Standing Committee on Oversight of Government Operations and Public Accounts **Televised Hearing on the 2023-2024 Annual Report of the Information** and Privacy Commissioner of Nunavut Igaluit, Nunavut **April 24, 2025**

Members Present:

George Hickes, Chair Bobby Anavilok Janet Brewster Mary Killiktee Adam Arreak Lightstone Joanna Quassa Craig Simailak

Staff Members:

Alex Baldwin Kooyoo Nooshoota

Interpreters:

Andrew Dialla Mary Nashook Jacopoosie Peter Blandina Tulugarjuk

Witnesses:

Megan Hunt, Deputy Minister, Department of Health

Tracy MacDonald, Chief Information Officer, Department of Health

John MacLean, Senior Legal Counsel,

Department of Justice

Stephen Mansell, Assistant Deputy Minister, Department of Executive and **Intergovernmental Affairs**

Alma Power, Deputy Minister, Department of **Human Resources**

Kyle Seeley, Deputy Minister, Department of Transportation and Infrastructure Nunavut Graham Steele, Information and Privacy Commissioner

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Stephen Shaddock, Director, Policy and Planning, Department of Justice Dean Wells, Chief Information Officer,

Department of Transportation and Infrastructure Nunavut

Mark Witzaney, Director, Access to Information and Protection of Privacy, Department of Executive and Intergovernmental Affairs

>>Committee commenced at 13:30

Chairman (Mr. Hickes): Thank you. I'd like to call the committee meeting to order. Before we proceed, I would like to ask Mr. Simailak to lead us in prayer, please.

>>Prayer

Chairman: Thank you, Mr. Simailak. 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 have convened today on the occasion of the Standing Committee's televised hearing on the 2023-2024 annual report of the Information and Privacy Commissioner.

I will first introduce my Standing Committee colleagues:

- Bobby Anavilok, Member for Kugluktuk;
- Janet Brewster, Member for Iqaluit-Sinaa;
- Mary Killiktee, Member for Uggummiut;
- Adam Arreak Lightstone, Member for Iqaluit-Manirajak;
- Joanna Quassa, Member for Aggu; and
- Craig Simailak, Member for Baker Lake.

The Information and Privacy Commissioner is appointed on the recommendation of the

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Legislative Assembly. Mr. Steele's term of office began on January 11, 2021.

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

The 2020-2021 annual report of the Information and Privacy Commissioner was tabled in the Legislative Assembly on September 9, 2021. The 2021-2022 annual report was tabled on May 25, 2022. Televised Standing Committee hearings on these annual reports were held from September 26-27, 2022. The Standing Committee subsequently presented its report to the House on November 8, 2022. The Information and Privacy Commissioner's response to the report of the Standing Committee was tabled in the Legislative Assembly on March 6, 2023. The Government of Nunavut's response to the report was tabled in the Legislative Assembly on May 24, 2023.

The 2022-2023 annual report of the Information and Privacy Commissioner was tabled in the Legislative Assembly on May 24, 2023. Televised Standing Committee hearings on this annual report were held from April 19-20, 2024. The Standing Committee subsequently presented its report to the House on May 27, 2024. The Information and Privacy Commissioner's response to the report of the Standing Committee was tabled in the Legislative Assembly on October 24, 2024. The Government of Nunavut's response to the report was also tabled in the Legislative Assembly on October 24, 2024. The 2023-2024 annual report of the Information and Privacy Commissioner was tabled in the Legislative Assembly on May 23, 2024. The Information and Privacy Commissioner's 2025-2026 business plan was tabled in the Legislative Assembly on February 25, 2025.

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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 government's 2019-2020 annual report on the administration of the *Access to Information and Protection of Privacy Act* was tabled in the Legislative Assembly on March 16, 2021. The 2020-2021 to 2022-2023 consolidated annual report was tabled in the Legislative Assembly on May 30, 2024. The 2023-2024 annual report was tabled in the Legislative Assembly on November 6, 2024.

This week's televised hearing provides an opportunity for the Information and Privacy Commissioner's observations and recommendations to be discussed in a public forum.

I anticipate that a number of themes will be addressed during this televised hearing, including:

- The status of the Government of Nunavut's formal responses to the recommendations that were contained in the Standing Committee's reports on its review of the Information and Privacy Commissioner's 2020-2021, 2021-2022 and 2022-2023 annual reports;
- Also, recommendations for amendments to legislation and changes to the government's policies and practices, including potential amendments to section 59 of the Access to Information and Protection of Privacy Act, which concerns prosecutions of certain offences;
- Also, the government's annual reporting and administration of relevant policies, including the Access to Information and

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- 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;
- Also the use of artificial intelligence technology by public bodies in respect to their obligations under the *Access to Information and Protection of Privacy Act*;
- Also privacy issues in respect to the coming into force of the new *Police Act*;
- The use of confidentiality and nondisclosure agreements by public bodies;
- Human resources and labour relations management issues in relation to the Access to Information and Protection of Privacy Act and the administration of Human Resources Manual Section 1104 -Release of Information;
- Also 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 and public sector salary disclosures;
- Another theme, Privacy Impact
 Assessments conducted by the government in respect to its programs and services;
- Cybersecurity and the threat posed by ransomware;
- Information-sharing agreements between the Government of Nunavut and external entities; and
- The establishment of access to information and protection of privacy systems that can be utilized by Nunavut Inuit in respect to information in the possession of Nunavut Tunngavik Incorporated and the Qikiqtani, Kivalliq and Kitikmeot Inuit Associations.

The extent to which the government has the capacity to meet its obligations under the *Access to Information and Protection of Privacy Act* has been a major theme during the

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Standing Committee's most recent televised hearings on the Information and Privacy Commissioner's annual reports. The Standing Committee notes that the government issued a Request for Proposals in August of 2022 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 Standing Committee also notes that the Legislative Assembly has recently approved significant increases in the annual budget of the government's central Access to Information and Protection of Privacy Office, the main estimates for which increased by 137.9 per cent from \$293,000 in the 2022-2023 fiscal year to \$697,000 in the 2025-2026 fiscal year.

The Standing Committee also notes that Bill 59, An Act to Amend the Access to Information and Protection of Privacy Act, received 1st Reading during the Legislative Assembly's sitting of October 25, 2024. However, it was subsequently withdrawn from the Order Paper by way of a motion introduced on October 30, 2024, by the sponsor of the Bill, the Minister of Executive and Intergovernmental Affairs.

Officials from the Department of Executive and Intergovernmental Affairs are also appearing at this televised hearing, and I will shortly be inviting the government's lead witness to make his opening statement to the Standing Committee. Also in attendance are officials from the Department of Transportation and Infrastructure, the Department of Health, the Department of Human Resources, and the Department of Justice.

I would like to conclude by addressing some housekeeping matters. I ask all members and witnesses to ensure that their cell phones and other electronic devices do not disrupt these proceedings. In order to assist our interpreters and technical staff, I ask that all members and

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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 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 spring sitting of the House.

I will now invite the Information and Privacy Commissioner to make his opening statement. Thank you. Mr. Steele.

Mr. Steele (interpretation): Thank you, Mr. Chairman.

(interpretation ends) I am an independent officer of this Legislative Assembly. I do not report to the premier. I do not report to the cabinet. I report only to you, the members of the Legislative Assembly, and through you, I report to the people of Nunavut.

I am your "watchdog" on how the Government of Nunavut handles information. There are two parts to the information law that I oversee

- First, the access law requires the Government of Nunavut to give out the information Nunavummiut need so they can know what their government is doing and why they are doing it. The right of access to information is fundamental to democracy.
- Second, the privacy part of the law requires the Government of Nunavut to protect the personal information it holds about Nunavummiut. The right to privacy is a fundamental to human dignity.

I have been the Information and Privacy Commissioner for a little over four years. I started on January 11th, 2021. My five-year term ends on January 10, 2026. I expect this will be my last appearance before you. I do intend to serve until the end of my five-year term, but I am not seeking reappointment.

Because this is my last appearance, I want to talk about, I want to focus on what has been accomplished while I have been commissioner. We have plenty of time over the next day and a half to talk about where the Government of Nunavut's handling of information can be improved. In the rest of my opening statement I will focus on what is going well.

My predecessor, the late Elaine Keenan Bengts, served in this position with distinction for over 20 years, but she was based in Yellowknife. That means I am the first information and privacy commissioner to live and work in Nunavut.

Having a commissioner based in Nunavut was a step forward; I believe it has made the Nunavut access and privacy system stronger. I

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hope the next commissioner will also live and work in Nunavut.

The department that does the best work on access and privacy is the Department of Health. A lot of the credit for that goes to Health's long-time information coordinator, Murugesh Narayanan. If I could clone Murugesh and put one of him in every department, I would. Murugesh is good at his job and deeply committed to handling files correctly and quickly.

I also want to give credit to Deputy Minister Megan Hunt. In every interaction I've had with her, she has shown she understands and supports the principles of access to information and protection of privacy. In this area, leadership from the top is so important, and there is good leadership from the top at the Department of Health. That does not mean that Health is perfect or that we always agree, but Health understands the issues and does its best to do the right thing. My point, members, is this: If a big, complicated department like Health can do it, if they can meet their obligations under the access and privacy law, then every department can do it.

Another department that did good work, past tense, on access and privacy was the Department of Community and Government Services. That department no longer exists because of the government reorganization that went into effect a few weeks ago. Deputy minister Kyle Seeley is now at Transportation and Infrastructure Nunavut. Kyle deserves credit for his leadership on access and privacy issues at the old Department of Community and Government Services, and I am sure that will continue in his new department. Kyle continues to be responsible for information management and information technology, which is at the heart of access and privacy in a modern government.

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The department that handles the most difficult access files is the Department of Human Resources. In Nunavut, the access-toinformation law is frequently being used by people dealing with their own human resources issues. As we have discussed during my previous appearances before this committee, in my opinion, the access law was not really designed to be used that way. When I arrived in Nunavut in 2021, the Department of Human Resources was not handling these files well at all. There is still a way to go, but things are getting better. And I want to give special credit to Information Coordinator Safiatou Traore, current Deputy Minister Alma Power, and former deputy minister, Kristie Cronin. That department was not doing well when I arrived, and now they are doing quite a bit better.

I also want to mention the Department of Education. When I arrived in Nunavut in 2021, Education was just lost on access and privacy files. It simply did not seem to know what to do. I had to tell them repeatedly over my first couple of years that they needed to do better, much, much better. There's still a way to go, but things are indeed getting better at the Department of Education. I want to give particular credit to Arielle Stockdale, the Director of Policy, who began to take a more active role in access and privacy files. And the difference when Arielle was involved was immediate and noticeable, and she continues to provide guidance and support to the department's information coordinators.

Members, that brings me to the biggest change that has happened during my time here.

Access and privacy law can be complicated, and some departments have really struggled to follow the law. There is also a lot of turnover in staff and a lot of vacancies. The pay was not high enough to attract people or to keep people and there was often no housing available, so

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people would apply for other jobs where housing was available.

That was the main reason that progress on access and privacy was so painfully slow. You could find someone and train them, and then in a couple of months they would be gone, and the cycle would just repeat itself.

To deal with these issues, the current government established a larger central office to provide support on access and privacy. The expansion was started under the previous manager, Yuri Podmoroff, and continued under the current manager, Mark Witzaney. I want to give both of them credit.

The reason why I say this the biggest and most important change in my time here is that having a central office with specialized staff means the Government of Nunavut can respond better and fast to access and privacy files. It is still early, but I can already see the difference. In short, members, that central office is lifting everybody up. And that is a very good thing.

Mr. Chair, we have lots to talk about today. I will end there. I look forward to the members' questions.

(interpretation) Thank you, Mr. Chairman.

Chairman: Thank you, Commissioner Steele. Government representative, Mr. Mansell, opening comments.

Mr. Mansell (interpretation): Thank you, Mr. Chairman.

(interpretation ends) Thank you, Mr. Chair. Thank you, Committee Members, for the invitation to appear before you today to speak about the administration of the *Access to Information and Protection of Privacy Act*, often referred to as the *ATIPP Act*.

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The Department of Executive and Intergovernmental Affairs is responsible for the maintenance of the *ATIPP Act* and its associated policies and procedures. The department also houses the centralized Access and Privacy Office for the Government of Nunavut. Although the department does not handle all administration related to the Act, the Access and Privacy Office works with all public bodies responsible under the legislation to ensure they are providing high quality services to Nunavummiut. This includes a consistent approach to:

- Applying fees
- Releasing records
- Conducting privacy reviews
- Reviewing Privacy Impact Assessments
- Tracking administrative information pertaining to access to information requests for the annual report on the administration of the ATIPP Act; and
- Providing regular training to all government employees.

The Department of Executive and Intergovernmental Affairs has had a busy and successful year since the last meeting with the Standing Committee. Some highlights include:

- Tabling all outstanding reports on the Administration of the *ATIPP Act*; and
- Fully Staffing the Territorial ATIPP Office with indeterminate employees.

2024-2025 was the busiest access to information and protection of privacy year in the last decade, with 208 new requests for information being filed. This is 16 more than the previous record year, which was in 2018-2019.

