Standing Committee on Oversight of Government Operations and Public Accounts Review of the 2020-21 and 2021-22 Annual Reports of the Information and Privacy Commissioner of Nunavut to the Legislative Assembly of Nunavut Iqaluit, Nunavut September 26, 2022

### **Members Present:**

Bobby Anavilok
Janet Pitsiulaaq Brewster
George Hickes, Chair
Joelie Kaernerk
Mary Killiktee
Adam Lightstone
Solomon Malliki
Karen Nutarak
Daniel Qavvik
Joseph Inagayuk Quqqiaq
Alexander Sammurtok, Co-Chair
Joe Savikataaq

### **Staff Members:**

Alex Baldwin Stephen Innuksuk

# **Interpreters**:

Andrew Dialla Jacopoosie Peter Abraham Tagalik Blandina Tulugarjuk

#### Witnesses:

Linnea Ingebrigtson, Director of Policy and Planning, Department of Health
Jimi Onalik, Deputy Minister of Executive and Intergovernmental Affairs
Yuri Podmoroff, Manager of Access to Information and Protection of Privacy, Department of Executive and Intergovernmental Affairs
Graham Steele, Information and Privacy Commissioner

>>Committee commenced at 13:30

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Chairman (Mr. Hickes): Good afternoon, everyone. I would like to call everyone's attention to the meeting's beginning of the Standing Committee on Oversight of Government Operations' televised hearing on the 2020-21 and 2021-22 annual reports of the Information and Privacy Commissioner of Nunavut.

Before we get started, I would like to ask the Member to lead us in prayer. Ms. Killiktee.

>>Prayer

Chairman: Thank you, Ms. Killiktee. Just to get a couple of housekeeping items out of the way, I would like to ask everyone to make sure that any mobile devices or any device that they have are on mute. With that, I'll go right into my opening comments.

Good afternoon, everyone. I am pleased to begin by welcoming everyone 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 the Standing Committee's televised hearing on the 2020-21 and '21-22 annual reports of the Information and Privacy Commissioner. I would first like to introduce my Standing Committee colleagues:

- Alexander Sammurtok, Co-Chair of the Standing Committee and Member for Rankin Inlet North-Chesterfield Inlet;
- Bobby Anavilok, Member for Kugluktuk;
- Janet Brewster, Member for Iqaluit-Sinaa;
- Joelie Kaernerk, Member for Amittuq;
- Mary Killiktee, Member for Uqqummiut;
- Adam Arreak Lightstone, Member for Iqaluit-Manirajak;
- Solomon Malliki, Member for Aivilik;
- Karen Nutarak, Member for Tununiq;

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- Daniel Qavvik, Member for Hudson Bay;
- Joseph Quqqiaq, Member for Netsilik; and
- Joe Savikataaq, Member for Arviat South

The Information and Privacy Commissioner is appointed on the recommendation of the Legislative Assembly.

I would like to take a moment to pay tribute to the memory of the late Elaine Keenan Bengts, who recently passed away following a courageous battle against cancer.

Ms. Elaine Keenan Bengts was appointed Nunavut's first Information and Privacy Commissioner in November 1999. I had many opportunities to correspond and to communicate with Elaine over the years and her presence is missed. She was subsequently reappointed on a number of occasions and served with distinction until January 2021, when the current Information and Privacy Commissioner took office.

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 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 Privacy Act* and related regulations and policies. The Standing Committee notes that the department recently issued a request for proposals for the provision of "privacy and information management-specific training and consulting services" to provide support in such areas as the conduct of privacy impact assessments.

The government's 2019-2020 annual report on the administration of the *Access to* 

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Information and Protection of Privacy Act was tabled in the Legislative Assembly on March 16, 2021. However, the 2020-21 and 2021-22 annual reports have not yet been tabled.

Today's televised hearing provides an opportunity for the Information and Privacy Commissioner's observations and recommendations to be discussed in this public forum. I anticipate that a number of themes will be addressed during this televised hearing, including:

- The Information and Privacy
   Commissioner's recommendations for amendments to the legislation and changes to the government's policies and practices;
- The government's administration of relevant policies, including the Access to Information and Protection of Privacy Policy, the Privacy Breach Policy, and the Privacy Impact Assessment Policy;
- Health privacy issues and the development of health-specific privacy legislation;
- The status of amendments that were made to the *Access to Information and Protection of Privacy Act* in September 2017 regarding the application of the legislation to municipalities;
- Privacy impact assessments conducted by the government in respect to its programs and services;
- Cybersecurity and the threat posed by ransomware; and
- Information-sharing agreements between the Government of Nunavut and external entities.

Members of the Committee and the public, officials from the Department of Executive and Intergovernmental Affairs are also appearing at this televised hearing, and I will shortly be inviting them to make an opening

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statement to the Standing Committee.

I would like to conclude by addressing some housekeeping matters.

I ask again that all Members and witnesses to ensure that their cellphones and other electronic devices do not disrupt these proceedings.

In order to assist our interpreters and technical staff, I ask that all Members and witnesses go through the Chair before speaking. I also ask that all Members and witnesses refrain from the use of acronyms during these proceedings.

Members of the Standing Committee have been provided with a number of documents for their ease of reference during this televised hearing. For the benefit of our witnesses and interpreters, I ask Members to be precise when quoting from or making reference to specific documents.

This hearing is being televised live across Nunavut on community cable stations and the direct-to-home satellite services available to millions across Canada of both the Bell and Shaw networks. It is also being livestreamed on the Legislative Assembly's website.

Transcripts of the televised hearing will be posted on the Legislative Assembly's website at a later date.

Under Rule 91(5) of the *Rules of the Legislative Assembly of Nunavut*, the government is required to table a formal written response to reports of standing committees within 120 days of their presentation, and I anticipate that we will be presenting our report on this televised hearing at the upcoming fall sitting of the House.

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I now invite the Information and Privacy Commissioner to make his opening statement. Mr. Steele, please proceed.

**Mr. Steele** (interpretation): Thank you, Mr. Chairman. Good afternoon, Members. Good afternoon, Nunavummiut.

(interpretation ends) I have been the Information and Privacy Commissioner for almost two years, but this is my first appearance before you. The last time an information and privacy commissioner appeared before this Committee was in April 2019. Meetings were missed because of COVID and then again because of last year's election. I do hope that we will be able to reestablish at least an annual meeting.

As the Chair mentioned, I am Nunavut's second Information and Privacy Commissioner. I am the first to live and work in Nunavut. The first Information and Privacy Commissioner, Elaine Keenan Bengts, performed the function for 21 years from Yellowknife, where she was also the Information and Privacy Commissioner for the Northwest Territories.

As the Chair mentioned, sadly Elaine passed away last month, only a very short time after her well-earned retirement. I am grateful to Elaine for her work and her commitment to good government in Nunavut.

I am an independent officer of this Legislative Assembly. That means the Premier is not my boss and the cabinet ministers are not my boss. I report only to you, the Members of the Legislative Assembly and through you to the people of Nunavut.

You have six independent officers. I don't want this to be like a school exam, so I will tell you who they are. They are: the

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Languages Commissioner, the Integrity Commissioner, the Representative for Children and Youth, the Chief Electoral Officer, and the Auditor General, and the sixth independent officer is me.

I am your watchdog on how the Government of Nunavut handles information. You could also think of me like a referee in a hockey game, but I like the word "watchdog." I think it is a good word, and like a good watchdog, I will sit quietly as long as everything is going well, but if something goes wrong, I will bark.

There are two parts to my legislation: access and privacy.

- Access means that the Government of Nunavut must give out as much information as it possibly can to the people of the territory.
- Privacy means that the Government of Nunavut must be careful about giving out personal information.

On the access side, the Government of Nunavut owes it to us, the citizens of Nunavut, to tell us what it is doing so that we can decide if they are doing the right things for us. That is the purpose of the access law: to make sure that what the Government of Nunavut does is done in the open.

On the privacy side, the Government of Nunavut owes it to us, the citizens of Nunavut, to collect and use our personal information only in the ways that they need to. They have so much of our personal information. For example, the government knows everything about our health. It knows everything about our education and the education of our children. It knows everything about our housing. It knows everything about any social services that we receive. They need to keep that information

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My message to you today is simple: the information system in the Government of Nunavut works sometimes, but not nearly as well as it should. This afternoon and tomorrow we are going to talk about what is working, what is not working, and what we can do together, you and I, to make it better.

I am not coming here before you today to say that I need more money and more staff. My office is working reasonably well. The changes that I recommend do not need to cost more money, and some of them would be easy to do.

I know that you have some topics and questions prepared, as the Chair said in his opening statement. I also have a list of topics that I would like to cover during our time together today and tomorrow. I hope our lists are somewhat the same, but my list includes the following topics:

- Changes to the law that would make the system work better.
- Changes to the way that applications for information are handled.
- How we can better support the people inside each department who are handling access and privacy.
- Which departments are performing the best and why they are able to succeed when other departments are struggling.
- I would like to talk to you about tuberculosis and why the Department of Health still refuses to release statistics about tuberculosis, even though there is no legal basis for their refusal.
- I would like to talk to you about human resources and how we can find a better way to deal with information about internal human resources matters within the Government of Nunavut.
- I would like to talk to you about *Inuit*

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- *Qaujimajatuqangit* and how we can incorporate it better into the decisions that we make about information.
- Finally, I would like to make sure that sometime today or tomorrow that we touch on the new Police Act and the promise that was made in this Assembly last year about how I would be consulted in the development of the new Police Act.

Why does all of this matter? It matters because good information is an essential element of good government. The people of Nunavut deserve good government. Everything that we talk about today and tomorrow comes down to that one idea: good government. (interpretation) Thank you, Mr. Chairman.

**Chairman**: Thank you, Mr. Steele. Please proceed, Mr. Onalik.

Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) My name is Jimi Onalik. I'm the Deputy Minister for the Department of Executive and Intergovernmental Affairs, and I'm here with Yuri Podmoroff, who is our manager of ATIPP programs for the department.

I am excited to be here. This is one of the areas that when I was asked to take on this position that the Premier insisted that we find ways to better respond to the findings and the suggestions of the Information and Privacy Commissioner. We're here, I think, to all accomplish the same goals and I have been told by the Premier to come back with options that will be reflected in this year's business plan and budget that we hope will better address some of these issues.

I would also like to take this opportunity to thank the 20 or so GN employees across all departments who live and breathe

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I would also like to extend my sincere condolences to the family, friends, and colleagues of Nunavut's former Information and Privacy Commissioner, Ms. Elaine Keenan Bengts. As many of you have highlighted, her loss is a loss to all of us and a loss, as the commissioner has said, to those across the north who care about good governance. We would like to posthumously thank her for her hard work in helping to shape many of the issues that we're here to discuss today.

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Today I am appearing before the Standing Committee on Oversight of Government Operations and Public Accounts regarding the *Access to Information and Protection of Privacy Act*, or ATIPP. Mr. Chairman, I am hoping I can use the ATIPP acronym, if that's okay. Thank you.

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The ATIPP framework is codified by the Act, regulations, direct and indirect policies, and all guiding resources that subsequently follow. This framework is responsible for providing Nunavummiut with the right to pursue information held by the Government of Nunavut along with the rules the government must follow when it is entrusted with personal information.

Implementation of this framework is accomplished by three main entities: the body of ATIPP coordinators, who I mentioned earlier, delegated in each public body, the ATIPP coordinator committee and the territorial ATIPP office which is housed in our Department of Executive and

Intergovernmental Affairs.

The Department of Executive is also responsible for guiding and sponsoring the maintenance of the ATIPP Act along with its associated policies and procedures. This is led by the territorial ATIPP office which chairs and speaks for the coordinator committee responsible for reaching consensus on all ATIPP framework matters.

The department does not handle all administration related to the Act as each public body has its own autonomy, but it does support and advise all public bodies responsible under the legislation to ensure that Nunavummiut are provided with standardized and accountable services.

As a department, we recognize that the ATIPP framework needs investment and careful consideration into its current structure. I'm not here to deny that there have been problems in how the Government of Nunavut has been handling many of these issues. In the past two years the Government of Nunavut has begun to focus investment into the previously mentioned entities responsible for maintaining the framework and the technology available to them. The new full-time Territorial ATIPP Manager, Yuri, and newly appointed Information and Privacy Commissioner, Commissioner Steele, have been integral in commencing and guiding this advancement.

From the Government of Nunavut's continued monitoring and review of the Access and Privacy Framework, an updated timeline and set of business priorities have been laid out and will continue to be laid out. These will modernize access and privacy in Nunavut, beginning with the technological and human resources available to public bodies in meeting their obligations. Once the GN fields a sustainable body of capable and

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knowledgeable ATIPP personnel, the legislation will be amended to reflect the needs and context of Nunavut.

The body of ATIPP personnel has been a challenge for the GN to staff. The volume of work and responsibilities has outpaced the resources previously established. Addressing the current obligations, while simultaneously making the necessary improvements, will be an incredible challenge and will take significant time. Departments have had significant difficulties finding interested personnel to take on these demanding tasks. I need to stress that this is not an excuse. This is not us trying to deflect. It's acknowledging where we're at so that we can collectively move forward together.

The central issue facing the Government of Nunavut as a whole is to find ways to meaningfully staff positions in order to meet our shared commitment to transparency and the protection of privacy. As with many other functions of Government impacted by our 20 plus year experience of 40 percent vacancies, cabinet has directed departments to explore options for making a serious dent in our vacancy rate within this term of government. This effort will undoubtedly help us in the areas we are discussing today.

In the short term, however, we have seen unprecedented departures of staff from the Government of Nunavut. In the first seven months of this calendar year, we lost nearly 500 employees. In a normal year we lose approximately 420 in a full year and historically we have been able to run between 400 and 500 job competitions.

