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Building *Nunavut* Together
Nunavut liuqatigiingniq
Bâtir le *Nunavut* ensemble

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

For the period April 1, 2015 to March 31, 2016

Department of Executive and Intergovernmental Affairs

November 2016

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Fiscal Year 2015-2016 in Review

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

We are pleased to table the 2015-2016 Annual Report on the Administration of the ATIPP Act. This report provides a summary of formal requests received by public bodies under the ATIPP Act between April 1, 2015 and March 31, 2016. It also provides information on important updates and work done under the ATIPP function throughout the fiscal year.

Requests

In fiscal year 2015-2016, a total of 150 requests were received by the public bodies under the Act, an increase of 7% from the requests received in the previous fiscal year.

This fiscal year, the applicants received a response within the first 30 days after receipt of the request in 72% of the completed requests. The majority of requests were related to access to personal information.

All requests received in 2015-2016 were received and processed in English, although public bodies are prepared to respond to a request received in any of the official languages.

ATIPP Regulations

The Department of Executive and Intergovernmental Affairs worked with the public bodies and the Department of Justice to develop draft amendments to the ATIPP Regulations. The draft amendments were finalized and approved by the Cabinet in April 16, 2015.

In response to the recommendation of the Information and Privacy Commissioner, Schedule A of the ATIPP Regulations was amended to include Local Housing Associations and Local Housing Authorities. Under subsection 1(2), the Nunavut Housing Corporation is designated as the “public body” for Local Housing Associations and Local Housing Authorities and under subsection 1(3), the Minister Responsible for Nunavut Housing Corporation is designated as the “head” of each Local Housing Association and Local Housing Authority.

Under subsection 5(1) (a) of the regulation, oral consent of disclosure of personal information is now allowed but the public body is required to make and maintain a written record of the oral consent [Subsection 5 (2)]. Subsection 5(4) was added to allow other types of identification, such as provincial and territorial driver’s licenses, health cards and general identification cards as well as passports issued by any country to applicants who are requesting or consenting to disclosure of their personal information to prove their identity. This is particularly important where the applicant is no longer a resident of Nunavut.

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

The amendment now allows charging a fee for reviewing a record for information that the public body is required to refuse from disclosure. [Subsection 10(1)(a)(i), 11(6)].

The amendment has updated the “head” for Apprenticeship, Trade and Occupational Certification Board established under the Apprenticeship, Trade and Occupational Certification Act to the Minister of Family Services and removed agencies and organizations that are of Government of the Northwest Territories [Schedule A].

It has also added the word “reviewing” to item 3 of Schedule B to allow the public body to charge for reviewing a record for disclosure and has removed the obsolete types of media storage used for copying records. Item 6 of Schedule B also allows charging the actual cost of media storage and copying to it.

These amendments now provide clear direction on the administration of the ATIPP Act and ensure accountability and transparency of government operations and respect the principle of Tunnganarniq by fostering good spirit by being open and transparent.

Administration

ATIPP Training

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

In total, 236 GN employees attended formal ATIPP training sessions this fiscal year. These sessions are often combined with records management training, or provided during employee orientation sessions. Training was also provided to the Government Liaison Officers that focused on how to assist members of the public in placing a request under the ATIPP Act.

Consultation with Municipalities

In 2011 the Government of Nunavut (GN) began active consultations with municipalities regarding their inclusion in the ATIPP Act. These consultations included letter communications, training sessions and meetings with senior municipal employees. Through these consultations it was determined that the majority of municipalities would not be capable of meaningful compliance under the ATIPP Act. Using the information collected, the Information and Privacy Commissioner has supported the GN’s decision to first pursue the inclusion of larger municipalities with the capacity to ensure meaningful compliance.