Following a question during the last Standing Committee hearing, Executive and Intergovernmental Affairs began to track U≪LC~L>bd bLP+bb⊃c Λ'dNσb

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community of origin access to information and protection of privacy applications. One hundred one requests were made by applicants in Iqaluit, six in Baker Lake, two in Cambridge Bay, 18 in Rankin Inlet, one in Sanikiluaq. Sixty-five requests were made from applicants outside of Nunavut, and 12 applicants did not provide their location.

The Access and Privacy Office has also made significant progress in training of GN staff. The Office trained more staff in 2024-2025 than in the previous two years, training 190 Government of Nunavut employees. This is more than the previous two years combined, with 102 in 2023-2024 and 57 in 2022-2023.

The Territorial Access to Information and Protection of Privacy Office is also committed to training its own staff and providing for professional development to ensure they can provide the best service possible to other public bodies. As part of this commitment, staff are working towards professional designations in access and privacy and all staff have taken Inuktitut classes.

Work on updating the three access to information and protection of privacy policies has been progressing well and has included the long-term engagement of Nunavut Tunngavik under the Katujjiqatigiinniq Article 32 Policy.

In previous Standing Committee appearances Executive and Intergovernmental Affairs committed to a comprehensive review of the Act, and I am pleased to share that this work has begun in earnest and is currently in the information-gathering phase. The review process and information gathering undertaken is extensive, including work such as:

- Studying best practices in other jurisdictions;
- Looking at indicators of how the Act is currently functioning in Nunavut; and

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• Looking at how Inuit ideas and values related to privacy and information sharing can be incorporated throughout the Access to Information and Protection of Privacy Act.

This important work will continue through the summer and into the fall with the outcome of the review to be provided to the next government.

The Government of Nunavut values the role of the Information and Privacy Commissioner as an Ombudsman and firmly believes that a positive and collaborative relationship between public bodies and the Commissioner's office provides the most benefit for the Government of Nunavut and all Nunavummiut. Understanding that this may be Mr. Steele's last Standing Committee appearance, we wish him well as he completes his last year in office, and we sincerely thank Mr. Steele.

As noted, not all administration relating to the *Access to Information and Protection of Privacy Act* is the responsibility of the Department of Executive and Intergovernmental Affairs. While the department works with the public bodies to collect information regarding programs and services, there may be questions asked that I cannot address. In that case, I can commit to follow up to your questions and having that information provided to the members.

Thank you, Mr. Chairman. As well, Mr. Chair, to support and respond, we have a number of senior officials here today, and with your permission, I would ask each one to introduce themselves, starting with Mr. Wells, to my right.

Chairman: Thank you, Mr. Mansell. And as we mentioned earlier, there are a number of witnesses from different departments. And just for the record, Mr. Mansell, if you could maybe

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Mr. Mansell: Can they introduce themselves, as we go around, starting with Mr. Wells?

Chairman: I think it would be easier if you introduced everybody.

Mr. Mansell: Dean Wells, Government Services; Kyle Seeley, from Transportation and Infrastructure Nunavut; Steve Shaddock from Department of Justice; John MacLean from Department of Justice; Mark Witzaney from Executive and Intergovernmental Affairs; Alma Power from Human Resources, Megan Hunt from Department of Health; and Tracy MacDonald from Department of Health. Thank you, Mr. Chair.

Chairman: Thank you, Mr. Mansell, and welcome, everyone, to the hearing. I'd like to open the floor to any general comments to opening comments. Seeing none, I'll go right into questions.

And as the report doesn't leave itself to go by a page-by-page review, I would like to ask members to kind of stick to themes as we go through the annual report, and the responses from the government, as well as any accompanying documents that you may have. Mr. Lightstone, do you want to lead us off?

Mr. Lightstone: Good afternoon, everybody. I would like to thank you, Mr. Steele, for your opening comments. Recognizing that you're entering the final year of your term, I am saddened to hear that you will not be seeking reappointment. I really enjoyed reading your writing style as well as choice of power words to really bring focus on specific areas.

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And I appreciate that you've highlighted all the improvements that the government has made over the duration of your term. That's really great to hear.

So I guess I'd like to start off with a couple of follow-up questions to your opening comments. You did highlight that the Department of Human Resources as well as the Department of Education have made a lot of progress, but you also mentioned that there's still a way to go for both of those two departments. I was wondering if you could start off by highlighting some specific examples. Thank you, Chair.

Chairman: Thank you. Mr. Steele.

Mr. Steele: Thank you, Mr. Chair, and thank you to the member for that question. Well, I could probably talk about those two departments for a long time, but let me try and think of one good example for each of them. Let me start with the Department of Human Resources. If there's one thing that still needs some work, it is that I tend to see the same things happening over again. So I'll get a file, somebody asks me to review the information they've received from the department. I will write a decision or I a recommendation about what ought to be released, what ought not to be released. I send is it back to the department. They then under Nunavut law, they have the power to accept or reject my recommendations, which is fine. That's the way the law is written. Usually, they accept them. Not always, but usually. And then four or six months later, I get another file with exactly the same thing as if nothing has changed. So I make my recommendations, the department accepts those recommendations, or says they do, but then keeps doing what they were doing before. So I've got to say it again.

And that's not ideal. If they accept my recommendation, that should lead to immediate and consistent change so that all files are

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handled similarly in the future. If they reject my recommendations, that's fine; the law allows them to do, but they need to say so. But having the same thing come back again is not good for anybody, not for me, not for the applicant, not for the department.

On the Department of Education, which was, and I'll say it frankly, Mr. Chairman. When I arrived here, they were the worst performer on access and privacy. And they're a lot better now. If they're listening, as I'm sure they are, I don't want that to be the message to get out. But they were in a bad place when I arrived in 2021, and now they're in a pretty good place.

But they have suffered from the same challenge that many departments have suffered from, and that is turnover in staff. So for a while, they didn't really have anybody, and then they got a person in full time; great. That person was there for, I don't know, maybe a year and a half, two years, and then they left. So just as they were building up the experience, they were gone, and then a new person comes in that has to relearn the system.

And so a little while ago, the Department of Education was reporting a privacy breach to me that they really should have reported to me like months before, but the new coordinator was not quite yet up to speed on the reporting obligation. The law says they have to report to me "as soon as possible", okay, which often in my mind means hours or days, a day or two at most after they hear about it. And they weren't doing that.

Why? The new person is very good, let me emphasize that, but it's when you have a new person, then they leave, and then another new person and then they leave, it's a little harder to make progress. Those are the things that I'd like to see at the Department of Human Resources and the Department of Education, stability and consistency.

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(interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Lightstone.

Mr. Lightstone: Thank you, Chair. Thank you, Commissioner, and I will be following up with the departments on those. But I'd like to continue asking further questions to the commissioner.

Your predecessor had participated in training of new ATIPP coordinators. To what extent have you been able to participate in training of the Government of Nunavut's new coordinators? And that's my next question. Thank you, Chair.

Chairman: Thank you. Commissioner Steele.

Mr. Steele: Thank you, Mr. Chair. I mean, frankly, I haven't been involved with it at all. But I hasten say I don't necessarily think it's something that I should be involved with, especially now that we have the new central office. One of their roles is making sure that everybody is properly trained. I'm like the referee in a hockey game. I have used that analogy before in hearings here, and it's just like in hockey, Mr. Chair. The referees don't go the to teams' training camps to show players how to play the game.

It's the same thing here. I'm a referee. I'm a little bit like a judge in a courtroom. I have to be able to sit back and judge impartially what's going on. The worst thing that could happen is if I participate in the training, and then they do something and somebody appeals to me, and I say, well, you did that wrong, and the department says, but that's what you told us to do in the training. And I say, no, no. You see what happens. You get this back and forth. Is that what you trained us to do? Is it not? Did we miss something? The judge, the referee is not the person, in my view, who should be doing the training.

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Chairman: Thank you. Mr. Lightstone.

Mr. Lightstone: Thank you, Chair. Thank you, Commissioner. That's very understandable.

I'd like to pose questions now to the Department of Executive. Congratulations on fully staffing your new ATIPP office. I would like to continue on with the theme of training. I see that in your opening comments, you did mention that you've trained more staff in 2024 than in previous years, and you identified that you have provided training to 198 GN employees. I was wondering if this training is targeted towards specific employees in specific areas or management, or is it just open to all GN staff to apply. Thank you, Chair.

Chairman: Thank you. Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair, I thank the member for the question. The member is correct that with the increased staffing at Executive and Intergovernmental Affairs with respect to access to information, we have been able to train more staff and hold more training sessions, and the commissioner is right, that that's our job, and it's something that we've increased capacity to do.

I was just looking at my stats here. It looks like we've had some sort of training session at least once a month but even more so in the last year. And those training sessions, there are different kinds. So there's training sessions for just access to information protection of privacy managers in the departments, who are responsible for reviewing the materials and advising their department, but there's also general training sessions for any GN employee

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or any departmental staff, particularly new staff, who need to know ability their responsibilities and duties. Thank you, Mr. Chair.

Chairman: Thank you. Mr. Lightstone.

Mr. Lightstone: Thank you, Mr. Mansell. Last year, or it might have been the year before, there was a lot of talk about capacity at the ATIPP level, and if I recall correctly, I believe that at that time there were 26 positions across the Government of Nunavut that participate in the ATIPP process.

Can you update us today if that figure still stands, if there's still 26 ATIPP coordinators across the government, and can you indicate how many of those are filled. Thank you, Chair.

Chairman: Thank you. Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair. I'll probably just go through the list of all the staff and where they sit in the GN right now.

In Executive and Intergovernmental Affairs, we have the Director of Access to Information and Protection of Privacy, Mr. Witzaney; we have the manager of access to information and protection of privacy; we have the access to information and protection of privacy specialists, there are two of those; we have an access to information and protection of privacy analyst position.

In the Department of Health, we have access to information and protection of privacy and records management analysts. In Department of Justice, we have access to information and protection of privacy and policy analysts. In Family Services, we have access to information and protection of privacy policy analyst. In Human Resources we have access to information and protection of privacy

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The Department of Education position is currently vacant. The Department of Environment position is filled by an Inuit casual. Human Resources' position is filled by an indeterminate non-Inuk. Family Services' is filled by an indeterminate Inuk employee. Department of Justice position is filled by a casual, non-Inuk employee. Department of Health is filled by an indeterminate non-Inuk employee. All the EIA positions are currently filled, and the manager position is filled by an Inuk employee. Thank you, Mr. Chair.

Chairman: Thank you. Just before I go back to Mr. Lightstone, I would like to remind members to grab my attention if you want to be added to the questioning list. Mr. Lightstone.

Mr. Lightstone: Thank you, Chair. Thank you, Mr. Mansell, that was a lengthy list. Would you be able to summarize that information for us, exactly how many ATIPP positions there are, and more specifically, how many are filled and how many are vacant? Thank you, Chair.

Chairman: Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair. So that was 11 positions, eight indeterminate, two casuals, and only one vacant.

Chairman: Mr. Lightstone.

Mr. Lightstone: Thank you, Chair. Thank you, Mr. Mansell. That's excellent to hear, that there's only one vacancy across the GN for the ATIPP positions.

One thing that was highlighted last year was, of course, the C word, or capacity, and vacancies.

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Chairman: Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair. In going through the extensive list I went through, a number of those positions are now at pay range 16, which is higher than the 13 that ATIPP used to be at. But there's more work to do to increase the incentives to take those positions. But work is being done.

With respect to turnover, you're right, we have turnover in those areas. As we continue to increase pay and compensation for those positions, I think there will be less turnover.

In addition, the works we've done to build up a centralized access office at EIA, while there could still be some turnover in the departments, there could be some corporate memory at that office, which is very important. As well, another exciting initiative that we've developed is the information governance committee, which is a committee made up by the Government of Nunavut chief information officer, Mr. Witzaney, and information officers from across the GN. So, again, that's a centralized organization that while we don't want turnover, if there is turnover, that remains and continue to work on the important things that we're working on. Thank you, Mr. Chair.

Chairman: Thank you. Mr. Lightstone.

Mr. Lightstone: Thank you, Mr. Mansell. That's great to hear, that the positions have been reclassified to pay grade 16. I'm sure that

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will assist with reducing turnover amongst the departments.

I'd now like to pose my next question to the Privacy Commissioner. When we were here last April conducting the same exercise and reviewing your annual report, the Government of Nunavut had tabled their response to the report and recommendations during the fall sitting of 2024. I'd like to ask what observations do you have regarding the Government of Nunavut's response to the Standing Committee's recommendations made last year. Thank you, Chair.

Chairman: Thank you. Commissioner Steele.

Mr. Steele: Thank you, Mr. Chair. Now, of course, the government's response is a response to the report of the committee, so, really, they're speaking to the committee. So what matters more, I would suggest, Member, is how the committee members reacted to it, rather than how I reacted to it.

Now, I don't have that in front of me, but as usual, the government's response is good and thoughtful. The only thing that sticks out in my mind, and, you know, we can all talk about this today and tomorrow; one of the themes in my report is how things move so slowly, and the things that stick out to me from the government's response is a lot of this stuff is getting pushed into the future.

I was pleased this morning to hear that the idea of a thorough and comprehensive review of the whole piece of legislation is being undertaken, but it's at the very early stages; very, very early stages, and we're probably looking at, well, on Nunavut time, probably two years or more before a piece of legislation is ready to be put in front of this Assembly.

