ever happened in Nunavut. Maybe once early on, but I'm not sure that it has ever happened in Nunavut. I think one of the things I have talked about, if there were to be a review of the Act, and I think we even talked about it last year, is that in certain cases, it would be helpful, I think, if the Information and Privacy Commissioner had the ability to appeal something because an individual isn't likely to do it for a number of reasons: the costs; the effort; the time; the need for a lawyer; the need to have at least some knowledge about how the system works if you wanted to do it yourself.

I had a situation, not in Nunavut but in the Northwest Territories, where a member of the press, who you would think has some resources behind them, started an appeal and withdrew it very quickly because they soon realized that the appeal required more than simply appearing in court and asking the court to review my recommendations. There is a weakness in the Act, definitely. Thank you.

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Chairman: Ms. Angnakak.

**Ms. Angnakak**: Thank you. Thank you for your reply. That was supposed to be my last, but this really is my last.

I just want to say that, especially as MLAs, we have heard so much about how full our courts are and I wouldn't like to add more to it than what they are already dealing with now. Thank you. That's it for me.

**Chairman**: Ms. Keenan Bengts, did you want to respond to that comment?

**Ms. Keenan Bengts**: I have nothing to add to that. Thank you.

**Chairman:** Ms. Angnakak brought up a couple of questions. If the next name on my list doesn't mind, I'm going to carry it a little bit further.

In one of your responses, you say it works for paper within records management. You brought up the example of notes. If the notes are typically only known by the people taking the notes, if there is a complaint or potential repercussions for the person who took those notes, it could be perceived as pretty easy for them to just keep those filed away and they never see the light of day.

How does your office see going down the road of an investigation into a privacy concern where you have IT going into electronic documents? Are you opening the door for somebody going through somebody's personal effects in their workstation? Ms. Keenan Bengts.

**Ms. Keenan Bengts**: Thank you, Mr. Chairman. To be blunt, yes. If you bring

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If you have something in your office, if you are making notes during a meeting that is part of your responsibility as a government employee, it is ATIPP-able. The way that that is being dealt with is in those cases where there is a concern that the person whose record it is, is going to try and hide it. We've had situations where somebody else had done a physical search through the paper records. It has happened and it will happen again. It's a cautionary tale for employees who have, perhaps, things in their office that maybe they shouldn't. I don't know.

Chairman: Thank you for that response. When we're going back again to records management, one of the responses talked about recordings. Are you suggesting that phone calls and other meetings be recorded? I'm just going to go into a very recent example. I got an email over the weekend from a constituent who wants to bring a recording device to meet with frontline staff at an unnamed department. Is there a legal obligation for them to make sure that they know that they're being recorded, or what is the potential legal use of that recording after the fact? Ms. Keenan Bengts.

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Ms. Keenan Bengts: Thank you, Mr. Chairman. If we're talking about a member of the public who is coming in and recording a meeting with government officials, that belongs to the individual. Yes, everyone should be informed in the room that it's being recorded, absolutely, but that's not a government record; it belongs to the person who brought the recording device in. On the other hand, if it's a public body or somebody employed by a public body who is making the recording, then it's a public record and it should be maintained as a public record and either transposed onto some other....

There was a situation and I'm just trying to think of the situation, again in the Northwest Territories - sorry I keep on getting back to examples from the Northwest Territories - but in the Northwest Territories where an investigation was being done and the investigator who is a government employee used his own personal telephone to record the conversation.

The witness knew he was being recorded, but then wanted to take it back essentially and wanted all copies and wanted to know where that recording had gotten to because it was on a personal advice. It wasn't on a government device. It wasn't on a recording machine like we know. It was on his personal phone of some description and it was gone. The record was gone because it was on his personal device.

Those are records that need to be recorded and need to be maintained and need to be filed appropriately like all government records. A recording is the same as a piece of paper.

Chairman: Thank you, Ms. Keenan

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Bengts. Just before I go on to one final question and that brings up my next question, this question is, earlier you mentioned a duty to document. Maybe if you could just elaborate a little bit more on that term just for Members' reference. Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. A duty to document is simply the duty to make sure that there are appropriate records of the way in which government makes decisions. As I said, there have been instances in the south in particular where certain people have been advised never to write anything down because it could be subject to an ATIPP request. The duty to document simply says, "You can't avoid writing things down just because you don't want somebody else to see it down the road." A duty to document is the duty to make the necessary recordings so that people can find out down the road how government decisions were made.

Chairman: Thank you, Ms. Keenan Bengts. Just before I go to Mr. Rumbolt, my apologies, Mr. Rumbolt, do you yourself document all phone calls and meetings? Ms. Keenan Bengts.

Ms. Keenan Bengts: For the most part, yes. I don't always make notes of telephone conversations. It depends on whether or not it is what you would call a transitory thing. Somebody calls and says, "We want to meet with you next week. Are you available?" I would never keep a notation of that except in my diary that the meeting is on such and such a day, but if I'm having a discussion with an applicant about a case, yes, I would make notes of those.

Chairman: Thank you. My apologies,

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Mr. Rumbolt. Mr. Rumbolt.

Mr. Rumbolt: Thank you, Mr. Chairman. In Ms. Bengts' opening comments on page 2, you stated that you had an increased number of requests which you received from public bodies to "provide comments and input on various access and privacy matters relating to new government initiatives and proposed legislation."

As you may be aware, one of the current capital projects for the Department of Economic Development and Transportation is to replace its Motor Vehicle Information System. When this project was being considered last year during Committee of the Whole, I publicly urged the Minister to clarify the department's plans with respect to sharing Nunavut residents' personal information with law enforcement agencies and health care providers.

Has the Department of Economic and Development and Transportation consulted you on the potential for privacy impacts of the new Motor Vehicle Information System? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. No, not to date.

Chairman: Mr. Rumbolt.

Mr. Rumbolt: Thank you, Mr. Chairman. When we talk about motor vehicle information, they do more than just the driver's licences. They also issue general identification cards to the general public and I think it's anybody above the age of 12. In your opinion, do you feel

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that they should be consulting you on how this information would be shared with other agencies? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

**Ms. Keenan Bengts**: Thank you, Mr. Chairman. This is one of those "be careful what you ask for" questions.

Yes is the answer. Any time the government is planning, proposing, or looking at a program that involves the sharing of personal information, the disclosure of personal information, the possibility that there may be a sharing or disclosure of personal information, then in my humble opinion, that's one of my roles is that I can look at that kind of thing with a privacy viewpoint.

I'm not always going to agree, or shall I say the government is not always going to agree with my viewpoint because I have a very narrow focus. My focus is: is this going to affect the privacy of an individual? If it is going to protect the privacy of an individual, I'm going to bring it to light and I'm going to tell you that it needs to be considered. Public bodies don't always like to hear that from me because it makes things more difficult, but the fact of the matter is that you cannot address it if you don't see it. Oftentimes legislators don't see these things because that's not where their focus is. Their focus is on health care, not on privacy, for instance.

I personally would like to see and would invite, again be careful what you ask for, the Government of Nunavut to ask for my input any time that there is a new project that involves the use or disclosure of personal information.

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**Chairman**: Thank you, Ms. Keenan Bengts. I don't have any names on my list, so I'm going to interject a couple of questions until I do.

Also in your opening comments on the second page, the bottom of the middle paragraph, it speaks that your "goal has always been able to work with the Government of Nunavut to improve procedures and protocols and responses..." and you state that "that approach, for the most part, works well." I would like to ask you just to elaborate a little bit, when you state, "for the most part," can you maybe describe some of the challenges that you've had with the Government of Nunavut with regard to improving procedures and protocols? Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. I honestly can't think of anything off the top of my head because I work very well with EIA, which is the public body which is tasked with, not the oversight of the access to information and protection of privacy, but has responsibility for that Act.

