



# **Standing Committee on Oversight of Government Operations and Public Accounts**

## ***Report on the Review of the 2010-2011 Annual Report of the Information and Privacy Commissioner of Nunavut***

**Third Session of the Third Legislative Assembly of Nunavut  
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## Introduction

The Information and Privacy Commissioner of Nunavut is an independent officer of the Legislative Assembly who is required under section 68 of the *Access to Information and Protection of Privacy Act* to prepare and submit an annual report to the Legislative Assembly on her office's activities.

The *Access to Information and Protection of Privacy Act* provides for the Commissioner of Nunavut to appoint, on the recommendation of the Legislative Assembly, the Information and Privacy Commissioner for a five-year term of office.

The appointment of Nunavut's first Information and Privacy Commissioner, Elaine Keenan Bengts, was recommended by way of motion in the Legislative Assembly on November 2, 1999. On November 25, 2004, her reappointment was recommended by way of motion to a second five-year term of office. The Information and Privacy Commissioner of Nunavut also serves as the Information and Privacy Commissioner of the Northwest Territories.

The Legislative Assembly of the Northwest Territories enacted the *Access to Information and Protection of Privacy Act* in 1996. As the Information and Privacy Commissioner has noted:

“The *Access to Information and Protection of Privacy Act* was created to promote, uphold and protect access to the information that government creates and receives and to protect the privacy rights of individuals.”

The *Access to Information and Protection of Privacy Act* and regulations were inherited from the NWT on April 1, 1999. While the Act has been amended on a number of occasions since the creation of the new territory, there have been no fundamental changes to it. The minor changes that have been made to the Act consist of amendments to address conflicts with other territorial Acts. The changes that have been made to the regulations have been housekeeping in nature.

As the Information and Privacy Commissioner has noted, her office is mandated to:

“...conduct reviews of decisions of public bodies and to make recommendations to the Minister involved (...) the Commissioner has the obligation to promote the principles of the Act through public education. She is also mandated to provide the government with comments and suggestions with respect to legislative and other government initiatives which affect access to information or the distribution of private personal information in the possession of a government agency.”

Standing Committee hearings on the annual reports of the Information and Privacy Commissioner, the Languages Commissioner and the Auditor General provide an opportunity for the issues raised in each report to be discussed in a transparent manner.

Government accountability is fostered through the requirement in the *Rules of the Legislative Assembly* that the government table a comprehensive response to the Standing Committee's report and recommendations within 120 days of its presentation to the House.

Since her initial appointment in 1999, the Information and Privacy Commissioner has submitted a total of twelve annual reports to the Legislative Assembly of Nunavut. In each annual report, she has presented a number of recommendations. Her annual reports are accessible on her office's website.

Since 2005, the Government has tabled an annual report on the administration of the *Access to Information and Protection of Privacy Act*. The government's most recent annual report on the administration of the Act was tabled in the Legislative Assembly on October 28, 2011.

The Standing Committee on Oversight of Government Operations and Public Accounts held hearings on the 2007-2008 and 2008-2009 annual reports of the Information and Privacy Commissioner on October 1, 2009. Its hearings on the 2009-2010 annual report of the Information and Privacy Commissioner were held on October 1, 2010.

Following its 2010 hearings, the Standing Committee presented its own report to the Legislative Assembly on October 29, 2010. This report contained a number of formal recommendations. The government's response to the Standing Committee's report and recommendations was tabled in the Legislative Assembly on February 28, 2011. Both the Standing Committee's report and the government's response to it are available to the public on the Legislative Assembly's website.

The Standing Committee's hearings on the 2010-2011 annual report of the Information and Privacy Commissioner were held on November 24, 2011. Senior officials from the Government of Nunavut's Department of Executive and Intergovernmental Affairs subsequently appeared before the Standing Committee on November 25, 2011.

This appearance constituted the first time that departmental officials have appeared before a Standing Committee of the Legislative Assembly to publicly account for the government's actions in response to recommendations of the Information and Privacy Commissioner and the Standing Committee itself.