It would be disingenuous to suggest that implementing our current obligations will get easier unless we are able to address the foundational shortage of workers across the government. This is something that we have ቴ°ህሲኈጋቭር ኄሀፈው ለলጢኖጋσና CLካdd Lলሁና ፈጐየቦፈጐርኦ/Lσፈጐጋና ፈ°ህLና/ፈኅሪጎጋና ውሲያና Δጋፈσ.

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The GN has amended the legislation in multiple years to increase the robustness of our privacy framework through additions such as privacy impact assessments. Awareness on privacy has been increased and it is our intent now to invest in and focus on increasing the capabilities of the government to meet these standards.

The Government of Nunavut values the role of the Information and Privacy Commissioner as an ombudsman and firmly believes that a healthy and collaborative relationship between public bodies and the commissioner's office is a necessity for Nunavummiut.

As noted, not all administration relating to the ATIPP Act is the responsibility of the Department of Executive. While the department acts as a central coordinating unit, each department has its own authority in carrying out their ATIPP functions. With that being said, there may be upcoming questions asked that I, perhaps, might not be able to speak to, but as the Chair has indicated, we will ensure that there is a full written response to any issues raised in this forum. (interpretation) Thank you, Mr. Chairman.

**Chairman**: Thank you, Mr. Onalik. Any comments from any of the Members? Mr. Lightstone.

**Mr. Lightstone**: Thank you, Mr. Chairman. Good afternoon, colleagues, commissioner, officials, and Nunavummiut who are viewing our proceedings.

Before we begin, I would also like to extend my sincere condolences to the family, ϽΡͿϤϽͶĊʹჼͱϟϹ≫ͿϾ ΔΕΔυϟͼʹϟͿϤʹϭϤʹͼϽͿϾ ϤͰϹ϶ ϷʹϐϷϟʹͼϧʹϾʹʹϹϤϭʹϤʹϷϽͿϾͺ<ʹͼͺϷʹϔϾ ʹϧʹϼϹϷϹ·ͼʹϚϹͺͺϹϹϹϹϷʹ;ϗͰͿϾ

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friends, and colleagues of our former privacy commissioner, Ms. Elaine Keenan Bengts. Her dedication and commitment to ensuring the access to privacy systems that work to the benefit of Nunavummiut was obvious.

I would also like to extend my sincere gratitude to Ms. Keenan Bengts, who recently retired, as was previously mentioned, and was also in the role for over 20 years. During our hearings over today and tomorrow, I will be referring to our previous televised hearing which we had with Ms. Keenan Bengts, which was held in 2019.

I would also like to welcome our new commissioner, Mr. Graham Steele, to our Assembly for the first time, and I appreciate the enthusiasm which you have put into the role and I have had an opportunity to read several of your review reports and appreciate the detailed manner in which your reports are written. The reports are precise yet informative.

The Access to Information and Privacy Act is an essential piece of legislation. This legislation supports democratic governance by giving the public the right to see most records held by public bodies. This is significant because good government must be transparent. Transparency promotes accountability and provides citizens with information on what their government is doing.

In the previous Information and Privacy Commissioner's appearance before the Standing Committee, the commissioner had made many references to the fact that they could only make recommendations, and while public bodies must respond to reports and recommendations, they are not bound to follow them. The commissioner also stated that this was a system that had worked well for many years. Prior to the fiscal year 2018-

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19, Ms. Keenan Bengts estimated that 90 percent of her recommendations were accepted and that unfortunately this was changing.

In our previous televised hearing, Ms. Keenan Bengts outlined some of the frustrations and many of the issues continue and are included in the new commissioner's annual reports. I look forward to the opportunity for the Information and Privacy Commissioner's observations and recommendations to be discussed in this public forum.

In closing, I'm glad to hear that the Department of Executive and Intergovernmental Affairs is interested in initiating a review of the Access to Information and Privacy Act. I support a complete review of this piece of legislation with a view of making it more modern and to address the issues that simply didn't exist 20 years ago, when that piece of legislation was initially drafted. Thank you, Mr. Chairman.

**Chairman**: Thank you, Mr. Lightstone. Any other Members with any comments? General comments?

Hearing none, just before we get started, I would like to ask Mr. Onalik, starting on August 5 or 6, we established through the Clerk's Office that this hearing would be occurring. At that time, obviously the Deputy Minister of Executive and Intergovernmental Affairs would be appearing as the lead on ATIPP as well as volunteered Mr. Podmoroff to attend on his behalf.

At the request of the Committee, officials from Health were asked to attend with the Deputy Minister. As through the annual report from Commissioner Steele, there have been at least three occasions of why Health would be very beneficial to be at the table

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here today from the volume of ATIPP requests that they get to the accolades that the commissioner gave Health in light of that volume as well as, hopefully, upcoming health-specific privacy legislation.

I do note, as of last night, that I was informed that there would be somebody from the Department of Health here and I see behind you that there is, but I will ask the Deputy Minister why that person from Health is not at the witness table. Mr. Onalik.

Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) The original intent was to have the Deputy Minister of Health taking part in these deliberations and unfortunately the issue arose that prevented that from happening. I don't know if I can clarify that more without breaking somebody's privacy issues, but we had originally intended to respond to the systemic issues that we have here as the government. Health is important, but we wanted to make sure that we are able to address many of these issues on a government-wide basis.

We do have somebody from the Department of Health who is here to assist, but ultimately EIA is accountable and I am accountable for these issues. I apologize. This is not originally how it was intended and there was a very recent change to who would be attending here today. (interpretation) Thank you.

Chairman: Thank you, Mr. Onalik. I do appreciate that circumstances do arise and I do understand that Executive and Intergovernmental Affairs' desires to keep this conversation general, but I can assure you that it's not going to be a general conversation. There is going to be a lot of detail being requested by Committee Members, a lot of concerns that were raised in our meetings, and I'll ask the Deputy

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Minister if he would agree to have an additional witness added to his table. Mr. Onalik.

Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) Yes, if it pleases the Chair, we would be more than happy to have Linnea join from the Department of Health. (interpretation) Thank you.

Chairman: Thank you. In anticipation of that, our technical people were positioning a seat for Ms. Ingebrigtson to attend. I'll just take a minute to let her get settled and into the spot. I appreciate the concurrence with the Deputy Minister. Thank you. We will just give it one minute and then we will proceed into questions, so everyone let me know who wants first on the list.

Thank you. Ms. Ingebrigtson, you are no stranger to the House, but just for the record, maybe just introduce yourself and your position and then we will proceed into questions from the Members. Thank you. Ms. Ingebrigtson.

**Ms. Ingebrigtson**: Thank you, Mr. Chairman. My name is Linnea Ingebrigtson. I'm the director of policy and planning with the Department of Health. Our division oversees ATIPP. Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Ingebrigtson. As a former ATIPP coordinator, I know how challenging some of these files can be, although it seems like so long ago. It was quite a while ago, but it doesn't seem that long ago some days either.

Again, as outlined earlier, I had mentioned a couple of times previously that I truly respect Mr. Steele's experience in his previous life and I think the unique viewpoint that a former cabinet minister brings to the access

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Mr. Malliki (interpretation): Thank you, Mr. Chairman. My first question is for the commissioner. (interpretation ends) Your term of office as the Information and Privacy Commissioner of Nunavut began on January 11, 2021. What has been your major observation since you took office? (interpretation) Thank you, Mr. Chairman.

**Chairman**: Thank you, Mr. Malliki. Mr. Steele.

**Mr. Steele**: Thank you, Member, for the question. I just want to pick up on something the Chair mentioned. You may or may not be aware of my background.

I have been dealing with the information law area for the last 30 years or, if I was being exactly correct, 29 years, when a similar law came into force in Nova Scotia, my first contact with it was inside government where I was the person in a department responding to requests, just like the Chair was at one point in his life. Then a few years later, I became a frequent user of the system, that is, I was asking the government and I did it quite a lot for information. I learned what it was like to be on the outside trying to get information from government, and then I became an MLA, obviously not in Nunavut but in Nova Scotia. I was an MLA for 12 years. I was elected four times, never defeated...

## >>Laughter

...and during part of that time as an MLA, I was a cabinet minister. I was dealing with the law itself, plus as a cabinet minister, dealing

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with responding to requests. Over the course of my professional life, I have seen the system from just about every perspective, so I think I am able to understand what it's like. I know what it's like to be an MLA. I know what it's like to be a cabinet minister. I also know what it's like to be on the outside trying to understand what's going on inside government. That is what I brought to Nunavut when I was appointed in January 2021. I have this experience with the system, a long experience. I know how the system is supposed to work. I know what it takes for the system to work well and I also know where the problems come from.

To answer your question, Member, my major observation since my arrival in Nunavut almost two years ago is that the system in Nunavut is not working as well as it should. It's just not working up to the standard that the people of Nunavut deserve. Remember what I said, at the end of the day, this is about good government and the people that you represent deserve to have good government. If the information system is not working properly, then the government is just not working as well as it should. That's my major observation since arriving here. Over the next day and a half, of course, we will get into the detail about what's working well and what's not. Thank you, Mr. Chairman.

**Chairman**: Thank you, Commissioner Steele. Mr. Malliki.

Mr. Malliki (interpretation): Thank you, Mr. Chairman. Thank you, commissioner, for your response. My next question is, (interpretation ends) you indicate on page 3 of your 2021-22 annual report that there are "too many vacancies, too much turnover, not enough training and little or no management support" with respect to the government's access to information and protection of

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privacy coordinators. What specific education and training qualifications are required to be an effective access to information and protection of privacy coordinator? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Steele.

Mr. Steele: In order to answer that question, I need to step back a little bit and I just want to start by explaining how the basic system works because you need to understand how the system works to know what education and training somebody needs to do a good job.

The basic, basic system works like this: somebody outside the government says, "I want some information from the government," so they fill out a form and then they send it to the department that they think has the information that they're looking for. Usually they're right, but sometimes they're wrong and it gets transferred to a different department, but in every department of government, every part of the Government of Nunavut there is a person who is specifically designated as the person to receive and respond to information requests, and we call that person the coordinator.

I'm going to try to avoid using that acronym that Mr. Onalik couldn't avoid, ATIPP. That's in English A-T-I-P-P. I'm going to try to avoid using that and I'm just going to call them the coordinator.

What the coordinator does then is, based on their knowledge of their department, they go out and they gather the information that the citizen has requested, and then they bring it all together and put it in a package that makes sense, and they pack it and then they send it out to the applicant. That's how the system is supposed to work, but you can

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probably see already what some of the weak points in the system are and the most fundamental weak point in the system is that a coordinator is not paid enough money.

Now, I don't really understand all the pay scales in the Government of Nunavut system. You probably understand it better than I do, but when a department is trying to hire a new coordinator and they send in the job description, they tell me that it comes back as a level 13. A level 13 in the policy area of government is quite low and also I don't have to tell you that jobs rated at that level do not get housing. You know how important that is in Nunavut. You get a relatively low paid job with no housing and so what you end up getting, the applicants who put their name forward are people with very little experience, they tend to be young, maybe they have never been in government before, they almost certainly never dealt with the information law before, and so when they come into government, they are learning absolutely everything.

They need to learn what government is and how it works. They need to understand how their department works and where their department keeps information. They need to understand how to go out and get that information and it's not always easy to do that because, remember, typically these are quite junior people and they might have to go up to the Deputy Minister and say, "I don't think you're trying hard enough to give me the information I have asked for." It's impossible or everybody's busy and the coordinator says, "No, no, I really need this by next week because we have a deadline to meet." We've got a very junior person who is pushing very senior, very busy people. It's really difficult to do, and then the person needs to understand information technology well enough to be able to work quickly and well to bring the information together and

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then send the package out to the applicant.

Nothing is going to change. Nothing is going to change as long as coordinator positions are rated at level 13 because what I believe you need is a senior policy analyst. You need people who understand government. You need people who understand how their department works, who does what, and where information is likely to be. They have to understand what kind of information probably exists for a given kind of decision. They have to have the confidence and respect of their department to be able to push a little bit and say, "No, no, you need to try harder and you need to give me the information faster," and they need to understand the government's technology well enough to be able to bring it all together and then send it out in a package that makes sense.

Nothing will change as long as these jobs are rated at level 13 because what happens is you could get somebody who comes in, they get the training, but if you come in at a level 13, you're looking for better opportunities, you're looking for a job with housing, you're looking for a level 14 or 15, so what happens is it's really hard to get people and then when you do get them, they leave very quickly. The information system is in this cycle of vacancies and turnover.

I want to say one more very important thing before I end this answer and that is that every part of the government is responsible for its own information. Some departments are doing really well and we can talk about that later, but there are a few that are not doing well at all and the ones that are struggling the most have run into this problem of a low rated job and vacancies and turnover.

Member, the answer to your question is it almost doesn't matter what education or training somebody has. You can give CL6dd D676abbcb60c.

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somebody the best training in the world, but if they only stay in the job for three months, you have wasted all that time and effort and then you've got to start training somebody again. The fundamental issue here has to do with pay levels and until that changes, you won't be able to keep and properly train people so that they want to stay and then they get the experience that makes them excellent coordinators.

Chairman: Thank you. Mr. Malliki.

**Mr. Malliki** (interpretation): Thank you, Mr. Chairman. Thank you, commissioner, for that response. Another question is: (interpretation ends) what specific improvements to their training do you recommend? (interpretation) Thank you, Mr. Chairman.

**Chairman**: Thank you, Mr. Malliki. Mr. Steele.

Mr. Steele: Really, I would just reiterate what I said in my last answer, Member, and that is that the training that people need are they need to understand government, they need to understand how the Government of Nunavut is put together, they need training on how their department operates and every department is a little bit different, so they need to understand how their own department works, they need training on technology so that they can work quickly and efficiently to gather the necessary information and to pull it together in a package to send to the applicant that makes sense.