Mary Ann de Guzman, who is currently acting as manager, and Jessica Bell, who is the Manager of ATIPP, and I work very well together. We often have long discussions about different approaches and different ways to deal with things. Again, we don't always agree and we don't always end up on the same page, but my role, as I said before, is to bring things to light. If you're not thinking about it, you're not going to deal with it.

Whether or not everyone agrees with me all the time is not what I'm interested in. What I'm interested in is to know that people are actually thinking about these

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issues when they're proceeding or making changes to procedure and that sort of thing. My role isn't to make the changes. My role isn't to make sure the changes are made. My role is to bring things to light and make sure people are thinking about things. Hopefully in the long run, it will all work out in favour privacy if I get my way, but at least the result will have had people thinking about privacy before the end result.

**Chairman**: Thank you very much for that response. I'm sure Mr. Akeeagok is listening very ardently and will be prepared tomorrow for similar questions. Mr. Savikataaq.

**Mr. Savikataaq**: Thank you, Mr. Chairman. At least two of your review recommendations that you discuss in your 2014-15 annual report is talking about the air ambulance services in the Kitikmeot. As you will be aware, it is a matter of public record that the former contract holder has taken the government to court on this matter. I just want your judgment or opinion on: to what extent do you believe that the territory's access to information legislation and your own office's role in the process is being used to simply further the commercial interests of a private business or to get more information on their court case? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. I don't think I would comment on that particular case. What I would say is that this is what access to information legislation is used for these days. Not only is it used by the press and by individuals who want information that relates to them, but more and more often,

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access to information legislation is being used for business purposes. Information is currency these days. The fact that the ATIPP Act is being used for these purposes is predictable and, frankly, a good thing. The fact of the matter is that businesses, as much as individuals, are entitled to information that the government holds. The answer is: is that a purpose for which the Act is being used? Yes, absolutely. Is that an improper use of the Act? I would say no.

**Chairman**: Mr. Savikataaq.

Mr. Savikataaq: Thank you, Mr. Chairman. I don't know if this is a proper venue, but what would the difference be in terms using your services to get the information or using the court services to get the information subpoenaed? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

**Ms. Keenan Bengts**: Thank you, Mr. Chairman. The Act itself clearly states that the Access to Information and Protection of Privacy Act does not interfere with or change the right that is provided to an individual in court. I mean, both processes are available. I mean, even though I am one, I'm not one to question why lawyers do things, but sometimes lawyers use both processes. It's interesting to note that I think they probably get different records using each process because what is subject to an access request is probably somewhat broader than what is subject to a subpoena or a discovery process in a civil litigation.

Chairman: Mr. Savikataaq.

Mr. Savikataaq: Thank you, Mr.

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Chairman. On a different matter, but it seems to be an ongoing issue, in your 2013-14 annual report to the Legislative Assembly, you indicated that "Nunavut is now the only Canadian jurisdiction without health-specific privacy legislation." In your 2014-15 annual report to the Legislative Assembly, you again "encourage the development of health-specific privacy legislation which will not only accommodate the realities of how personal information is used within the health system, but will also create the privacy framework around electronic medical records." In your view, why are the government's existing privacy laws and guidelines and practices inadequate?

You came up with an example of where that thumb drive was lost and it was found, but can just elaborate on that? Thank you.

**Chairman**: Ms. Keenan Bengts.

**Ms. Keenan Bengts**: Thank you, Mr. Chairman. The answer is not a short one, so bear with me.

Health information, number one, is probably the most sensitive of personal information that there is out there. Your financial information, that's sensitive, but your health information in some cases can be extremely sensitive. Let's talk about mental health information for example. The way in which the health system works is not the way that government works.

To be completely forthright, the exchange of information within the health system right now, in many respects, is way outside the Act; completely inappropriate in accordance

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with the provisions of the Act because health information is shared quite widely. You go into your doctor's office. The doctor says that you need, I don't know, an X-ray. He sends that information over to the X-ray technician, who may or may not be in the same building or in the same office, and then that information goes into an electronic record and that information goes back to the doctor in a paper record, and then it goes off to the administrators, who pay for the service.

The fact of the matter is that most people, doctors included, physicians included, couldn't tell you all of the places personal health information goes, what direction it goes, or who gets it. The other thing is that in terms of places like the Northwest Territories and Nunavut where there's really only one health care provider and that is the government, we don't necessarily always want our neighbour to know what's going on in our lives health-wise. If I go into a doctor's office here and I see the receptionist is my neighbour and I don't want that neighbour to have access to my personal health information, there's nothing to prevent that. There's no way for me to prevent that. With health legislation, that can be nuanced.

The fact of the matter is that health information is far more complex and the way the health information is used, disclosed, or shared is far more complex than normal, ordinary, run-of-the-mill information. What happens when somebody goes and gets medevaced to Ontario or Quebec for medical health services? How does their medical health information follow them? In truth, it shouldn't, but we all know it does because that's the way the system works.

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We need health legislation that actually is in sync with the way things work. ATIPP will deal with the lost USB port, but that's something ATIPP can deal with. If someone were to complain about how their personal health information was used and disclosed amongst all of the people who gave him/her care, then we have a problem. I know, not so much in Nunavut but in the Northwest Territories, they have had a lot of complaints from individuals who have concerns about the way their health information is used and disclosed and the fact that they have no control over it. After all, privacy is something that we should control. Privacy is all about us, right?

If I don't want my next door neighbour to know that I have been diagnosed with, I don't know, cancer for instance, until I've had a chance to deal with it myself, then I should have that opportunity. The way the health system works is that that information is going to be shared probably amongst 20 or 30 people before I get home. People don't know that, for one thing. If a physician doesn't know how personal health information is used and disclosed, the patient certainly doesn't.

As I say, long story, a long response to a short question. The health system just is far more complex than what ATIPP can deal with. I hope that answers the question.

Chairman: Mr. Savikataaq.

Mr. Savikataaq: Thank you, Mr. Chairman. I don't know if you would be able to answer this, but doesn't everybody who is dealing with their client have to know the whole medical history of the patient to give the best

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possible care to the patient, everyone involved in the whole step? I'm not saying that information shouldn't be shared, but in my mind, it seems like in order for the patient to get the best possible care, everyone dealing with the patient has to have the most information available. Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. That's the theory, absolutely. That's what the *Health Information Act* really addresses. For example, the Northwest Territories legislation which comes into effect next week says that once a patient gives consent, and it can be implied consent in a doctor's office, the doctor can use that information in all the ways necessary within that office to treat this patient.

That said, there are individuals and particularly as I say, I have dealt with several people in the Northwest Territories who are very sensitive about who is seeing their personal information. For the most part, those concerns arise when we're talking about mental health information.

If, for whatever reason, a grown adult who understands that if their information is not completely available to all the care providers decides nonetheless that they don't want certain care providers to have access to that information, then that should be, in my opinion, and keep in mind that I'm a privacy advocate, it should be up to the individual.

I know that the current wisdom within the medical system is that you need every doctor and every physician who deals with a patient needs to know everything. Δδ
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The fact of the matter is that they don't need to know everything. If they're dealing with a broken leg, if I walk in and say, "I have a broken leg," they don't need to know that 20 years ago, I had children. It's not necessary for them to know that to treat my broken leg. Maybe for some reason, I don't want them to know that I had children 20 years ago.