The 2011 appearances of the Information and Privacy Commissioner and departmental officials before the Standing Committee were held in the Chamber of the Legislative Assembly and were open to the public and news media to observe. Transcripts from the appearances have been posted on the Legislative Assembly's website.

## Observations and Recommendations

The Information and Privacy Commissioner's annual reports to the Legislative Assembly have provided a number of formal recommendations. The Standing Committee's November 24, 2011, hearing on the 2010-2011 annual report of the Information and Privacy Commissioner and subsequent appearance by senior Government of Nunavut officials provided an opportunity to review the progress made by the government over the past year in addressing the recommendations made by the Information and Privacy Commissioner and the Standing Committee.

**Issue: Disclosure of Crown Agency Contracting, Procurement and Leasing Activities**

In its October 29, 2010, report on the review of the 2009-2010 annual report of the Information and Privacy Commissioner, the Standing Committee reiterated its recommendation that the Government of Nunavut table annual reports in the Legislative Assembly on the contracting, procurement and leasing activities for all of its Crown corporations and agencies.

The government's response to the Standing Committee's recommendation stated that:

"The Government [of Nunavut] agrees. The Public Agencies Council will work closely with the Ministers responsible for our territorial corporations with respect to the reporting of their contracting activities to ensure the timelines of reporting, transparency and accountability to Nunavummiut."

Over the past year, there has been improvement in this area. Ministerial Letters of Expectation to the government's Crown agencies for the 2011-2012 fiscal year were tabled in the Legislative Assembly on October 27, 2011. Annual procurement reports have been tabled by the Nunavut Housing Corporation, the Nunavut Business Credit Corporation and the Qulliq Energy Corporation. However, the timeliness of these tablings could be improved.

### **Standing Committee Recommendation #1:**

The Standing Committee reiterates its recommendation that the Government of Nunavut table, in a timely manner, annual reports in the Legislative Assembly on the contracting, procurement and leasing activities for all of its Crown corporations and agencies, including the:

- Nunavut Business Credit Corporation;
- Nunavut Development Corporation;
- Nunavut Housing Corporation;
- Qulliq Energy Corporation; and
- Nunavut Arctic College.

**Issue: Disclosure of Information in Relation to Communicable Diseases**

In its report on the review of the 2007-2008 and 2008-2009 annual reports of the Information and Privacy Commissioner, the Standing Committee recommended that the Government of Nunavut review its practices in the area of disclosure of information concerning the H1N1 virus.

The government's response to the Standing Committee's recommendation stated that:

"The Department of Health and Social Services, through the office of the Chief Medical Officer of Health, is currently reviewing its disclosure and reporting protocols concerning reportable communicable diseases, with a particular focus on disclosure of community names and community-specific numbers of cases. As part of this review, the department will be developing a protocol for real time reporting of communicable disease outbreaks."

In its October 29, 2010, report on the review of the 2009-2010 annual report of the Information and Privacy Commissioner, the Standing Committee recommended that the Government of Nunavut table in the Legislative Assembly its disclosure and reporting protocols concerning reportable communicable diseases.

The government's response to the Standing Committee's recommendation stated that:

"The Department of Health and Social Services, through the office of the Chief Medical Officer of Health, will be developing its disclosure protocols, with a particular focus on disclosure of community names and community-specific numbers of cases. Potential protocols will take into account relevant legislation such as the Communicable Diseases Act and the *Access to Information and Protection of Privacy Act* as well as Nunavut's unique needs. Once approved by the Executive Council, the GN will table the protocols in the Legislative Assembly."

However, this protocol has not been tabled in the Legislative Assembly.

***Standing Committee Recommendation #2:***

The Standing Committee reiterates its recommendation that the Government of Nunavut table in the Legislative Assembly its disclosure and reporting protocols concerning reportable communicable diseases.

