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
Iqaluit, Nunavut
April 25, 2025

#### **Members Present:**

George Hickes, Chair Bobby Anavilok Janet Brewster Mary Killiktee Adam 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 6∩Lትናċና ዺÞና/ጭጋጭበÞላና ሁ≪L₺₲ና ላÞᡄፚችՐ፟ውና ቮሲÞታጭጋንበችՐጐ፞፞ፚታጋ CᡄÀ፟፟፟፟፟ጜኯ፟፟፟፟ራ ቅርጐኇዀነግና ለጎጋቦና 2023-2024−୮ ላናና፞ህርቪጭ/Þበና ÞԺ₺፟ቨርብፑୈና ጋየ/ÞLንጘበ፫ሲፚናኔና ቴሚኒሲጭጋ፫ሲፚናኔታጋ ԵՐ∖ሲÞ< ሷሲዎነΓ ΔማጋΔና, ሷሲዎና ላΔ>ን፦ 25, 2025

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

>>Committee commenced at 9:00

Chairman (Mr. Hickes): Good morning, everyone. I would like to call the committee meeting back to order. Before us we have the Commissioner of Access to Information and Protection of Privacy. I would like to ask Ms. Quassa to lead us in prayer, please.

>>Prayer

Chairman: Thank you, Ms. Quassa. Just before I go to the first name on my list, Ms. Hunt had a response to add to from one of the questions from Ms. Killiktee from yesterday. Ms. Hunt.

**Ms. Hunt** (interpretation): Thank you, Mr. Chairman. (interpretation ends) *Ullaakkut*, everyone.

Yesterday one of the members asked a question around privacy training and staffing. It was in relation to mental health, and my apologies that I misunderstood the question. I have the opportunity to provide that response this morning.

It would be helpful to share that privacy training is provided to all staff in Health, and I think what the member was drawing our attention to is that part of our reality is that in the health care system and in many of our other parts of the system that interpretation can be required to support patients when they're engaging in health and wellness services, and

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so that may mean more people are hearing what the individual is sharing or talking about. And so that may create more need to ensure the safety and privacy of people's information, because more people are hearing about it to support the interaction with interpretation. And so that's why we make sure that all of our staff take the privacy training. We have ongoing discussions and materials that are provided to staff.

The second part to the question that I understood it as, how are we making sure that we're increasing Inuit in important health care roles, and I think specifically, it was in mental health. And so, you know, for example, we do a lot of training, and we have a very high rate of Inuit as part of our paraprofessionals who are really embedded and involved in mental health and wellness work. The on-the-land programs, the collaboration that we have the Nunavut Arctic College around nurses, social work, personal care assistants, our work with Nunavut Tunngavik, around exposing students to different areas of the health care field, and identifying through our partnership table different strategies and opportunities to increase training and employment for Inuit in health care.

I would note that your point is probably also very relevant and important to other disciplines that would be sort of considered first responders in mental health or wellness, whether that's through the RCMP or social workers, you know, teachers, roles like that. So thank you so much for that question. Thank you.

**Chairman**: Thank you, Ms. Hunt. Next name I have on my list, Mr. Lightstone.

**Mr. Lightstone:** Thank you, Chair. Good morning. Happy Friday to all. I have a few different topics that I would like to touch upon today, but first I'd like to begin with the issue

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or topic of artificial intelligence, and my first question will be for the commissioner.

Last year, you had described the power and benefit of an increased productivity AI can contribute to the public sector, but you also described some of the risks associated when it comes to privacy and information. So I'd like to ask: In the introductory message in your annual report, you state that artificial intelligence has burst onto the scene in ways that seem like science fiction, and last year you stated that when you go to conferences or meet with colleagues, it seems to be what everybody is discussing.

I was wondering if you would be able to highlight some of the risks associated with AI, utilization of artificial intelligence in the public sector, and more specifically what developments in this area you have observed over the last year. Thank you, Chair.

Chairman: Thank you. Commissioner Steele.

Mr. Steele: Thank you, Mr. Chair. Artificial intelligence is a very big and important topic. I'm just going to restrict my comments to my area that I work in, which is access to information and protection of privacy. Now, when I arrived in Nunavut in 2021, nobody was talking about artificial intelligence. Now, in 2025, when I go to a conference or I look at material online, it's all anybody is talking about. It's everywhere.

And that's really the first risk that I'll idea in response to the member's question is that so much is happening so fast that it's hard for people to keep up with it.

So we can be certain that employees of the Government of Nunavut are using artificial intelligence tools, right now, today. The problem is I'm not sure that we actually know

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how: Who is using them, how they're using them.

So one of the things that I'm interested in, Member, is what's happening inside the Government of Nunavut in terms of, like, policy development. To give an example, the Government of Ontario has issued policy guidance to the entire public service of Ontario about the ethical use of artificial intelligence, when it should be used, when it should not be used, how it should be used, and so on and so on. And I'm not aware of any public guidance having been issued by the Government of Nunavut, and I would say that because we can know for sure that it's already being used without guidance, that we need to get that guidance out there.