It's a bad example, but it is an example that kind of brings it to light. I don't think that the doctor needs that information to treat my broken leg and I don't want that doctor to have that information. I just want the doctor to have the information needed to fix my broken leg, thank you very much. That's my decision. It shouldn't be a physician's decision. It shouldn't be the way the health system works. The system takes away your decision.

There are going to be times when a person's right to control their personal information is going to have to be set aside, absolutely, within the health system, but for the most part, there should still be some degree of control an individual has over their personal health information and who sees it. For the most part, people are going to have the same approach that you have, "I want everyone who treats me to know exactly what they are dealing with. I want them to have all the information that's available to them," and most people will deal with it that way. There is a few number of people who are not going address it that way or who are going to have certain circumstances in which they don't want it addressed that way.

The *Health Information Act* kind of helps deal with that sort of thing and also, as I

say, helps deal with the fact that medical health records are going electronic and that creates a whole other group of problems that have to be dealt with in terms of privacy.

**Chairman**: This is no small piece of legislation from the NWT. Mr. Savikataaq.

Mr. Savikataaq: Thank you, Mr. Chairman. In its recent response to the Standing Committee's report to you, the Government of Nunavut indicated that the Department of Health will be working to develop new health-specific privacy legislation. However, the government has indicated that "this work will span several years." In your view, is this timeline reasonable or unreasonable? In your view, what should the timeline be? What is a reasonable time limit in order for this legislation to be completed and put into force? Thank you.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. Nothing like putting me on the spot. The Northwest Territories legislation took at least seven years. Should it take that long? I don't think so. This is the last jurisdiction. Every other jurisdiction now has health-specific privacy legislation. Surely to goodness, the work that has been done throughout the country should narrow the timeframe that it takes to create a Nunavut-specific piece of legislation. That said, Nunavut is unique and there are going to be things that work in other jurisdictions that aren't going to work here. How long should it take? I would hope less than seven years, but I'm not going to make any further comment beyond that.

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Chairman: Mr. Savikataaq.

Mr. Savikataaq: Thank you, Mr. Chairman. Also in another recent response to the Standing Committee's report on your 2014 appearance, the Government of Nunavut stated that it is working towards amending the Access to Information and Protection of Privacy Act to have it apply to the territory's three largest municipalities. What do you think is a realistic timeframe to bring all municipal governments in Nunavut under this legislation? Thank you.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Another good question. As I'm sure you know I have been harping on this probably for 20 years. Since I took this role, I think it has been in every one of my annual reports, except in more recent years where I have just kind of given up because I know it's out there.

I know that EIA is working hard to get it done. I also know that there has been a lot of resistance from the communities. I also know because I have been working more with EIA and with the communities that records management systems within the municipalities are not good. In fact, to do a historical search for records in Iqaluit, I'm given to understand would be well nigh impossible. Everything is in boxes and it's not well organized and that sort of thing. I have come to the conclusion that, really, there are two steps that can be taken: number one, make municipalities subject to the privacy provisions of the Act. The process to do that doesn't take any extra resources except to train the people in the municipalities about privacy issues. That part of the process, I think, should be

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fairly easy to achieve. The access to information part is just as important. The municipalities use public funds and should be subject to scrutiny that the access to information law provides.

That said, as I say, I know that there are certain barriers to that and what I would like to see is the government working with those municipalities to ensure that the records management systems that are necessary are put in place and then we can implement access to information regulations or legislation for municipalities that allows people access to information on a go-forward basis because I think it is foolhardy to even suggest that historical searches are going to be possible. It would cost so much money to get all of the records and all the municipalities in the kind of shape that would be needed to be able to allow for historical access to information requests, but on a go-forward basis, as long as the management systems are in place, it shouldn't be that difficult.

Again, a long answer to a short question, I'm sorry.

Chairman: Mr. Savikataaq.

Mr. Savikataaq: Thank you, Mr. Chairman. On another subject there, you mentioned quite a few times, using the NWT for example, and they appear to be slightly ahead on a lot of the topics than we are here in Nunavut. How are they dealing with their problem of the municipalities? Is there any legislation that they have yet to deal with the municipalities? Thank you.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr.

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Chairman. No. In fact, I would suggest that Nunavut is ahead of the Northwest Territories in terms of including the municipalities under an access and privacy regime. I have been making the same recommendation there for just as long. The fact of the matter is that it has been started and stopped and started and they're just not getting anywhere. I can't remember where it was I read it, but one MLA, Mr. Dolynny, has taken the government to task for the length of time that it has taken for the MACA department to deal with this. There's just no sign in the Northwest Territories that it's happening.

Here, I know that there's work being done on the ground and with the communities and that progress is being made, however small it is, and I know that EIA has taken the position that "If you don't start working with us, we're just going to impose this legislation at some point and you're going to have to deal with it." I think Nunavut is ahead of the game in terms of adding municipalities.

**Chairman**: Mr. Savikataaq.

**Mr. Savikataaq**: Thank you, Mr. Chairman. We talked about the health, municipality. Let's go on to the housing associations.

In your 2013-14 annual report to the Legislative Assembly, you recommended that local housing organizations be covered under the *Access to Information and Protection of Privacy Act*. In April of 2015, the Government of Nunavut amended the *Access to Information and Protection of Privacy Regulations* to include housing authorities and housing associations under the definition of

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"public body." Does this action fully address the concerns that you had? Thank you.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. Yes, it does. It's exactly what I thought should happen. That said, I'm now going to turn my attention to the district education authorities, which will be most likely next on my hit list. Thank you.

Chairman: Mr. Savikataaq.

Mr. Savikataaq: Thank you, Mr. Chairman. Under these new regulations, it provides that "the Minister responsible for the Nunavut Housing Corporation has been designated as the head of each housing authority and housing association for the purpose of the Access to Information and Protection of Privacy Act." In your view, is this a reasonable way to allow the Nunavut Housing Corporation to assist local housing authorities in administrating their compliance with the Access to Information and Protection of Privacy Act?

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. I think what that does, quite frankly, is take the burden off the smaller organizations, the housing authorities, in terms of having to be completely versed in the workings of the Act. I think it's a good compromise. It's a decent compromise. I'm not going to comment on how that works politically in terms of the housing corporation versus the housing authority and the interplay there. What I can say is that I think it's a good

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**Chairman**: Mr. Savikataaq.

Mr. Savikataaq: Thank you, Mr. Chairman. By putting local housing organizations or authorities and the municipalities under the *Access to Information and Protection of Privacy Act*, if they're all under there, you can get information, but I think that most of us have seen minutes and a lot of the major decisions are made in meetings. A lot of these minutes many times state, "After some discussion, it was voted on and this is the result." I don't know if you're the person to ask, but what can you do in a situation like that? Thank you.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. Duty to document, it's one of those things. I think that it will take time, obviously, for the housing associations to learn about their obligations under the Act. It has only been since April, so we will give them some time. Hopefully the housing corporation will assist them in teaching them how to keep appropriate records so that they are available to an access request.

**Chairman**: Mr. Savikataaq.

**Mr. Savikataaq**: Thank you, Mr. Chairman. This is my last question here.

In April of 2015, the Government of Nunavut amended a number of sections

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in the Access to Information and Protection of Privacy Regulations, including provisions that concern the means by which an individual may consent to disclosure of his or her personal information. Do you have any specific concerns with any of the amendments that were made to the Access to Information and Protection of Privacy Regulations in April of this year? Thank you.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. I think they're good amendments. Nothing has come up or come to my office which would have me reviewing those at this point. It's interesting that I learn more about the Act when I have a complaint and I have to work my way through it.