**Issue:           Communication Practices of Community Health Centres**

During the Information and Privacy Commissioner's 2010 appearance before the Standing Committee, the issue of communication practices of community health centres was raised in relation to the broadcasting on local radio of the names of residents who are being requested to attend their local health centre. In her testimony to the Standing Committee, the Information and Privacy Commissioner stated that:

“In fact, the manager of ATIPP and I are currently talking about it in terms of discussion back and forth. I have been asked to provide my written opinion to her and I am in the process of doing that. It's not an issue... if you were to ask one of my counterparts in southern Canada whether that was a good practice, they would all cringe and they would say “no” hands down ... but I don't think it's as straightforward as that in a place like Nunavut where, sometimes, that may be the only way to get people who need medical health attention into the health centres. So we are talking about it, we are working on it, and hopefully we will be coming up with some sort of policy direction together so that we can protect the privacy of the individuals involved in Nunavut while, at the same time, making sure that these people have access to the medical health care that they need when they need it.”

In its October 29, 2010, report on the review of the 2009-2010 annual report of the Information and Privacy Commissioner, the Standing Committee recommended that the Government of Nunavut table in the Legislative Assembly its policy on communication practices to be followed by community health centres.

The government's response to the Standing Committee's recommendation on this issue stated that:

“The Department of Health and Social Services makes frequent use of community radio with regards to general public health announcements as this media reaches a wide section of the population. In regards to client-specific information, the Department of Health and Social Services, as part of its Human Resources Policy, recently implemented its Policy “Contacting Clients through Local Radio.” The policy states that “Staff shall not use the local radio as a means of communicating with individual clients. The announcement of individual client names on the radio is a breach of confidentiality.”

This issue was raised by Members on the occasion of the November 25, 2011, appearance of senior Government of Nunavut officials. Testimony by witnesses indicated that:

“The Department of Health and Social Services had said that they did create a policy on this and, ultimately, it was up to the Department of Health and Social Services to look into the Information and Privacy Commissioner's recommendations. It's something we're working on further. They have also

created a consent form, which was recommended by the Information and Privacy Commissioner, which allows them to get the consent of constituents to be able to contact them via the radio when necessary. So that's something that we will have to follow up with the Department of Health and Social Services on."

***Standing Committee Recommendation #3:***

The Standing Committee reiterates its recommendation that the Government of Nunavut table in the Legislative Assembly its policy on communication practices to be followed by community health centres.

**Issue: Application of Access to Information and Protection of Privacy Legislation to Municipalities**

The issue of the application of the *Access to Information and Protection of Privacy Act* to municipal governments has been an ongoing concern for Members of the Standing Committee.

During her November 24, 2011, testimony to the Standing Committee, the Information and Privacy Commissioner stated that:

“... the Northwest Territories, the Yukon, and Nunavut are the only remaining jurisdictions that don’t include municipalities under their access to information and protection of privacy legislation.”

In its response to the Standing Committee’s recommendation in its 2010 report to the Legislative Assembly concerning this issue, the government stated that:

“The Government of Nunavut agrees that municipalities should, in some way, be accountable under access to information and privacy protection legislation. Further consultation regarding their inclusion under the *Access to Information and Protection of Privacy Act* is required and the Government of Nunavut intends to include all stakeholders who may be affected by these changes, including the Nunavut Association of Municipalities. As including municipalities under the *Access to Information and Protection of Privacy Act* does raise many governance and administration issues, it is important that we do not rush into their inclusion before we are aware of and able to deal with the concerns of all parties. However, initial consultation will begin with municipalities to gain their suggestions on how best to eventually include their operations under *Access to Information and Protection of Privacy Act*.”

This issue was raised by a number of Members on the occasion of the November 25, 2011, appearance of senior Government of Nunavut officials. Testimony by witnesses indicated that:

“You have clearly communicated to us your commitment and your desire that all Nunavummiut, whether they’re dealing with the territorial government or their home community government, want to have the same rights to access to information and also the same protection of their privacy. There’s certainly nothing there for us to argue with. It’s a matter of timelines and resources.”