So another risk that I'll identify is that because this is so new and has developed so fast, a lot of people are just using it without really understanding how it works. And so there's a risk that employees of the Government of Nunavut will use it in wrong ways, that they'll use it in unethical ways, that they won't realize, for example, that when they are using it, they're also giving up access to all of their information which should be confidential, but some of these artificial intelligence tools use an enormous amount of information in order to do their work, and so part of the deal is if you use our system, you agree that we get access to all of your information.

I could go on for a long time about this, but I want to emphasize, Mr. Chair, just as I did last year that I'm not saying that artificial intelligence is a bad thing. It's a wonderful thing. It's happening. We all have to learn how to work with it. Especially in a government like this one, which is often short staffed, where there is a lot of turnover, there's a real opportunity, I think, to use artificial intelligence to get better decisions faster by using artificial intelligence, but we desperately need some

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guidelines about how to use it properly and ethically. Thank you, Mr. Chair.

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

Mr. Lightstone: Thank you for that response, Commissioner. I would like to ask to what extent do you utilize artificial intelligence tools in your work; and secondly, during your conferences, have other privacy commissioners talked about how AI, artificial intelligence, can be used to expedite ATIPP requests.

Yesterday when we were talking about labour relations issues and disgruntled individuals requesting emails, all emails that contain their name and that could lead to 500 pages of information to read through to redact, the second part of the question is can or do other jurisdictions utilize AI to expedite the process of reviewing sensitive information. Thank you, Chair.

Chairman: Commissioner Steele.

**Mr. Steele:** Mr. Chair, the first part of the question was how do I use it. The answer is no, I do not use artificial intelligence in my work, and there's two reasons for that. One is that I need to be sure myself that I understand how it works before I use it. So, for example, I need to make sure that if I'm using an artificial intelligence tool that it's not unknown to me sucking up all the confidential information that I hold in my computer system, in my information technology. I need to make sure that if I'm using it, I understand exactly what it is that the company is getting in return. And I don't understand that yet, so I haven't used it at all in any way in my work yet. The other reason, though, frankly, is that

Nunavut is a very small jurisdiction. My office is a one-person office. It is me, and it is nobody else. Last year, I had 107 files, okay, and in the report we have in front of us, I had 61. So it's a small jurisdiction, population-wise. The

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numbers are low. There's no need for me, at the moment, to use artificial intelligence because I can do my work perfectly well without it and have been.

But in answer to the second part of your question, Member, yes, some of my counterparts across Canada, none of them are using it yet, but they're thinking about it, especially the large jurisdictions that are dealing with very high volumes of requests. And so, for example, the federal information commissioner is dealing with tens of thousands of requests every year. They have a very large backlog of cases where they're looking at cases that are years old because they've just been overwhelmed by the number of cases, and they are thinking about how they can use artificial intelligence to help them work their way through their backlog better than they have been able to do up until now.

Where this is almost surely going in the future, Member, there's two main ways that it would be useful in the work that I do. One is that exactly as you suggested is that when somebody puts in a request, it's actually the artificial intelligence that finds the relevant documents and then sorts through them and then redacts them, to use the fancy word, for blacking out things that must remain confidential. It's not hard to foresee that eventually that will all be done by a machine. And honestly, that's probably a good thing. We'll be able to do more, better and faster if we use a machine that way.

The last way that I can foresee it being used is actually writing decisions. Now, in the private sector, it's already being used for that purpose. For any organization that needs to make a very large number of decisions about oh, I don't know, customer complaints or eligibility for some rebate or whatever it may be, it's just natural that you use a machine to do that which

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can do the work better and faster than a human being.

In Canada right now, governments are looking at this for making decisions, but it obviously raises an issue or many issues when you're talking about instead of a real person, you know, and you can look them in the eye, and they've made a decision on your social assistance or your worker's compensation or whatever it may be, it's actually a machine making the decision.

I'm not aware of any government that is making decisions with artificial intelligence yet, but it will not be long until we get there. (interpretation) Thank you, Mr. Chair.

Chairman: Mr. Lightstone.

Mr. Lightstone: Thank you, Commissioner. My next one will be for the department of the executive. Last year the GN's response to our committee report indicated that the Department of EIA is working with information management and information technology to develop clear and easy and understandable rules with regards to utilization of artificial intelligence by Government of Nunavut employees. As of today, what is the status of this work? Thank you, Chair.

**Chairman**: Thank you. Mr. Mansell.

Mr. Mansell: Thank you. Good morning, everyone. I thank the member for the question. So as has been pointed out, IA is a changing process, and it can be an important tool. With respect to its uses in Nunavut, there are some unique challenges. AI has very western bias. It doesn't take into account the unique situations in Nunavut. But the ATIPP office, the Access to Information and Protection of Privacy Office has been working on this issue, particularly with the information governance committee, which I talked about yesterday, which is a

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newly established committee. Information that we're gathering with our research is going to be incorporated into the new procedures manual that is in early draft.