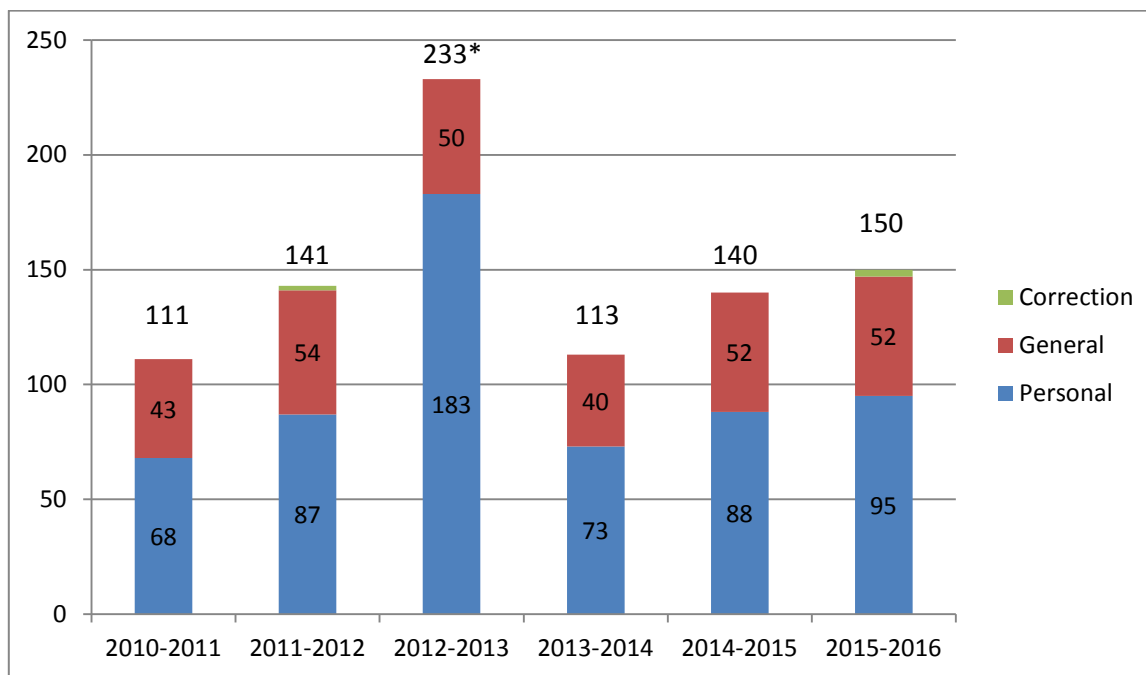
A compliance schedule was sent to the municipalities of Rankin Inlet, Cambridge Bay and the City of Iqaluit mayor and council in 2014. There was no movement forward from Rankin Inlet or Cambridge Bay despite opportunities for training and further consultations. The City of Iqaluit participated in a variety of meetings and training sessions at which point the Mayor and Council committed to move forward voluntarily with access and privacy principles consistent with the ATIPP Act. Although the response was positive, the compliance schedule was not followed, nor were any meaningful steps towards compliance taken. As a new Mayor and Council were elected in 2015, a re-engagement letter was sent in March 2016. At the time this report was written, no response has been received from the City of Iqaluit.

The GN is now taking the necessary steps to create the appropriate legislative framework to ensure transparency and accountability in all levels of government across Nunavut.

Statistics Fiscal Year 2015-2016

Total Number of Formal Requests Received by Fiscal Year

The majority of requests received by public bodies are from applicants seeking their personal information held by the government. There was an overall increase of 7% from the request received in the 2014-2015 fiscal year. Induced in the total number of requests received were 3 requests were for correction of personal information.



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

There were 10 third-party requests from other governments in 2015-2016. These were treated as informal requests and thus were not included in the statistics for this fiscal year.

Total Number of Requests Received by Public Bodies in 2015-2016

In 2015-2016, a total of 150 formal access to information requests were received by public bodies under the ATIPP Act. The table below lists public bodies that received one or more formal requests. Out of the public bodies who received formal requests in 2015-2016, the Department of Justice received the highest percentage with 19 percent of the requests. Out of the 29 requests received by the Department of Justice, 14 requests were in relation to the Indian Residential School Resolutions.

Some public bodies did not receive any requests in fiscal year 2015-2016: Apprenticeship, Trade and Occupations Certification Board; Labour Standards Board; Legal Services Board of Nunavut; Liquor Commission; Liquor Licensing Board; Nunavut Development Corporation; Public Records Committee; Qullit Nunavut Status of Women Council; Victims Assistance Committee and the Department of Culture and Heritage.

Public Body	# of Requests	% to Total Requests
Community and Government Services	7	5%
Economic Development and Transportation	11	7%
Education	25	17%
Environment	3	2%
Executive and Intergovernmental Affairs	8	5%
Family Services	13	9%
Finance	21	14%
Health	22	15%
Justice	29	19%
Nunavut Arctic College	3	2%
Nunavut Business Credit Corporation	1	.7%
Nunavut Housing Corporation	3	2%
Qulliq Energy Corporation	3	2%
Workers Safety & Compensation Committee	1	.7%
Total	150	100%*

*due to rounding, total % to total requests equals 100.4%

Types of Applicants

The type of applicants placing new requests in the fiscal year 2015-2016 is presented below.

Type of Applicant	# of Requests	% to Total Requests
Law Firm*	41	27.3%
Public	93	62.0%
Media	9	6.0%
Business	7	4.7%
Total	150	100.0%

* This includes 17 requests specific to the *Indian Residential School Resolution Canada*.