Testimony by witnesses also indicated that:

“Our department has begun a process of discussions with the City of Iqaluit. Ms. Bell has gone to their offices and visited and met with them. We have also sent out a letter of consultation to all of the hamlets and we’re awaiting their response. As we made an earlier commitment to you, we would be sharing with you copies



of those letters of consultation. We have also contacted the Nunavut Association of Municipalities, NAM, and we will be in further contact with them as well. We're basically laying the groundwork for their inclusion at an undetermined time in the future by first consulting with them and finding out what their needs are. We have accepted the suggestion, I believe, made by Mr. Ningark that we make provision to include hamlet employees in the training that we're going to make available. We are confident that having Government Liaison Officers eventually in all of our communities will help increase the access, particularly the awareness of the need for access."

***Standing Committee Recommendation #4:***

The Standing Committee reconfirms its support for ensuring that all levels of government have appropriate systems of access to information and protection of privacy in place. The Standing Committee recommends that the Government of Nunavut's next annual report on the administration of the *Access to Information and Protection of Privacy Act* account for its progress to date in working with the Nunavut Association of Municipalities and the Office of the Information and Privacy Commissioner to review the issue of access to information and protection of privacy at the municipal level. The Standing Committee further recommends that the annual report account for collaborative training initiatives involving municipal employees, Government Liaison Officers and other parties.

**Issue: Amendments to the *Access to Information and Protection of Privacy Act* to Include Privacy Reviews**

In 2009, the Standing Committee recommended that the Government of Nunavut, in cooperation with the Office of the Information and Privacy Commissioner, develop amendments to the *Access to Information and Protection of Privacy Act* to provide clear authority for the Information and Privacy Commissioner to conduct privacy reviews and investigate alleged breaches of the legislation.

The government's response to the Standing Committee's recommendation stated that:

"The GN agrees that our legislation is lacking in that it does not currently include a provision mandating privacy reviews by the Information and Privacy Commissioner. This problem has been identified and will be raised during the next review of the *Access to Information and Protection of Privacy Act*."

The 2010-2011 Annual Report of the Information and Privacy Commissioner notes that:

"The Information and Privacy Commissioner has no formal legislated authority to receive a complaint about a breach of privacy, or to do an investigation or make recommendations. Notwithstanding the lack of a formal mandate in this regard, this office routinely accepts complaints and undertakes investigations and provides reports and recommendations when a member of the public complains that their personal information has been improperly collected, used or disclosed by a public body. There is no requirement that a public body respond to such recommendations or even that they co-operate with the Information and Privacy Commissioner in her investigation of such complaints."

On October 28, 2011, the Premier made a Minister's Statement in the House concerning the GN's plans to amend the *Access to Information and Protection of Privacy Act* in 2012. The Premier indicated that "there are a few administrative changes to be considered; however, the major changes to be considered are to make privacy oversight mandatory."

The Minister's Statement also indicated that "the proposed amendments will bring the GN's *Access to Information and Protection of Privacy Act* up to national standards for the protection of personal privacy. The proposed amendments will allow individuals the ability to complain to the Information and Privacy Commissioner if they feel that the GN has inappropriately collected, used, or disclosed their personal information. It will also make it mandatory for departments to report privacy breaches within their departments to the Information and Privacy Commissioner."

***Standing Committee Recommendation #5:***

The Standing Committee recommends that the Government of Nunavut bring forward amendments to the *Access to Information and Protection of Privacy Act* to address the issue of privacy oversight during the spring 2012 sitting of the House.

**Issue: Information and Privacy Commissioner’s Discretion to Extend the Time for Requesting a Review**

The 2009-2010 Annual Report of the Information and Privacy Commissioner noted that:

“In order to correct this problem, it would be my recommendation that the Information and Privacy Commissioner be given discretion to extend the time for requesting a review in appropriate circumstances, except in the case where the issue involves a third party objection to the disclosure of information. It may also be appropriate to consider extending the time for asking for a review from 30 days to 45 or 60 days.”