Right now, I would say that these are good provisions. It announces what the prescribed form is and how consent can be given. That was missing and this is a good addition. Will it raise problems in the future? It might, but we will have to look at it when that comes up. Any movement forward, in my humble opinion, is a good movement.

**Chairman**: Thank you, Ms. Keenan Bengts. I'm just going to recognize the clock at this point and we will take a 13-minute recess.

>>Committee recessed at 15:20 and resumed at 15:38

**Chairman**: Good afternoon, everyone. Welcome back to the proceedings. We have in the witness chair Ms. Elaine Keenan Bengts, Information and Privacy Commissioner for Nunavut.

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I just wanted to clarify something that Mr. Savikataaq left off. When you're talking about municipalities and ATIPP requests potentially coming in down the road or maybe already, when we're talking about council decisions like the example he gave with a motion, from what I understand, ATIPP would be more for administrative requests like how much money is spent for water and sewer or how much does the loader cost, that type of thing. Maybe Ms. Keenan Bengts would be able to elaborate on the difference. Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. Assuming that the same types of provisions that are in the Access to *Information and Protection of Privacy* Act were to be made to apply to municipalities, there are protections in the Act for cabinet confidences and advice and recommendations to executive, and that sort of thing. I would imagine that those would be as applicable to municipalities. It's not so much the decisions that are made in a sitting by the council, but you're correct, more what happens administratively and who pays what taxes, for example, and what contractor has been hired to do what job, the same sort of things that an access request would apply to within the government.

Chairman: Thank you for that clarification. I'll go to the next name on my list, Mr. Joanasie.

Mr. Joanasie (interpretation): Thank you, Mr. Chairman. Good day and welcome, Ms. Elaine Keenan Bengts. (interpretation ends) I just wanted to ask a few questions. On page 11 of your 2014-15 annual report to the legislature, you indicate that you received five formal

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"requests for comment" from public bodies in Nunavut and four formal "requests for comment" from entities outside of the Government of Nunavut. Can you provide further detail on what specific issues you were asked to provide comments on? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

**Ms. Keenan Bengts**: Thank you, Mr. Chairman. I was afraid someone was going to ask me that question.

When I was preparing this morning, I was trying to remember the requests that I had received from government for comment. Frankly, the only one I could remember off the top of my head was a question about the requirement under the *Adoption Act* and the child protection legislation to share information about children and families with designated aboriginal authorities in some cases. That was one of the things I was consulted on for sure. I'm going to have to get back you on the other ones, I'm afraid, because I couldn't think any of the other ones. Thank you.

Chairman: Thank you, Ms. Keenan Bengts. I'm just wondering: have you put some thought into your annual report on maybe including some of this general information so that it alleviates some of the questions that Committee Members may have? Ms. Keenan Bengts.

**Ms. Keenan Bengts**: Thank you, Mr. Chairman. I can certainly consider doing that for sure.

Chairman: Thank you. Mr. Joanasie.

**Mr. Joanasie**: Thank you, Mr. Chairman. Also, can the Information and

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Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. I can't honestly say that I always know what the end result is when I'm consulted, but I do know that when I am consulted, my comments.... For example, when I was asked to comment on the designated aboriginal organizations, the Department of Health, the Department of Family Services, and I had some long discussions about this issue. I know that they took what I had to say to heart. I'm not sure what they did with it, but I know that my comments were at least well received and they will be considered.

As I said earlier, because my viewpoint is very narrowly focused, I don't expect that every time I say something, everyone's going to jump and do it because there are always other things involved. There are other aspects to consider. My role, as I see it, is to make sure that privacy and access issues are at least considered when decisions are being made. Are they well received? I think so for the most part, although I can't honestly say that I always see the end result. Thank you.

Chairman: Mr. Joanasie.

Mr. Joanasie: Thank you, Mr. Chairman. Moving on to another topic, the Auditor General of Canada's report on the 2013-14 financial statements of the Qulliq Energy Corporation stated that "Section 12(2) of the *Qulliq Energy* 

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Corporation Act indicates that the Minister shall, on the recommendation of the board, fix the remuneration and other terms and conditions of employment of the President. Payment made to the former president exceeded those approved remuneration limits. The board of directors did not formally seek nor receive the necessary approvals from the minister for the former President's remuneration."

In your 2014-15 annual report, you indicate that a member of the news media was denied access to "copies of an audit report prepared with respect to certain financial aspects of the Qulliq Energy Corporation." Although you recommended "the disclosure of significant portions of the responsive records," the Department of Finance did not accept your recommendations. On what grounds did the government reject your recommendations? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

**Ms. Keenan Bengts**: Thank you, Mr. Chairman. The only explanation I got was that the audit reports were in the hands of the RCMP and there was an investigation ongoing. Those were the grounds upon which they declined to accept my recommendation.

Chairman: Mr. Joanasie.

Mr. Joanasie: Thank you. As the commissioner, are you aware if a member of the news media planned to appeal to the Nunavut Court of Justice? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

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**Ms. Keenan Bengts**: Thank you, Mr. Chairman. I think the time for an appeal has long since passed, so I doubt very much that that's going to happen.

Chairman: Mr. Joanasie.

Mr. Joanasie: Thank you for that response. I wanted to also ask about the *Privacy Management Manual* that was tabled in the House on March 13, 2015. This manual is intended to be used by all Government of Nunavut employees to "successfully implement the privacy provisions of the *Access to Information and Protection of Privacy Act*." To what extent were you consulted by the government in the development of its new *Privacy Management Manual*? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. I do recall that before Ms. Bell went on maternity leave, she did tell me that she was working on it. I was not consulted on the contents of it. I didn't see it. The first I have seen of it was just the other day. That said, I haven't gone through the whole thing, but what I have read of it, it is very thorough and it looks very good.

**Chairman:** Just another quite extensive document that we have been reviewing with some interest as well. Mr. Joanasie.

**Mr. Joanasie**: Thank you. Do you have any specific changes you would recommend into this privacy manual? Thank you, Mr. Chairman.

**Chairman**: As you haven't reviewed the whole document in detail, maybe after you have an opportunity to review it, if

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**Ms. Keenan Bengts**: Thank you, Mr. Chairman. I would be happy to do that.

**Chairman**: Thank you very much. (interpretation) Mr. Joanasie, are you done? Ms. Angnakak.

Ms. Angnakak: Thank you, Mr. Chairman. I just thought of something else. Last year when you were before us, we talked about you conducting some privacy audits on either a department or a Crown agency or other entity. I'm wondering if you have begun any formal privacy audits on any GN departments or, like I said, agencies, territorial corporations and, if so, which ones are you working on? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

**Ms. Keenan Bengts**: Thank you, Mr. Chairman. I haven't yet for a couple of reasons. One is that I'm playing catch-up right now since coming on full time. The fact is that prior to January 1, I was probably spending 60 percent of my time on these matters on access and privacy and only 40 percent of my time on my private law practice. Now I've got 100 percent of the time, but it's not like it's double the time or anything like that. I'm still catching up. I still have that on my radar. Hopefully by this time next year, I'll have a plan in place and we will be working towards that or maybe even completed one.

Chairman: Ms. Angnakak.

**Ms. Angnakak**: Thank you. Thanks for your response. I think it would be a good

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Just to change my focus a little bit, you were speaking earlier on to one of my colleagues about privacy issues when it comes to regional Inuit associations or municipalities. You also spoke of the concerns and challenges you have when it comes to their filing systems or the lack of. Have you actually gone into the communities to speak with people at these organizations? Have you sat down with them to talk about some of the concerns that you have and what have they said to you? What are their challenges? In what way do they need support? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. I have spoken with a number of officials from municipalities. It was facilitated by the manager of EIA in a training session where she invited a number of municipalities to come and talk about access and privacy issues, and invited me along as well and I came.