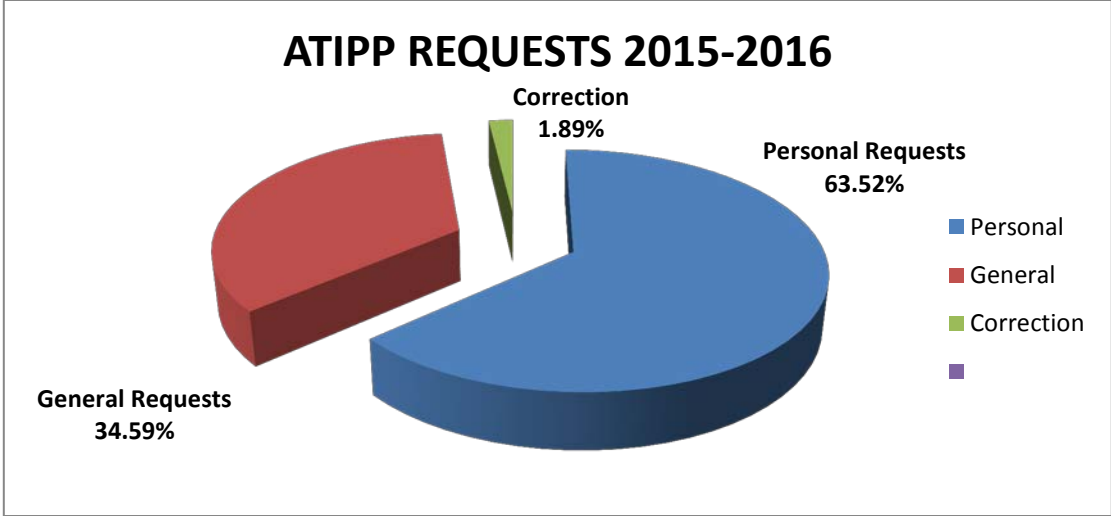
Total Number of Formal Requests Completed in 2015-2016

In 2015-2016, a total of 150 formal requests were received by public bodies under the ATIPP Act. Nine (9) requests were carried over from 2014-2015 resulting in a total of 159 formal requests being open during the 2015-2016 fiscal year. Any request that was still open on April 1, 2016 was carried over into the 2016-2017 fiscal year.

Carried over from 2014-2015	9
New requests in 2015-2016	150
Total requests that were open during 2015-2016	159
Completed in 2015-2016	148
Carried forward as of March 31, 2016	11

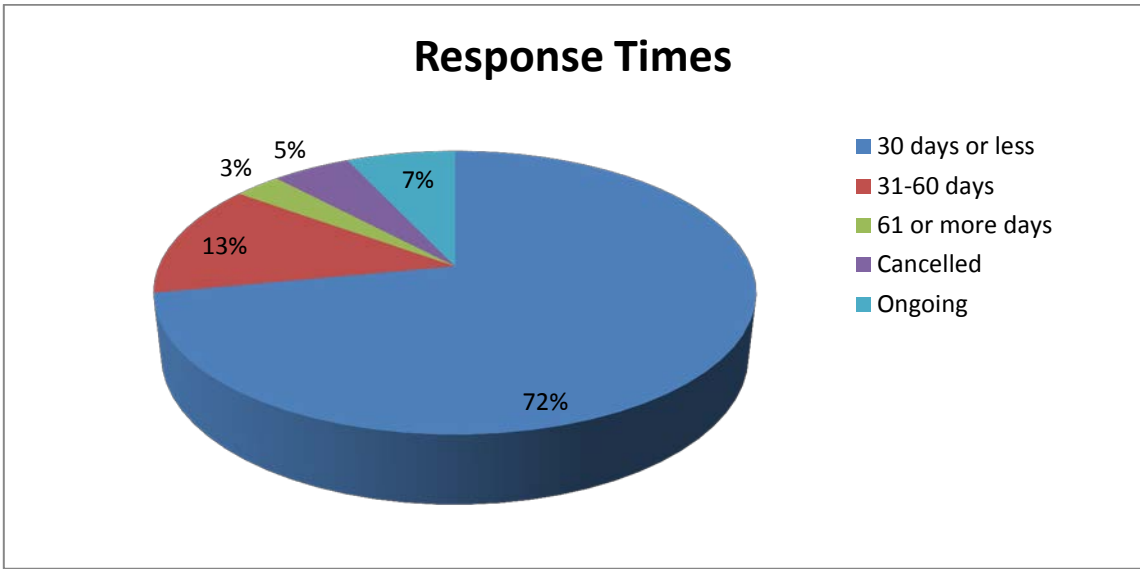
Purpose of Formal Requests in 2015-2016

In fiscal year 2015-2016 of the 159 open ATIPP requests, 55 were general requests for access to information; whereas, 101 were requests for personal information and 3 were requests for correction of personal information.