But while we're working on that, Mr. Witzaney in the training that he is doing is providing general advice, which is do not put confidential information into artificial intelligence, and that if for some reason you are using it, there's many concerns with respect to the results that you might get. And until the procedures manual comes out with more thorough advice, the general advice is do not put this information into artificial intelligence.

With respect to the issue of using artificial intelligence to process information and protection of privacy applications, as the commissioner said, it's something that's being discussed, but as of now, our information privacy office does not use artificial intelligence, and we are not using it to process these types of applications.

Mr. Chair, through you, Mr. Seeley might be able to talk a little bit more about the technical side of things.

Chairman: Mr. Seeley.

**Mr. Seeley:** Thank you, Mr. Chair. I guess from the technical perspective, artificial intelligence is hard-wired into many of the systems that we do make use of. It's integral to our search functions, to our security functions. It's a real live tool.

I do just want to clarify. Mr. Mansell touched on this a little bit, as did the Commissioner. There are multiple different types or categories of artificial intelligence. As I guess the field of IA, sorry, artificial intelligence expands and evolves, I expect that we'll see new and new innovation in the way that it can be used. However, right now our use of generative IA within the GN is our primary struggle.

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I think that the use of decision-making IA is not something that we're doing, but we are able to make use of forecasts and assimilation and accumulation of data to inform decision making by our team, by our staff, by the humans.

I think the really key piece of how artificial intelligence is being implemented within the workplace right now is that there's many, many tools that are coming out, and many of them are not on our home domain. Many of them are not part of our home network. There are other applications that users could use off-domain to gather data from the public sector from anywhere on the internet.

This discussion is fair game for artificial intelligence to inform positions on where public governments are going with the use of artificial intelligence in the workplace. So it is just combing the internet and combing any data sources it can for information, which is why partitioning information is critical to make sure it is sectioned off and not accessible by an algorithm or by a random user, and importantly, informing how GN users are utilizing information, how they're storing records, and having an understanding how those records could be and how that information could be used within artificial intelligence is one of our key priorities.

That's why training, that's why our online training platform, face-to-face training, and regular updates to our staff, educating our staff on the use of artificial intelligence in the public sector is absolutely critical. We do have a variety of online platform training available to all GN staff. We do track that on a monthly basis, as far as the uptake, and who has completed that training within each department.

And as far as the overall rollout of artificial intelligence in the workplace, it is here. It is accumulating data, and I think, importantly, it's

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both an asset and a risk to this public government.

I think to Mr. Mansell's point, getting to those, I think a principled approach to how it is that we will manage it in this evolving space in the coming – I would like to say years, but really minutes and hours. It is evolving just that quickly, developing a principled approach to that I think is our first priority to make sure we're following best practices moving forward in how this is going to be used in the public sector. Thank you, Mr. Chair.

Chairman: Thank you. Mr. Seeley, you mentioned there are a number of different platforms that are available out there. Is the department tracking what platform they are allowed to be used, or is it kind of a wild, wild west out there until you guys get a distinct policy figured out? I'm thinking more, again, we talk about different information that's going out to different networks and what is done with that information. So if there are a number of different platforms that are being used, would it be better for the government to consolidate that into Chat GPT or a specific type of platform. Mr. Seeley.

Mr. Seeley: Thank you, Mr. Chair. The short answer is we maintain our licensing for approved applications on our network, and where there are artificial intelligence tools that can be used, it must be within our licence agreement. And the reason for that is because we do to the assessment on how that information is going to be stored, used, and how it might be accessed by the algorithm within the system.

I think, to the second part of your question, as far as proprietary services, standalone applications and how those are being managed, we're not in a position, nor do I expect that we will be, to manage other applications in the marketplace in such a fast-moving space. Our **CΔΥ΄)** (Ͻʹ\ΡΛͿʹ): ʹϭϧʹαͺϳʹϧ, ΔϧϒϘϷϹʹͽ. ϷΛʹϭΛϽΔʹ·αʹ·ͻͿͺ ΓʹϹͺ ͺʹͺͰʹϲϷʹ·ͺ ϷʹϧϚϭͼ ΛϲʹʹʹͿϤʹʹϲʹϤϷʹͼ· Ϸʹʹ·ͿϲͺʹϤʹϒϹϷʹ·ͻʹͶͼ ϤϽΔʹ·αʹϧΡʹ·αʹͼ·ͼʹͼͺ Ϸʹʹ·Ϳαʹͼ·Ͻͺϳϲʹʹ·ͿϲʹʹͺϽʹͺϚͼʹϧϭͼ ϤϽʹ·ͻʹͿͼͺʹϧϲʹͼϧͼͺ ΑʹͼʹͼϧϽͺϳϲʹʹ·ͿϲʹͼͺϽʹͺϽϧͼʹϧͼ ϤϽʹ·ͻʹͼϧͰϹϷϧʹͼͼͺ ΛαͼͼͺϹϷϤʹͼͺͼʹͼʹ϶Ͻ·ͺ ͿϤͺͰͼͿͼ ΔͼϧϲϪϧʹͼϧϹϷʹͼͺͼͺ ΛϤϭͼʹϹϷϾʹϲϤϘͺϤͰϹ ʹϧϧʹͰϧͼͺ ΛϧʹϲͼϹϷαϧʹʹ·ͿϤʹͼʹ; ʹϥϧʹ·αͺϳʹͼ, ΔϧϒϘϷϹʹͼ.