And so a lot of the things that the government was saying is, well, these may be good ideas,

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That's fine to a point, but I've been here now nearly five years, and when I arrived, I said, okay, there's six things I'd like to see happen, and honestly, Mr. Chair, five of them have not happened. Five out of the six things have not happened. Why? Because keeps getting pushed into the future. We'll think about this maybe, but not yet.

And it's like, if you keep pushing it year after year after year, now five years have gone by, now ten years have gone by, and still nothing has happened. It worries me, the slow pace at which legislative reform happens in Nunavut. (interpretation) Thank you, Mr. Chairman.

Chairman: Mr. Lightstone.

Mr. Lightstone: Thank you, Commissioner, for that response, and I understand your frustrations and as well as issues with regards to the lengthy development process for legislation, and I'm sure we will be getting into that later.

I would like to pose my next question to the Department of Executive. In the department's business plan it indicates that the department intends to use Fusion Cloud's learning modules to make training available to employees across the Government of Nunavut. I was wondering if you'd be able to provide an update on any plans or progress made in this area. Thank you, Chair.

Chairman: Thank you. Mr. Witzaney.

Mr. Witzaney (interpretation): Thank you, Mr. Chairman. We're still working with the Fusion Cloud team. It has been a pretty busy team with the go-live date of the finance part of that

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Chairman: Thank you. Mr. Lightstone.

Mr. Lightstone: Thank you, Chair. Thank you for that response, and this will be my last question, again posing the question over to Mr. Witzaney. The business plan also indicates that the department is looking at how it can use a Fusion Cloud to allow the public to submit ATIPP requests through a public-facing portal. I was wondering if you could speak a little bit more about that specific aspect of the project as well. Thank you, Chair.

Chairman: Thank you. Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair. Mr. Witzaney can provide some information, and then Mr. Seeley might be able to add some as well. Thank you.

Chairman: Thank you. Mr. Witzaney.

Mr. Witzaney (interpretation): Thank you, Mr. Chairman.

(interpretation ends) That is as an exciting project where you think it could lead to some interesting efforts for our office. Essentially Fusion Cloud is similar to like saying Microsoft Office, where it has multiple applications under it. You see that with what's coming online with the human resources function, with the payment function, but they also have a client resources management function which we're looking at along with a couple of other departments.

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So the Fusion Cloud team is working on their first two applications and are prioritizing that, so this is what comes next, and we're excited for that project. (interpretation) Thank you, Mr. Chairman.

Chairman: Mr. Lightstone.

Mr. Lightstone: Thank you, Chair. Just a follow-up question. I think both of those applications under the Fusion Cloud, both the training for GN employees as well as that open public portal for the public to submit requests, will definitely be a game changer for both the GN and the public and will provide a lot of efficiencies and reduce the length of time.

Do you have any sort of timeline as to when that could potentially come to fruition?

And just to save some time, I did have one other question, also again towards the Department of Executive. You had indicated that a number of staff are working towards privacy designation. I was wondering if you'd be able to expand on that as well. Thank you, Chair.

Chairman: Mr. Witzaney.

Mr. Witzaney (interpretation): Thank you, Mr. Chairman.

(interpretation ends) The Fusion Cloud team has access to a standing offer of agreement for building applications on that program, so to speak. They have engaged someone who is now mapping things out and looking at what $\Delta^{b}/\mathcal{C}^{c}$ ($\Delta^{b}/\mathcal{C}^{b}$ ($\Delta^{b}/\mathcal{C}^{b}/\mathcal{C}^{b}$ ($\Delta^{b}/\mathcal{C}^{b}/\mathcal{C}^{b}/\mathcal{C}^{b}$ ($\Delta^{b}/\mathcal{C}^{b}/\mathcal{C}^{b}/\mathcal{C}^{b}/\mathcal{C}^{b}/\mathcal{C}^{b}$

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the development will look like. So that would then lead to the preparation of a request for proposal for someone to actually build the system. I think we are probably looking early 2026 if not mid-2026, but things are moving along well for a project of this size.

Sorry, the second part of the question was related to privacy designations. So there are several institutes of higher learning, such as University of Alberta as well as an organization similar to the Chartered Professional Accountants designation, but they do that for privacy and access. So we have several staff working towards the University of Alberta designation and we have several staff working towards the Canadian Information Professionals – I can't remember the second P, but that other designation as well. So those are online courses that they're taking on their own time. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Go to the next name on my list, Ms. Brewster.

Ms. Brewster: Thank you, Mr. Chair. Welcome, everybody. Thank you for your participation today. I admit that it takes me a few questions to get my notetaking down pat.

Commissioner Steele gave an example earlier, and I can't remember if it was Human Resources or Education who is repeating the same, I guess, mistakes in terms of answering requests for access to information, and so my question is to the Government of Nunavut and it's regarding specifically around training and manuals.

The Government of Nunavut's response to the Standing Committee's report on the review of the 2022-2023 annual report of the Information and Privacy Commissioner of Nunavut indicated that the Department of Executive and

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Intergovernmental Affairs has begun a full review of the privacy management manual.

From that example, it leads me to believe that perhaps there are some training issues related to the manual, and I'm wondering what specific changes to the manual are being actively considered and whether or not the current manual gives information to employees on step by step and including what it means to immediately advise the information and privacy commissioner of an issue of concern. Thank you, Mr. Chair.

Chairman: Thank you. Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair, and I thank the member for the question. With respect to the review of the manual, the department has made significant progress to the point where we have a rough draft that is receiving some reviews and editing, but that project has gone very well. The manual does give sort of a framework of what the duty of an employee is and what we expect of them with respect to access to information and protection of privacy.

With respect to the update and how the new manual differs from the older one, Mr. Witzaney can get a little bit into that. Thank you, Mr. Chair.

Chairman: Thank you for that. Mr. Witzaney.

Mr. Witzaney (interpretation): Thank you, Mr. Chairman.

(interpretation ends) The manual used to be quite technical. It was very much written in a jargon kind of way, where the language was very high level. It was very complicated. One of our biggest priors was to simplify that to make it better understandable by staff. Our other priority is to update it for changes to the legislation, so in 2017, while there's a section

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The other piece that we have changed since then was that manual actually predates the requirement to notify Mr. Graham's office of a privacy breach, and so it talked about privacy breaches more generally, but didn't have that legal requirement piece. So we were really relying on training to do that. But we want to have a manual that reflects best practices as well. So those are some of the changes that we're making to the manual. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Brewster.

Ms. Brewster: Thank you, Mr. Chair. And thank you for those responses. I guess I'll go to the Department of Human Resources, then, and just ask what steps are put in place now to address that issue of concern that Mr. Steele brought up. In the absence of a new manual, how is the Department of Human Resources ensuring that they're acting on the advice of the commissioner in a more immediate way? Thank you, Mr. Chair.

Chairman: Thank you. Ms. Power.

Ms. Power: Thank you, Mr. Chair, and thank you, Member, for the question. I have to say we worked really hard over the last year to try and fix those issues. We're certainly aware of them. The commissioner talked about the staff turnover. In HR it has been at the senior level, so if you don't have leadership support or leadership direction on this, it's not going to be improved.

Internally, we provided training to all of our staff through the Department of Executive about ATIPP, their requirements, their duties. It's reinforced within training within our own

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So what we've done is the ATIPP coordinator now provides the information to a small internal committee, myself, the ADM, and the director of employee relations, because most of these issues are related to employee relations issues. So they're familiar with the issue; they're familiar with the people involved, so we can make a better determination of erring on the side of releasing.

I know an example would be, we redacted somebody's name in a report to an individual, but the individual knew who the other person was so the redaction didn't make any sense, but the ATIPP coordinator on her own wouldn't have known that. So having that extra level at a senior level review really is improving our compliance. Thank you, Mr. Chair.

Chairman: Ms. Brewster.

Ms. Brewster: Thanks very much, Mr. Chair. I'm happy to hear that there is an internal committee that involves some senior level staff members, and what I'd like to know is whether or not there's an ongoing creation of possible turnover notes. We know that sometimes people leave their positions with only a couple of weeks' notice, and they may not be able to consolidate all of the information about the files that they're carrying. And is that a requirement of these very important employees to be able to give handover notes to either your internal committee or to whomever is being asked to take over the role, on either a long-term or interim basis. Thank you, Mr. Chair.

Chairman: Ms. Power.

Ms. Power: Thank you, Mr. Chair, and I thank the member for the question. There are a couple

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of things. I think by having the committee involved, more than one person is involved in those ATIPP requests as they come in it. They also, we can rely on executive as a central function now. Everything comes through them. They're aware of the files as well, so it's not like if one person leaves, nobody knows about it. So we do have those kind of redundancies built in right now. Thank you, Mr. Chair.

Chairman: Thank you. Ms. Brewster.

Ms. Brewster: Thank you, Mr. Chair. Just to be clear, am I hearing that Executive and Intergovernmental Affairs now tracks every single request for access to information and protection of privacy? I'm seeing nodding heads. That's great.

I'll move on to some health-specific privacy legislation and related issues.

Mr. Steele, you indicate in your 2023-2024 annual report that there is still no sign of health-specific privacy legislation. Nunavut is one of only two jurisdictions in Canada without a privacy law for the health care sector, and British Columbia is the other.

During the Legislative Assembly's recent sitting, on March 6, 2025, the Minister of Health announced that his department has recently held consultations on this subject and a number of communities, including Iqaluit. Mr. Steele, were you invited by the department to attend any of the community consultations or give any sort of input? Thank you, Mr. Chair.

Chairman: Thank you. Mr. Steele.

Mr. Steele: Thank you, Mr. Chair. In answer to the member's question, I was aware of all the consultations, just like anybody else. They did a pretty good job of advertising them. So, no, they didn't specifically contact me and say we specifically invite you, but I was certainly

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But even if I had attended, really, my role would only have been to sit and listen. There's plenty of opportunities for Health to talk to me about it; they have, without hearing from me, in that kind of public forum. That's the kind of forum to hear from Nunavummiut. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Brewster.

Ms. Brewster: Thank you, Mr. Chair. Does any Canadian jurisdiction have health-specific privacy legislation that you would recommend to be considered as a model for Nunavut? Thank you, Mr. Chair.

Chairman: Commissioner Steele.

Mr. Steele: Thank you, Mr. Chair. This is one of those questions that I could talk for the rest of the afternoon, and I really have to restrain myself and make sure that I give a concise answer.

So, Member, you asked if there's any specific province. There are 11 other jurisdictions in Canada who have this legislation. Some of them have had it for quite a long time, and when the Department of Health wrote to me and asked me for my opinion about this, I'll tell vou what I said to them. I said to them, don't invent a new, don't take the time to invent some new piece of legislation that nobody else is doing, please. I said, please just pick another jurisdiction, which one you think is best, and then copy it. With, of course, the necessary judgments to take into account Inuit culture and society, but those will be relatively small changes. The broad outlines of privacy legislation for the health sector are very well known.

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It doesn't really matter to me which jurisdiction they pick. But here's the important point, Member: When you live in a really, really small jurisdiction like Nunavut — when I say small, of course I am referring to population, not geography — it's really important to resist the urge to invent something new. What we need, we know what works out there.

Some of the other provinces have had this legislation for a long time. People know how it works. There are training packages available, for example, in Ontario. They're trained on the legislation, the words of the Ontario legislation, and we know more or less what the Ontario legislation means because there has been like 20 years of interpretations of it, where if there's any question about what the law actually means, and there's all kinds of cases in a large jurisdiction like Ontario, and so they're able to figure out what the law means.

And then on top of all that, let's face it: A lot of our health staff here, come from other jurisdictions, come from southern jurisdictions. A lot of them probably come from Ontario, so why not just adopt a law that has been in place for a long time? We know what works or needs to be improved. There's a whole lot of people who are already trained on it, and when they come up here, they can just fit seamlessly into it. So that was my advice to them. Whether it is Ontario or another jurisdiction doesn't much matter to me. It was just, please don't try and write it from scratch, from an empty page, and invent new concepts and new ideas that will then have to be interpreted in a jurisdiction with a tiny population, and then you would need to train every single person who comes in on our own unique law.

So my advice to Health was, please, don't do that. I think that answers the question. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Brewster.

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Ms. Brewster: Thank you, Mr. Chair. I agree wholeheartedly with that, because there has been an extensive amount of implementation of this type of legislation all across the country and internationally as well, so it is really important to not try to reinvent the wheel.

Mr. Steele, the 2024 annual meeting of federal, provincial, territorial privacy commissioners included a discussion on the First Nations concept of privacy and data sovereignty. To what extent can Nunavut's health-specific privacy legislation take into account Inuit views of privacy and data sovereignty? Thank you, Mr. Chair.

Chairman: Mr. Steele.

Mr. Steele: Thank you, Mr. Chair. Certainly, we could take a law that has been developed in another jurisdiction and then the unique bit, the new bit that we would add here would be to make sure that it fits with Inuit culture and society and Qaujimajatuqangit. But to me, that's what it would be worthwhile spending our time on, is how to take an existing law and then adjust it for local conditions.

Now how exactly we would do that, well, really, that's the purpose of the public consultations, and that's why are the Department of Health has connections with the Inuit organizations. I have no particular insight into how we would do that. All I know is that I feel very strongly it can be done. That, in my view, is what we should be spending our time on, rather than trying to write the law from scratch.