Training on government, training on the department, training on where the information is likely to be, of course they also need training on the information law, but that's something that we can teach people. It's really hard to teach people what government is if they don't understand

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government when they start. If you're able to train somebody on all of these things, then chances are you're going to have a very good coordinator, but the problem is, as I said, Members, you can train somebody really well and three months later they're gone and then you have to start again.

**Chairman**: Thank you, Mr. Steele. Mr. Malliki.

Mr. Malliki (interpretation): Thank you, Mr. Chairman. Thank you, commissioner, for that response. (interpretation ends) The government currently faces a number of significant capacity challenges in filling critical positions, such as health care workers. To what extent should the government prioritize the filling of access to information and protection of privacy coordinator positions over other vacancies? (interpretation) Thank you, Mr. Chairman.

**Chairman**: Thank you, Mr. Malliki. Mr. Steele.

Mr. Steele: During my time in Nunavut, there is one word that I have come to really dislike and that is the word "capacity" because the word "capacity" can mean a lot of different things and too often it is used as a reason why the law can't be followed. We have a law. It was passed not by you but by previous Members in this House and they said, "These are the rules about how information should be handled." There are some departments who just say, "We have capacity issues, so we can't do what the law requires."

Now, imagine what would happen if you were driving a car that had no brakes and you got pulled over by bylaw enforcement and they say, "You have no brakes, you can't drive this car," and you say to them, "Well, I would like to fix the brakes, but I have

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**Δ•/<>C'•** (Ͻ<sup>່</sup>\}∩J'): 'dታ<sup></sup>፞αΓ່<sup>•</sup>, Γ'Ͻ L⊂P. Γ'Ͻ /ሰ▷<sup>-</sup>.

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To me, when a department says, "We have capacity issues," they intend that to be the end of the conversation, and to me, it's the beginning of the conversation because then my answer back is "Well, what are you going to do about it? What are you going to do about the fact that you're not able to obey the law?" This is one of the things that I do hope that Members understand about this particular law is at the end of the day it's up to you to decide what the law means and to hold the Ministers to account because if a department is just able to say, "You know, we would like to follow the law, but we have capacity issues," that means they're not doing what you have told them to do. I have ideas.

Getting back to your question, Member, you say well, if you have to hire a nurse or if you have to hire an information coordinator, which one you should be, with respect, I reject the premise of the question. That is like you have to choose this or you have to choose that and you can't have both. There are things that we can do which we can get into over the course of the day and a half. We can start talking about it now if you want to. It doesn't need to cost more money but could still go a long way towards solving the problem so that you don't have to choose between a nurse and following the law or a nurse or a coordinator. I have already told you that nothing in the information system is going to change until the pay level changes. Nothing is going to change. It's not a choice between those two things and perhaps I'll

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leave it to see where the Member's other questions might be going, but I'm sure that we will have time in the next day and a half to talk about some of these ideas that not only I have but EIA has.

I don't think I'm supposed to point a finger in this Chamber, but Yuri Podmoroff, I want to just put him on a pedestal for a second. He is the person in the Department of Executive and Intergovernmental Affairs who has the oversight of the information system and I have worked with Yuri enough to know that he has some really good ideas about how to fix the problems without necessarily spending more money. What he needs is the gentleman on his left to listen to his ideas, support those ideas, follow through on those ideas because I think, together, we can solve some of these issues without it coming down to a choice between a nurse or an information coordinator. Thank you, Mr. Chairman.

**Chairman**: Thank you, Mr. Steele. Mr. Malliki.

Mr. Malliki (interpretation): Thank you, Mr. Chairman. Thank you, commissioner, for that good response. (interpretation ends) On pages 3 and 4 of your 2021-22 annual report, you indicate that Nunavut Arctic College and the departments of Health, Justice and Culture and Heritage have demonstrated "good access to information and protection of privacy work." What specific factors account for this? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Steele.

**Mr. Steele**: Thank you, Member, for that question. This is a topic that I really wanted to talk about.

In my annual report I highlight the department that I think is doing the best

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This is why I want to say to the departments and to you that what the law says is not impossible to do; it is possible to do and Health is a big, complicated department and they do a good job. If Health can do the right thing, well, the other departments can do the right thing too. I have spent quite a bit of time thinking about this and also talking about this. If Ms. Ingebrigtson doesn't mind me saying so, I've had a really good and informative conversation with her on this exact topic because I know what I see, but I wanted to hear from a senior person inside Health, "Okay, why does it work so well?" I'm going to say three things.

First of all, there is support from the highest levels of management, from the Deputy Minister on down, there is support for the idea that good information management is important and needs to be handled properly. In a system like this, it's really important to have that support from senior management so that the people doing the work know that if they push or if they ask hard questions or if they say to somebody, "I'm sorry but that's not good enough; you need to look harder for this information," they're going to be backed up by the people at the top. That happens at the Department of Health. The current Deputy Minister of Health, Mr. Dan Florizone, I would say the last one was

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Colleen Stockley, those are the ones I have dealt with, have been excellent in that regard, going down the line including, I will say, Ms. Ingebrigtson herself really gets it and it's her unit of the department that's responsible for this. Although she is not doing the hands-on work, the people who are get support from her. She gets it. She wants it to succeed. Alright, that's number one, management support.

Second is there is a general culture within the health field about proper information handling and privacy. Every health professional, I think, gets trained in the importance of being careful with information. They're holding all of our most personal information, everything about our health, our family's health, everything that is most intimate to us that we don't necessarily want other people to know, and they understand that that has to be handled very carefully. Of course mistakes get made. Of course sometimes information gets out, but when you have a culture of good information handling, if somebody makes a mistake, if somebody says, "Oh, you need to stop doing that, that's a problem. Oh, this has happened. Here is what we're going to do to fix it." There's a culture in the entire department about how to do things correctly.

Third is they just have a really good coordinator and guess what? He's not paid at level 13, okay? There are reasons for that and I think it would be too personal if I said what pay level he is at. Let me just say that he is not paid at level 13; he is paid enough that he has stayed in the job for, I think, it may be eight years now or something like that. He's got a lot of experience. He's got very good judgment so that people in the department trust him to do the right thing.

It's that combination of management support, good culture around information and privacy,

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Let me give you another example. The one I mentioned in my report, I said that the Department of Justice does a good job. In my report I say that they have two really good people. Guess what? Since I wrote my report, they both left. They both left. Okay so now it's not quite the same because when I say they have left, they're not doing information anymore. I'm not saying they're gone from the department; they're doing different jobs. Now somebody new is doing the work, so suddenly it's different at Justice.

One of the things that I worry about, Member, is that whether a department does a good job or not so good a job seems to depend too much on that person who is doing the job and it shouldn't depend so much. If you go to a hospital, it shouldn't matter so much which nurse is looking after you; you're going to get good care no matter which nurse is on duty. It's kind of the same with information. It shouldn't depend so much on that specific person being good at their job, but if the good people leave.... I mentioned one other department. The Department of Community and Government Services has a really good coordinator. They have been there for a long time, they know what they're doing, they ask the right questions, but if that person ever left, everything might change again.

I hope I have answered your question. Those are the factors that I see that makes Health the best performer. I will simply close by saying again, Mr. Chairman, that if Health, this big, complicated department, can do it, everybody else can do it too. Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Malliki.

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Mr. Malliki (interpretation): Thank you, Mr. Chairman. (interpretation ends) In your view, which of the government's departments or public agencies are not demonstrating good access to information and protection of privacy work? (interpretation) Thank you, Mr. Chairman.

**Chairman**: Thank you, Mr. Malliki. Mr. Steele.

**Mr. Steele**: I'm sorry, Mr. Chairman, I did not quite get the beginning of that question. Did the Member ask which departments are not performing so well? Did I get that correctly? Okay. Thank you.

Now, I do like coming before you to talk about the best performing departments, but I also don't mind talking about which ones are not performing well because I think we need to be honest with each other. I do have some things to say, but I need you to listen to the whole answer because I don't want you to misunderstand what I'm about to say. The worst performing departments are the Department of Education and the Department of Human Resources. I want to talk about them differently because the reason they're not performing well is different, but both of them are in this cycle that we talked about earlier where they lose their coordinator and then they have a really hard time filling it because of the issue of pay.

The Department of Education went through a period where they were losing a lot of people all at the same time. There was a point last year, I believe I'm correct in saying, where there was not one single person in their policy division and usually the information role is performed by somebody in the policy division. They went through a period where there was not one single person, so it had to be staffed up completely and when they did get staff in, inevitably they ended up with

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staff who had not done the job before and because even the management had left, there was nobody to show them how to do the job. Let me give you a very concrete example to explain to you what happens in those circumstances.

Last year there was a ransomware attack. I'm not talking about the ransomware attack on the Government of Nunavut, which you are aware of all too well. There was a ransomware attack on a company in Ontario that has a contract with the Government of Nunavut to handle student information for every single student in the territory. Let me repeat that just so you understand what's at stake. The Department of Education has a contract with a company based in Ontario. It's called a Student Information System. This time it was not the Government of Nunavut that was attacked; it was that computer of that company down in Ontario which held information about every single school child in Nunavut. Okay? Now, what did the Department of Education do about that? Well, they wanted to make sure that the system got back online, and then there was an article in the newspaper and I read this article and I said, "Why am I reading about this in the newspaper? Why am I reading this in Nunatsiag News because they have an obligation under the law to tell me when something like this happens?" Imagine that.

In a ransomware attack, there is always a risk that information will be stolen, not just that it's locked up, but it will actually be stolen. There was a risk here that information about Nunavut children was going to be stolen and whatever it is that the bad guys do with this information, but they didn't report it to me. They didn't report it to me until I read about it in the newspaper. Well, why not? To be blunt, it's because there was nobody in the Department of Education who realized that they had a legal obligation to report it to me.

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There was nobody with the experience to do that, so then I contacted them and said, "Okay, I need to know what's going on here. This is really serious. We need to determine whether information about Nunavut children has been stolen."

And then it became apparent to me that they didn't know how to do this. Nobody had shown them how to do it or how to even think about it. The reason why they're supposed to tell me about it is so they can take action quickly. If there has been a leak of information or if information has been stolen, you want to get on it right away, stop the leak, and prevent any damage. That's why it's so important to move quickly, but they didn't move at all because they didn't realize what their obligations were. As far as they were concerned, when the system was back up, their job was done.

The difficulty that I have is that this company was based in Ontario. I have no authority outside the borders of Nunavut. What I did was contacted the federal privacy commissioner, which does have jurisdiction over private companies across the country, I entered into an information sharing agreement with the federal privacy commissioner and they did the investigation. I call it my office, but it's really just me, but the federal privacy commissioner has 150 people. It's a big office with a lot of technical expertise. When they did the investigation, I was satisfied that they had done a proper, thorough job and so now today I can tell you that I am satisfied that no information about Nunavut students was stolen. It could have been, but it wasn't, so that's good news. The reason I'm telling the story, of course, is because Education moved much too slowly because they were not aware of what to do in the case of a privacy breach because nobody had told them or nobody had shown them. Okay, so that's Education.

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I also want to talk briefly about the Department of Human Resources. Since I arrived in Nunavut two years ago, there has been a fairly constant turnover of people. There have been periods where they had no coordinator at all. Human Resources has probably the most difficult information files in the entire GN. It's a very difficult file. We can talk later maybe about why that is, but they need somebody really good, really, really, really good and experienced, but instead they had people coming and going and there were periods where there was nobody at all and they put out the job competitions.

They did finally hire somebody and this is a very important thing. I don't want anybody to think that what I'm saying right now is a criticism of that young woman that they hired. This is not a criticism of her because I told you about the pay level, she came in with really no experience with government, no experience with the GN, no experience with the information law, plus her department was really, if I can use maybe a technical English word, backlogged. They had a lot of files piled up, but she got no extra help even to deal with the backlog. You've got this department with the worst files, the most difficult files, lots of them piled up on a desk and a person who is absolutely new to government trying to deal with it with, as far as I could tell, very little in the way management support. The person who ended up doing his best to try to help this smart, young.... Don't get me wrong, she's good, but she's new. The person who ended up helping as best he could, even though it's not his job, was Yuri Podmoroff because Yuri saw the same thing I did, which was somebody who desperately needed help and wasn't getting it.

I'm going to finish this simply by saying this: because of the backlog that files piled up on

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the desk, they were not able to meet the deadlines in the Act. The law says that not only do you have to release the information, but you've got a limited amount of time to do it, 25 days, and you can ask for an extension, but the most is 50 days. You're supposed to be finished the files in 25 days but 50 at the most. They weren't even starting to look at the files for two or three months. The deadline had already passed when they started working on the file. What that coordinator needed was extra help to deal with the backlog quickly because remember, citizens who have asked for information are waiting and waiting and waiting much longer than the law says and the department says, "Well, we have capacity issues; we're doing our best." My response to Human Resources is you need to do better than that and we cannot allow public bodies to throw up their hands and say, "We're doing our best. Sorry we can't meet what the law says." If we allow that to happen, the system falls apart. (interpretation) Thank you, Mr. Chairman.

**Chairman**: Thank you, Mr. Steele. Mr. Malliki.

Mr. Malliki (interpretation): Thank you, Mr. Chairman. I also thank the commissioner for that response. (interpretation ends) In her recent response of August 3, 2022 to one of your office's review recommendations, the Minister of Human Resources wrote that her department has "started conversations internally on how to centralize the access to information and protection of privacy function to better address the concerns and recommendations on a whole Government of Nunavut approach." To what extent has your office been involved in these discussions? (interpretation) Thank you, Mr. Chairman.