Response Time of Total Formal Requests Opened in 2015-2016

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



The chart above indicates that 72% of requests were responded to within the first 30 days. Most of the requests that exceeded the 30 day time limit were extended using legitimate reasons as stipulated by section 11 of the ATIPP Act.

The chart on the following page presents a detailed summary of all formal requests open in 2015-2016. Any request that was opened in 2015-2016 and remained open past March 31, 2016 was carried over into the 2016-2017 fiscal year.

Summary of all ATIPP requests handled in fiscal year 2015-2016

Public Body	RESPONSE TIME					PURPOSE OF REQUEST		OPEN REQUESTS IN 2015-2016			
	30 days or less	31-60 days	61 or more days	On-going	Cancelled	Personal	General	Carried over from 2014-2015	New 2015-2016	Completed 2015-2016	Carried Over to 2016-2017
Community and Government Services	7	1				5	2		7	7	
Economic Development and Transportation	7			1	2	4	7		11	10	1
Education	23	2	2	2		21	8	4	25	27	2
Environment	2				1	2	1		3	3	
Executive and Intergovernmental Affairs	7	1				2	6		8	8	
Family Services	8	3			2	11	2		13	13	
Finance	14	6		1	1	11	11	1	21	21	1
Health	13	5	1	4	1	15	9	2	22	20	4
Justice	24	3		3	1	26	5	2	29	28	3
Nunavut Arctic College	3					3	0		3	3	
Nunavut Business Credit Corporation	1					0	1		1	1	
Nunavut Housing Corporation	3					2	1		3	3	
Qulliq Energy Corporation	2		1			2	1		3	3	
WSCC	1					0	1		1	1	
TOTAL	115	21	4	11	8	104	55	9	150	148	11

ATIPP Training Statistics 2015-2016

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

Date	Location	Audience	Attendance	Type	Presenter
21-Apr-15	Iqaluit	Various GN departments	14	Records Management	ATIPP Manager / Records Management
20-May-15	Iqaluit	Various GN departments	14	Records Management	ATIPP Manager / Records Management
23-Jun-15	Iqaluit	Various GN departments	14	Record Management	ATIPP Manager / Records Management
24-Jun-15	Iqaluit	Various GN departments	13	Records Management	ATIPP Manager / Records Management
07-Jul-15	Iqaluit	Various GN departments	18	Employee Orientation Program	ATIPP Manager / EOP
25-Aug-15	Iqaluit	Various GN departments	12	Records Management	ATIPP Manager / Records Management
22-Sep-15	Iqaluit	Various GN departments	8	Records Management	ATIPP Manager / Records Management
23-Sep-15	Iqaluit	Various GN departments	9	Records Management	ATIPP Manager / Records Management
13-Nov-15	Iqaluit	Family Services ATIPP Coordinators	3	ATIPP Coordinators Training	Legal Counsel-Justice
17-Nov-15	Iqaluit	Various GN departments	10	Records Management	ATIPP Manager/ Records Management
17-Nov-15	Rankin Inlet	Various GN departments	9	Employee Orientation Program	ATIPP Manager / EOP

18-Nov-15	Iqaluit	Various GN departments	12	Records Management	ATIPP Manager / Records Management
23-Nov-15	Iqaluit	Christine Delahunty and Qikiqtani Rehabilitation Services	8	Basic ATIPP Orientation & Regulatory bodies	Legal Counsel-Justice
25-Nov-15	Iqaluit	Finance & Family Services ATIPP Coordinators	7	ATIPP Coordinators Training	Legal Counsel-Justice
26-Nov-15	Baker Lake	Various GN departments	8	Employee Orientation Program	ATIPP Manager / EOP
27-Nov-15	Iqaluit	Various GN departments	15	Employee Orientation Program	ATIPP Manager / EOP
20-Jan-16	Iqaluit	QEC ATIPP Coordinators	3	ATIPP Coordinators Training	Legal Counsel-Justice
29-Jan-16	Iqaluit	Family Services	2	ATIPP Coordinators Training	Legal Counsel-Justice
03-Feb-16	Iqaluit	Various GN departments	15	Employee Orientation Program	ATIPP Manager / EOP
03-Feb-16	Pond Inlet	Various GN departments	9	Employee Orientation Program	ATIPP Manager / EOP
10-Feb-16	Iqaluit	QEC ATIPP Coordinators	3	ATIPP Processing Guide	ATIPP Manager
24-Feb-16	Arviat	Various GN departments	8	Employee Orientation Program	ATIPP Manager / EOP
01-Mar-16	Iqaluit	Various GN departments	11	Records Management	ATIPP Manager / Records Management
02-Mar-16	Pangnirtung	Various GN departments	5	Employee Orientation Program	ATIPP Manager/ EOP
02-Mar-16	Iqaluit	Department of Health	6	Basic ATIPP Training	Legal Counsel-Justice
		TOTAL	236		