But I worry, Member, that this process is taking far longer than it should, because first, we have to write the piece of legislation from scratch; then, once that's done, then we have to make sure that it reflects Inuit culture and society. Then we have to write all the regulations, ᠰᡃᡆᢣᢑ᠋ᠲᢈ᠂ᠰᡪᠲᢕᢑᠾ᠅᠑ᠸᡊ᠊ᡆᡲ᠋ᡲ ᠙ᠲᢣᠳᢩᡶ᠙᠂᠙ᢣ᠙ᡐᢕ᠅

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because Nunavut has this apparently rule – and I'm putting that in quotation marks; I don't think it's a rule – that you can't start developing the regulations until the legislation is passed in the legislature, which is just a recipe for more delay. There's no rule in the word that says that's the only way to do it, but somebody fairly high up in government told me that that's what they've been told, is that you don't even begin working on regulations until the legislation's through the House, which may explain why it takes some legislation three, four, five, six years to come into force after it's passed by this House.

So you have the long legislation process, then making sure it fits Inuit culture and society, then writing the regulations, and it's no wonder that the Government of Nunavut has been talking about this legislation for 15 or more years. And that is not an exaggeration. And we still don't have it, and now they're saying, well, it's definitely not coming before the election this year. So the earliest we're going to see legislation until 2026, and then you're looking at several more years to get the regulations.

It's like, what is taking so long? It doesn't need to take this long. It is not normal to take this long. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Brewster.

Ms. Brewster: Thank you, Mr. Chair, and thank you, Mr. Steele. You know, I agree with you on those points as well. It seems to me that it's the opposite of Inuit Qaujimajatuqangit not to prepare in advance for a season, and whether that's preparing in the fall for winter and preparing for regulations while you're waiting to pass legislation, it makes sense for Inuit to prepare that way. So I would also like to see that fast-tracked.

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I'll just go to the Department of Health and ask how many people attended the consultations that were put on this legislation. Thank you, Mr. Chair.

Chairman: Thank you. Ms. Hunt.

Ms. Hunt (interpretation): Thank you, Mr. Chairman, (interpretation ends) and thank you to the member for the question. So the external public consultations had just over 130 participants for those sessions. (interpretation) Thank you, Mr. Chairman.

Chairman: Ms. Brewster.

Ms. Brewster: Thank you, Mr. Chair. How many of the responses were from Nunavut residents and organizations and how many were from non-residents? Thank you, Mr. Chair.

Chairman: Thank you. Ms. Hunt.

Ms. Hunt (interpretation): Thank you, Mr. Chairman. (interpretation ends) I just want to make sure I understand the question. The question was how many of the participants were residents versus non-residents?

Chairman: Thank you. Ms. Brewster, if you want to clarify your question.

Ms. Brewster: Sure. How many of the responses were from Nunavut residents and organizations, whether that's Nunavut Tunngavik, Qikiqtani Inuit Association, any health service providing organizations, and how many responses were from non-residents, outside of the territory. Thank you, Mr. Chair.

Chairman: Thank you. I hope that clarifies, Ms. Hunt. Go ahead.

Ms. Hunt (interpretation): Thank you, Mr. Chairman, and thank you for the clarification.

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Chairman: Thank you. And I think part of the question also was how many came from individual residents and how many were from organizations. Ms. Hunt, do have you that level of detail?

Ms. Hunt (interpretation): Mr. Speaker, (interpretation ends) I don't have that detail in front of me. (interpretation) Thank you.

Chairman: Thank you. Ms. Brewster.

Ms. Brewster: Thank you, Mr. Chair. Can we just get some reassurance that the appropriate stakeholders are being consulted, Nunavut Tunngavik being one of the most important? Thank you, Mr. Chair.

Chairman: Thank you. Ms. Hunt.

Ms. Hunt (interpretation): Thank you, Mr. Chairman (interpretation ends) and thank you to the member. Yes, Nunavut Tunngavik is engaged, as well as the Aqqiumavvik Society as well. So we have that commitment, and we'll continue with that commitment. (interpretation) Thank you.

Chairman: Thank you. Ms. Brewster.

Ms. Brewster: Thank you, Mr. Chair. We just heard from the information and privacy commissioner that it's vitally important that the health-specific privacy legislation be developed as quickly as possible, and I'm wondering whether or not there is a specific model from another province or territory that the Department of Health is considering. Thank you, Mr. Chair.

Chairman: Thank you. Ms. Hunt.

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σα ዶ^bΓ^c? የ<mark>d</mark>ታ°a Γ˙^b, Δ^b/«ÞĊ^s^b.

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Ms. Hunt (interpretation): Thank you, Mr. Chairman (interpretation ends) and thank you to the member for the question.

The department is looking at multiple jurisdictions and their legislation. We take very seriously that we want to make sure that we have information or the ability to cross-reference to ensure that we get the best and the legislation that meets the requirements and the uniqueness of Nunavut. (interpretation) Thank you.

Chairman: Ms. Brewster.

Ms. Brewster: Thank you, Mr. Chair. Does the Department of Health have a specific employee or a contract for a writer of this legislation? Thank you, Mr. Chair.

Chairman: Ms. Hunt.

Ms. Hunt (interpretation): Thank you, Mr. Chairman. (interpretation ends) Yes.

Chairman: Ms. Brewster.

Ms. Brewster: Good to know. In addition to the Department of Health, a number of other Government of Nunavut departments including Family Services, Education, and Justice, collect personal health information about Nunavut residents and clients as we know. How will the proposed legislation take into consideration privacy issues and data sharing related to personal health information collected by these other departments? Thank you, Mr. Chair.

Chairman: Thank you. Ms. Hunt.

Ms. Hunt: Thank you, *Iksivautaq*. Thank you to the member for the question. Those are the types of areas that are being looked at through our health-specific privacy legislation steering committee. (interpretation) Thank you.

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γιδε (ϽϳϟΛης): ϳϤϧͼαϳͼ, Δεγ≪ρϲϳͼ. ϳϤϧͼαϳͼϹρͼ Γις Γεγε. Ραιηαίε Διαες εριμένες Δεραδρερηθερισίε Δεραβερισίες Δεραδρερηθερισίες Δεραβερη Δεραδρερισίες αριστορίες Φρηθες το Δεραδρεριστορίες Δεραδρερη αριστορίες

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Chairman: Ms. Brewster.

Ms. Brewster: Thank you, Mr. Chair. I wondering if you could just expand on this steering committee and the response to the earlier question about whether or not there's a specific individual who is an employee or a consultant. Is it both? Is it one? And to what extent is the Department of Health using non-resident consultants, lawyers, and other individuals to develop health-specific privacy legislation for Nunavut? Thank you, Mr. Chair.

Chairman: Thank you. Ms. Hunt.

Ms. Hunt (interpretation): Thank you, Mr. Chairman, (interpretation ends) and thank you to the member for the opportunity to clarify. So we do have a specific member within the Department of Health for the health information department who has responsibility for that, and as well as we have our policy team who is also highly involved, and then our work with Justice as well.

And maybe in terms of sharing more information to the member's question around what happens or what's the role of committee, I'm having my colleague from Justice who sits on that committee pry some additional information to the question. (interpretation) Thank you.

Chairman: Thank you. Mr. MacLean.

Mr. MacLean (interpretation): Thank you, (interpretation ends) Mr. Chair. And as my colleague Ms. Hunt recommended, I do sit on this committee. I am the legal Justice department representative on the steering committee. There is also a standing member, a representative from Nunavut Tunngavik on that committee who comes to all the meetings. And the remainder of the members of that team are from the Department of Health.

 Δ 67**%** (Δ 5,2 Δ 6): Γ 7C Δ 6.

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Γ¹C ÞΔϤΔΦ Þ٩ÞΥ٩ΡβΦΦΔΦΩΦΩΦΏ ΛĊαϤϢĊͼΫϹϥΦΦ... We are the body that has helped shaped the consultation questions. We have obtained input from privacy experts from other jurisdictions in Canada, and we have looked at the models used in other jurisdictions. I come with a certain degree of experience to the table, through 15 years of legal advice in the GN, but before that, way back in the history of my legal career, I worked with New Brunswick on their privacy legislation. So that is a model that I have often referred to because we went, I have been through that before, but I've also worked in Ontario. We have looked at that model. As the commissioner indicated, it has been in place for 20 years. We have been looking at, Alberta has recently amended its legislation, so we're looking at that.

And I'd like to just answer, I think have a discrete answer to your question about data sharing with the other departments. As part of the legislative proposal, there will be provisions about data sharing agreements. If you look at the *Public Health Act* or the *Mental Health Act*, it will look very much like that.

In personal health information, unlike access to information where we talk about public bodies, in health information legislation, you talk about custodians. So it is anyone who holds personal health information for the purposes of providing health care or health care related services is a custodian, and there can be public sector custodians, such as the Department of Health; there can be individual custodians, such as your dentist and the medevac provider who is a custodian of health information.

So we are looking to be as comprehensive as possible so your health information is under a single set of rules. (interpretation) Thank you, Mr. Chair.

Chairman: Thank you. Ms. Brewster.

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Ms. Brewster: That you. That just opened up a whole other can of worms for me follow up on. I appreciate that response. And I'll just really quickly ask to what extent will the new health legislation allow people to have access to their own personal information so that they can track things like reports from x-rays and lab reports and things like that, and is that covered in this legislation. Thank you, Mr. Chair.

Chairman: Thank you. Ms. MacDonald.

Ms. MacDonald: Thank you, Mr. Chair, and thank you to the member for the question. So we have been looking over the past while at a patient portal that will allow people to be able to see data and lab results and things like that, but what we first need to do as a government is to establish digital identity, and that's not something that the Department of Health would take on. We'd have to work with all of the other departments to figure out how we would establish that and roll that out. And once that is created, we can enable that service into the portals. Thank you, Mr. Chair.

Chairman: Thank you. Ms. Brewster.

Ms. Brewster: Thank you, Mr. Chair. Is there a representative from whoever, whichever division or department would be responsible for that here? Thank you, Mr. Chair.

Chairman: Thank you. Ms. MacDonald.

Ms. MacDonald: Thank you, Mr. Chair, and thank you to the member. We are still consolidating with the different departments on who would manage that. At this time, there isn't a specific person designated. Thank you, Mr. Chair.

Chairman: Thank you. Ms. Brewster.

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Ms. Brewster: Thank you, Mr. Chair. I was just handed a note asking me to speak up a bit. Sorry about that, everybody.

I'll go back to Commissioner Steele. On February 22nd, 2024, the Government of Nunavut information-sharing agreement with Nunavut Tunngavik Incorporated on tuberculosis data was tabled in the Legislative Assembly, and I wondered to what extent have you been monitoring the administration of this agreement, if at all. Thank you Mr. Chair.

Chairman: Mr. Steele.

Mr. Steele: Thank you, Mr. Chair. The answer, Member, is not at all. I have no involvement with that agreement. It's just not what I do. It's not my role.

Now, to give you an example, remember I said there's two parts to my law. If somebody applied under access to information for the agreement, and if the government refused, they could appeal to me. That is within my authority. I don't think that would happen, because I mean, the agreement has been tabled, it's a public document.

On the privacy side, if the Government of Nunavut released information to Nunavut Tunngavik Incorporated under that agreement, and somebody objected, and they said that's a breach of my privacy, again, they could complain to me, and then I would look at the agreement and how it was being administered.

But, again, my legislation – remember, I have to keep inside the four corners of my legislation. I can't do anything outside it. Except in those cases I just mentioned, I do not have any daily, ongoing monitoring role over the daily work of the Government of Nunavut. (interpretation) Thank you, Mr. Chairman.

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Chairman: Thank you. Following my list of names, Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman. Good afternoon, folks. Welcome. I think I've only got a few quick questions here.

Going back to person-year positions with the access to information and protection to the Department of Executive and Intergovernmental Affairs, I believe there was a response given that there are 11 positions filled, and it's fully filled. Are all of these positions filled in Nunavut or any of those remotely? If so, within Nunavut or outside of Nunavut? Thank you, Mr. Chairman.

Chairman: Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair. I thank the member for the question. All those positions are filled in Nunavut.

Chairman: Thank you. Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman, and thank you, Mr. Mansell. Just for clarity, are they all located in one community or any of them filled remotely within Nunavut? Thank you, Mr. Chair.

Chairman: Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair. Those positions are in Iqaluit.

Chairman: Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman, and thank you Mr. Mansell. Earlier it was mentioned that there was some capacity issues, where a person was trained for about a couple years or so, and once they started getting the hang of it, they moved on to a different career or position, or whatnot, which is sad but it happens, and there's more training going on.

ἰ°γϭ° (ϽʹϧϟΛυʹ): ʹϭϧ·α΅ϲ, ΔϧʹϘϦʹͼ·. Δϲϧϧ·ϭ;Ͱʹʹ϶ϘϒͺͺϹͺϷͺϪʹϧϭϧϒ. Ϸͼ Λʹ;ϥͿʹϧϲϘ·ͰͺͼͺϹϭϧϥϥͺϽϧͿϥͼͺϒϲͿϧͼ ϧϹͼϧϧͼͺϹͼϧϲ Ανμϧͺϒͼͺͺͼϧϲͼ, Ϲͼϥϥ Ανμϧͺϒͼͺͺͼϧϲͼ, Ϲͼϧ Ανμομονικο, Ασος Αντικος (Αντικος Καντικος): (Αντικος Αντικος Καντικος): (Αντικος Καντικος Καντικος): (Αντικος Καντικος Καντικος): (Αντικος Καντικος Καντικος Καντικος): (Αντικος Καντικος Γጎር ÞΔ^C\ΔσÞʹ ΔϲΓϤ^bb^aσʔ^aα^{sb}C^bl. ¹d۶^aαΓ̇^b, Δ^bł᠙ÞĊ̄^b.