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focus is on managing our systems within our existing platform, where the analysis has been done, and doing our jobs well in that area. Thank you.

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

Mr. Lightstone: Thank you, Chair. Thank you, Mr. Seeley. Is there any sort of timeline as to when this IA policy will be finalized? As you've mentioned, AI is a very powerful tool but also comes with risks, and you also mentioned the different types of AI programs.

And last year we got into the benefits of AI and drafting emails and briefing notes, and even forecasts, as you mentioned. I'm sure AI can produce PPDs, forecasts, almost instantly compared to the manual process that I'm assuming is currently being utilized. But aside from that, IA is also utilized by, there are AI programs specifically for legal professionals to analyze legislation and produce opinions; and there are also AI programs specifically for health care professionals to review x-rays and scans, far more accurately than the human eye can. So I'd like to again just ask for a timeline as to when this policy will be finalized.

And you also, Mr. Seeley, mentioned the intent of partitioning information in the system to ensure that AI will not have access to that information. Would you be able to speak to that as well. Thank you, Chair.

Chairman: Thank you. Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair. With respect to a timeline, the updated privacy use manual is in an early draft, but it should be just a few months away from a draft. We're looking at it right now. I understand there is on AI a bit of urgency, because these things are changing, but we've made significant progress. And I'm

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told it's a couple months away. Thank you, Mr. Chair.

Chairman: Mr. Lightstone.

Mr. Lightstone: Thank you, Chair. Just to follow up on that, Mr. Mansell, you mentioned that work is being done to update the access to information manual with regards to utilization of artificial intelligence, but I was more specifically concerned with the timeline with regards to AI utilization policy for GN employees. Is that being developed, and if so, when will that be completed? Thank you, Chair.

**Chairman**: Mr. Mansell. Sorry, I didn't see your first nod. Mr. Witzaney will respond. Mr. Witzaney.

Mr. Witzaney: Thank you, Mr. Chair. The work is ongoing to develop some sort of outward-facing direction to Government of Nunavut employees with the information governance committee. There's been significant work done to look at this from a policy perspective, from a research perspective. We're wanting to make sure we do it correctly and we engage the right stakeholders such as Nunavut Tunngavik incorporated.

Before we can do that, we want to make sure we are all on the same side as a government, that we have a whole-of-government approach, and that's why we have directed it to this new committee, which was created under the Records and Information Management Policy. That work is newly started because the committee started back in December. So we're looking at some pretty early stages discussions, but the discussions are going well.

The issue with AI, sorry artificial intelligence that everybody has been talking about is that it is evolving quickly, and there's a lot we don't know because it's moving so quickly. And

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Nunavut is a unique context. I think we have very small datasets, so even some of the things that artificial intelligence can do well in other jurisdictions might be complicated here.

So even talking to statisticians and other professionals in that regard, we've heard concerns that, for example, if you look at a dataset of survey results done in Nunavut, it could be complicated because it could clean certain data because it looks like an outlier, whereas that's just the population Nunavut has.

For example, it could see a high number of hunters in the demographic data and say, oh, that's probably a mistake, and clear that out, and then we're not getting the right statistical information. So we need to be careful with the bias inherent in these systems, with the ethical concerns, with how this information is gathered and pulled from the internet. I know there are a lot of artists that are concerned about their art being stolen, and then being duplicated.

We want to make sure that we're taking an environmental lens as well. The use of artificial intelligence has a rarely high carbon footprint, and it has a high use of water for the coolants used in – I can't remember the name off the top of my head, but the circuits and the board and what have you.

So we just need to be careful that we're making the right decision for Nunavut. There's a lot of excitement I think when it comes to generative artificial intelligence. We have heard that at the committee level today, but that excitement is both driven by industry, and we need to do what's right for Nunavut.

So we're taking a look at all of these different factors and making sure we balance that with the possible benefits and we make an informed choice. (interpretation) Thank you, Mr. Chair. **Chairman**: Thank you. Mr. Lightstone.

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Mr. Lightstone: Thank you, Chair. My questions will begin for Mr. Witzaney. Last year we discussed a lot about capacity issues. Government of Nunavut is a very small government with very high vacancy rates, and we all know that artificial intelligence can be a very powerful tool for a public service.