**Chairman**: Thank you, Mr. Malliki. Mr. Steele.

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**LcP**: 'dbትai', Δካ/«ρċ'. 'dbhai' br/a, Pp-4'ass. (ጋ\phi)c') peg Pp-4nsc'thub din' 3, 2022-г, d'c'sh' 'pr'p' and down a

**Δ৬/«ኦር**% (ጋጎ.ኑበJና): የժታ°<u>ฉ</u>፫<sup>6</sup>, Γጎር LCP. Γጎር ረሰኦና. **Mr. Steele**: The Member is very quickly my favourite Member because that's exactly one of the topics I was hoping that we would talk about today, so a really good question and thank you for that.

I have talked to you about why the system doesn't work very well in certain departments. Every department is expected to deal with its own information and privacy issues. The problem is that the Government of Nunavut is, as you know, very small. The population is small. The government is small. You have some departments that only have a few files every year or the small ones, maybe none and you have other departments that are really busy. As I looked at this and as Mr. Podmoroff looked at this, I think we independently came to the same conclusion. Of course I will not speak for him. He and Mr. Onalik will, obviously, have a chance to address this later, but it occurred to me that we're going about this the wrong way. Nothing is going to change as long as the system stays the same for the reasons we talked about.

Maybe what we should do is have a central unit of four, five, or six people, I don't know how many, and that's what they do full time and you take away from the departments this responsibility which they will admit they're having a lot of trouble handling, take it away from the departments and give it to a central unit so that they can develop a kind of professional expertise and experience. If we do that and these people are paid properly from the beginning, they're going to want to stay in those jobs. Suddenly it's going to be a job that people want, that they aspire to getting once they get a little bit of experience, and so that if somebody goes on vacation, it's not like everything comes to a stop; somebody else picks it up.

Some other provinces like Nova Scotia have

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already gone this way and it's something that I would really recommend that the Department of Executive and Intergovernmental Affairs look at very seriously as an option. Maybe we're just doing it the wrong way and central handling would solve a lot of our problems. I sounded like I was very critical about the Department of Education and the Department of Human Resources and I suppose that I was, but they both understand that they need to do better and they want to do better. I have talked to senior people in both departments and I believe I'm correct in saying that they would both be very happy if the Government of Nunavut moved in this direction because they know that they cannot handle their responsibilities right now. They want to give the people the information that they deserve, but the departments are struggling to do that.

I am very happy to hear that Human Resources supports that. I have talked to a senior member of the management team at Education who has said the same thing. They would very much support going in this direction. That is probably the single best thing that the Department of Executive and Intergovernmental Affairs can do to make the system work better. As I said earlier, it doesn't need to cost more money. What you're doing is centralizing the function and making it more of a full-time professional position. I think it could really work. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Malliki.

**Mr. Malliki** (interpretation): Thank you, Mr. Chairman. Thank you, commissioner. I think we need to wake up the government's officials.

(interpretation ends) The Information and Privacy Commissioner indicates on page 3 of VLderTre CVF. CVF. 4שלילי כרטביף יגביל<C יגבילירי כרטביף ויבילי ᡆ亡ᡩᡪᡃᢣᢈ᠋᠘᠂᠙ᡣᢐ᠘ᠳᢛᡈ᠘ 4DCCD%j.pc.20pc 4CDcU7c  $460^{\circ}$  $PP\sigma^4 \Delta C^{4} D C \sigma^{4} D \Delta C$  $\Delta^{6}$  $\Lambda^{\varsigma} \Lambda^{\varsigma} \Lambda^{\varsigma} \Gamma^{\circ} \sigma^{\varsigma \circ} b D U^{\circ} P \sigma \dot{L}^{\circ}$ . ᠕ᠸ᠋᠘ᠺ᠘᠘ᢗ᠘᠙᠘᠘᠙᠘᠘  $\Lambda \subset \Lambda^{\circ}$  $\Lambda$ CL $^{\circ}$ Δ°ΓΊςΓΑΙσ" Ο ΕΔΙΡ ΔΟΡΟΙΙΘΕΡΙΙ POPLIC POPLICE OF OF OFF 4PCCUJ°Q°C°QT° PLUCAC°C°C°C°.  $C\Delta L\Delta JLU5555550$   $C\Delta L\Delta JLU5555550$ ンとは。シャントペップトラム。 しょくしん  $\Lambda$ ታሊላጋ<del>ረ</del>%ረ<mark>ኦ</mark><ናጋና ጋ</mark><mark>ፊ</mark>ረሁረላ%ጋቦኑ.

his 2021-22 annual report that there are "too many vacancies, too much turnover, not enough training and little or no management support" with respect to the government's access to information and protection of privacy coordinators. As of today, how many of these positions are filled and how many are vacant? (interpretation) Thank you, Mr. Chairman.

**Chairman**: Thank you, Mr. Malliki. Mr. Onalik.

Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) It's my understanding that there are five stand-alone positions and I believe three of these positions are filled, but it has been highlighted in other questions here that often these are the side of people's desks' responsibilities. I will say that the whole policy function across the Government of Nunavut is an area we've had a really difficult time staffing for. It's not only the specific coordinator functions but within those divisions that those coordinators live. there has been a real challenge in finding people and keeping people in those positions. (interpretation) Thank you.

**Chairman**: Thank you, Mr. Onalik. Mr. Malliki.

Mr. Malliki (interpretation): Thank you, Mr. Chairman. I also thank the Deputy Minister for his response. (interpretation ends) What specific actions is the government taking to improve training and management support for the government's access to information and protection of privacy coordinators? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Onalik.

**Mr. Onalik** (interpretation): Thank you, Mr. Chairman. I'm sorry, (interpretation ends) I

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missed the first part of that question; I couldn't hear that.

**Chairman**: Thank you, Mr. Onalik. The Member was asking: what specific actions is the government taking to improve training and management support for ATIPP coordinators? Mr. Onalik.

**Mr. Onalik** (interpretation): Thank you, Mr. Chairman. (interpretation ends) This is one area where I think it's important to be very upfront and honest in that much of that training function has rested on the individual. We have not been able to build out a systemic response and a systemic way to train these positions. We're hopeful that in some of the things that you will see in this year's business planning where a lot of the suggestions that Commissioner Steele has put forward, we hope to have a more centralized response to information and privacy and a big part of that has to be training because the turnover that Commissioner Steele has highlighted is not only related to these positons but within policy as a whole. This is something that, in order for us to better meet our responsibilities, we need to do a much better job on training. (interpretation) Thank you.

Chairman: Thank you. Mr. Malliki.

**Mr. Malliki** (interpretation): Thank you, Mr. Chairman. I also thank the Deputy Minister for his response. What is the reason for these positions being vacant? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Onalik.

Mr. Onalik: As I mentioned in my opening comments, we're seeing a lot of different issues and I think that what we're seeing across Canada is that all governments in Canada are having a hard time recruiting. We

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are seeing a lot of retirements, which causes movement within the system. I want to highlight that we often hear in the media about the labour shortage in southern Canada and the impact that has not only on governments but private businesses. The average vacancy rate in southern Canada is under 7 percent. We have been at 40 percent for 20 years. I think, fundamentally, we need to find a way to build the number of people so we're not so personality driven.

The commissioner was highlighting individual people when there should be a system in place in order to respond to these issues. When you're the only person doing the job and Mr. Chairman, I'm sure you will appreciate this, it's an incredible amount of pressure and an incredible amount of work. I like the ideas that we have heard specific to information and privacy around building out a group of people who can support each other, who have responsibility beyond one department because we have a lot of people who are currently on islands, working alone on these issues within departments.

I'm not sure if that answers the question. (interpretation) Thank you, Mr. Chairman.

**Chairman**: Thank you, Mr. Onalik. If I may, Mr. Malliki, I think some of the suggestions that the commissioner brought forward is the pay scale. We recognize that some people are exclusively in positions working with access to information and like the Deputy Minister had mentioned, there are some that are working on those files off the corner of their desk, and that was me 15 years ago. I can understand and appreciate that, whereas when you're building the team, you still need to have different senior people involved in working exclusively on these files to help build that...I'm not using capacity in the way of people; I mean of knowledge of increasing that capacity of a team, if that is what

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transpires. I think my question would be: what do you think or what is the government's position on access to information of people doing it off the corner of their desk that are obviously higher paid versus people that are working exclusively on it at quite junior level positions? Mr. Onalik.

Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) I don't want to pre-empt what is coming forward in a month and I'm not trying to avoid the question, but what's coming forward as part of this year's budget and business planning cycle, but I think we would agree that there needs to be a more rational process in place, that we need consistency across departments and we need to be able to address.... I was in your position five years ago and it was off the corner of my desk and honestly I felt like I dodged a bullet because at ED&T at the time, we only had to respond to one issue in that year and a bit I was in the position.

Part of building out a strong team is going to be finding a way for people to only do this or to mainly do this, I guess, and to not place departments in a situation where this comes along, as I think it was the commissioner who mentioned, once every year or two and then you panic, and there needs to be more structure and more training and there needs to be a group of people who have more of that subject matter expertise.

I'm hopeful; I know the Premier is extremely anxious to bring, perhaps, a new approach to how we deal with information and privacy in this year's budget and business plan and I'm sure he is looking forward to that conversation when it's before this House. (interpretation) Thank you.

**Chairman**: Thank you. Please proceed, Mr. Malliki.

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Mr. Malliki (interpretation): Thank you, Mr. Chairman. I also thank you for that clear response. (interpretation ends) In her recent response of August 3, 2022 to one of the Information and Privacy Commissioner's review recommendations, the Minister of Human Resources wrote that her department has "started conversations internally on how to centralize the access to information and protection of privacy function to better address the concerns and recommendations on a whole Government of Nunavut approach." As of today, what is the status of this work? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Malliki. I'm sure Mr. Onalik doesn't want to divulge much more than he already has, but I think the question is legitimate on what status you're at now. The Deputy Minister has mentioned that they're looking at making some business cases on progressing this file, but where is the Department of Executive and Intergovernmental Affairs on this project? Mr. Onalik.

**Mr. Onalik** (interpretation): Thank you, Mr. Chairman. (interpretation ends) We are on track for there to be some real options for this House to consider in next year's business plan and budget. My colleagues, the other Deputy Ministers, are currently meeting right now reviewing and finalizing business cases that will be brought forward for consideration, but I think we all agree and we've had direction from cabinet and EIA to make sure that we find a way to allow departments to focus on their core responsibilities and for us to help lessen the load on that. I'm hoping that as part of our normal business planning cycle, you will see something that will address a lot of the concerns expressed today by Commissioner Steele. I have to say that there is almost nothing that he has said today that we would

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disagree with or try to deny, but I think part of those ongoing conversations need to be options that are presented that this House will decide upon. We hope that the result meshes with the intent that seems to be expressed today. (interpretation) Thank you.

Chairman: Thank you. Mr. Malliki.

Mr. Malliki (interpretation): Thank you, Mr. Chairman. I also thank the Deputy Minister for his response. My next question is, (interpretation ends) on August 12, 2022 the government issued a request for proposals for "Privacy and Information Management-Specific Training and Consulting Services." The request for proposals closed on September 16, 2022. Which entity or entities were successful in this process? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Onalik.

**Mr. Onalik** (interpretation): Thank you, Mr. Chairman. (interpretation ends) We are currently reviewing five proposals and we have not awarded at this point. (interpretation) Thank you.

Chairman: Mr. Malliki.

Mr. Malliki (interpretation): Thank you, Mr. Chairman. This will be my last question. (interpretation ends) The request for proposals indicated that the successful proponents will provide "a variety of potential access to information and protection of privacy related assignments." Does the government plan to have consultants perform the work of departmental access to information and protection of privacy coordinators? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Onalik.

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Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) The short answer is no. I think our intent is to, recognizing that we are talking about a division of one at this point, making sure that we are able to get support in doing a lot of this work, but we don't envision at this time, even though I wanted to think it, now we wanted to look at the possibility of what we might contract out should that lead to better outcomes. At this point, no, that is not up for consideration. (interpretation) Thank you, Mr. Chairman.

**Chairman**: Thank you and thank you for those lines of questioning, Mr. Malliki. We will move on to Mr. Savikataaq.

**Mr. Savikataaq**: Thank you, Mr. Chairman. I don't have any new questions, just some clarifications from the questions that have already been asked.

Mr. Steele has stated about the pay level 13 for the coordinators and Mr. Onalik has not disputed it, but I would like to hear right from the government's side if it is in fact true that coordinators are starting pay at pay level 13. Thank you.

Chairman: Thank you. Mr. Onalik.

**Mr. Onalik** (interpretation): Thank you, Mr. Chairman. (interpretation ends) With the exception of the ones that the commissioner highlighted, the answer is yes.

Chairman: Thank you. Mr. Savikataaq.

Mr. Savikataaq: Thank you, Mr. Chairman. I would like to continue the same line of questions. Which departments have coordinators that are paid above the pay level of 13? Thank you.

**Chairman**: Thank you. Mr. Onalik.

**Ρὰ ፫ •**: ፕሬሃዮ α Γ <sup>†</sup>, Δ • / 《 P C <sup>†</sup>•. (Ͻͺ A Π J <sup>†</sup>) Ϥ<sup>†</sup> υ, P P Κ • α <sup>†</sup>• > <sup>†</sup> υ. Δ L Δ υ / <sup>†</sup> σ Δ <sup>†</sup>• > J <sup>†</sup> C .

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Γ`> Υ΄ΠΦ՟, ÞʿbʿÞbÞ-Lʿ CLÞdd Ρ˙αΦ'⊁Þ˙\ʹϢϤʹϽ· 13, ϽΡͿϤʹ·Π·ϒ, Γʹ·Ͻ Ϸἀϲ·Ϸʹ ϤΡϚʹϷʹϽʹʹʹ·Γʹ·ϹϚʹͿϤϚ. ΡϒϤϭ Ͻ\ΡͰϞʹʹͰ ͰϤͰϧͼ ϹΔͺͰϷ ϒϲ-Ͱͺʹ·ͺͰͺ ϽΡͿϤʹ·Π·ϒʹͰϷʹ ϹʹͰϭ 13-Γ ΛΓϤΡΠʹ·ͰϧʹͰͺ ϷαϷʹϧϧʹͺʹͺ·ϲ϶ͺʹ·ϥϧ·ʹαͺͰϷ.