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Chairman: Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair. One thing I did mention earlier was that we're doing training not just to access to information and protection of privacy coordinators, but GN-wide, to expose everyone to ATIPP. So that's starting that process of staff that are maybe not in those positions getting more interested in them.

As well as the more centralized coordinator role that EIA is playing, we would have notice when those ATIPP staff are intending to leave the GN, and I can assure you from an EIA perspective, we would be advocating very strongly for departments to have a transition plan and to have other staff ready to move into those positions. And we're very open and willing to do the training to make that happen. Thank you, Mr. Chair.

Chairman: Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman. And is there a plan going forward to make it mandatory so that if a person leaves that position, there could be a temporary internal transfer assignment to fill that vacancy? Thank you, Mr. Chairman.

Chairman: Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair. I don't think at this time we have a plan to make that

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mandatory, but we can definitely take that suggestion under advisement. Thank you.

Chairman: Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman. Thank you, Mr. Mansell. I'm glad it's going to be taken into consideration.

My next question is to the Government of Nunavut. The government issued a request for proposals in August 2022 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. What projects have been undertaken by outside contractors under this request for proposal during the past 12 months? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair. I'll quickly speak to that, and then Mr. Witzaney can fill in a bit more. With respect to the use of contractors and request for proposals, one thing that we definitely have come to learn since the issuance of that RFP is that we get better service when we do it internally, and that means that we need trained GN staff to do this work.

The ins and outs of access to information and protection of privacy in Nunavut are unique, and we're the ones that know it best, and so we're trying not to use contractors as much as possible, and to train and support our staff internally.

Mr. Witzaney can talk a little bit about the limited work that has been...

Chairman: Thank you. And just I will remind members, I know some of the acronyms we use around here are very common, but still, please try and refrain from using them. Mr. Witzaney.

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Mr. Witzaney (interpretation): Thank you, Mr. Chairman.

(interpretation ends) There's at least one I can think of where they use an outside contractor, and that would be one of the Oracle Fusion Cloud privacy impact assessments. It was a quite lengthy and extensive project, and it needed a more technical level of expertise to look at some of the more back end, like, coding and what have you. So it with as at a higher level than we can do internally. But for most standard privacy impact assessments, we want to make them easier to do. We want to make them more straightforward for staff, and that's one of the other goals of our work on the privacy management manual, was to update the forms to make them more user friendly and more understandable for the average staff member. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman. Thank you again for the responses. My next question, still to the Government of Nunavut **Executive and Intergovernmental Affairs** regarding Mr. Mansell's opening comments. Just a quick question here. On page 3, it was mentioned about commitment, staff working towards professional designations in access and privacy, and all staff have taken Inuktitut classes. I'm wondering what level of classes are being taken. I believe there are various levels in Inuktitut training within the Government of Nunavut. I think there's three levels or four levels, if I remember correctly. What levels are being undertaken for these classes? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair, and I thank the member for the question. So we've

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had four staff take level one, two staff take level two, and one staff is in level three. Thank you, Mr. Chair.

Chairman: Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman. Just a couple of supplementary questions to that. Is it mandatory for all staff to take these courses? And if not, why not? Thank you, Mr. Chairman.

Chairman: Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair. At this time, it's strongly encouraged, and Executive and Intergovernmental Affairs does everything we can to facilitate it and ensure staff know they exist, but it's not mandated at this time. Thank you, Mr. Chair.

Chairman: I think at the tail end of Mr. Simailak's question he asked why not. Mr. Mansell.

Mr. Mansell: It's simply not at this time a GN policy to make that language training mandatory. It has been strongly supported, and I can say that the language services providers that we use, they're full. Like, we're filling up every vacancy that they have, and so we have a lot of, we have very good uptake. Thank you, Mr. Chair.

Chairman: Thank you. Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman, and thank you, Mr. Mansell, for the response. I think my last question for now, it will go to both sides, first to the commissioner.

When an individual or organization submits a request for information, what checks and balances are in place to ensure that all the information requested is submitted? There could be 500 pages' worth of information

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Chairman: Thank you. Commissioner Steele.

Mr. Steele: Thank you, Mr. Chair. That is such an interesting question. As the member says, when somebody applies to a department of the Government of Nunavut and says we would like all of your records on this topic, and they get maybe sometimes hundreds of pages, well, how can they know that they got everything? Like what if there there's one page that's a little embarrassing which doesn't make the government look good? What's to stop the department from holding that back? Saying well, we're going to give you everything that we're happy with, but not this one little thing that's embarrassing.

And the answer to that question is, we do rely a lot on the ethics of our public servants. I want to say that leadership from the top is to important. If the leader of a department demonstrates that it's okay to hide things, that message goes down through the whole department. But when you have a departmental leader who says no, we have to be accountable, we're not always going to make the right decision or we're not always go to look perfect, we need to release everything, and we can maybe explain that page that's a little embarrassing, so we're going to release it with an explanation. That's why leadership from the top is so important.

And if I could pick out one person in particular, I'll mention Kyle Seeley, the deputy minister now of Transportation and Infrastructure
Nunavut. And I have seen Kyle demonstrate in

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a number of files that they are going to do their job. They're going to follow the law, and if there's anything in there that maybe puts the department's judgement under question, well that's fine, because Kyle accepts that part of his role is to be accountable for the decisions that his department makes.

But, still, what happens if somebody hides something and maybe the deputy minister doesn't even know about it? Well, what happens then, Member, is simply that I say to the applicant, because a lot of applicants are very suspicious of the government, especially, frankly, on human resources issues. They're probably having some difficulty with the Government of Nunavut. They're highly suspicious of everything the department is doing. And I they say I think there is something missing. Well, that's not enough, because we can't have a system running on people's suspicions.

So what I say to them, and this is in a number of my decisions, I set a fairly low standard. I say, okay, you need to provide me with some evidence that another record exists; not that it should or it might, but that it does exist. What that does is it exposes when somebody is going just strictly on suspicious.

But sometimes they're able to say, well, look, I know this record has to exist, and they give me a reason, and I say, yeah, you're right, and I go. And often, Member, what I will do then is I go and sit down with the person involved and say, this record has to exist; tell me where you looked. Tell me where you looked, tell me how I can be sure that you've given me everything. Did you forget to look over here? Did you forget to look over there?

So as long as I have a little bit of evidence, more than just a suspicion that some records are missing, I will go after it, and I have done, and sometimes that will produce more records.

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Chairman: Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman. Thank you, Commissioner. Same question for the government: What has the government done to ensure, what checks and balances are in place to ensure that all information and requested is submitted and nothing held back for fear of reprimand or even dismissal if a manager or a director or something, someone, is a afraid of losing their position? What checks and balances are in place? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair. My colleague Mr. Witzaney can provide some information on sort of the process, but I can say that one of the important aspects of this is that the ATIPP coordinators, the access to information and protection of privacy coordinators who put together the documents and the package are not the person that's subject to the inquiry. And we take a snapshot of what's there, and it can be reviewed if there are concerns. And as the commissioner said, it's also definitely dependant on our training and our staff ensuring that they know what their responsibilities are.

Mr. Witzaney may elaborate as well. Thank you, Mr. Chair.

Chairman: Mr. Witzaney.

Mr. Witzaney (interpretation): Thank you, Mr. Chairman.

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ႛሰ▷⁺ (ጋጎት∩ሀና): 'dሃትሴ፫ჼ, Δጎፖ≪▷ሮჼ. Δ΄, ሮቴሴ ΔԵኛσჼቴჼነጋቴ. ▷ናቴዎቴሲጋΔቴሲቴንቴሁ ▷ቴታቴኒናል▷ቴርናL የፖላσ ▷ቴታቴኒናል▷ርናL የፖላማ ▷ቴታቴኒናል▷ርና ሶተርንቴ ΔፖLርሲσናህና ለነፈበናቴቴንΓና Δሮቴσላቴበር▷ናቴናርናσቴቦቴσጏቴና ΔፖLርሲትና ΔቴቴሲΔሃቴነስና ▷ጳዲጏቴናና የቴውቴ ΔፖLርሲσናህና <Δ<ናናብበቴቦና ቴLቦ⊁▷ዲተዲቴርር.

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▷ናь▷ነሊቦ◁Γь.

 $\frac{1}{2} \frac{1}{2} (interpretation ends) we have training materials specifically on requests that are deemed sensitive, so that's requests where either it could be embarrassing for the government, where there's a difference of opinion at the staff level, where they could hold things aside because there's conflict, and other situations such as that.

The best practice we use is we take what Mr. Mansell called a snapshot of their account, so before we ask them to provide records, we get information management and technology to take a copy of their account. That way, if while we're going through the records we see that there's discrepancies in those records, we can then go to the source document without any tampering and collect those.

We also manage conflicts, so if ATIPP coordinators, sorry, an access to information and protection of privacy coordinator has a conflict of interest with the records in question, either they've worked on that file, it's one of their friends requesting the information, or their friend or a family member is the one who has the records, we make sure that we manage that conflict by having someone from the territorial access office come in and take on carriage of that file.

So we're cognizant of the conflict. And mistakes will happen. I mean, when you're dealing with hundreds of pages of records, it's important to, it's easy to miss something, and not for any nefarious reason, but just because there are a lot of pieces of paper or a lot of pages, and it's easy to miss something.

So generally, if an applicant thinks something is missing, we take a good faith attempt to find it, and most of the time it's just under someone's chair, or it was accidently deleted off of the document. And then if it's a question of a sensitive record, we go through, manually

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ἰ°γρ° (Ͻʹ៶λημο): 'dϧ°αϳ°, Δνγορός. Δεραγεραφάν Δωρωραγοανος βωνανομένος Εςυσανος κομ βηγώνος υσερασανος ανανος κομ βηγώνος Εγρανγην ακίμεις 'dϧ°αϳν, Δνγορός.

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Δ⁶/«ΡC⁶ (Ͻ^ίλΡηJ⁶): Γ⁷ Ησ⁶6.

search that email account, and see what we can find. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Great line of questioning, Mr. Simailak. Mr. Mansell wants to supplement, and then I believe Mr. Steele wanted to put his couple words as well. So we'll start with Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair. Just to add also that the *Public Service Act* has provisions against reprisal, so if something were released under an application and the subject of the application felt it was embarrassing, or they didn't want it out there, it would be contrary to the *Public Service Act* for them to take any sort of reprisal against this staff member who was simply doing their duty releasing that information. Thank you, Mr. Chair.

Chairman: Mr. Steele.

Mr. Steele: Thank you, Mr. Chair. You know, it's an interesting question that while the government representatives were speaking, a couple of quick thoughts occurred to me that I thought the member might find interesting. The first one is this issue adjourned lines that why it's really important that the staff dealing with access to information are not junior staff, that they're not entry level staff, because it's really difficult for a new employee who barely knows their way around the department to go to somebody high up and say, you know, I don't think you're giving me everything, right? They can't say it. It's almost impossible. You need somebody fairly high up who is comfortable in their position and confident they know how government works. Because often that's when the person says, you know, the way this department operates, I know there's relevant stuff over there.

And so, again, Member, your question underlines what's really important, not to

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assign this work to junior staff who just started in government because they can't do it because they won't know where to look. They won't know who to ask, and they can't push back when somebody says, okay, now I've given you everything.

The second thing I wanted to note is something that came up a little while ago, and that is in the course of one of my reviews, it came to my attention that the senior management of a particular department were using an app that does not go through Government of Nunavut channels. It doesn't ever go on Government of Nunavut servers.

One of the ways, Member, that we have of just making sure that somebody has given us everything is that, for example, if they use Government of Nunavut email, then we can check their email whether they want us to or not. We don't usually have to. It's very rare. But we can if we have to.

But if conversations are being held outside of Government of Nunavut channels, we have no way of checking, no way at all of checking. If they have a conversation that they think is a little embarrassing and they don't want to tell us about it, we have no way of verifying it, whereas we can as long as they are using Government of Nunavut channels.

This was the WhatsApp application, and just for the benefit of the interpreters, that's W-h-a-t-s-a-p-p, WhatsApp. Perhaps many people in this room use it. Hundreds of millions of people around the world use it. There's no problem with WhatsApp. The problem is, why are the senior executives of one department using this for important conversations about departmental business? If they wanted to not admit that they had that conversation, I have no way of going to WhatsApp and getting that information from them.

'P슨''이: 'd৮' ሲቮ', Δ'/ 《ÞĆ'[†]. CL' ሲ ፈናር ሲል' ት/ Lናበ ፈ'[†]ሩ? ΔLΔ ር ^{*} ሀጋΔ' ሲ [†] ኒ' ኃህ' bΔ ሲል' ር በ ቦ ፈ' ኃህ, ፈናር ሲል' ት/ Lናበ ፈ'[†] ሩ CL' ሲ? 'd৮' ሲቮ'.

Δ°γ<β>C° (Ͻʹ៶ͰΠͿʹ): α_>

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Δ•/ペレርና• (Ͻϳλη): ^ናdϧͼαϳͼ. Γ[,] Ησες.