The commissioner had mentioned other jurisdictions developing policy with regard to ethical use of artificial intelligence in the public sector for governments, so I'd like to ask again specifically: Is the Government of Nunavut currently working on ethical use of artificial intelligence policy, and if so, when will that be finalized? Thank you, Chair.

Chairman: Thank you. Mr. Witzaney.

**Mr. Witzaney** (interpretation): Thank you, Mr. Chair.

(interpretation ends) Yes, we are working on that. Those are the discussions that are happening at the information governance committee level. We've had some early drafts created that we are in the process of discussing. Timeline-wise, it's difficult to say. We want to make sure we engage with specific partners under the article 32 policy, making sure that we do this correctly. And so having some sort of forward-facing document, we're looking at either late this year or early next year, but it is something that we're actively working on. It's just not something that we can commit to a speedy approach on it. We want a comprehensive, correct approach that takes into consult Nunavut's unique context. (interpretation) Thank you, Mr. Chairman.

**Chairman**: Mr. Lightstone.

**Mr. Lightstone:** Thank you for that response. I'd like to switch over to another topic, cyber security. My first question will be for the commissioner.

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The GN has suffered from cyber attacks in the past, the ransomware event in 2019 and I'm sure many others. Can you talk a little bit about the information and privacy risks associated with cyber security and/or cyber attacks. Thank you, Chair.

Chairman: Thank you. Commissioner Steele.

Mr. Steele: Mr. Chair, cyber attacks represent an enormous privacy risk. A lot of the cases that I get are dealing with privacy issues involving one or two or ten or 50 people. Each one is serious for the people involved in those, but they're relatively contained. The real risk of cyber attacks is that many thousands of people's personal information can be stolen all at the same time. It's easy to imagine that information affecting every single person in Nunavut could be stolen with certain kinds of cyber attacks.

And that's what the risk is, that the consequences are so far-reaching, compared to, for example, if somebody sends an email to the wrong person with confidential information. That's bad, but it's limited, as opposed to stealing information affecting 40,000 Nunayummiut.

I think the best way to illustrate the risk is to tell you about the cyber attacks or the biggest ones I'm aware of. Most of them have been in the news. Of course, we start with the one in 2019 where there was an attack of the entire Government of Nunavut; everybody knows about that. It's been written about, spoken about a lot, so I don't need to say any more about that.

A couple of years later, there was an attack on Nunavut's student information system. Now, I want to emphasize that that is not a system run by the Government of Nunavut. As is the case frequently, various departments will contract 

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out certain services to the private sector, almost always based somewhere outside of Nunavut. But what that means is the personal information of Nunavummiut is on computer servers located somewhere else. So it's not Nunavut that's attacked; it's those computer services, which in the case of the student information system was located in Ontario. So there was an attack on those computer servers, and everybody that that company had a contract with, including Nunavut, was affected.

Now, to cut a long story short, after appropriate investigation, the Department of Education was satisfied and I was satisfied that no information of Nunavut students had been stolen, but it could have been.

Education, as I said at the time, was quite slow to react to that situation. Their main concern was getting their system functioning again, and they didn't think very, it took them a long time to think about the issue that maybe some student information had actually been stolen, and I had to push them to ask the questions of the private company. Anyway, that was the next one.

Then the year after that, I think it was, there was an attack on the Qulliq Energy
Corporation. I think you remember that. They went offline for a while. It affected their services. Thankfully, I don't believe it actually resulted in any power outages, but the point is it could have. A different kind of attack from different people with different objectives might have resulted in widespread power outages.
You know, that's how serious this stuff can be.

But as I reported in my previous annual report, in my opinion, the Qulliq Energy Corporation handled that attack very well, and to the best of my knowledge, no personal information of Nunavummiut was stolen in that attack. That's another case that could have been a lot more serious than it was. It was bad enough; believe

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Then there was another smaller one. And this just shows you how these cyber attacks can be small or big, and they can come at you in ways that you don't really expect. And that was that there is an American company that helps schools put together yearbooks, right. We all remember yearbooks from our high school days and our school days. Well, there are companies where that is their business. Some Nunavut schools have contracts with this yearbook company, and there was an attack on that company. That wasn't even in Canada. That one was in the United States.

But what that meant was that this yearbook information, which was names, photos, and that kind of thing that you find in a yearbook, was at risk of being stolen. It covered many, many schools, many. I don't remember if it was millions of people, but it was a very large number of students, like all across North American. And it happened to also affect one school in Nunavut. Now, off the top of my head, I don't remember which school it was. It was the community in the Kivalliq. I just don't remember which community it was. But, again, at the end of the day, the conclusion was reached that perhaps no truly harmful information was stolen in that case.