In its October 29, 2010, report on the review of the 2009-2010 annual report of the Information and Privacy Commissioner, the Standing Committee recommended that the Government of Nunavut’s next annual report on the administration of the *Access to Information and Protection of Privacy Act* account for its progress to date in working with the Office of the Information and Privacy Commissioner to develop amendments to the *Access to Information and Protection of Privacy Act* to provide the Information and Privacy Commissioner with the discretion to extend the time for requesting a review in appropriate circumstances.

Testimony by Government of Nunavut witnesses on the occasion of their November 25, 2011, appearance before the Standing Committee indicated that:

“The [Information and Privacy] Commissioner, as well as this Standing Committee, has recommended on a number of occasions that the GN make legislative changes to allow for the Commissioner to use her discretion to extend the time for an applicant to request a review from her office. The commissioner has stated that delays in the mail service in Nunavut may prevent an applicant from the right of a review. A legal review of this provision has been done and it has been determined that this issue can be handled administratively without amending the ATIPP Act. We would like to work with the Commissioner to develop an administrative approach to dealing with this issue that satisfies both the ATIPP Act and the Commissioner.”

***Standing Committee Recommendation #6:***

The Standing Committee recommends that the Government of Nunavut’s next annual report on the administration of the *Access to Information and Protection of Privacy Act* account for its progress to date in working with the Office of the Information and Privacy Commissioner to resolve this issue.

**Issue: Development of Health-Specific Privacy Legislation and Electronic Health Records**

The 2009-2010 Annual Report of the Information and Privacy Commissioner noted that:

“Nunavut needs to begin the process of creating separate legislation to deal with privacy of health records. The country is charging into the era of electronic health records and electronic medical records. Every jurisdiction in Canada, other than Nunavut, has now either passed health specific privacy legislation or is developing such legislation to address the very real privacy concerns raised by electronic records. The issues are significant and complicated. All Canadian jurisdictions are talking about an integrated electronic health record system to allow any person in Canada to be able to access their electronic medical records, no matter where they happen to be in the country. The challenges of such a system are enormous, but there seems to be the will in most of the country to make it happen, even if it is still many years away ... this is an issue that Nunavut needs to address, sooner rather than later.”

In its October 29, 2010, report on the review of the 2009-2010 annual report of the Information and Privacy Commissioner, the Standing Committee recommended that the Government of Nunavut’s next annual report on the administration of the *Access to Information and Protection of Privacy Act* account for its progress to date in developing health-specific privacy legislation.

The government’s response to the Standing Committee’s recommendation stated that:

“The Government of Nunavut understands the sensitivity surrounding personal health information and is committed to ensuring the protection of all personal health information. The Government of Nunavut will be looking at the legislation enacted in and under development by other jurisdictions, particularly the other two territories, for guidance with respect to creating separate legislation to deal with privacy of health records. In addition, the Government of Nunavut will review whether including oversight provisions in the *Access to Information and Protection of Privacy Act* would address the Commissioner’s concerns without the need for separate legislation to protect personal health information. Until such time, the *Access to Information and Protection of Privacy Act* will continue to be the legislative and regulatory authority for health information. Such legislation will continue to protect the personal health information of the people of Nunavut together with a comprehensive privacy framework and supporting policies. The Government of Nunavut will provide further update on this issue in its next annual report of the administration of the *Access to Information and Protection of Privacy Act*.”

During her November 24, 2011, testimony to the Standing Committee, the Information and Privacy Commissioner stated that:

“I can advise that the Government of the Northwest Territories is in the process of drafting their health privacy legislation. It has been in the works for, I would say, probably the last three or four years. The last information that I have is that they’re looking at passing legislation in late 2012 or early 2013. Now, that’s a fairly soft date, I think, but that’s my understanding of what they’re hoping to do.”