The City of Iqaluit was by far the most vocal of the group. As I say, their concerns were, although the officials that I spoke to were very keen actually on access and privacy policies, if nothing else, they had a real concern about the file management systems or the lack thereof.

A lot of conversation was about what would it take to get a file management system, how do we do that, where do we go, and who can help us? We had a lot of good discussion around those issues. I

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don't know, frankly, whether or not they have followed up with any of those discussions or whether any of the municipalities have taken any further steps towards it.

I do know that when EIA attempted to provide training in both Rankin Inlet and Cambridge Bay, nobody came. They sent somebody specifically to do some training in both of those municipalities. One person came in Rankin Inlet and nobody, not one person from Cambridge Bay. There's a clear lack of interest, shall I say, from the other larger communities. I think that maybe another approach like forcing it on them may be the only way. Thank you.

Chairman: Ms. Angnakak.

Ms. Angnakak: Thank you, Mr. Chairman. Just in listening to your response, I was wondering what your views on .... Most of this information that we're talking is government information that is shared with the regional Inuit associations and with the municipalities. When it comes to programs and program delivery and some of those programs involve income support or it involves foster [care], and these are government programs, do you feel that perhaps because this information does belong to the government, we don't have the same level of interest coming from the municipalities or from the regional Inuit associations? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

**Ms. Keenan Bengts**: Thank you, Mr. Chairman. That's a possibility. The fact of the matter is that if the Government of Nunavut has custody or control of

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information, it's subject to ATIPP. My concerns in terms of privacy in particular when it comes to municipalities, the instances in which privacy has become an issue from a municipality, have been where an employee's personal information has been disclosed. That's an important aspect of the Act, but that's where the complaints are coming to me so far in terms of access and privacy.

Thankfully, I don't think I have ever heard of an access issue coming out of a community. That may be because communities are small and people talk. Access requests aren't necessarily required for everyone to know what it is that is going on, maybe. I don't know. On the privacy side of things, there have certainly been some issues and no way to address them. Employees are entitled to a degree of privacy and when there are no policies in place even to deal with these issues, there are going to be breaches.

Chairman: Ms. Angnakak.

Ms. Angnakak: Thank you, Mr. Chairman. It brings to mind, I guess from municipality minutes that I have read, not from here, from a small community, and in there, they're very detailed and say some pretty strong words against some of the employees. To me, it just said, okay, this person, whoever's writing the minutes, they just maybe weren't aware of what they saying and how harmful it can be to somebody. I think they were sort of not re-warned, but said, "You know, you shouldn't be doing your minutes like this." Have you seen such kinds of documentation? Have you looked at any of the minutes that are taken by the municipalities? Thank you, Mr. Chairman.

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Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. No, but I have looked at some of the websites for the municipalities and was a little taken aback, shall I say, about the sorts of things that are put on some of the municipality websites.

For example, "Our condolences go out to the family of so and so who lost their pet dog," I don't know. The websites for the municipalities are often used as places to announce things. Whether or not people actually want their names announced and that sort of thing, there was an instance that I did deal with where the absence of an employee was noted on the website because of a particular illness. I thought that that was inappropriate.

There is not even a basic understanding in most of the municipalities, I don't think, about what's appropriate and what's not appropriate in terms of protecting personal information.

Chairman: Ms. Angnakak.

Ms. Angnakak: Thank you, Mr. Chairman. I'm wondering, then, in light of your comment there about municipalities not really knowing the basic information about access to private information: do you know if the government has actually gone to some of these municipalities and provided some of this training? You work with the manager of ATIPP. Has this kind of conversation come up and, if it hasn't, what role do you think the government should be doing when it comes to municipalities and with this kind of information that really needs to be shared and implemented? Thank you, Mr. Chairman.

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Chairman: Ms. Keenan Bengts.

**Ms. Keenan Bengts**: Thank you, Mr. Chairman. I'll leave the larger question there to your witness tomorrow.

That said, I am aware that in the last few years, there has been a concerted effort on behalf of EIA to discuss these matters with some of the communities to offer assistance to train employees. As I say, at one point, there was a session in Iqaluit and all of the municipalities were invited and several attended that one. Then there was the effort to provide training in both Rankin Inlet and Cambridge Bay, which was less successful. I think that EIA is making, I would say, concerted efforts to get municipalities on board, but they're meeting with a lot of resistance, I think is probably the best way to put it. Thank vou.

Chairman: Ms. Angnakak.

**Ms. Angnakak**: Thank you very much. Thanks for your response. Yes, tomorrow, we will be able to ask that question.

I want to go to the issues around a contracting and procurement report for Nunavut Arctic College, which hasn't been tabled in the Legislative Assembly, even though its annual letter of expectation from the Minister responsible for the college requires one to be produced. Why has Nunavut Arctic College not been preparing and tabling annual reports on its contracting, procurement and leasing activities? Do you know? Thank you.

**Chairman**: That's more of a question directed at tomorrow's witness, but Ms. Keenan Bengts, if you had a comment on

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**Ms. Keenan Bengts**: I have no comment; I have no idea. Thank you.

Chairman: I have no other names on my list at this time. Unfortunately, we're not done yet. I have a few questions to ask. I would just like to go a little step further from the issue that Ms. Angnakak just brought up with the municipalities and in your response that there seems to be a lack of desire to engage in the training component of it. With the LHOs, the ultimate responsibility for ATIPP has now fallen to the Minister responsible for the Nunavut Housing Corporation.

I know you don't control the direction of the legislation, but I would like to get your stance on how we should be taking a look at, when the legislation comes before us, of having the Minister responsible for Community and Government Services as the ultimate responsibility for ATIPP for municipalities. Would that give the government more leverage with the municipalities to basically almost force participation in these training activities? Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. I think I have recommended or suggested in the past that we may have to look outside of the box, so to speak, a little bit when it comes to municipalities and perhaps make one person in, whether it's Community and Government Services or EIA, who is the ATIPP coordinator for all of the communities, therefore reducing the obligation and the burden on the communities to have that expertise in-house.

There's still going to be the need in that

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instance for some training at the municipal level, at the community level. I agree with you, I think there are ways it can be done without putting the entire burden on the municipalities. With due respect to the municipalities, I think the reluctance may well be associated with the fact that they already have limited resources and they don't want to have to put more resources into something they don't really have a whole lot of interest in. It's important, though, and I think that there are ways to accommodate their concerns while still imposing certain obligations on them.

I have recommended in the past as well that policies be written by the Government of Nunavut and provided to the municipalities and imposed on municipalities, "Unless you adopt these policies on access and privacy, there are going to be consequences." There are ways to get them engaged, shall we say, in the process, but I know it has been a hard sell.

Chairman: Thank you, Ms. Keenan Bengts. I'm sure myself and my fellow Committee Members will take those comments under advisement when and if we see proposed legislation come forward.

I'm going to be a little bit all over the board here. I have been kind of taking some notes as some of the responses have been given.

We talked about, a little bit earlier on, the technology. What types of communication with documents does your office use to communicate with government departments or with complaints, people bringing forward requests for information? Some of the

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things that come to mind are fax, email, and snail mail.