**Δυγ<ΡΟίω** (ϽϳλΡημε): 'dμε ΦͺΓω, ΓνΟ Φά, σω.

**₽ሴሮ**<sup>6</sup>: <sup>ና</sup>dታ<sup>6</sup>۵፫<sup>6</sup>, Δ<sup>6</sup>/ペ▷፫<sup>6</sup>6. (ጋቫትበሀ<sup>6</sup>) ፫<sup>6</sup>۵. bΓ/۵▷ ▷ናቴ<sup>6</sup>6▷ታ<sup>6</sup>6, Λ<sup>6</sup>/ቦ<sup>6</sup>6ጏ፭<sup>6</sup>ራ/ቦ<sup>6</sup>. Δ΄, የ▷ሀ<sup>6</sup>۵<sup>6</sup>><sup>6</sup>6, Δ΄.

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Δυλ<βρςώ (Ͻϳλληυς): Ϋαλοστρ. ΓλΟ Φάςο.

**Mr. Onalik** (interpretation): Thank you, Mr. Chairman. (interpretation ends) From my understanding, it is only the Department of Health. (interpretation) Thank you.

**Chairman**: Thank you. Mr. Savikataaq.

Mr. Savikataaq: Thank you. Earlier in your opening comments, Mr. Onalik, you stated that there were 20 coordinators and there were five PYs of.... I assume they're not in the department's five PYs for doing strictly only coordination but that are not add-ons to their job and three of those are filled. Are these five PYs under the executive and external affairs or are they within certain departments? (interpretation) Thank you.

**Chairman**: Thank you. Mr. Onalik.

Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) I wasn't referring to individual positions within the Department of EIA. I could name the departments that do have those, if that would be helpful. We have the Department of Justice, Department of Human Resources, Department of Education, Health, Environment, and EIA, so that's six that are in there. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Savikataaq.

**Mr. Savikataaq**: Thank you, Mr. Chairman. Just for clarification, there are six PYs committed to reporting and it's not five, as you stated earlier. Thank you.

**Chairman**: I believe he is including the territorial manager in that list, making it six. Mr. Savikataaq.

**Mr. Savikataaq**: Thank you, Mr. Chairman. One question about my colleague there about why they're so hard to fill and so many

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vacancies, you said due to retirement and all that. What's the average length of service for these coordinators or the length of service for working on that job? Thank you.

Chairman: Thank you. Mr. Onalik.

Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) I don't believe I have that information handy. We can get that for you, but I would suggest that with a few exceptions, it's a relatively short period of time. If you do a good job in ATIPP, then you often get asked to do other duties and get promoted in some ways. Considering the Chair went from an ATIPP coordinator to an MLA, it's often a fast-tracked sort of position through advancement. (interpretation) Thank you.

Chairman: Thank you. Mr. Savikataaq.

Mr. Savikataaq: Thank you, Mr. Chairman. Just more of a clarification here again then, Mr. Steele stated that most of these coordinators were young in experience and Mr. Onalik said that retirement is part of the issue why there are so many vacancies. Generally you retire when you're older. Which is it? It can't be both; if I can get clarification. Thank you.

**Chairman**: Thank you, Mr. Savikataaq. Mr. Onalik.

Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) Just to clarify, we're not necessarily talking about the ATIPP coordinators retiring, but when you have a manager or a director retire, it causes everybody to have to kind of fill in the gaps. I don't have the exact numbers in front of me, but especially in policy functions, eight out of ten of the new employees in those functions are people who have come from either other departments or

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other policy jobs within that department. The retirements and the departures from the government are causing there to be that movement within the divisions. (interpretation) Thank you.

Chairman: Thank you. Mr. Savikataaq.

Mr. Savikataaq: Thank you, Mr. Chairman. Just for the future there if Mr. Onalik could be clearer so that we as Members don't draw conclusions because it's easy to draw conclusions if we're not given a clear picture of what's going on.

Moving on to another topic here, my colleague also asked about the HR wanting to do a whole-of-government approach on ATIPP. I was just wondering why the initiative is coming from HR and not coming from EIA. Thank you.

Chairman: Thank you. Mr. Onalik.

Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) I am not actually sure where the reference to HR came from. It is the Department of Executive and Intergovernmental Affairs that is putting forward the business cases and first providing cabinet and eventually Members with options around this. It's very much driven by the Department of Executive and Intergovernmental Affairs. (interpretation) Thank you.

Chairman: Thank you. Just for the benefit of the Committee and for the Deputy Minister, there was a response to Commissioner Steele early August from the Department of Human Resources where in the review report it spoke specifically and I'll quote, "As for the observation that the ATIPP function is broken and needs changes either to the legislation or to the ATIPP administration, this is part of a larger conversation between

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Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) I would suggest that it's not only Human Resources, so in this specific instance, it's a discussion between the commissioner and Human Resources highlighting the need for a more centralized approach. This is a common theme that we have heard from many departments. That's why, because of its interdepartmental nature, the responsibility falls on the EIA to provide those options for consideration. (interpretation) Thank you.

Chairman: Sorry, I'm getting a little confused here now too. Maybe if Mr. Onalik can, the Member why does it appear that Human Resources is leading this change with Executive and Intergovernmental Affairs, and he just mentioned there are a number of different departments involved. As the lead department, maybe Mr. Onalik, you can kind of summarize some of the discussions that have been going on to date and, if not all departments, maybe which departments. Thank you. Mr. Onalik.

Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) It's my understanding that was a discussion between the Department of Human Resources and Commissioner Steele. It just highlights that Human Resources highlighted to EIA that they have issues in implementing information and privacy issues. EIA, subsequently, has led the process across departments to look at how the GN as a

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**Chairman**: Thank you, Mr. Onalik. Mr. Savikataaq.

Mr. Savikataaq: Thank you, Mr. Chairman. I'm glad that it appears that the government is going in the right direction. There seems to be an uncoordinated response. It's really wishy-washy on how well the response from the department is depending on whether there is a body filling in the duties or whether they have good supervision. That's just a comment in saying that I'm looking forward to seeing what the government is going to present to us in terms of what their plans are to making sharing of information that should be given out in a timely manner.

I agree with Mr. Steele saying that the capacity issue has been used as an excuse for a long time and when someone says that they have capacity issues, I never thought about it so much as Mr. Steele explained about it. If you don't have any brakes, then maybe it doesn't really matter, but that brings it to the point that yes, it does matter. When this legislature passes laws, it is expected that these laws will be adhered to and, if you can't adhere to them, then you have to make it so, so that you can adhere to them. Thank you. That's it.

**Chairman**: Thank you, Mr. Savikataaq. Mr. Anavilok, Member from Kugluktuk.

**Mr. Anavilok**: Thank you, Mr. Chairman. I just want to make a comment first and then questioning later.

I just want to go back to a statement by the

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Information and Privacy Commissioner. "I am an independent officer of the Legislative Assembly...report only to...the Members of the Legislative Assembly." I just want to go back to his annual report. It states, "...I can issue recommendations only, which a public body can ignore. I cannot enforce deadlines. I cannot enforce disclosure. I cannot enforce anything."

Maybe to have those, I think that if you had those, everything would run smoother maybe, going by positions from other bodies being replaced by individuals. Like you said before, if somebody is doing a good job, a good coordinator, but being replaced and then things start to change from there when the individual leaves. I just wanted to make that, and my colleagues, as a note on that part.

My question is going towards number and type of files and towards the Information and Privacy Commissioner. On page 6 of your 2021-22 annual report, you indicate that your office opened 73 new files during the fiscal year. This represented an increase of 14.1 percent over the 2020-21 fiscal year. As of today, it is approximately six months into the 2022-23 fiscal year. How many new files has your office opened during the 2022-23 fiscal year to date? *Quana*, Mr. Chairman.

**Chairman**: Thank you. Commissioner Steele.

Mr. Steele: About one hour before this session started, I got another new file and so that brings the total for this fiscal year so far to 38. As you said, Member, we're almost halfway into the fiscal year and I have just about exactly half the number that I had last year. The way things are going right now, it looks like this year is going to be very similar to last year. Thank you.

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**Chairman**: Thank you, Mr. Steele. Mr. Anavilok.

**Mr. Anavilok**: Thank you, Mr. Chairman. On average, approximately how many hours of work does a single file require? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Steele.

Mr. Steele: It's a little hard to answer because the files that I get range from things that I can deal with in half an hour to probably the file on which I have spent the most time was the tuberculosis file, which perhaps we can talk about sometime later today or tomorrow, and I worked on that off and on for essentially the whole time that I have been in Nunavut and if I added it all up together, that one by itself probably took me a solid month. If I had been working on nothing else, it's a month's worth of work. It can go from half an hour to a month.

You see what I mean? I can say on average, but if I do the calculation, I would say, okay, on average it's about three days per file, but it covers a very wide range from not very much work at all. Let me give you an example of a file that takes very little time. Occasionally I will get a call or an email from somebody who says, "I want information from the City of Igaluit and they're not giving it to me. I want to file an appeal." It's a phone call, I tell them or I email back to them saying, "Well, actually the law in Nunavut does not cover municipalities. Therefore the City of Igaluit is not subject to the information law. I have no authority over them. Therefore I cannot accept your appeal." There might be a bit more explanation.

That surprises people. All ten Canadian provinces' municipalities are covered by the information law but not in any of the three

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**Chairman**: Thank you, Mr. Steele. Mr. Anavilok.

**Mr. Anavilok**: Thank you, Mr. Chairman. On page 7 of your 2021-22 annual report, you indicate that over a quarter of the files that your office responded to were for the Department of Health. What factors account for this? *Quana*, Mr. Chairman.

Chairman: Thank you. Mr. Steele.

**Mr. Steele**: It's very interesting, isn't it? Every year, almost without exception, the department that has the most appeal files that come to my desk is the Department of Health, but I have already said that they do the best. How can they be doing the best if they have the most unhappy people? Well, there's a good answer to that and that is that it is a big, complicated department. They're dealing with many people in many different health settings all across the territory. They have a lot of interaction every day with Nunavummiut and so there's just a lot going on in that department, much of which involves very sensitive health information. It's only natural that in a department like that, there would be a lot of privacy breaches or requests for information. Just to mention a couple of the requests for information, the Department of Health deals with tuberculosis. It deals with the Igaluit water emergency. It deals with COVID-19. It generates very important and big files.

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The one other thing that I would say is it also has the most privacy breach reports of any other department, yet I still think they do the best, but that's because they have a culture of understanding what privacy is about so that when something happens, they are on it and they inform me about it. Why? Because the law requires them to tell me when something happens, so I hear from them a lot. That's why there are more files from Health than anywhere else.

Here's the thing is I think there are a lot more privacy breaches in other departments, but if they don't even know they're supposed to report to me or don't know how to gather the information or don't know how to respond to a privacy breach, well, that may never come to my desk. They're supposed to do it, but they don't. I have a lot of confidence in Health that I'm hearing from them. Every time they're supposed to tell me, I hear from them. That's why they have so many files and that's why I can say that they have the most files and they're doing the best job as well. Thank you, Mr. Chairman.

**Chairman**: Thank you, Mr. Steele. Mr. Anavilok.

Mr. Anavilok: Thank you, Mr. Chairman. Also on page 7 of your 2021-22 annual report, you indicate that there was a 150 percent increase in the number of files concerning the Department of Human Resources. What factors account for this? *Quana*, Mr. Chairman.

Chairman: Thank you. Mr. Steele.

Mr. Steele: I don't want to overstate the case. When you say a 150 percent increase, what that really means is it went from four to ten. The numbers still aren't really big, but Human Resources takes up a great deal of time in the information system and I think

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When the information law was written, I do not believe that it was intended to be dealing largely with internal issues inside the government. When you think of the information law, you think of a citizen who wants to know information from their government. It might be a reporter, for example, who wants information about something the government is doing. They send in an application and the government sends it out again. That's kind of what we think of as the way the information system works, but so many of the files that I get are fights inside the GN, inside the Government of Nunavut.

One employee wants to know everything that the other people in their office have said about them, so they apply for every email that mentions their name over the previous year. Is that really what the information law is supposed to be about? Or if somebody loses their job and they're not really told why, the only way they have to get the information is to file an application under the information law to say, "Please tell me why I just lost my job." Or if somebody in a union files a grievance, they have something that has gone wrong in the workplace and they file a grievance, well, then they also file an application under the ATIPP law because they don't get enough information in the grievance process, so the information system becomes like an add-on to the grievance system.

That's not what the information law is supposed to be for. The law doesn't say you cannot use it that way, so it is getting used that way. I think this is a mistake. I think this is a wrong turn. This is why the Department of Human Resources, remember I said earlier, has the most difficult files and that's because it's really difficult to gather and

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Ċidd A<sup>a</sup>baAbadahd ddi ddiaciiddoi Ada, ddiaabababadcah, release information about, for example, a poisoned workplace or if there is an allegation of harassment. How do you gather information while still not releasing private information? It's almost impossible and it's not what the law was written for, but the departments have to do it anyway.

The last thing I will say, Member, in response to your question is that's part of the explanation why the Department of Human Resources gets so many files, but I will also say that many of the other applications are about human resources, even though it actually goes to a different department. For example, suppose that somebody gets fired from the Department of Health or they were a contract worker in a hamlet and they can't seem to get any more contracts in the health system but they don't know why, like they say, "Is somebody saying something bad about me or have I done something wrong that nobody told me about?" And so they put in their application to the Department of Health. Although it's a human resources issue, it actually counts in my statistics as a health file.