The Government of Nunavut’s 2009-2010 annual report on the administration of the *Access to Information and Protection of Privacy Act* indicated that:

“The Department of Health and Social Services eHealth Project has retained Privacy and Security Specialists that have helped develop a Design Level Privacy Impact Assessment based on the Meditech Clinical Information System. The Privacy Advisory Group with guidance from subject matter experts has created a detailed suite of industry standard privacy and security policies that will govern the Nunavut Interoperable Electronic Health Record. The Department of Health and Social Services has also created a new Senior Health Privacy Officer position which is tasked with implementing and monitoring the privacy and security program. This position will work closely with the multidepartment Privacy Advisory Group which includes members from the ATIPP Division and Records Management for the GN.”

Testimony by Government of Nunavut witnesses on the occasion of their November 25, 2011, appearance before the Standing Committee indicated that:

“In regard to the health privacy directives, the Privacy Advisory Group is a group that was set up underneath Health to govern privacy issues related to electronic health records. It was determined by that group that at this time, health privacy specific legislation would not be required by utilizing the ATIPP Act as well as an intricate set of privacy directives and policies to govern the system itself. Individuals whose information is held in the system have the right to protection of privacy. Once we strengthen the privacy rights of individuals by including privacy oversight in the ATIPP Act, that will then again further provide individuals with even more protection of their personal privacy and as well, it will provide them with the opportunity of recourse if they feel that the Department of Health and Social Services, as with any other department, has inappropriately used, collected, or disclosed their personal information. The privacy directives themselves deal with users of the systems and ensure that they are appropriately using the system in a way that will protect the privacy of all Nunavummiut.”

***Standing Committee Recommendation #7:***

The Standing Committee recommends that the Government of Nunavut's next annual report on the administration of the *Access to Information and Protection of Privacy Act* account in detail for its progress to date in addressing the issues of health-specific privacy legislation, management and security of electronic health records, and information-sharing between departments of the Government of Nunavut which hold such records, including the Department of Health and Social Services and the Department of Justice.

**Issue: Provision of Information to Members of the Legislative Assembly Pursuant to Subsection 48(v) of the *Access to Information and Protection of Privacy Act***

Subsection 48(v) of the *Access to Information and Protection of Privacy Act* provides that:

“A public body may disclose personal information to a Member of the Legislative Assembly who has been requested by the individual to whom the information relates to assist in resolving a problem.”

In 2005, the Office of the Information and Privacy Commissioner assisted in the development of a form for the use of residents wishing to provide consent for their personal information to be released to the appropriate Member of the Legislative Assembly under this provision of the legislation.

However, the precise extent to which the government is obliged to comply with this provision is unclear, especially in relation to matters concerning health and social services and the ability of departmental employees and other parties to communicate directly with MLAs.

While Members of the Standing Committee fully recognize the necessity of protecting the privacy rights of Nunavummiut, it is also important that the government respect the wishes of constituents who have provided informed consent to have their personal information disclosed to their elected Member under this provision of the legislation. Members of the Standing Committee also recognize that in circumstances where the information requested could impact the privacy rights of a third party or a minor, the government’s priority must be the protection of privacy rights.

In its October 29, 2010, report on the review of the 2009-2010 annual report of the Information and Privacy Commissioner, the Standing Committee recommended that the Government of Nunavut, in cooperation with the Office of the Information and Privacy Commissioner, develop operational guidelines for the use of public bodies in relation to the disclosure of information pursuant to the provisions of subsection 48(v) of the *Access to Information and Protection of Privacy Act*.

The government’s response to the Standing Committee’s recommendation stated that

“Consultations will be done with other jurisdictions to analyze procedures utilized by other public bodies. Some information that could be discussed and utilized in the Legislative Assembly would not be covered by the same protections outside the Legislature. For example, the name or circumstances of an individual could be expressed and they would not have the same level of recourse to respond legally as if the same was expressed outside the Legislature. It is agreed that information security procedures and agreements should be established to set out



the parameters to protect the privacy of personal information in such instances, while still facilitating the ability of legislators to assist Nunavummiut.”

***Standing Committee Recommendation #8:***

The Standing Committee reiterates its recommends that the Government of Nunavut, in cooperation with the Office of the Information and Privacy Commissioner, develop operational guidelines for the use of public bodies in relation to the disclosure of information pursuant to the provisions of subsection 48(v) of the *Access to Information and Protection of Privacy Act*, and that these guidelines be tabled in the Legislative Assembly.