I think it's a really bad idea. In my report, I recommended that they stop using it, but the deputy minister's response was, thank you, but we'll think about it, but they certainly did not commit to stop using that app.

It's that kind of thing that makes me worry, Member, that maybe sometimes we're not getting everything that we should. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. I take it the commissioner hasn't been inadvertently added to any group chats recently. Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman. I thought I was done, but the commissioner just put a question in my head here. To the commissioner, regarding the WhatsApp that's being used by executive, should there be, in your opinion or whatnot, do you think it should not be used? Should they use the Government of Nunavut email instead to deal with these kinds of discussion in your opinion, and that way if need be, it can be tracked or whatnot? Thank you, Mr. Chairman.

Chairman: Commissioner Steele.

Mr. Steele: Mr. Chair, when I was looking at this issue, I did check with the information management and information technology people, and I was informed that the use of WhatsApp is permitted by the Government of Nunavut in the sense that it is allowable for an employee to download WhatsApp to their government phone and use it. But the information technology people, they simply won't provide any support. If anything goes wrong, that's up to the employee.

I think it would be useful to pose that question to people – I'm pointing left because they're right here on my left – about whether it's a good idea. Because it is my understanding that within the suite of Microsoft products used by the Government of Nunavut, there is an almost

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L°ĊΔ° (Ͻʹ៶ϒΠͿʹ): ʹϭͿϧʹʹͼͺΓʹ[†], Δ^ﻪ/᠙ϷϹʹ[†].
ʹϭͿϧʹͼͺΓ΄^{*} ϤΛΛ¹L^{*} LϲͰϲϷʹ[†]Π. Ͱʹͼ ϷʹʹϞͿͼͺ[†]ϷʹϽϲʹϲϭʹΓ ΛϲʹΛϒʹϧʹ[†]ϽͿʹ ϷϒϷ Lʹ;Ϋϲʹʹ[†]Ͻ[†], ΔϷ;ʹϧʹϹʹ[†]/L;[†] ΛϲʹͺϤΓ[†] ϷʹʹϞͿͼͺ[†]ϷʹϽϲʹͺϭʹ[†]Ͱ;Ϸ Λϲʹͺ[†]ͼ[†]Ͻσ. Ϥʹ·ϭϤʹϧʹͼͺʹϻʹϹϽϲʹͺϭʹ[†]Ϳ ϷʹʹϞͿͼͺ[†]Ͻϲͺ[†]ͰͰϷ[†] ΛϲʹͺϤʹϧʹͺ Δ[†]/«ϷϹʹ[†].

 Δ ⁶/⁴/⁶

'የር'•በ (ጋካትበJና): 'dታ_°a广[•], Δν/«ኦር'[•].

ላ፲ሬርኦ⁶, 'bኌ⁶ የሥ ፈርተርርር ΔΔΔ⁶

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(ጋካትበJን⁶ጵ⁶ን⁶) 'dታ⁶ជ្ኮ⁶, Δν/«ኦር⁶.

ΔογΦΟςιο (ϽϳλΡΩJς): ⁶d۶⁶Φ, Γ¹ HΔ⁶C.

የጕና፥በ (ጋቫትበJና): 'dታ°ቂ፫፥, ልካላየኦር፥፡. ላዛርርኦ፥፡ ቫታ 2017-Γ, ፭°ታላ፣ቴነፎ። ቦናጋርሲትነሳና ቴግኒሲ፥ነጋርሲታናነር ኣንሮታላታናነር ልውልና 'ቴውልግቦናታላ፥፡ ርር፥ ዕላ ሲኖጵ፥፡ርኦኖናንና ላናርናትንበ 'ቴሲርኦታ፥ዕና ኣ፥ነድርኦተርር ርርሀርኦናልነነና. ጋፆሀላንበግቦውና ለነተርኦተታና ኣ፥ነድነንናቴርኦ፥፡ 2023-2024 ላዛር 2024-2025 ላናናህትሀውና? (ጋቫትበህንዮጵና፥ነጋ፥) 'ዕታዮሲ፫፥, ልካላየኦር፥፡.

Δ•/<>C'• (Ͻ^ʹ\2∩J^c): 'dϧ·_°αͺΓ[·], Γ[·] Η

exact equivalent, you know, it's not an common, it's not used by hundreds of millions of people around the world, but the chat function, which is what people are mostly using it for. It's like another version of texting back and forth, if they were texting on their government phone, we would be able to see that. If they were using this other Microsoft equivalent, we could see that. But because they're using WhatsApp, we only get it if they admit it and are willing to turn it over.

Personally, Member, I think it's a bad idea. I don't see why they need to do that. I think they should stop. I recommended to them that they stop, and they said, no, thanks for your advice, but we're not committing to stopping it. (interpretation) Thank you, Mr. Chairman.

Chairman: Just before I go to you, Mr. Simailak, Mr. Mansell wanted to chime in. I'm assuming you're going to ask him the same question anyway, so I'll request right to Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair. My colleagues from Transportation and Infrastructure Nunavut might have some comments as well, but I can say, these tools, chats and things like that, they started in the GN primarily as a way to coordinate who's in the office today, who's sick, that sort of stuff, and I think it did get a little more where business was being talked.

After the commissioner's report, the GN took a real sober second look on how we're using this stuff, and what the commissioner is referring to as Teams, which is Microsoft product which is approved by the GN, and there was a real committed effort to use Teams, which is much easier to capture, and any use of WhatsApp would be back to kind of where we started, which is who's coming to the Christmas party, that sort of stuff, but my colleagues from

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But I can tell the commissioner and the committee there was a response from the GN and identified the product that really should be used for these types of chats. Thank you, Mr. Chair.

Chairman: Mr. Seeley.

Mr. Seeley: Thank you, Mr. Chair, and I do appreciate this line of questioning. I thank the member for asking it.

I'm going to take this up extreme a little bit further. A few years ago the GN was impacted by a massive ransomware attack. Our entire internal network was shut down. At that point in time, a lot of outside-our-domain applications were used as a necessity, just to initiate basic communications within teams, I should say within the organization, and among communities. I suspect that necessity of having those applications up and running around that time might have been the starting point for folks using off-domain applications.

Fast forward to modern times. We've taken the approach of ensuring that all GN users are fully equipped with an equal or better product that is on-domain and secure, for all the reasons that the commissioner has described.

There are plenty of other applications out there that people can use. Our focus has been on managing the information that is on our network, that is being transmitted by GN employees to make sure they have a viable tool that drives the traffic toward on-domain solutions.

The Teams application that we do use within the GN is the standard application. It does have cross-functionality with other components of our Microsoft licence, and it is our preferred ል°% ላሲ 20-୮ ር% ጮ Lናትር-% ጐ ላ'cC>ጚ·LC. ୮′ ዘላ°ና.

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mechanism for chat functions within the organization, departments, and interdepartmentally.

Any of those off-domain solutions, they are out there, people are using. Our solution has been to make sure we are driving people toward a more viable solution that is secure and does include the information that we are responsible for managing. Thank you, Mr. Chair.

Chairman: Thank you. Just before I go to the next name on my list, we'll take a 15-minute break. Thank you.

>> Committee recessed at 15:27 and resumed at 15:48

Chairman: Thank you. I'd like to call the committee meeting back to order. We had left off, Mr. Simailak had some questions. And I'll go to the next name on my list, Ms. Killiktee.

Ms. Killiktee (interpretation): Thank you, Mr. Chairman. I'd like to ask a question that was asked earlier, but I would like to hear more details and that's why I'd like to ask the questions again to government witnesses from the Department of Health.

It has to do with the question that you went to the communities to get more information, including Iqaluit. I know this was responded to properly, but I had a question about the questions that were asked. Can you tell me what you heard from the communities when you were doing the community visits. Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Hunt.

Ms. Hunt (interpretation): Thank you, Mr. Chairman (interpretation ends), and thank you to the member for the question. I don't have the specific questions in front of me, but I do have the themes, so I will share that from the

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outcomes of the public consultations as well as the survey responses.

We had themes around accountability in breaches, written consent, mental health stigma, support for online record access. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Killiktee.

Ms. Killiktee (interpretation): Thank you, Mr. Chairman. I have a question about mental health and social issues. I know this is always one of the big issues when we look at social issues and what has been set up for them. Today can you tell us if mental health is proceeding as well as was expected. I know it's one of the biggest problems in Nunavut with our constituencies to have Inuktitut-speaking mental health workers, and I know that there are probably very few of those around. Have you looked to see what else you can do to create more Inuktitut-speaking mental health workers?

Chairman: Ms. Hunt.

Ms. Hunt (interpretation): Thank you, Mr. Chairman (interpretation ends) and thank you to the member. Mental health is really a spectrum from positions, so from traditional positions to regulated mental health practitioners. On the regulated side, so those who would have a degree or may be a doctor in mental health, those numbers are very low; however, on the paraprofessional side with individuals who have significant cultural training and cross-training in mental health and wellness, our rates of those individuals are very, very high. Over 80 percent of our paraprofessionals are Inuit. We do have Inuit counsellors also on healing by talking as well.

Part of our work is looking at ways to encourage, from young people to those who are older, into the field and also working in our ΔΥLDΔ°α°ν) υς Δυκ'σ'υς τιις CLDL

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partnerships with Nunavut Tunngavik around areas of training, especially as we think about the treatment centre and wellness centre that will be opening next year. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Killiktee.

Ms. Killiktee (interpretation): Thank you, Mr. Chairman. I'd like to move on to someone else, to the privacy commissioner. In the Department of Health, from what you have seen or witnessed and considering the answer that we just got, has there been anything that we should be worried about or anything that looks like it needs to be corrected? I know because we push hard on behalf of the Inuktitut language. From what you have heard, does it need to be brought out more? Or what have you taken from what you've heard while you have been in your position? I hope I make sense. Thank you, Mr. Chairman.

Chairman: Thank you. Commissioner Steele.

Mr. Steele: Thank you, Mr. Chair. I'm not sure if the member is asking specifically about mental health, because that was what the previous question was about. All I can say, Mr. Chairman, is, really, I'm like a referee in a game. On the privacy side, if somebody is worried ability their health information, I receive that complaint and I investigate it. On the access to information side, if somebody wants more information and is not happy with what they've received from the government, they can appeal to me to see if there's anything more that they should get. So those are the two boxes that I work in it.

Specifically with respect to mental health, I don't recall anything in my time here that's within the areas that I work in. Thank you, Mr. Chair.

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Chairman: Thank you. And if I may, and Ms. Killiktee, obviously correct me if I'm wrong, I think one of the concerns, if I'm reading between the lines, there's a small number of mental health workers that speak Inuktitut, so there would be a lot of personal information that those individuals would have and I believe what Ms. Killiktee is getting to is: Is the amount of training being provided to these people on privacy legislation and responsibilities within their field? I know mental health workers across the board get training with privacy, but again, there is having to make sure that that information gets into the files in a way that it's compliant with access to information.

Does that help a little bit, Commissioner, maybe? Commissioner Steele.

Mr. Steele: Thank you, Mr. Chair. That's helpful. All I can say is, remember, because I receive complaints, I have not received any complaints in that area about mental health or the training of mental health professionals or the way that mental health files are being handled.

If I did receive a complaint like that, then I would investigate it and look into it, and then might have an opinion about some of those bigger issues about training and records management. But in my time here, no, I have not had a complaint along those lines.

And so, Member, I have simply not had any reason to look into that topic. Thank you, Mr. Chair. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. And I believe Ms. Hunt wanted to respond as well. Ms. Hunt, go ahead, please.

Ms. Hunt (interpretation): Thank you, Mr. Chairman, (interpretation ends) and thank you

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to the member. This is a really important discussion.

As many of you will recall, the Department of Health developed and implemented privacy training for personal health information. All new staff are trained and take that module, and all of our Department of Health staff have been enrolled, and we are tracking the completion of their training to ensure that they are aware of and know their responsibilities around having access to that information and the procedures and the importance of keeping that information private and secure.

They're also required to take all of the training that comes through TIN, our new department of transportation.

Lastly, I'll just say that we are working to also make sure that that training is being translated into Inuktitut to ensure that any of our staff who would prefer to have that training in Inuktitut will have that ability. So that's part of our new work from our previous implementation of the privacy training for staff. (interpretation) Thank you.

Chairman: Ms. Killiktee, you opened a really big can of worms. They all want to talk about it. Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair. I was going to try and get the note down the line. But also just to add that Mr. MacLean from Justice, who is our privacy legal expert in the GN, presents to mental health at least twice a year. Thank you, Mr. Chair.

Chairman: Thank you. Now I can finally get back to you, Ms. Killiktee. Go ahead, please.

Ms. Killiktee (interpretation): Thank you. Yes, definitely here because we represent the people in the public, and this is one of the areas people request about.

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So my question: How many Inuit and non-Inuit, that was asked. But in the area of mental health and counselling, how many Inuit are working, and how many non-Inuit are working in area of mental health and counselling? Thank you.

Chairman: Ms. Hunt.

Ms. Hunt (interpretation): Thank you, Mr. Chairman, (interpretation ends) and thank you to the member. Unfortunately I don't have those specific numbers in front of me, but we're happy to do that follow-up. (interpretation) Thank you.

Chairman: Thank you. Ms. Killiktee.