What I want to say to you is even though only ten appeals concerned the Department of Human Resources, I would say that at least half and probably more of the total is actually human resource issues that just happened to be sent to a different department. This is a problem we need to deal with and maybe we can talk about this in more detail over the next time that we have. Thank you, Mr. Chairman.

**Chairman**: Thank you, Mr. Steele. Mr. Anavilok.

**Mr. Anavilok**: Thank you, Mr. Chairman. On page 6 of your 2021-22 annual report, you indicate that your office responded to "14 requests for comments" during the fiscal

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Chairman: Thank you. Mr. Steele.

Mr. Steele: I do not think that I can answer that question because when I am asked for comments, often it's simply advice or telling people what I think the information law means. Unlike my formal appeals, it's not something where I'm making a recommendation.

Let me give you one example. The Integrity Commissioner contacted me and said, "I heard about this court decision in Newfoundland and it seems like this could be relevant to the work that I do, but I wonder if you can read this decision and tell me how the Nunavut privacy law would apply to it. Is this a decision that has any application to Nunavut?" I read the decision. I give my opinion based on my knowledge of privacy law to the Integrity Commissioner. That's not a recommendation. That's not something that she says I accept that or don't accept that. It just is helpful information to help her do her work.

Another example, last year before the election, the government had a bill before this House that is now called the Police Act. It was to replace the Royal Canadian Mounted Police Act. I wrote a letter to the Department of Justice saying, "This is a really important issue. There are some very obvious access issues here. Here is my

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Now, I'm a former cabinet minister and so I know that at the end of the day, it's the Minister's decision about what the bill should say that the Minister puts in front of the House. Did the Minister take into account everything that I said to him? Well, maybe, maybe not, but I understand that that's the Minister's decision, not mine. Again, it's not something where it's really, I would say, they accepted it or didn't accept it. They may or may not have taken it into account.

In this category of file, the request for comments, I'm happy to give advice or comments to anybody, but it's not the sort of thing... Member, I hope you understand what I mean. It's not the sort of thing where I can say they accepted it or they rejected it. That's not the nature of this kind of file. Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Anavilok.

Mr. Anavilok: Thank you, Mr. Chairman. On page 8 of your 2021-22 annual report, you indicate that you provided "comments on policy proposals and/or advice on specific [access to information and protection of privacy] situations" to nine different public bodies. Your '20-21 annual report provided a description of the subject areas that you commented on. Why did your 2021-22 annual report not include this level of detail? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Steele.

Mr. Steele: Sometimes when people ask me for comments or advice, they're approaching me on a confidential basis and that is that they want to do the right thing, but they don't necessarily want it to be public that they approached me or they don't want it to be public what I told them. They're just trying

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I realized when I was writing my most recent annual report that if I gave a full description of every comment that I was asked for that I would be breaking the expectation of confidentiality that some of these people have. Because I felt that I couldn't do it for all of the items, I left it out entirely. Now, it was because I'm trying not to highlight which ones were confidential and which ones were not, but if the Members find that level of detail useful and interesting, I could certainly think about putting it back for next year's report.

I just need you to understand that I want to encourage people to approach me. Even you, for example, as MLAs, if you have an issue where you're handling some very confidential information from a constituent and you're not quite sure what to do with it, you are welcome to approach me on a confidential basis and say, "Do you have any advice for me about how I should handle this so I can serve my constituent while still protecting their privacy?" I welcome that kind of approach, but you don't expect to read about it in my next year's annual report, right? That's the sort of thing where I need to respect some confidentiality. That's why the reporting was slightly different in the two annual reports that you mentioned. Thank you, Mr. Chairman.

**Chairman**: Thank you, Commissioner. Mr. Anavilok.

**Mr. Anavilok**: Thank you, Mr. Chairman. This will be my last question. I thank you for that and I hope to contact you on a matter sometime soon.

This question is going towards the government witnesses. The Information and Privacy Commissioner indicates on page 6 of

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his 2021-22 annual report that his office responded to "14 requests for comments" during the fiscal year. On page 8 of his annual report, he indicates that he provided "comments on policy proposals and/or advice on specific [access to information and protection of privacy] situations" to nine different public bodies. Who has the final authority to accept or reject his office's advice and/or recommendations? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Onalik.

Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) I would suggest that it really depends on what the issue that the body sought advice was. I think, in many of the instances that are highlighted here, those are outside of the Government of Nunavut, like the Department of Executive's area of responsibility. As the commissioner mentioned, sometimes it's not like a yes or no. We're not looking for a yes or no answer, so it's really hard to demonstrate how it has been incorporated.

I do say the fact that this number should be bigger, like we should be having more of these sorts of conversations about policy proposals and especially considering our short staff situation here. I know it's not really an answer, but I'm not sure if I can provide a blanket answer that responds to all of those issues. (interpretation) Thank you, Mr. Chairman.

Chairman: We will see if the Members accept that as an answer or not. At this point I would just like to make a comment and thank Commissioner Steele, who I have utilized on a few occasions already and Ms. Keenan Bengts numerous times in the past. I have always found that it's better to get some information to go forward with so that you can give your constituents the best advice

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With that, we will take a 15-minute break and return. Thank you.

>>Committee recessed at 15:32 and resumed at 15:50

Chairman: Thanks, everyone. Thanks. Hopefully everyone had a refreshing break and came back with some more great questions as we're on a good track there. We will go right into our next line of questioning. Ms. Brewster, please go ahead.

Ms. Brewster: Thank you, Mr. Chairman. Mr. Steele, in your response to the first question asked, you said, "I know how the system is supposed to work. The system in Nunavut is not working as well as it should," just to paraphrase you, "to the standard that the people of Nunavut deserve."

In question 2 you preamble your response to say to the effect that if I want information from the government, what I'm curious about is the veracity of the information that the Government of Nunavut collects. Given that, as you stated, for example, the health system collects health information on individuals based on the tenets of health care and so that information has a standard for collection.

When we consider the other information that's collected by departments that is very impactful to Nunavummiut, such as Family Services for instance, what we know is that over the years there hasn't been a system in place that guarantees that information and specifically for children in foster care, for example, there isn't a clear understanding of whether or not the information systems are

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collecting and saving the information for those children in care.

I understand that recently there was a case management system that was tried out that didn't work out. I have a couple of questions about that, specifically about the transfer of paper collected information to electronic systems and how important the process is to ensure that no information is lost for the individual who may want to collect it at a later date and that that information is also protected.

We talk a lot about online and electronic information and what we know is that the Government of Nunavut still has only paper copies of information in some areas. If you could talk about that, I would appreciate it. Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Steele.

**Mr. Steele**: That's a very big question. I'm sure I could take the rest of the afternoon to talk about an answer, but you will be happy to hear that I will not.

A good information system requires good information management. There is a very good professional record management unit that's a part of the Department of Community and Government Services and part of their constant, never-ending work is to try to make sure that the rest of the government is following a good records management system. There are ways of doing this. It has been known for literally hundreds of years about how to keep good files. The only thing that's different now is that we are moving away from paper files to electronic files, but as you said, Member, Nunavut has not made the full transition yet. Now, this is outside the area over which I have authority.

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All I can say is that if you have poor records management, you are never going to be able to find the information that somebody asks for and you owe it to the citizens of the territory to be able to find the information, especially if it is their own personal information. You gave an example of foster children files, very, very important Family Services files, very, very important. Unfortunately I have seen a few instances where records are not well managed, departments that do not have a sensible filing system so the person who puts the file away knows where it is, but nobody else can find it because it doesn't follow any system and that happens also electronically.

There was one case, I'm debating quickly whether I should even mention it, but I will because I want you to know what's going on out there where one unit of government was keeping their old files in a sea can out back of the building and some people broke in and set fire to the records. That department really had no idea what was in that sea can. There was no reason for the records to be in the sea can, but it was all personal information. The only reason that they even looked was because somebody set fire to it and somebody had to see what was actually there.

When you hear about things like that, you need to put pressures on the Ministers and the government. That is not acceptable records management, but it's such a big government, Member, that all I can say is some departments are doing a really good job in records management and some still have a long way to go. Thank you, Mr. Chairman.

**Chairman**: Thank you for that. Ms. Brewster.

**Ms. Brewster**: Thank you, Commissioner. I guess I'll ask our team from the GN then. What steps are being taken to ensure that

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things like a sea can fire don't impact people's ability to access their personal information? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Onalik.

Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) I think the commissioner has highlighted that some departments are doing a better job at this than others and core to the conversation we're having today and tomorrow is how we get to a place where there is uniformity and consistency across the government on how we handle personal information. I think something that this commissioner especially has really shone a light in many areas; this is another instance of that.

I'm not familiar with the sea can fire, but I think this gives all the more weight to having that consistent, central authority that could help with training and making departments aware of their responsibilities. I think the first step in terms of specific actions is we're getting as quickly as we can to a place where there is a much better system in place behind information and privacy issues. (interpretation) Thank you.

Chairman: Thank you for that. If I may, another component of that would be how long documents are kept for. If the destruction of documents occurred as they are legislated or as the policy directed to, there probably wouldn't be a need for sea cans to store more materials. Ms. Brewster.

**Ms. Brewster**: Thank you, Mr. Chairman. Mr. Onalik, in the absence of a coordinated response to access to information and privacy, is there specific training for directors and managers that the coordinators report to? Thank you, Mr. Chairman.

Chairman: Very good question. Mr. Onalik.

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There is a process underway within the government to look at how we on-board and to me, these information and privacy issues should be a big part of that, but we often hear across departments that, and I'm not going to use this "C" word, Commissioner Steele, but with the shortage of workers, the practice has been in the past that you just rush somebody into a position because there is so much urgent work that needs to get done. In the long run that doesn't serve us well and that is something that we are definitely taking a look at.

Again, as hoped as part of the business planning and budget cycle this year, we hope that we will be able to show some specific actions there. (interpretation) Thank you, Mr. Chairman.

**Chairman**: Thank you, Mr. Onalik. Ms. Brewster.

Ms. Brewster: Thank you, Mr. Chairman. Is there an internal process for information and privacy coordinators to meet together to share knowledge and information that could be helpful? Specifically we heard today about the possible stealing of Education's information and the newness of an employee or the absence of an employee. Is there an internal working group that, perhaps, managers or directors could attend in the absence of having a coordinator so that they could bring issues to that knowledge centre

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for feedback and advice? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Onalik.

Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) Yes, there is an ATIPP coordinators committee that meets regularly and this is something that I believe was brought in under the previous government and has already made some real, substantive improvements in how things are handled. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Brewster.

**Ms. Brewster**: Thank you, Mr. Chairman. To your knowledge, Mr. Onalik, does every department attend or interact with that group especially in the absence of having a coordinator? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Onalik.

Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) To my understanding, most departments are actively involved in, but with the turnover that has been highlighted by Commissioner Steele, the one consistent thing is that there will be departments going through that transition where there aren't the people in place in that department. It has been helpful in building out that core of professionals who respond to these issues. I would say that for the departments that are staffed or have properly allocated resources, this is a very active committee. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. If I may Ms. Brewster, I would just like to follow up on part of that. Can maybe the Deputy Minister give us some examples of some agenda items that happen at that committee? What type of Δ<sup>2</sup>/ـ

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**Mr. Onalik** (interpretation): Thank you, Mr. Chairman. (interpretation ends) As you can imagine, there are a couple of issues that I think the committee deals with and one of them is primarily how we organize ourselves to respond and that back and forth between departments on who is actually responsible for certain issues, and then something that I have been told has been very helpful as well as how to respond to things like review reports and actually getting to the mechanics of responses. Again, you're often dealing with people new to their position and they're able to kind of go take that the training that they've received about the theory of the process and then how this actually gets put into practice. Having been in that position in the past, I found that to be extremely helpful of how we actually navigate specific requests for items. (interpretation) Thank you, Mr. Chairman.

**Chairman**: Thank you for that. Ms. Brewster.

Ms. Brewster: Thank you, Mr. Chairman. Commissioner Steele mentioned that there was one department that had a number of backlogged requests and that many of them were beyond the 25- or 50-day, even the extension period of time. What's the process for a member of the public to launch a protest about how long their access to information and protection of privacy request has taken? Who can they bring that to, outside of the originating department that they have put the request into? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Onalik.

**Mr. Onalik** (interpretation): Thank you, Mr. Chairman. (interpretation ends) First and foremost, I'll acknowledge that departments

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are responsible for ensuring timely responses, proper responses, and I think I'm here today to say that we're offering reasons, not excuses, for when that situation happens, but it is my understanding that perhaps that's maybe best directed.... The Information and Privacy Commissioner is partially there to advocate for those situations and to help light a bit of fire under the bureaucracy in situations where that's required. (interpretation) Thank you, Mr. Chairman.

**Chairman**: Thank you. Ms. Brewster, the commissioner would like to respond to the as well too. Please proceed, Mr. Steele.

Mr. Steele: Thank you, Member. The answer is that if somebody is upset with what is happening with their request, they come to me. That's my job, but remember what we talked about earlier that I have no authority to order a department to do anything. If a department is late, all I can do is say, "You're late. Hurry up."

What was happening with the Department of Human Resources, unfortunately, is they were saying to me, essentially, these are not their words, but what they were saying to me was, "We're going as fast as we can. We know we're missing deadlines. We're really sorry about that." What can I do? All I can say is "You're not following the law" and the department says, "We know." The way the Nunavut law is written, once that happens, there is nowhere else to go. Thank you, Mr. Chairman.