**Issue: Ability of the Information and Privacy Commissioner to Appeal a Decision Made by a Head of a Public Body Under Section 36 of the Access to Information and Protection of Privacy Act to the Nunavut Court of Justice**

Section 37 of the *Access to Information and Protection of Privacy Act* provides that:

Appeal of decision of head

37. (1) An applicant or a third party may appeal a decision made by a head of a public body under section 36 to the Nunavut Court of Justice.

Notice of appeal

(2) An applicant or third party who wishes to appeal a decision of a head shall file a notice of appeal with the Nunavut Court of Justice and serve the notice on the head within 30 days after the day the appellant receives the written notice of the decision.

Written notice to third party

(3) A head who has refused an application for access to a record or part of a record shall, as soon as is reasonably practicable after receipt of the notice of appeal, give written notice of the appeal to any third party to whom a report was sent under paragraph 35(b).

Written notice to applicant

(4) A head who has granted an application for access to a record or part of a record shall, as soon as is reasonably practicable after receipt of the notice of appeal, give written notice of the appeal to the applicant.

Parties to appeal

(5) An applicant or a third party who has been given notice of an appeal under this section may appear as a party to the appeal.

Information and Privacy Commissioner not a party

(6) The Information and Privacy Commissioner is not a party to an appeal.

During her November 24, 2011, testimony to the Standing Committee, the Information and Privacy Commissioner stated that:

“ ... I would like that power, to take something to court, because when I make a recommendation, it's because that's what I believe the Act says and if it's not followed, there are some instances. I don't think I take everything to court where my opinion wasn't followed, but there are some instances where I think that it would have more impact, where we really need to know whether my interpretation is correct or the public body's interpretation is correct, and a court can do that. So yes, I would love to have that option, many of my colleagues do,

and it's used within reason and on occasion to take governments to court on recommendations. I think it would be an extra tool in my toolbox and very useful.”

***Standing Committee Recommendation #9:***

The Standing Committee recommends that the Government of Nunavut conduct an interjurisdictional review of analogous provisions in other legislation and that its findings be reported in its formal response to the report of the Standing Committee. The Standing Committee further recommends that the review consider the issue of the systemic barriers, including financial resources, that private citizens face in exercising their right under section 37 of the *Access to Information and Protection of Privacy Act* to appeal a decision by a head of a public body to the Nunavut Court of Justice. The Standing Committee further recommends that the Government of Nunavut invite the Information and Privacy Commissioner to provide a formal written submission on this issue.

**Tabling Dates of Information and Privacy Commissioner's Annual Reports,  
GN Responses and GN Annual Reports**

	Information and Privacy Commissioner's Annual Reports	GN responses to Standing Committee Reviews of the Information and Privacy Commissioner's Annual Reports	GN responses to the Information and Privacy Commissioner's Annual Reports	GN Annual Reports on the Administration of the ATIPP Act
1999-2000	October 27, 2000	December 4, 2001	-	-
2000-2001	November 14, 2001	March 4, 2003	-	-
2001-2002	November 27, 2002	December 2, 2003	-	-
2002-2003	December 4, 2003	(June 2004)*	-	-
2003-2004	November 25, 2004	-	-	(May 31, 2004)*
2004-2005	November 15, 2005	-	March 1, 2006	November 18, 2005
2005-2006	November 30, 2006	-	March 13, 2007	November 22, 2006
2006-2007	October 26, 2007	-	February 19, 2008	June 1, 2007
2007-2008	September 15, 2008	-	January 26, 2009	May 26, 2008
2008-2009	June 8, 2009	March 22, 2010	Not yet tabled	June 11, 2009
2009-2010	Backdoor tabled with the Clerk on July 27, 2010 Formally Tabled on October 22, 2010	February 28, 2011	February 28, 2011	October 28, 2011
2010-2011	September 28, 2011	-	-	Not yet tabled

\* Not tabled, but available