Ms. Killiktee: Moving on, Mr. Chairman, I want to ask this: Is there any preparation to advance Inuit who are capable, who have taken training, but due to regulations or policies, this course have not been taken or training have not been taken and a person is unable to gain employment, in previous history? Any preparation to advance this area to ensure Inuit whom we serve in our communities in Nunavut that they use their language without the necessary use of interpreters? Is that a vision that have been embarked on? Thank you.

Chairman: Thank you, Ms. Killiktee. I'm a little confused on how this is related to the privacy and information. I understand we all want more mental health workers to be Inuit, but I'm confused as to how this is related to the privacy. Can you clarify your question?

Ms. Killiktee (interpretation): Thank you, Mr. Chairman. Is there anything in place within government, in particular within the Department of Health under mental health that I am referencing to, is there any advancement with respect to employment and gaining employment in this regard? Or perhaps I'm not clear yet, Mr. Chair. Thank you.

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Ms. Hunt (interpretation): Thank you, Mr. Chairman. (interpretation ends) I wonder if the member is asking about training for Inuit in the Department of Health but in relation to privacy. I'm not quite sure, so I'm trying to help here. (interpretation) Thank you.

Chairman: Thank you. Ms. Killiktee.

Ms. Killiktee (interpretation): Thank you, Mr. Chairman. Is there outcomes towards this? Thank you.

Chairman: Again, I'm just a little confused on what you're trying to get in information, Ms. Killiktee. The way I'm understanding it, you're asking about employment opportunities and training. Is that specifically from the privacy standpoint? I'd just like to get a confirmation, Ms. Killiktee.

Ms. Killiktee (interpretation): Thank you. Perhaps I will ask a question in another way, or rather, this is probably not, or my question is related to another subject. I'll move on to another question. Is that okay with you, Mr. Chair?

(interpretation ends) What is the department's currently timeline for introducing a bill in the Legislative Assembly? (interpretation) This is question to the Department of Health. Thank you.

Chairman: Thank you. Ms. Hunt.

Ms. Hunt (interpretation): Thank you, Mr. Chairman, and thank you (interpretation ends) to the member. The department intends to

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introduce a bill in the new Legislative Assembly in 2026. (interpretation) Thank you.

Chairman: Thank you. Ms. Killiktee.

Ms. Killiktee: And also, Chair, I want to ask to what extent is the Department of Health using non-resident consultants and lawyers and other individuals to develop health-specific privacy legislation for Nunavut. (interpretation) Thank you, (interpretation ends) Chair.

Chairman: Thank you. Ms. Hunt.

Ms. Hunt (interpretation): Thank you, Mr. Chairman. (interpretation ends) If the Chair would allow, I would ask our CIO Tracy MacDonald to answer that question. (interpretation) Thank you.

Chairman: Thank you. Ms. MacDonald.

Ms. MacDonald: Thank you, Mr. Chair, and thank you to the member for the question. We currently have someone on our team, an interim privacy officer, that has been working with us for two years, and he has been helping with the programming and being proactive with privacy issues. He is also sitting on the health-specific privacy legislation committee. Thank you, Mr. Chair.

Chairman: Thank you. Ms. Killiktee.

Ms. Killiktee: Thank you, Chair. And also, in what specific ways will the health-specific legislation take into account on the Inuit social values? (interpretation) Thank you, (interpretation ends) Chair.

Chairman: Thank you. Ms. Hunt.

Ms. Hunt (interpretation): Thank you, Mr. Chair, and thank you (interpretation ends) to the member for the question. The process of doing the consultations and the surveys are

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really a way for us to hear that wisdom and understand what's important in terms of privacy from an Inuit and Nunavut perspective, and so that will be taken into consideration as part of the drafting. (interpretation) Thank you.

Chairman: Thank you. Ms. Killiktee.

Ms. Killiktee: Thank you, Chair. And also in June 2017, the Department of Health privacy and security directives concerning its E-Health initiatives, including its electronic health records system, were tabled in the Legislative Assembly. Were any directives issues during the 2023-2024 and 2024-2025 fiscal year? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Hunt.

Ms. Hunt (interpretation): Thank you, Mr. Chairman. Sorry, I'm just looking at our records. Not to my knowledge. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Killiktee.

Ms. Killiktee: And also I should have asked, add into what other health privacy initiatives is the department currently undertaking. (interpretation) Thank you.

Chairman: Thank you. Ms. Hunt.

Ms. Hunt (interpretation): Thank you, Mr. Chairman, and thank you (interpretation ends) to the member. Currently, Health, through the health information unit, is looking at the development of a privacy office. (interpretation) Thank you.

Chairman: Thank you. Ms. Killiktee.

Ms. Killiktee (interpretation): Thank you, Mr. Chair. In the year of 2021, the Fifth Legislative Assembly of Nunavut passed a new *Mental Health Act* section 64 of Legislative Assembly,

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a new mental health review board. A number of appointments to the board were recently published in the February 2025 edition of the *Nunavut Gazette*. As of today, how many meetings has the board held? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Hunt.

Ms. Hunt (interpretation): Thank you, Mr. Chairman, and thank you (interpretation ends) to the member. As these appointments have just taken place, there has not been a meeting as of yet, but those meetings are being prepared, as well as training as part of the board governance process. (interpretation) Thank you.

Chairman: Ms. Killiktee.

Ms. Killiktee (interpretation): Thank you, Mr. Chairman.

(interpretation ends) So by your response to that, so it's still in the process for training and orientation for these board members or are any virtual meetings being held for introductions? Like where are you at with this? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Killiktee. And if I might add, in the *Gazette*, these positions were registered on February 20th, so it's a couple of months ago. Ms. Hunt.

Ms. Hunt (interpretation): Thank you Mr. Chairman, and thank you (interpretation ends) for the follow-up question from the member. The first meeting is scheduled for May with the board. (interpretation) Thank you.

Chairman: Ms. Killiktee.

Ms. Killiktee (interpretation): Thank you, Mr. Chairman. There were three, I have heard, that there is an Inuk individual who is also involved in there. (interpretation ends) They have been

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As of today, I know you said that there haven't been any meetings for the three advisors, and, you know, happen in May, but my question is, are they from different culture?

(interpretation) Are those Inuit culture advisers, the three, do they come from different cultures? Or what cultural society they come from? So that's just my question, whether the three board members, whether they have different cultures. Thank you.

Chairman: Ms. Hunt.

Ms. Hunt (interpretation): Thank you Mr. Chairman, and thank you (interpretation ends) to the member for the question. I don't have the biographies of the members in my package, so unfortunately, I'm not able to tell you their specific cultural backgrounds. But happy to do a follow-up. (interpretation) Thank you.

Chairman: Thank you. That's also worth noting, Ms. Killiktee, that two of the members are from Clyde River and one is from Arviat, including a former MLA from Clyde River is part of the three.

Ms. Killiktee, do you have a follow-up?

Ms. Killiktee (interpretation): Thank you, Mr. Chairman, and thank you for your response as well. Perhaps this will be my last question. I'd like to ask a question to the privacy commissioner.

In his report, you have stated that that you have worked in Nunavut and you have been the Information and Privacy Commissioner of Nunavut and resided in Nunavut. You have also

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stated that you would like to have a new information and privacy commissioner to reside in Nunavut to have more strength. Are you expecting whoever is going to be taking your position, who will replace your position, it will be ideal for that individual to live in Nunavut? I should have stated, live and work in Nunavut, to be based in Nunavut would be a step forward. If you can. I'm not sure if this is an appropriate question, but I'd like to ask you a question, that question.

Government departments usually hire a contractor from outside of Nunavut. Is this part of the slow process of dealing with this? Is this part of a slow process when we need to move forward with this? Is this one of the reasons why this process is taking so long? Just using yourself as an example, if you can respond to my question. I think this is my last question, Mr. Chairman. Thank you.

Chairman: Thank you. Commissioner Steele.

Mr. Steele: Mr. Chairman, the first Information and Privacy Commissioner of Nunavut held the position from 1999 to 2021. That was Elaine Keenan Bengts. She held the position for a long time, but she covered both Nunavut and the Northwest Territories. So throughout the time that she was the commissioner for Nunavut, she did not live and work in Nunavut, she lived in Yellowknife.

When she retired, the Management and Services Board, I think, was very clear that now that the original commissioner had retired, they wanted the commissioner to live and work in Nunavut. So that was always a condition of the job, that they would only hire somebody who was ready to live and work here.

I do think that it has been of benefit to the system. You know what it's like; well, at least here in Iqaluit, you see people in the grocery store, you see people at the post office, you

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But this job is going to be hard to fill. It took the Legislative Assembly almost two years to fill it last time, because it's a very specialized area of work, so you have to have the right person who's at the right stage in their career who is ready and willing to move here or hopefully somebody maybe who's already here. You know, it could take a long time to fill the position again, and there may very well be a gap between the time that I leave and the time a new commissioner comes in.

Now, there has to be somebody doing the job. And if there is a gap, it is very possible that the Management Services Board will have to hire somebody by contract. It will probably be a lawyer, probably living in Ottawa or Yellowknife. There isn't anybody really obvious here, because we have very few lawyers in private practice here. So yes, it's possible there will have to be a contractor. I think that's a little bit unfortunate. It's a little bit of a step backward. As long as the new commissioner, wherever they start, does actually live here. Maybe somebody already lives in Nunavut. Maybe somebody who is ready to move to Nunavut. But I do think that's something the Management Services Board should insist on.

But I will say one more thing, Mr. Chair, and that is that I informed the clerk last July that I would not be seeking reappointment. Because I knew this job would be difficult to fill, I gave 18 months' notice. That's a long time. Ten months later, there's been no advertisement, no anything. And you know that we're about to get

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into the summer, then we are into the election period, then we are into the orientation period for the new Assembly, the formation of the new government. It's going to be really difficult to get anything done over the next little while. And even though I gave 18 months' notice, ten of those months are gone, right.

And so every day that passes without any steps being taken to fill my position makes me worry that there is going to be a gap and it is going to have to be put out to contract to somebody that lives somewhere else, and that's okay, but as I said, I think that's a bit of a step backward. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. I'll go to the next name on my list. Ms. Quassa.

Ms. Quassa (interpretation): Thank you, Mr. Chairman.

(interpretation ends) My questions, the few questions that I'd like to ask are to the Department of Justice. Nunavut's new *Police Act* was passed by the previous Legislative Assembly and received assent on June 8, 2021. You indicate on page 9 of your 2023-2024 annual report that your office has not yet been consulted by the Department of Justice concerning such issues as proposed agreements between the Government of Nunavut and independent investigative bodies and other entities. As of today, has this situation changed? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Steele.

Mr. Steele: Thank you, Member, for the question. Very important question. I want to start by reminding everyone that the report that we are dealing with at this session is a year old. So it was tabled a year ago and deals with the 2023-2024 fiscal year. So when I wrote this

report what I wrote was true, which is that I had not been consulted.

Now, I want to take a step back, because as you said, Member, the *Police Act*, this very important law about how the government will investigate incidents of death or serious injury resulting from an interaction between citizens and the police, a very, very important and difficult and emotional topic, that was four years ago. And the members at the time, and only a few of you were there at the time; well, not all of you. Some of you were there, and you remember there was some real debate about whether this was a good law or not. And at the time, the minister stood up in the House and made promises to the MLAs about things the government would do, and because those promises were made, then the members voted for that law.

Now, I can't remember how many promises that were made; it was four or five or six, and only one of them was a promise to consult with me. The reason that I put this in my annual report every year is that I feel it is my duty to you to tell you whether that promise has been kept. Because remember, the promise was made to you, the members of this Assembly. And so in this report, the bit that you read, Member, it is true, at the time I wrote this report, I had not been consulted.

I am pleased to say that last month I was consulted on the topic that was promised by the Minister of Justice back in 2021. So that part of the promise, in my opinion, has now been kept.

I can tell you, the members, that at least that one promise that was made that day in order to secure passage of the *Police Act* has been kept. So that's why it's not in my report, because this report is a year old, but it did happen, finally, last month. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Quassa.

Ms. Quassa (interpretation): Thank you, Mr. Chairman. Thank you for your response as well.

(interpretation ends) The Government of Nunavut's response to the Standing Committee's report on the review of the 2022-2023 annual report of the Information Privacy Commissioner of Nunavut indicates that the government remains committed to engaging with the Information and Privacy Commissioner about privacy matters as they relate to agreements with contracted investigative bodies and contracted police forces under the new *Police Act*.

The Department of Justice is currently negotiating a draft memorandum of understanding with an investigative body for the investigation of serious incidents in Nunavut. Once the initial draft of the memorandum of understanding is prepared and there is sufficient substantive content for the information and privacy commissioner to review, the department will engage with the information and privacy commissioner for feedback and recommendations. As of today, what is the status of the memorandum of understanding? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Shaddock.

Mr. Shaddock (interpretation): Thank you, Mr. Chairman. Thank you, (interpretation) Member, for the question.

Currently, the negotiations are still ongoing with the civilian oversight body, but they are at an advantaged stage, and we hope to give updates on that relatively soon. (interpretation) Thank you.

Chairman: If I may, when you say relatively soon, that is, could be next week, could be next year. Depends on your perspective, Mr. Shaddock. Could you clarify a little bit better.

Mr. Shaddock: Absolutely. (interpretation) Thank you, (interpretation ends) Chair. These negotiations, of course, require input from other parties. We are working on the draft. We're still getting input from some of the other entities involved.