One of the concerns that I have, being a former ATIPP coordinator for a department, is faxing. Our government servers aren't really equipped for taking emails over the one gigabyte, I believe it is, for sending through email, yet fax machines in departments aren't always designated for one person. There's a privacy concern there of even communicating with your office as the privacy commissioner. I'm just wondering if I can get some feedback from you on that, Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. This is actually an issue that I have thought about a lot and in fact, I've had discussions with your IT people about it. Originally, I insisted that I wouldn't use email. Call me an old fogy, but I have concerns about the security of email. I have recently set aside that phobia, shall we say, because when I'm talking about just general correspondence between me and an applicant, it's the only way people communicate anymore. For me to say that I won't communicate by email, it just doesn't work.

I have had problems with faxes and have pretty much given up on the use of fax machines. One of the problems that I have.... I'm in the Northwest Territories. As everybody knows, that's where I live, that's where I'm situated. I have received, quite literally, boxes of documents in the mail. That's not a good way to deal with things. Right now, it's the only way there is.

What I have been talking to your IT people about is some sort of portal that all of these records that are responsive to

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requests for information can be put in one secure portal where I would be the only one who could access it and we could save a lot of trees, for one thing, and hopefully fix some of the security issues. I don't like the way things work right now, but it's the only way. We're working on something. We're hoping to be able to create that sort of portal.

My goal, shall we say, would be to have all of that in place for your next Information and Privacy Commissioner when my mandate is done in five years. I would like to have everything set up so that it works far more seamlessly by then. As I said that, I've got a little bit more time on my hands now and have the ability to spend a little more time working on those problems. I don't like the way things work right now, but it is what it is and I do what I can.

**Chairman**: I understand all of that. Trees are pretty few and far between. I think I have sent you a couple of those boxes, again, in a previous role that I had.

I would like to touch on your annual report. In the 2014-15 annual report, you identify a number of issues that you believe should be considered during a full review of the Access to Information and Privacy Act itself, including "broadening and clarifying which public entities are covered by the Act." I know you mentioned DEAs earlier, but which additional bodies do you believe should be covered by the Access to Information and Privacy Act? Ms. Keenan Bengts.

**Ms. Keenan Bengts**: Thank you, Mr. Chairman. You should know that when I wrote this portion of my annual report, I wasn't yet aware of the housing authorities being included. That's a good

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They come up from time to time. The district education authorities come to mind because there's an issue right now involving the privacy of a teacher in a particular community. The district education authority clearly didn't know how to deal with the issue and that's because they're not under Act. They never had to deal with it before. On the other hand, the teachers are government employees, so it's a confusing juxtaposition of different people and different organizations that are responsible for different things and nobody knows what. That's why district education authorities came to mind because an issue came up.

As other things come to my desk and cross my desk, I'm sure others would come too, but that's why that particular one came to mind at this moment. I don't have any others that are jumping out at me, but I'm sure there are others.

Chairman: Thank you for that response. In your opening comments, you mentioned that there was only one breach of privacy complaint. How many notifications did you receive where a material breach of privacy has occurred with respect to personal information under a department's control over the past year? Ms. Keenan Bengts.

**Ms. Keenan Bengts**: Thank you, Mr. Chairman. In fiscal 2014-15, I did not receive any such notifications. I have since received one and we're working on it.

**Chairman**: Thank you. Going back to page 11 in the annual report, you indicated that you participated in one federal/provincial/territorial working

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Ms. Keenan Bengts: Thank you, Mr. Chairman. The working group I'm working with is a group of information and privacy commissioners from across the country who are dealing with the national digital.... I can't remember the name of it, but it has something to do with identities and a central place within Canada where identity can be confirmed. It's a project of the federal government.

My role, to be completely honest, if I might be, is to sit and listen and learn. I don't have an active role. Most of the other jurisdictions have participants who have expertise in computers and technology, and have a far better grasp on how this digital interchange thing is going to work. I think it's important for me to learn as much as I can, so I'm participating at that level in that committee to learn for the most part. I throw in my two cents every once in a while. I'm sure you can understand that I like to talk and I like to talk about this stuff, but I don't have a huge role.

I participate in all sorts of discussions at the national level about various issues that all of us deal with on an ongoing basis. In fact, next week, we will be attending the FPT meeting of information and privacy commissioners in Edmonton.

Chairman: Thank you, Ms. Keenan Bengts. Like you said, you're learning some things that are going along there that have some direct implications to the motor vehicles database, a question that one of my colleagues asked earlier. It sounds like there might be some 'bጔ'ጔ የረርሲትኦ°σኈዮ CΔbσ bNL'bCኦレልና?

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crossover in data sharing. Could I get a comment on that?

Ms. Keenan Bengts: Thank you, Mr. Chairman. As I understand it, it could well. What the federal government is trying to do is create a place where everyone's identity can be confirmed. To be honest, I don't understand it very well, but it's a way to confirm identities. It will deal with motor vehicles. It will deal with passports. It will deal with other forms of identification where it's very necessary to identify an individual and make sure they are who they say they are.

There are all sorts of really complicated technology involved, but one of the things that is hoped to be the end result is to be able to go to one place to confirm identity instead of having to go here, there, and everywhere. Health care cards would be another thing that they're looking at including in this.

Chairman: Thank you. Very interesting. I look forward to seeing some more information on that down the road. I just had a name added to my list. I'll recognize Ms. Angnakak for the third time.

Ms. Angnakak: Thank you, Mr. Chairman. I just thought of something when you were talking earlier about DEAs. I'm wondering why that became on your radar and whether or not you had any instances where students in Nunavut Arctic College may have asked for your help. I think there's a lot of information that really passes between different entities when it comes to students in Nunavut because of applying for loans or grants and also for housing. Housing is provided depending on certain criteria. There's a lot of personal information

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about somebody, the number of children they have, their age, and what's going on in their family. I wonder if you had ever come across anything like that or if that's something that you could look at. Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. Thank you for bringing up that question because it reminds me, in answer to your question, of one of the other things that kind of tweaked my memory. One of the other things that I was consulted on this year is the forms that Nunavut Arctic College uses to collect information. They asked me to comment on that form and how they could improve it and how they could change it so that they're only collecting what they need from those they need to collect it from, and that they're not collecting more information than they actually need. That was one of the forms that I did help them with.

The bottom line on that is if they have the student's consent and the student knows what it's going to be used for, it's completely within the Act. As long as that notice is there and the student has the ability to say, "No, I don't want to share that information because I don't want your housing, and I don't want this and I don't want that," then if they don't want that, they don't provide that information. As long as it's clear to the student, we're okay under the Act. If they do want those services, then their consent has to be clear that they know that this is what they're consenting to, that they will be using that information to deal with housing, with daycare, with whatever it is they use.

**Δν/«ΡΟς»** (Ͻϳ<sup>Δ</sup>ΑΠͿς): <sup>6</sup>6/6 Φ Γρ Γδς,

Chairman: Thank you for that response, Ms. Keenan Bengts. Again, I don't have any names. I just have a couple more questions. I know you mentioned earlier, under the *Adoption Act* and *Child and Family Services Act*, you initially had some discussions with the department that hasn't really been followed up upon.

In the response to the Standing Committee's report from your appearance last year, the government stated that it is "committed to working with your office and Designated Inuit Organizations to develop appropriate guidelines...with respect to personal information that is provided [by the government to designated Inuit organizations] concerning matters arising under the *Adoption Act* and the *Child and Family Services Act*."

The government has also stated at that time that it planned to meet with you in February of 2015 and has been "awaiting [your] recommendation[s] on provisions to include in an agreement [between the government and designated Inuit organizations]." Did this meeting not occur? Ms. Keenan Bengts, if you could update me.