**Chairman**: Thank you. Ms. Brewster, proceed.

**Ms. Brewster**: Thank you for that response, Commissioner and Mr. Onalik. Commissioner Steele, you indicate on page 9 of your 2021-22 annual report that your office has a "higher profile" and that you use

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social media on a regular basis. It made me think about the various platforms that people use to communicate.

We know that the Government of Nunavut has an Acceptable Email and Internet Usage Policy and that they have an Acceptable Use of Mobile Devices Policy, and that there are internal guidelines for protecting people's information and privacy. What we also know is that people use various platforms, such as MSN Messenger, DMs through Twitter and through Instagram, in order to reach out to people that they know work for the government. We know that people put on Facebook their own personal health information, often complaining about access to health services or any kind of services at the Government of Nunavut.

I would just like to hear from you a little bit about what we should know about what the government can do to protect people's privacy through their own actions as well as when it comes to government employees interacting with each other through those various mobile devices as well as social media platforms. Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Steele.

Mr. Steele: Social media platforms have vastly expanded the ability that we have to communicate with each other. What this means is there is so much more danger than there used to be that somebody's privacy is going to be violated. Let me give you a couple of examples, and the only thing we can do, Member, all we can do is say to the people who work for the Government of Nunavut, "The rules haven't changed, even though we have gone from the days of letters and telephone calls to Instagram and TikTok and Facebook. You still owe it to Nunavummiut to keep their personal information private."

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A couple of examples, there was a recent case, I won't mention the community, I'm not trying to embarrass anybody; I just want you to know what is happening out there. An employee of a community health centre was trying to get in touch with some people concerning medical travel and the way that they tried to reach out to those people was to put their names on the community Facebook page and say, "These people, please call medical travel because we have arrangements we want to make with you." Well, of course that's not appropriate because everybody in the community can see that. The fact that medical travel wants to contact them lets people know that there's some medical issue that is serious enough that they may have to go on medical travel outside the community and that may reveal something that the people don't want to be known. It just so happened that one of the people on that list was a professional in the community who may not have wanted it to be known by the entire community that they had a medical issue. I know that probably the employee was just trying to do their best. They needed to contact people; they just chose the wrong method to do it.

Another example, another young medical professional came to Nunavut for a short period, like many young people spent a lot of time on TikTok, and wanted to let people to know what it is like to be a medical professional in Nunavut and so started to put up Tiktok... . I don't even know what to call them. TikTok posts? Do we call them posts? ...TikTok posts about the work they were doing, but the problem was what they put up was enough to identify people because they talked about a patient of such an age and this gender, in this community, and if you put it all together, it wouldn't have been too hard to figure out who that person was. It's great that you're letting people know what it's like to be a medical professional in the north, but

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you have to be careful about what information about your patients you put out there because the whole world could have seen that.

Member, all I will say is that one has to be disciplined about one's approach to communications in this era when, if you choose the wrong method, a lot of people can know things, really, that it's not their business to know. Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Brewster.

Ms. Brewster: Thank you, Mr. Chairman. A similar question to the officials at the Government of Nunavut, what policies are in place to ensure that this sort of thing doesn't happen? We need to ensure that we're not publishing people's information on Facebook or any other platform, as well as ensuring that government officials who....

We know that often sometimes there is an urgent need to contact somebody about an emergent situation and that the employees interacting with each other through their often personal devices because they're connected via social media is sometimes the quickest way to get a response.

I'm wondering what protections are in place to ensure that employees are not using social media platforms, such as Messenger, and other direct messaging platforms. Thank you, Mr. Chairman.

**Chairman**: Thank you, Ms. Brewster. Mr. Onalik.

**Mr. Onalik** (interpretation): Thank you, Mr. Chairman. (interpretation ends) There is a privacy protection I know that exists and each department has specific rules around the management of privacy. I will highlight this is something that we likely need to take

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another look at. I'm not talking specifically about a specific example, but often when you're trying to reach people for emergency services or urgent care and you have cellphone networks down or the best way in some instances could be in theory, the most expedient way could be a Facebook message.

I'm not saying necessarily posting online, but I think we really need to get our heads around what our policy regime looks like for privacy in this age because part of that openness and accountability is making sure that people have the ability to communicate in a way they feel comfortable and people far younger than myself feel comfortable communicating in a way that I don't think we have given some thought to. I think this is one of the issues from today that I think we need to put our collective heads together and take a look at. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Brewster.

**Ms. Brewster**: Thank you, Mr. Chairman. I'm jumping around a little bit. I would like to get back to the knowledge shared about coordinators' positions being valued at a level or a step 13, grid 13, and we know there are six steps, right? This is a question for our GN officials.

Given the knowledge that we have had so much difficulty in recruiting and retaining individuals as coordinators and that we want them to stay long term and that those positions, if the commissioner is in fact correct, aren't rated to be able to access staff housing and when we consider Inuit employment levels and a high number of Inuit women who are employed and Inuit men who are employed are earning far less than non-Inuit who are employed by the Government of Nunavut and that we know that Nunavut Inuit tend to stay in the territory

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if they have a good job and they have housing, what is being done to consider opening up those positions to staff housing? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Onalik.

Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) I want to give an answer that says we won't wave a magic wand and find housing for these positions. I think we need to look at our overall recruitment and retention plan, and this is something that we are doing across the government. Cabinet has directed us to look at how we handle staff housing, so there is a review going on of staff housing allocation and how we better leverage staff housing to increase Inuit employment.

When it comes to retention, this is a critical issue. To me, the number one challenge the Government of Nunavut...I am not even going to use that word. The number one threat that the Government of Nunavut faces at this time is we need to figure out how to bring more people in to work for the government and keep the ones that we do have and recognizing that that's a big process, but over the next five years, 33 percent, 1,780 GN employees, will be eligible for retirement. This is an issue that I don't intend to steal attention away from these important issues here today, but it's something we have to grapple with and cabinet has directed us to come back with options for addressing many of these issues, like the recruitment and the retention, most importantly, of hard-working GN employees.

What I'm hopeful is that the way positions are evaluated within the government often relate to the structure in which those positions exist. If you're a single person in a department, you're not managing anybody, you are at the bottom of the org chart, not in

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C'a d'i Ala'n' a'b' b'bby' a'bby' b'
C'a d'i Ala'n' Cala Pydo
A'Lba' Aban' a'b' B'bCo' Cabda
A'aboa' a'bbab' c'cd'
'ba' b'An' a'bba'
A'bbaby' a'bba' c'cd'
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That is something that we really need to address, but overall this is a foundational issue that this Assembly is going to have to grapple with in the remainder of the term. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Brewster.

**Ms. Brewster**: Thank you, Mr. Chairman. Mr. Onalik, in the fall, I believe, in an answer to a question that I had, you indicated that, I think, 10,000 Inuit youth are expected to come into the workforce in. I can't remember the number of years, but maybe it was five years as well. What thought has gone into using those two bits of knowledge that you have? Sorry, I didn't write it down; I think it was 1,700 people you said that are about to retire. 1,780 people are about to retire and I think it's fairly safe to say that a number of those people may have GN housing and it seems to me that this could be an opportunity to look at those currently housed people who are retiring and look at recruiting employees directly into those vacancies related to their housing.

To your comment just now that it is either ATIPP or aging or working yourself out of an ATIPP position and the knowledge that was shared earlier that our friendly ATIPP coordinator at Health is not at step 13 and that there was some kind of a rationale to pay that person more, I know that person has been there for eight years or more, and how much thought is put into creating more

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flexibility in the salary grid and range in order to retain a person in a position that is so important and that is very much knowledge and process based.

We don't know what we don't know. If you hire somebody and they don't know where to find the information, they don't know where when they first start, but their knowledge grows. To me, it seems really important that the longer that we can retain a person in that position, for hopefully their entire career or at least a generation, we know that the access to information and privacy protection for our citizens will be maintained better. Is there any thought of being flexible in building longevity into a person's career specifically in ATIPP by being more flexible with salaries as well as housing? Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Brewster. If I can just get clarification, so are you asking the government whether the Department of Human Resources can tailor in a parameter or are you asking if Executive and Intergovernmental Affairs can change the classification of jobs? Ms. Brewster.

Ms. Brewster: Thank you, Mr. Chairman. What I am asking is whether or not.... Because we know that there is a process underway or we have the idea that there is a process underway to revise the way and centralize how the government approaches access to information and privacy protection and whether or not through that process that Executive and Intergovernmental Affairs is leading, whether or not they are able to work with the Department of Human Resources to reclassify or to put in some greater flexibility to ensure retention and of course at the front of that, recruitment. Is that better? Thank you, Mr. Chairman.

Chairman: Not so much better, just clearer

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>>Laughter

It could have been a gap in my understanding, but it is very clear now. Thank you. Mr. Onalik.

Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) I think the short answer is yes, but not necessarily reclassifying individual positions. The biggest improvement will come from creating a laddering opportunity where you start off on the ground level and then have two or three steps to be promoted and to grow within the position.

I just want to acknowledge that one of the reasons people don't often stay in these positions is the sheer volume of work that is expected by such a small group of people. Creating a team where that workload can be shared more equitably and where you're able to see yourself growing in a position, we hope that will take a big chunk of our retention problems, but I don't want to give the impression that we're going to change this box from a 13 to a whatever.

What we do want to do is build a structure where there is staff progression and that people can see themselves growing into a position and not necessarily growing out of a position, if that makes sense. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Brewster.

**Ms. Brewster**: Thank you, Mr. Chairman. I wonder if Commissioner Steele can talk to us about self-reporting and how important that is in terms of creating knowledge about privacy breaches and how those fields that are legislated or regulated to self-report could inform other departments or fields that don't

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have that specific regulation or legislation to self-report. Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Steele.

Mr. Steele: Thank you, Mr. Chairman. Self-reporting, as I understand it, is the obligation that some professionals have that when they make a mistake, they have to report it to the regulatory body or to a manager. It's very important, if that's going to work in the Government of Nunavut, that people understand that the basis of reporting privacy breaches is to learn. It's to make sure that everybody understands why it happened, make sure that the immediate problem gets contained quickly, and then learn what we can change to make sure that that particular mistake does not happen again.

When I receive a privacy breach report, for example, from the Department of Health, I try to make sure that in my response, that that is the attitude I take to this, that I want departments to report to me, therefore they must feel that I'm not going to criticize them or punish them if they do report to me. I think Health and I have a good understanding about that. Now, when you have a good department like Health, they self-report, but they're also doing their own investigation and they also have their own ideas about what they need to do better. That's part of the culture they have in that department of continuously improving.

I like the idea, Member. I think self-reporting is a very good idea. It's the law for professionals like doctors and nurses, and if all GN employees are encouraged to do that, I think we would very quickly get a much better handle on what the privacy problems are and we would probably solve a lot of problems very quickly. The key is that people have to feel that it's going to help make things better and it's not going to result

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in punishment. Thank you, Mr. Chairman.

**Chairman**: Thank you, Mr. Steele. Ms. Brewster.

**Ms. Brewster**: Thank you, Mr. Chairman and Mr. Steele. I think continuous quality improvement is very important within our health system.

My follow-up question to our government team is that we know that professionals and some paraprofessionals that work within the government do have an obligation to report when they realize that they or somebody else may have impacted somebody's privacy. How does the government ensure action is taken and how does the government report and train people to understand so that those employees who are not professionals or paraprofessionals, who are not legislated to protect people's information and privacy, though by virtue of their work, they have access to it?

Earlier Commissioner Steele gave us an example of the medical travel team publishing people's names. If you could just talk to us about what that approach is, I would appreciate it and that would be my last question for now. Thank you, Mr. Chairman.

**Chairman**: Thank you. Mr. Onalik.

Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) We have a privacy breach policy that encourages self-reporting and then the Department of HR is looking at options around adding in a section around privacy within the GN Code of Values and Ethics, I guess.

I think the important thing and having kind of gone through a cultural shift when I was in the aviation industry where there is greater emphasis on self-reporting and on self᠘ᡩᡥᢗᢦ᠋᠘ᠳᡒᡙ᠘ᡓᢐ᠘ᡶᡥ᠘ᡶᢛ,᠘ᢛ᠘᠙ᡐᢗᡬᢛ

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identifying issues as they arise, we need to make sure that as leaders in the government and leaders in the civil services and then MLAs and the government that we want people to come forward when they see issues and that they will not be penalized for reporting, that we will treat these as learning experiences.

There is the policy side of this, but as I'm listening to this conversation, I'm being reminded that the Deputy Ministers all have a responsibility to make sure that we make it clear to everyone in the department that you have not only an obligation but you will be not penalized if you do bring forward these issues. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Brewster.

**Ms. Brewster**: Just a quick follow-up, do GN employees, as part of their orientation and ongoing training, get any training about access to information and privacy protection? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Onalik.

**Mr. Onalik** (interpretation): Thank you, Mr. Chairman. (interpretation ends) Yes, there is some training, but as I said earlier, we are not doing a great job of on-boarding our employees. Beyond the specific issues around information and privacy, it is an area we really want to focus on is making sure that people understand the regulatory environment they work in and the obligations. I want to say yes, but in reality, though, because we're so short-staffed, we're asking people to hit the ground running and we haven't been doing a great job at investing time and preparing people for those positions. (interpretation) Thank you, Mr. Chairman.

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Chairman: Thank you. Just before I go to Mr. Lightstone, if I can interject with a couple of questions. When I look at the Privacy Management Manual, it's 130-some pages long, how often is that training being provided to ATIPP coordinators across the Government of Nunavut and how many times are there refresher courses brought into play? Mr. Onalik.