We don't have a specific timeline yet, but we will follow the commitment as we stated, when it's at the sufficient draft stage to share with the information and privacy commissioner. (interpretation) Thank you.

Chairman: Thank you. Ms. Quassa.

Ms. Quassa (interpretation): Thank you, Mr. Chairman.

(interpretation ends) Would he be able to tell us which investigative body has the department been negotiating with? (interpretation) Thank you, Mr. Chairman.

Chairman: Mr. Shaddock.

Mr. Shaddock (interpretation): Thank you Chairman, and thank you, (interpretation) Member. At this time, since negotiations are still ongoing, we're not sharing the name of the body at this point, simply because sort of providing that information, you know, could allow for certain external considerations for that in order to – the purpose is in order to protect those negotiations as they're ongoing. (interpretation) Thank you.

Chairman: Ms. Quassa.

Ms. Quassa (interpretation): Thank you, Mr. Chairman.

(interpretation ends) The Government of Nunavut's response to the Standing Committee's report on the review of the 2022-2023 annual report of the Information and Privacy Commissioner of Nunavut indicates that the government "continues to work toward bringing the *Police Act* into force and intends to do so within the life of this government. The Department of Justice has made significant progress on the development of the necessary regulations and plans to complete stakeholder engagement shortly, and begin drafting later in the fall of 2024. The department anticipates completing the regulations and taking the steps to bring the Police Act into force by spring of 2025."

As of today, what is the status of this work? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Shaddock.

Mr. Shaddock (interpretation): Thank you, Mr. Chairman, and thank you, (interpretation) Member, for the question.

So the *Police Act* has a number of parts that are happening more or less at the same time. The first, as we've discussed previously, is the negotiations with the civilian oversight body. The other is the creation of regulations under the Act, and as we indicated, we are not currently on the timeline, as you've described there, but we have made substantial steps in developing the regulations for the *Police Act*.

And earlier this month, we sent out a number of letters to stakeholders, including the Information and Privacy Commissioner, as well as Nunavut Tunngavik Incorporated, among others, with some detailed aspects for the regulations in order to allow us to also bring the *Police Act* into force as well. (interpretation) Thank you.

Chairman: Thank you. Ms. Quassa.

Ms. Quassa (interpretation): Thank you, Mr. Chairman. (interpretation) Thank you. I'd like to gear towards Human Resources. You have written in a number of your review reports that the Access to Information and Protection of Privacy Act has become a proxy battleground for labour relations issues within the Government of Nunavut. Have you observed an improvement in this area since your last appearance before the Standing Committee? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Steele.

Mr. Steele: Thank you, Mr. Chair, and I thank the member for the question. So what I refer to in the phrase quoted by the member is simply the fact that the access-to-information portion of the law is being used very often by Government of Nunavut employees who for some reason or another are not happy with what's going on in their workplace. These can be harassment investigations; these can be terminations; these can be people who have been put on paid leave or unpaid leave. It can be all manner of things. But what I was referring to was the fact that that is what the access law is being used for.

Now, when access laws were created back in this the – well, in Canada anyway, it was like the early 1980s – I think the idea was that citizens should be able to know what their government is doing. The government belongs to the people, and the people should be able to know and understand what their government is doing and why. So there's this kind of image that the people who would be using the law would be citizens who want to have a window into their government.

What I've been telling members in the time that I've been here is that's not really what the Nunavut law is being used for. Yes, it is being used for that, but the majority of cases that I see are being used by employees of the government

who are requesting information about what's going on inside their own workplace. And I look at this, and I say, okay, well, if that's what's coming to me, I'll deal with that, but that's not really what the law was written for.

And so as a result, it's really difficult for the Department of Human Resources, all the other departments, honestly, and for me to know how to take this law that was written for one purpose and apply it to something that's really quite different. I mean, it works, but not really. That's one of the reasons why I say that the most difficult files in Nunavut are at the Department of Human Resources because they have a lot of people coming at them for information and trying to apply a law that just doesn't really fit.

Now, in the annual report that's before us today, I just wanted to make note that there is on page 7 of this annual report for 2023-2024 a list of all the departments about where these requests are coming from, where these files are coming from. And you'll notice that Human Resources is one, two, three, four, five, six, seven – has only three, and it's like number seven on the list.

So when I appeared last time, Member, I remember saying when I first arrived here, there were lots of human resources files, and then it seemed to go down. I thought, oh, good. Maybe Human Resources has solved the problem. But last time I was here, I said, well, it seems to be going back up again.

And in my next annual report for the year that just finished, I'm sorry to report to you that the numbers are way back up again for Human Resources; they're now second place. Health will almost always be first, just because it's a big, complicated department. But the number two department for the law that I deal with, is, again, the Department of Human Resources. So it went down for a while; it's back up.

And I'll tell you, during this past year, there were weeks, even months, when all I was working on was human resources issues. So has it gotten any better? No. It's still being used largely for that purpose.

I want to emphasize, Mr. Chair, that I'm not saying that that's an illegitimate purpose, that Government of Nunavut employees are not allowed to use the law. That's not what I'm saying at all. What I'm saying is its law not well suited for that purpose.

What would be ideal, and I've said this over the past several years, is for the Government of Nunavut to reach an agreement with their unions to say when there is a human resources issue, what is it the employee can see and what is it the employee can't see. That is something that should be negotiated, and then it all becomes part of the regular grievance process. Whereas what's happening now is the grievance process is happening, and then over the side, they're doing an access to information request, and it just doesn't fit together the way that it should.

So there are ways of making things better, but right now, the access-to-information system is being largely used not by citizens back in communities but by GN employees who are upset about something that's going on in their workplace. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Quassa.

Ms. Quassa (interpretation): Thank you, Mr. Chairman. (interpretation ends) I'd like to ask a bit about the ethics officer. The Government of Nunavut response to the Standing Committee's report on the review of the 2022-2023 annual report of the Information and Privacy Commissioner of Nunavut indicates that "correspondence has been sent to the ethics"

officer requesting that he reach out to the information and privacy commissioner to discuss areas of potential future collaboration."

What discussions have you had with the ethics officer concerning the relationship between his office's role in addressing employee concerns regarding wrongdoing and harassment and your office's role with respect to the use of the *Access to Information and Protection of Privacy Act*? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Steele.

Mr. Steele: Thank you, Mr. Chair. The ethics officer, just so that everybody understands who we're talking about, is a person who is appointed under the *Public Service Act* to be independent of the government, but to hear from Government of Nunavut employees if they think that there's some unethical behaviour going on inside their department. It gives employees a place to go. They have a responsibility to try to resolve their problem inside the department first, but if they cannot get a satisfactory resolution, they can go to this person called the ethics officer.

Now, that role is different from mine. So once in a while we'll have a case that's both within the ethics officer's authority and within my authority; not very often, but it does happen. As a result of this recommendation from the Standing Committee, I did meet with the ethics officer at my office here in Iqaluit. We talked about a wide range of things about how we do what we do, how we could work with each other, how about where there might be some overlap.

This is a good example of the benefit of having an information and privacy commissioner who is based in Nunavut. We both live and work in Iqaluit. I see the ethics officer around town. You know, last time I saw him, we both happened to be at the, I think it was at airport same time, so we stop and chat. We know each other. He had a question recently about how to handle a certain kind of situation and I gave him some advice, from my experience, about here's how I deal with that kind of situation. So we have a good communication going.

I'm not going to say we're in touch with each other every day or every week, because there's not that much overlap between what we do, but I know him. He knows me. When we need to talk, we talk. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Quassa.

Ms. Quassa (interpretation): Thank you, Mr. Chairman. The Information and Privacy Commissioner has written in a number of his review reports that the Access to Information and Protection of Privacy Act has become a proxy battleground for labour relations issues within the Government of Nunavut. The Government of Nunavut's response to the Standing Committee's report on the review of the 2022-2023 annual report of the Information and Privacy Commissioner of Nunavut indicates that:

"To date the Government of Nunavut has not had any discussions to revise the grievance processes to address concerns about how the current process impacts administration of the *Access to Information and Protection of Privacy Act*. The issue will be raised at the next meeting with the Nunavut Employees Union and Nunavut Teachers' Association."

My question to the Department of Human Resources is, as of today, what is the status of these discussions? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Power.

Ms. Power: Thank you, Mr. Chair, and I thank the member for the question. As the commissioner says, it's complex dealing with these files through the *ATIPP Act*. It's certainly challenging. We have had discussions with both unions. They're open to our suggestions, open to discuss them, but people do revert back to they do have the option under the Act, and they can go for ATIPP at this point in time. And there are protections under the Act where they can have an external body review what we've given them.

But we have formed an internal committee to review the last couple of years of ATIPP requests related to employee relations issues to provide, as the commissioner suggested, an agreement with the unions for unionized employees that we can look to first before we go down this road. So just providing a list of what type of information employees are looking for, as opposed to what we normally get, which is give me every email that has my name in it, or related to me, or related to this situation, which is hundreds and hundreds of pages, which makes it really difficult to administer. Thank you.

Chairman: Thank you. Ms. Quassa.

Ms. Quassa (interpretation): Thank you, Mr. Chairman, and thank you for the response.

(interpretation ends) The Government of Nunavut's response to the Standing Committee's report on the review of the 2022-2023 annual report of the Information and Privacy Commissioner of Nunavut indicates that the Department of Human Resources is working on possible updates to human resource manual section 1104, release of information. What specific changes are being actively considered? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Power.

Ms. Power: Thank you, Chair, and thank you, Member, for the question. The review of that directive is somewhat delayed as we roll out the new Fusion Cloud system. We need to determine what we're collecting, how we're collecting, and how we protect it, and what we would release and how we would release it.

And there's two sides to this. One is what needs to be released to whom; as an individual, I have right to my own information, but if the RCMP requests something, if a third party requests, what protections do we have in place? And the other side of that is how do we ensure that the party requesting the information has the authority to request it, either through written authority from the employee, a search warrant from the RCMP; if it's a bank, written response from the employee saying you can provide this information, and only what the employee consents to release.

So we are looking at it. It's a little bit delayed because it's a new system, but it will be coming in the next couple of months. Thank you.

Chairman: Thank you. Ms. Quassa.

Ms. Quassa (interpretation): Thank you, Mr. Chairman. (interpretation ends) This probably will be my last one.

Human resources manual, section 1104, release of information, was last updated in April of 2006, almost two decades ago. What is the department's timeline for updating this section of the manual? (interpretation) Thank you, Mr. Chairman.

Chairman: Ms. Power.

Ms. Power: Thank you, Mr. Chair, and I thank the member for the question. It will somewhat be determined by the new system, but I

anticipate it will be in this calendar year. Thank you, Mr. Chair.

Chairman: Thank you. Just before I recognize the clock, just my Curious George factor kicked in during one of the responses from Mr. Shaddock. I'm very much aware of, you know, during legal proceedings, we don't want to have public discussions on negotiations. But with a corporate negotiation such as an investigative body, is there any reason that the department should maintain, as Mr. Shaddock said, not being comfortable in sharing who that investigative body that they're negotiating with? Mr. Steele.

Mr. Steele: (laughter) Not just Curious George, but Troublemaking George.

Mr. Chair, look, the Department of Justice has consulted with me, so I know who it is, but I was consulted on the understanding that it was being done confidentially, which I understand up to a point. I had the same question. When Mr. Shaddock was giving his answer, I was thinking to myself, well, what would it hurt? Like, what's the interest at stake here where they don't want to reveal who it is they're even talking with? And I personally am not convinced, but it's really, at the end of the day. It's not for me to say. If the Department of Justice believes they have good reasons not to reveal which jurisdiction they're talking with, it's really not for me to say otherwise. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. And I'll pose the question back to Mr. Shaddock. Or sorry, Mr. Mansell wants to chime in, so same question. Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair. So on these negotiations for civilian oversight, so what we mean and who we're talking to are other provinces and territories that have a civilian oversight body already. These are

professional investigators that are investigating serious incidents involving police, often death, and they're very specialized investigators. They have the resources of a crime lab and all these things behind them. They're not police officers; they're civilians, but they're very specialized, with a lot of training and a lot of support behind them. We don't have that in Nunavut right now, and so we need to partner with one of these organizations.

I can say that it has taken a lot longer than anyone anticipated to finalize a partnership. Some of these organizations in a number of jurisdictions, they just don't have the ability to take on more work, or Nunavut's too remote or too far. And so we have had discussions with some of our provincial and territorial colleagues that have been unsuccessful, and we're doing that now with a jurisdiction that we're close, we're close.

The reason why we're not sharing that is we don't want to signal that we haven't signed it yet. We're dealing with a province who has their own approval processes to take these kind of announcements as well, and we don't want to prejudice those negotiations or build expectations that might not happen, because as we have found, these negotiations are tricky, and we haven't been able to secure a partner yet.

The department is committed, as soon as your partner jurisdiction is comfortable, to share that information. Thank you, Mr. Chair.

Chairman: Thank you, Mr. Mansell. I guess I'll take my troublemaker hat off and I will drop this topic off now. I know there were two entities that were mentioned publicly previously.

Anyway, with that, I am going to recognize the clock. We will adjourn for the day, returning at

9:00 a.m. tomorrow morning. Look forward to seeing everyone.	
>>Committee adjourned at 16:51	