Ms. Keenan Bengts: Thank you, Mr. Chairman. Yes, I have a fairly long meeting with departmental officials and I have also since written them an even longer letter outlining some the suggestions that came out of that meeting and how we could proceed going forward. I know that since then, there have been additional meetings with the various officials in I believe it was Health, but it could have been Family Services. I know the issue is being dealt with. I know that there are ongoing discussions within the government and I

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expect that I will hear from them again soon. My letter went out just a couple of months ago. With the summer ensuing, I'm thinking that I may hear from them again in the next few months. I know it's an ongoing issue and we are having some fruitful discussions.

**Chairman**: Thank you for that response. I believe this is my final question, but it may depend on the response.

As I'm sure you're aware, our Standing Committee wrapped up two days of televised hearings on Friday concerning the annual reports and business plans of the Nunavut Development Corporation and the Nunavut Business Credit Corporation. One of the issues that arose during those hearings concerned the extent to which NBCC should publicly disclose in its annual reports the identities of individuals and businesses that received loans or other financial assistance from NBCC, which is a publicly owned territorial corporation.

As I'm sure you're aware, NDC does disclose the identities of entities that receive equity investments and the government discloses the identities of individuals and organizations that received grants and contributions. As I'm sure you're also aware, the annual reports of the Northwest Territories Business Development and Investment Corporation do disclose the identities of loan recipients.

As I indicated to my colleagues and to our viewing audience during our hearing on Friday, I said that I was going to ask for you to provide your perspective on this issue, so I'm doing so. Ms. Keenan Bengts.

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**Ms. Keenan Bengts**: Thank you, Mr. Chairman. Let's start by saying that companies *per se* have no privacy rights under the Act. Only individuals have privacy rights.

In my opinion, if I were asked to do a review recommendation on this, I would recommend that the names of the corporations and the amount they receive be disclosed. My memory's not perfect, but I seem to recall that way back when I was first appointed in the Northwest Territories, a very similar issue came to my attention and that's the recommendation I made, that the names be disclosed. That was a long time ago and there may be some nuance that I might apply to it today.

For example, if it's an individual receiving the money as opposed to a company, I would have to look at all of the facts and the circumstances to determine whether the disclosure of that information would be considered an unreasonable invasion of that person's personal privacy, section 23 of the Act. The disclosure of personal information isn't in and of itself contrary to the Act. It's only if it can be considered an unreasonable invasion of privacy that it becomes contrary to the Act.

There are all sorts of things that go into that question. I think, if I were asked in a review, I would likely say that in most cases, the entity, whether it's an individual or a company who receives money from a government agency, whether it's by way of a loan or a grant or any other form, should be disclosed. More information than that? Probably not.

The name of the person and the amount,

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Δ<sup>16</sup>bΔJ<sup>1</sup>α<sup>1</sup>C'Od<sup>16</sup>D<sup>16</sup>U. off the top of my head, I can't think of any reason why that kind of information shouldn't be disclosed or why, if it were an individual receiving that money, that would be an unreasonable invasion of that person's privacy, particularly if the individual is advised when they make the application for the funding that that information will be disclosed.

**Chairman**: Thank you for that response. When I look at old media clippings, it was almost exactly ten years ago that the NWT started the practice of releasing this information.

During the response from the chair of NBCC on Friday, she wasn't really sure on why they didn't disclose the information. Maybe somewhat similar to your response, she didn't really see an issue with it. The presidents of the organizations seemed to insinuate that there were concerns on the legality of releasing that information in a public domain and that she felt that organization could get in trouble from the Office of the Auditor General of contravening the Act itself on releasing that information.

I'm going to ask you to put your lawyer hat on now. I know you don't have the Act in front of you, but it sounds like you're very much aware of the circumstances surrounding these requests and the perception of impact of releasing this information. Could I maybe get your perspective on that? Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. I haven't read the Act, so I don't know what it says. I don't know whether it says that this information cannot be disclosed. Certainly it would be well within the mandate of this Legislative Assembly to change that if it

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does exist, but I'm thinking only of my Act, that is, the *Access to Information and Protection of Privacy Act*, which takes precedence over every other Act unless there's a notwithstanding clause. As I say, I can't see any reason why that information should not be disclosed. I would have to read the Act under which that organization is established. There may be something in there, but I don't know and it hasn't come to my attention in my role at this point.

Chairman: Thank you, Ms. Keenan Bengts. Maybe if you wouldn't mind tacking that onto some of the other information that the Committee has requested from you to provide.

I'll just ask this as a final. In principle, should loans from public dollars or guaranteed by public dollars be treated differently from grants from public dollars? Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. I would like to hear an argument that they are different. I don't see that they're different. There might be an argument to be made because they're paid back or at least in theory they are to be paid back, but the fact is it is public money. The first rule of access is that everything is disclosed "unless" and you have to convince me that the "unless" applies. I haven't yet heard an argument from anybody in any context that suggests that the "unless" comes into play. Where I always start with every review on access is that everything is disclosed unless you can convince me otherwise and I haven't been convinced in the context of an access to information request at this point.

**Chairman**: Thank you for that response.

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Mr. Mikkungwak, I was just going to say I have no more names on my list. Mr. Mikkungwak.

Mr. Mikkungwak: Thank you, Mr. Chairman. The first question that I have is on your 2014-15 Nunavut Information and Privacy Commissioner document, your annual report on page 11, Miscellaneous Inquiries/Comments. The ones that are above all have a category or have been identified, but I'm just curious as to miscellaneous enquiries and comments. Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. Again I cannot remember what that was about. It was probably either somebody from the press or somebody from the public who was making an enquiry that took me more than 20 seconds to respond to. Normally I will open a file when somebody asks a question of me that I don't feel comfortable answering immediately without doing a little bit of research. I think probably that's what that was all about. Again, I would have to go back in my records to recall exactly what the issue was, but I'm sure that that's what it was about. Somebody asked me a question and I couldn't answer right off the top, so I did a little research and as a result, I opened a file to do that.

Chairman: Mr. Mikkungwak.

Mr. Mikkungwak: Thank you, Mr. Chairman. Do we anticipate miscellaneous enquiries and comments in the future years' annual reports? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

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Ms. Keenan Bengts: Thank you, Mr. Chairman. There may well be and I will make a note that next time, I will make it more clear what those are all about, either for my report to you here or in the annual report itself.

**Chairman**: Thank you for that response. Mr. Mikkungwak.

Mr. Mikkungwak: Thank you, Mr. Chairman. I'll switch on to another document. On your Nunavut Information and Privacy Commissioner 2013-14 annual report, page 16, it actually shows the structure that you have in place when a request has been submitted. Earlier I asked, there were categories that were identified or an actual breakdown even. When each application is submitted, does it vary by department as to how long the process is and when you make a recommendation? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. It depends more on the complexity of the issue being raised and frankly, the number of records that I have to go through. Some of these review recommendations that I do, page by page, line by line, I actually go through thousands of pages of records to consider every time that a public body has redacted something. Those ones take a long time to do and are sometimes very long and are always extremely boring to read because it's line by line, page by page. Those ones take a long time. Does it vary from department to department? Not really. It really depends on the complexity of the issue being raised and/or the number of records that are

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involved. Does that answer the question? **Chairman**: Mr. Mikkungwak.

**Mr. Mikkungwak**: Thank you, Mr. Chairman. When you look at all of these documents, I'm presuming some of them are archived documents. How far back do you go on archived documents in number of years? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

**Ms. Keenan Bengts**: Thank you, Mr. Chairman. I have actually never dealt with an archived document. All of the documents I have ever dealt with in an access to information request have been records that are currently in the system. I believe that archived records are dealt with under the *Archives Act*.

Chairman: Mr. Mikkungwak.