But it just goes to show, Mr. Chair, that whenever any government entity has a contract in which they are sending personal information to somebody, they have to think about the potential that that company that they have a contract with, it will be attacked. And I don't think that many government entities, such as individual schools, think very hard about what contract, what they have signed with the company and what their rights are if the information they provided has been attacked.

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The last thing I'll say, Member, is that very recently earlier this year there was a very large attack on I think the largest student information system company in North America, a company by the name of Power School. That has resulted in it the stealing of the information of many, many hundreds of thousands and perhaps millions of students and teachers and families across North America. It is something that a lot of my counterparts across Canada are spending a lot of time on investigating, but fortunately, that particular cyber attack did not affect Nunavut because the Nunavut school system did not have a contract with Power School.

So, Member, I hope that answers your question a little bit. That's what's going on. That's what I see on the topic of cyber attacks. You can see that it can affect a lot of people in minutes, and it can result in some very sensitive information being stolen, which is why everybody has to be on their guard against it at all times. (interpretation) Thank you, Mr. Chair.

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

Mr. Lightstone: Thank you, Chair. Thank you to Mr. Steele. I'd like to pose the same line of questioning to the Government of Nunavut. We're all aware that cyber security and cyber attacks is an issue in Nunavut with the ransomware as well as the student information system, and Qulliq Energy Corporation's system.

Earlier there was some discussion, and one of the responses was about providing online training and regular emails and updates to employees to remind them about the cyber safety. Would you be able to talk a little bit more about how the Government of Nunavut is informing our public servants on how to keep our systems safe. And would you also talk a **ἐϲ** (ϽʹͱϒΛυς): ʹͼͿϧ·ʹͼͺϔͼ, ΔͼͰʹϘϷϹʹͼ, Δ΄, ϹΔϹ·ʹͼ ʹϧϤϒϽϧͼϳϒϽϻϲ ϹϹͼͿϤ ϤͰͿͼ϶ϽͼϲϹϷϒͰͰϹϹ ͿϤϤ ϤϷϲϹϷϒʹ ϹͼͿϤʹϲ ϤϽΔ·ʹͼͺͼ϶Ͻϭ·ͼ ϤϽʹͼ·Ͻͼ, Ϲʹͼ ʹͼͿϲϲͼͿϭͼͼͿϤ ϷͰϹͼͼͿͼ, Δͼϒͼϻ ʹͼͿϲͼͼ ʹͼͿϲͼͼͼ ʹͼͿϲͼͼͼ ʹͼͿϲͼͼͼ ʹͼͼͼ

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Chairman: Thank you. Mr. Seeley.

**Mr. Seeley:** Thank you, Mr. Chair. I thank the member for the question. I'll do those in a different order, if that's all right.

The online training that's provided through our information management and information technology branch is available to all GN employees. It's provided think an online platform. There are currently seven different modules available within that training program, starting with An Introduction to Information Security; and then Privacy and Defending Against Phishing, phishing with a P, follow by Cyber Threats and Identity Theft, and after that, Information Security in the Workplace.

In addition to that we have Staying Safe on the Internet, and Information Security: Web Working Remotely. With the advent of remote work, there were some new complications, so our department was able to pivot and develop some new resources for those workers working off site.

Most recently, Protecting Information Assets is the newest module.

Those are the seven or so that are currently out and available to all GN employees. There are very frequent reminders to all staff to complete the modules.

To enhance our accountability on who is completing the training, there is a monthly report issued to every deputy on the statistics on how many folks within their respective  $^{6}$ 

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departments have successfully completed the training, and by omission, who has not, and that is done to ensure that we are promoting full awareness GN-wide.

As far as the frequency of cyber attacks, I would like to I think manage the member's expectation as far as just the sheer volume of attacks that our network, our core network, that is, is under. Last year, we had over 2.4 million cyber attacks on our network alone. Of those attacks, we do track those quarterly. There's a lot of different types. That's anything from, you know, threats to cloud-based storage that includes a very basic fire wall and policy blocks.

We also track risks as far as any kind of traffic being processed through the core network. There are a lot of threats. There are a lot of attacks. We have invested and will continue to increase our investment in resources to ensure that our network is safe.

As far as the frequency goes, I don't know how I can comment on how close together they are, but I can tell you the volume is high. It is increasing both in volume and intensity. We are seeing more sophisticated attacks. I suspect that the criminal sector is growing, in addition to what used to be more random attacks. They are far more strategic at this point, requiring more sophisticated resources for us to manage our network and defend it appropriately.

I do want to point out that our biggest vulnerability in our network is at the user end, and that's why we are focusing so heavily on the education and the information of our users. That is why we do continue to use very detailed multifactor authentication to make sure if anybody is logging into our system, where our information is and the information we are responsible for is located is protected at that access point, which is at every laptop at every mobile device that has access to the network.

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I think that answers all three, but I'd be happy to take any follow-ups. Thank you very much, Mr. Chair.

Chairman: Mr. Lightstone.