**Mr. Onalik** (interpretation): Thank you, Mr. Chairman. (interpretation ends) When you're on-boarded into those specific ATIPP coordinator functions, you do receive the training. My colleague here, often it is oneon-one training over a couple of days. The ATIPP coordinators committee is spending... . They have that informal training as you walk through examples and bring people online, and then there are possibilities for annual sort of recurring training as well, but I don't think it's a secret that we spend so much time on that initial training as we do have the newer people kind of constantly coming into the system. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you for that response. I think the initial training is probably the most important because that gives the base of somebody's knowledge. If I may also, Committee, Mr. Steele, you had mentioned earlier that it's not supposed to be a punitive process when somebody self-reports, yet at the same time you're asking for a little bit more authority on forcing government to...basically to give yourself a little bit more oversight as far as not just record managing but you actually have some control over what can happen.

Do you anticipate having disciplinary penalties if requirements aren't made? An example, if a department doesn't meet its 50-day deadline, is it the department that's going to get into trouble, the Minister or is it the

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employee themselves? I know it's more of a projection right now of what you want to see, so I think just getting that kind of little question out of the way would be of assistance to us. Commissioner Steele.

Mr. Steele: Thank you, Mr. Chairman. My opinion is it would be a terrible mistake to give me any kind of disciplinary power. That's not appropriate for somebody in my role. Discipline in an employment context is a complex matter that has to take into account the entire context, which I would not have.

Certainly if departments are simply wilfully not following the law, there has to be some kind of consequence, but I am satisfied to have the authority to issue an order to a department which, if necessary, would be enforced in the normal way by a court. That's what courts are equipped to do; I'm certainly not. That's the system that I can imagine happening, but disciplinary authority of any kind, no, that would be the wrong direction to go.

**Chairman**: Thank you, Mr. Steele. I suspected that; I just wanted it on the record. Mr. Lightstone, please.

**Mr. Lightstone**: Thank you, Mr. Chairman. I've got about six or seven lines of questioning. Feel free to cut me off when it's time to call it a day and we can resume with me tomorrow.

I would like to continue on the topic of the ATIPP coordinators. Mr. Onalik had indicated that there is over 20 ATIPP-related staff across the GN. I was wondering if the GN would be able to provide some more information to the Committee in a written format detailing a breakdown by department of all positions or employees who are related or have a related function to ATIPP,

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Ċჼdd ϽΡͿϤናՈናႶϟ· ΔΦΓΥʹϒ· ΓʹC Ϸάϲ· ϷʹቴስቴΡΡιΓ 20 ϽΡͿϤናՈናႶϟ· ΔʹͼϧαΔϒͼϦʹ Φα͵Ϙ· ͰʹϤΓͼϧʹΓʹ·Φͼ. ΔΥΓΚʹ·Ͱ Φα͵Ϙ· ͰʹϤΓͼϤ· ʹͺʹͼͱΡͶ·Ͷϯ· αϚϒͼʹϚ ͶͶϚͼϒͰϥΓͼ ϷΦͼϧͼ϶ϽΓͼ ϤϭͼϽʹ·ϽͿͼ ΔΦΓϒϷϒΔ· ΛϹʹͿϤʹͼϧͼ϶ϽϹ· ϹΔΓͼαΔʹϽΓͼ Ϥ·Γ including position title, pay grade, the employment status, whether it's indeterminate, casual, relief, or vacant, and length of service as well or length of vacancy. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Lightstone. I think that's a great question. It would be great material to have and I'm not sure how readily available the Deputy Minister may have that information. It might even be available for us tomorrow if it's a fairly short list, maybe even later in the day tomorrow if possible, but at the very least a further written correspondence, is the Deputy Minister committing to that?

Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) Yes, we will try our best to get it, pending a couple of questions with the privacy commissioner on how not to give too much information on specific individuals that would be identified, but I understand where you're trying to go and yes, we would want to share that information as quickly as possible. (interpretation) Thank you.

**Chairman**: Thank you. Mr. Lightstone.

Mr. Lightstone: Thank you, Mr. Chairman. Thank you, Mr. Onalik. There have been a few lines of questioning about the ATIPP coordinator committee. I was wondering if the government would be able to provide the Committee with some correspondence detailing some of the activities that the committee has done. You have indicated that the committee has met fairly frequently, but you haven't given much detail about when was the last time the committee had met. I was wondering if Mr. Onalik would be able to provide the Committee with that information. Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Onalik.

**ዾ፞፞፞፞**፞፞፞፞፞፞፞፞፞፞፞፞፞፞**ዾ**፞፞፞፞፞፞፞ዀ፞፞፞፞ (ϽʹϧͰϽʹͿϲʹͼ·Ͻʹͼ) Δ΄, Ϸ·ϽϭʹϤʹͼ >ປ<sup>c</sup> ϧͼʹʹϗͿϲʹͼϲϲϲϭʹͼ Λ<sup>i</sup>ϟϹͿϹʹ϶Ϳͺ Ϫ, Ͻϒϲʹϧ ΛαϲʹͼϭϥʹͼʹϘʹ ϽϤϐʹαͺϲʹʹͺʹϗͰϹͼ. (ϽʹϧͰϽʹͿͻͼʹͼ·Ͻʹͼ) ʹͼͿϧ·αͺϹʹͼ, ΔͼϲʹϘϲʹͼ.

**Δ<sup>6</sup>/«ΣC°** (ጋጎ.ληJ°): <sup>ና</sup>dታ<sup>6</sup>αΓ˙<sup>6</sup>. Γ<sup>1</sup>C αδ<sup>7</sup>/<sub>2</sub>ο<sup>7</sup>.

**cΔ<sup>c</sup>γ<sup>2</sup>** (Ͻ<sup>i</sup>γρησ): <sup>c</sup>dγ<sup>c</sup>α<sup>c</sup>, Δ<sup>c</sup>γο<sup>c</sup>.

<sup>c</sup>dγ<sup>c</sup>α<sup>c</sup>, Γ<sup>c</sup>C ρα<sup>c</sup>.

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Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) The committee keeps minutes and we would be more than happy to go through them. I would imagine that the substance of some of the committee discussions may reveal some concerns as well, but I don't think it would be ready for tomorrow, but very quickly we can get that back to the Chair with that information. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Lightstone.

Mr. Lightstone: Thank you, Mr. Chairman. Thank you, Mr. Onalik. It's much appreciated. It is also very encouraging to hear that the Government of Nunavut is looking at options to centralize the ATIPP function. I think, from what we have been hearing today, it sounds like the right direction to go. I was wondering what kind of options are being considered and more specifically, you had indicated that there are 20-odd individuals playing some sort of role in ATIPP. Would this office be located in EIA and how many positions would that office require? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Onalik.

Mr. Onalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) I'm not trying to be evasive, but we will have several options that the cabinet has requested us to come back with. We will have them in anticipation of the normal sort of business planning and budget cycle. I will say that we have been told to really focus on ensuring that departments are able to focus on core activities and that we are able to build capacity so that one person coming or going doesn't make the whole system fall apart.

The Premier especially was literally on my first day where he was very clear that we

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wanted to work with the privacy commissioner on making sure that we have as many of the recommendations implemented as possible. Under that framework, I don't really want to go much further other than you will have as part of your review process the option to look at what is being proposed and I know that there will be options for comments at that time. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Lightstone.

**Mr. Lightstone**: Thank you, Mr. Chairman. I appreciate the response and look forward to seeing that information when the time comes.

Just one final question on that topic: as there are individuals in each department already fulfilling that function, does the government intend on moving these employees to a centralized office or does the government intend on creating new positions and then removing this function from the current employees' job descriptions? Thank you, Mr. Chairman.

Chairman: Mr. Onalik.

**Mr. Onalik** (interpretation): Thank you, Mr. Chairman. (interpretation ends) I can see I really walked into tricky ground here.

I just want to be clear that what we're talking about is a bolstering of the effort and that there is a process in how we and one of the reasons we have such a robust process in how you do reorganizations within government. The goal of this is to come out stronger than we are today.

I think that if I were to hazard a guess, we're looking at departments that don't have necessarily full-time people working on information and privacy issues and hopefully removing that work from the corner of

**Δ•/<ΦC<sup>\*</sup>** (ጋ<sup>ί</sup>λΡηJ<sup>c</sup>): <sup>4</sup>d۶<sup>e</sup>Φ<sup>င</sup> <sup>b</sup>. Γ<sup>t</sup>C CΔ<sup>c</sup>γ<sup>'</sup>D<sup>e</sup>.

**ϲΔና/Ͻ**Φ (Ͻʹ៶ϟႶͿϚ): ʹϭͿϧ·ʹͼͿϲϧ, ΔϧϒϾϷϹʹʹͽ. ʹϭͿϧ·ʹͼͿϲͼ ΡϷϧϞʹͶϧ·Ϳʹͼ, ΦʹʹϲϷͿͺϘͺ ʹͼ ʹͼ

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somebody's desk and having full-time specialists looking at things, but again, it's something that cabinet and then yourselves will have to weigh in and you will decide on. (interpretation) Thank you, Mr. Chairman.

**Chairman**: Thank you, Mr. Onalik. Mr. Lightstone.

**Mr. Lightstone**: Thank you, Mr. Chairman. I'll move on to my next line of questioning. As the commissioner has noted, we live in a life of surveillance and cyber-attacks. My next line of questioning will be on the topic of breaches of privacy.

Earlier in our discussions, the privacy commissioner had shared an example of a privacy breach where the GN had not reported on it. The previous privacy commissioner had noted that the GN's reports of privacy breaches had been diminishing. She actually wrote in her annual report as well as made some strongly worded comments in our 2019 hearing that it does not necessarily mean that the situation is improving but that breaches were going unreported.

On page 10 of the 2020-21 annual report, the privacy commissioner had made a comment that he shared the belief that privacy breaches were not diminishing but going unreported. My question for the privacy commissioner is: does the privacy commissioner still hold that belief? Since the publication of the most recent annual report, have there been any changes to the number of notifications of privacy breaches made? Thank you, Mr. Chairman.

**Chairman**: Thank you, Mr. Lightstone. Mr. Steele.

**Mr. Steele**: Thank you, Mr. Chairman. Yes, I do continue to hold that view. The problem

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is, of course, that it is not being reported to me. I don't know how many are not being reported. I suspect that there are more privacy breaches that I'm not hearing about. Why do I believe that? Well, first of all, because I believe that I'm getting almost everything that I should get from the Department of Health. I know how many I get from them and that gives me some idea of how many I could probably expect from the rest of the Government of Nunavut. I also have as comparison the figures from other jurisdictions within Canada that give me an idea of roughly how many I should be getting in a jurisdiction of this size and with a government of this size.

It's just I'm not getting what I feel that I should be getting. It's possible that there are no other departments with privacy breaches. I have a hard time believing that that is the case, but it's difficult to know how to approach the topic where if a department doesn't even recognize a privacy breach or when there is a privacy breach, if it doesn't know what to do about it. How do we approach this? It's not clear to me. All I can do is, again, point to the Department of Health and say, "They're doing it right. If they can do it right, every other department can do it right as well." Thank you, Mr. Chairman.

**Chairman**: Thank you. Mr. Lightstone.

Mr. Lightstone: Thank you, Mr. Chairman. Thank you for your response, Commissioner. I would like to ask the Government of Nunavut if they would like to provide a response on the issue of unreported privacy breaches. Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Onalik.

**Mr. Onalik** (interpretation): Thank you, Mr. Chairman. (interpretation ends) I think we

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Chairman: Thank you. Mr. Lightstone.

**Mr. Lightstone**: Thank you, Mr. Chairman. I appreciate Mr. Onalik's response. I'll leave that topic for now and maybe we can touch on it again at our next hearing with the privacy commissioner.

I would like to move on to my next line of questioning and it's regarding the recommendations made by the privacy commissioner. As I mentioned in my opening comments, during our televised hearing with the Information and Privacy Commissioner in 2019, Ms. Keenan Bengts noted that historically her recommendations were accepted about 90 percent of the time, but that trend had started to change; diminish.

I would like to pose a question to the privacy commissioner. As the commissioner noted in the annual report, it's not always clear whether a public body has accepted or rejected the commissioner's recommendations. I was wondering if you would like to elaborate a bit further or provide us more details as to how many recommendations are actually approved and how many are rejected or not actually

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touched upon. Thank you, Mr. Chairman.

**Chairman**: Thank you, Mr. Lightstone. Mr. Steele.

Mr. Steele: Thank you, Mr. Chairman. The information law requires me to report to you, the MLAs, when the government does not accept one of my recommendations. In my annual reports, the section that is towards the end says very specifically, "Here are the exact cases where the government did not accept my recommendations." I believe that that particular problem is getting better.

It was very obvious to me in my previous annual report, the 2021 annual report, that many recommendations issued by Ms. Keenan Bengts were not being followed. Remember, that was the year that was mostly her and partly me. I have taken a different approach to recommendations than she did. Often her recommendations were very, what I will call, big and they were governmentwide and my approach is different. When I make a recommendation, I make it as specific as possible. I want it to be something that the department can do and do right away and because my recommendations are more specific, I would say that almost all of my recommendations are accepted.

In my report, I give you the details of the situation when it was not accepted and the one that I want to just highlight today because, Mr. Chairman, I know we're coming close to the end of our time and we certainly will not have time to follow up on this today, but I really would like to explore this with the Members tomorrow. The one where the government rejected my recommendations completely was on the issue of tuberculosis statistics. I said, "Those statistics really should be released and there is no legal reason to withhold it." The government said, "No, we are going to

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continue to withhold those." That's an example where there's a difference of opinion between me and the Department of Health and maybe we can explore that.

I would say in answer to your question, Member, that most of my recommendations since I was appointed have been accepted. That's not one of my major concerns these days. Thank you, Mr. Chairman.

Chairman: Thank you for that, Mr. Steele. With that, I'm going to recognize the clock and Mr. Lightstone can continue his line of questioning at 9 a.m. tomorrow morning. Thanks, everyone, for your participation and I look forward to seeing you tomorrow. The Committee Members can just hang out just for one minute.

>>Committee adjourned at 16:57

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