Mr. Mikkungwak: Thank you, Mr. Chairman. Switching on to another document, the Annual Report on the Administration of the Access to Information and Protection of Privacy Act, dated August 2014. On page 5, you have types of applicants, number of requests, and then you also have a percentage. Can you clarify as to why the percentage is there and is there reasoning for that or is the reasoning being that the matter has been dealt with? Thank you, Mr. Chairman.

Chairman: Thank you, Mr.
Mikkungwak. Just to clarify, that's the report provided by the Department of EIA, not from the privacy commissioner. Those percentages are just the total percentage of requests per department. Does that clarify your...? Mr. Mikkungwak.

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**Mr. Mikkungwak**: That would be correct, Mr. Chairman. Thank you.

**Chairman** (interpretation): Are you done? (interpretation ends) Are you still asking for an opinion from the privacy commissioner? Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. I'm sorry I was confused. This is not a document I prepared. It came from EIA, I'm assuming. I did read it briefly yesterday. I'm sorry I'm not exactly sure what the question was. Perhaps you could rephrase it, maybe.

**Chairman**: Mr. Mikkungwak, do you have a question for the privacy commissioner on this? Mr. Mikkungwak.

Mr. Mikkungwak: Thank you, Mr. Chairman. I understand and some of my colleagues have pointed it out that it's an EIA document. When you look at the number of requests and percentages, I'm not sure if you can answer this, but in your opinion, do you think that is reflective of the applications that have come forth through your office and through the particular department? Do you believe that they have been dealt with? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. I think this refers to the number of access to information requests which have been received in total. Keep in mind that I don't see every access to information request. I only see those ones that people aren't happy with. What this report that I'm reading tells me is that public bodies address most of their access to information requests satisfactorily in the first instance.

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In terms of whether this is representative of what happens on an annual basis, it changes from year to year. One year, I can have 20 requests for review from one department and none from the other, and then next year, it will be the other way around. It just depends on what's going on, what's going through people's heads, and who is making access to information requests at any particular point in time. Is it representative? Well, I'm sure it's accurate. Is it representative on an annual or a historical basis as to which organizations are receiving the most access requests? I couldn't tell you.

I do know that the number of access requests has declined and took a drop and it wasn't only here but also in the Northwest Territories because the residential school matter has been resolved or finalized. A lot of access to information requests came out of that. There are no more or very few of those now being made. The number of requests has gone down; a sharp drop. I don't think we're going to see another sharp drop. It has probably steadied out again.

I'm not sure whether that answers your question, but I hope it does.

**Chairman**: I'm sure the Member will have questions for the EIA representation tomorrow. Mr. Mikkungwak.

Mr. Mikkungwak: Thank you, Mr. Chairman. It may be my last question here depending on the response or the answer. When you come across all these applications, whether it be business, public body, or media, do you see the trend of applications similar from previous years? I do know it varies by GN department, but do you see the trend

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pretty similar or are the applications becoming more in-depth? Thank you, Mr. Chairman.

Chairman: Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. Every year, there is one or two that are really complicated or involve an awful lot of records. The most requests for review that come across my desk, quite frankly, are disgruntled employees who are looking for information about why they didn't get a job or what was said by their colleagues about them in a discipline matter. This is a number I'm drawing out of the air, I haven't done any calculations, but I would say that probably 50 percent of what comes across my desk is about employee issues and employees wanting their own personal information on various issues that arose within the workplace.

Chairman: Thank you, Ms. Keenan Bengts. Last week, we also had IQK in front of our Committee, who are charged with providing recommendations to the government on implementing or working traditional law or societal values into the policies of the government.

One of the recommendations that garnered a bit of discussion was age of majority, where there is some take on their belief that as soon as somebody is 18, it doesn't necessarily prepare them to be an adult. Occasions may occur, whether it be through Justice or through Health, that they feel they could have more influence on the betterment of these young adults if they know sooner about some of these circumstances, whether it be suicide attempts or legal action being brought against them or some type of a health issue that they feel that they could

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actually create a positive learning experience to these young adults, yet we're dealing with Canadian law. When you're age of majority, you have the right to privacy.

I'm not sure if your office has ever been tasked or taken into consideration some of these traditional laws, but I would like to get your perspective on how you would view an initial discussion of this matter. Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. I'm assuming that some of this came out of the recommendations from the suicide prevention inquiry that has just finished up here. One of the recommendations was that there be authority to advise other family members, even when it's an adult involved. That can be done under the Act as it is right now.

Under I think it's section 48 of the Act, personal information can be disclosed to the next of kin when, for example, there's an injury or an illness or a death and the next of kin needs to be advised or when there is a danger to anyone's health or safety. The Access to Information and Protection of Privacy Act doesn't prevent the disclosure of information in those kinds of circumstances. It specifically allows the disclosure of information in those kinds of circumstances.

What you're talking about, I mean how far do we go here? In many cases in southern Canada, a 12-year-old who seeks medical advice and doesn't want his parents to know about it has the ability to keep that private. If the medical practitioner is of the opinion that this child, and let's face it, a 12-year-old is still a child, has the mental capacity and

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the maturity to make a decision like that, it's one of those ethical issues that doctors deal with all the time with children under the age of 18, but over a certain age and seem mature enough to be dealing with their own issues.

It's a hard one. No matter how you look at it, it's a hard one, and when you throw in cultural norms and historical ways of dealing with things, you have an entirely different set of facts to deal with. I think the bottom line is if it's the will of the people of Nunavut that their personal information be available to next of kin or whatever, then that will have to be the will. It can be put in legislation.

That said, for every yes there is a no and there will be circumstances in which that disclosure might be a good thing. There's also going to be a situation where that disclosure would be equally as bad. Where do you draw the line? It's not an easy question. There is no easy answer. I think that sometimes we have to just use common sense. You asked a hard question and I don't know the answer to it.

I think tradition is very important. I also think, though, that we need to respect the fact that privacy in this century and these days and information is a commodity that needs to be protected. If it is the will of the Legislative Assembly that in certain circumstances, personal information can be disclosed to family members, then I think it's something that would have to be thought out very carefully so that the bad doesn't take over the good that that would result in.

That's a very rambling answer, but it's a very difficult question.

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Chairman: Thank you, Ms. Keenan Bengts. I acknowledge that it's a difficult question and I think that's why I asked it because now discussion has been initiated. I'm just kind of thinking as we go along and passing notes around here that it may be worth either IQK getting in touch with you or you getting in touch with them to maybe start some preliminary discussions on overcoming some of these challenges and identifying parameters where it is in the betterment of the youth or young adults involved.

With that, I don't have any more names on my list. I would like to invite you to provide your closing comments. Ms. Keenan Bengts.

Ms. Keenan Bengts: Thank you, Mr. Chairman. I'll be very brief. I just wanted to thank you again for giving me your attention this afternoon. I am passionate about these things, access and privacy. I am very happy to be able to continue my work in Nunavut for the next five years and look forward to being back again before you, hopefully in the near future. Thank you.

Chairman: Thank you very much. I would like to thank you for taking the time to appear before the Committee. I know that it's kind of an expected annual event, but like you, this Committee is very passionate about privacy and protection of our populace and even of the government itself. It's a very challenging topic on occasion and there are different individual circumstances that make it more challenging, sometimes in certain instances more than others.

I would like to thank you for educating us on the next level of what your office has been doing and what it's looking at

achieving in the next year now that this is a full-time gig for you. I want to really appreciate the amount of work that you have been doing and the amount of work that you're going to be doing.

With that, I'll close out this hearing. Thank you very much.

Ms. Keenan Bengts: Thank you.

>>Committee adjourned at 16:51

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