Mr. Lightstone: Thank you, Chair. Another follow-up question with regard to cyber security. Mr. Seeley, you mentioned much of the cyber attacks have been criminal in nature, hackers trying to gain access and utilize ransomware, phishing scams and so on. Recently at the mining symposium, there was a presentation on Arctic security, and during that presentation, there was talk about hostile foreign entities and the Arctic may not be in imminent threat of a military invasion, but we are more at risk of cyber attacks.

So as you mentioned, there's lots of protections in place to focus on those criminal activities, cyber attacks. Is there any specific emphasis placed on protecting our information as well as infrastructure, like the power systems and so on, from cyber attacks from hostile foreign entities? Thank you, Chair.

Chairman: Mr. Seeley.

Mr. Seeley: Thank you, Mr. Chair. The short answer is yes. The segregating and/or partitioning our networks on the facility management side from our data storage side and operations side is a very basic step. Using the example the commissioner mentioned earlier, I can confirm that there wasn't or were not any service interruptions related to the QEC, the Qulliq Energy Corporation's incident a year or two ago, and that is because there are two distinct networks. So two parallel networks, no cross-over between the two.

As we move into an era of using more and more online monitoring systems for anything from building heating and cooling systems to **Δ<sup>6</sup>/<6>** (Ͻ<sup>ʹ</sup>\2\0): <sup>6</sup> d۶<sup>6</sup> Δ Γ<sup>6</sup>, Γ<sup>7</sup>C /LΔC<sup>6</sup>.

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But in addition to that, any of the proprietary software that is going to be utilized for facility management or systems management solutions, a very thorough analysis of how those systems will interact with the building or the asset systems is done. In addition to that, how the information is going to be stored and relayed back to our network and the connectivity between the two is absolutely critical to the implementation of those systems. I think that answers the question. Thank you very much, Mr. Chair.

Chairman: Mr. Lightstone.

Mr. Lightstone: Thank you, Mr. Seeley, that is very reassuring. Earlier, the commissioner had given three examples of recent breaches with regards to cyber attacks, the ransomware event, the student information system, and Qulliq Energy Corporation. Have there been any other significant cyber attacks? And secondly, how can you determine whether or not there has been a privacy breach during a cyber attack? Thank you, Chair.

Chairman: Mr. Seeley.

**Mr. Seeley:** Yes, thank you. Thank you, Mr. Chair. So yes, there have been other significant attacks. I would like to give a shout out to our security team, for managing them very effectively. Just the sheer volume of threats that we're dealing with is very significant, and I just do want to confirm it is just going up, and it

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will continue to do so, in both volume and sophistication of those attacks.

As far as how it is that we address those attacks, I guess to know if we were vulnerable and if that vulnerability was realized, when there is an indication that there has been a risk, a security risk, a full assessment of that risk is done by our security team to see exactly which files could have been accessed, how they were accessed, and if there was any data transmission. Those are just very basic steps that we need to take to identify whether or not there has in fact been a breach.

To use an example I think we always use in privacy discussions, if this were a physical asset, if we think that somebody was in there, we need to do our due diligence to see what they did while in there. And we do have some fairly sophisticated mechanisms to see exactly which files or materials were accessed, for how long, and what was done with that information. That is how we would establish whether or not in fact a breach has occurred and if the attack was successful. I hope that answers the question. Thank you.

**Chairman**: Thank you. Just before I go to the next name on my list, I'd like to follow up with the response that Mr. Seeley had, and you gave a shout out to the security team to the Government of Nunavut.

When we look at other platforms such as the Oracle that is being implemented now, who is responsible for security of the information there? Is it the contractor or is it the government officials themselves? Mr. Seeley.

Mr. Seeley: Thank you, Mr. Chair. The records that are under our care are our responsibility. When information is being stored off site in cloud-based services, a thorough assessment is done before we enter into that agreement with that vendor. The terms and conditions of how

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that information will be stored is absolutely critical before we move into that contractual relationship with that vendor. So we do maintain ownership of the data; it is still our data to protect and manage.

When there is a breach on the other side, there are also contract conditions for the vendor to report to us and report back as to how that breach is being managed, so that we can ensure that our information is being handled effectively.

If you will, through you, Mr. Chair, if I could ask Mr. Wells to chime in on any additional details on that item. Thank you.

Chairman: Thank you, Mr. Seeley. Mr. Wells.

Mr. Wells: Thank you, Mr. Chair. Yes, any information that's managed within the Government of Nunavut, for instance, our file shares, our Y drives, our email, are managed and secured by the internal GN IM/IT security operations team. For instance, you asked about Oracle. As Mr. Seeley had mentioned, there are conditions within the RFP that we ensure that are in there so that the vendor understands the level of security that we require and how they report back to us and how our information must be handled and managed.

I and my team work closely with procurement for any RFPs that go out to ensure that if we are going to be using cloud solutions that I and my team and the Government of Nunavut's security posture is still recognized, no matter if it's within the GN or outside with vendors as well. So we do have an opportunity to be a part of the procurement process, to ensure that our security levels are met with our vendors as well. Thank you, Mr. Chair.

**Chairman**: Thank you for that, Mr. Wells. Mr. Mansell, do you want to chime in?

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Mr. Mansell: Thank you, Mr. Chair. Just from the legal, contractual side of things, just to build on what Mr. Wells had to say, so Financial Administration Manual 808 requires standard provisions with respect to privacy and security in all our contracts. Data cannot be stored outside of Canada under GN contracting rules. And before we would consent to any new third-party contract with respect to this data management, there's a thorough legal review as well as a privacy review to ensure that we are contracting with the correct party. Thank you, Mr. Chair.

Chairman: If you for that. That actually raises another question, then. So using Microsoft or Oracle as an example, there are companies that their headquarters may be based internationally. If information is not being stored internationally, do those headquarter operations have access to that type of data? Example, we use Oracle. It's based out of Texas. Can they get any of our employee data information because they're the headquarters of that company? I'm not sure who to direct this question to. Mr. MacLean.

Mr. MacLean: Thank you, Mr. Chair. It is a requirement in the Financial Administration Manual directive that our data involving personal information of Nunavummiut not be stored or processed outside of Canada without our express consent. In the case of Oracle, their data cloud for Canada is in Ontario. For Microsoft, their data cloud is Ontario. I'm sure Mr. Wells can provide you with the details on that, but I'll take the legal questions to start.

In terms of access to our data, it is governed by contract, and the terms of a cloud services agreement, the Oracles of the world host data for many other governments, for other organizations. Their ability to access our data and, for example, mine it for information to put into a generative artificial intelligence server to sell us products, that is strictly prohibited in our

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contracts, or heavily restricted in our contracts, because we have to comply with our own Access to Information and Protection of Privacy Act.

Among the reasons we don't permit storage or processing outside of Canada is it's very difficult for us to control what happens in another jurisdiction, particularly in the United States where there is the Patriot Act, and there's other law enforcement mechanisms regarding access to data in third-party storage, as compared to someplace where we have consented, for example, to storage of financial or commercial information but not personal information in the Netherlands, because the European Union data protection directive is significantly stronger than Canadian law, so we wouldn't have a problem with that.

But those decisions are made with input from the Justice department, from Legal, but also through Mr. Wells and his team in information management, and Mr. Witzaney at the Access to Information and Protection of Privacy Office, and in certain cases may trigger a privacy impact assessment. Thank you, Mr. Chair.

**Chairman**: Thank you for that information, gentlemen. Mr. Simailak.

**Mr. Simailak:** Thank you, Mr. Chairman. Good morning, all. I'd like to stay on artificial intelligence for now.

To the Government of Nunavut, there's a lot of work phones, as we know, for employees. Some of them have to use a work cell phone, and we all have our own little favorite applications to use, like we use on our own personal cell phone. Some people might want to use the preferred application that they're used to because they want to make sure they're doing the job correctly and on time and not delay it, but they may inadvertently use an

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application that is not as secure, perhaps, because I believe Mr. Seeley said there was 2.4 million attacks just in one year alone.

Is the Government of Nunavut ensuring that any Government of Nunavut work cell phones are using all the same applications that they can only use? Like not stray from the Government of Nunavut-approved cell phone application program? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Seeley.

Mr. Seeley: Thank you, Mr. Chair, and I thank the member for the question. Our department's focus is on managing the resources, platforms, the tools, the applications that we have commissioned and secured, and done our assessments on for the purposes of conducting Government of Nunavut business. There are multiple applications out there, some of them very, very effective, that we do not sponsor, we do not endorse. They do not pass our security protocols. They're not systems or applications that we use. Our focus as a department is on making the best possible use of the resources that we have secured.

As far as staff making use of other applications on their own devices or off-domain, we do not police that. We don't have the capacity to police that, and frankly, the number of applications that do come up and are new favourites of people to do, new and innovative ways to do the things that they want to do, we are just not in a position to manage that.

Instead, what is on domain, we do do our privacy assessments on those. We do do a very thorough security. We do provide management of the application to make sure that any patches and additional security measures are done, driving traffic toward on-domain solutions.

I think that if we incentivize making sure that our employees have the tools they need to do in CΔLΔ<2Γ<br/>

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licensed applications and applications that are on domain, we think we'll reduce the number of off-the-grid solutions that employees will feel the need to use.

That being said, with the change in focus on the Government of Nunavut's online posture and moving toward software as service, away from standalone applications, we do expect that we'll be able to take a more structured and strategic approach to make sure that functionality is aligned with the emerging needs of all client departments, and that will take away the emphasis and perhaps the need of one-off solutions like the member described. I hope that answers your question. Thank you.

Chairman: Mr. Simailak.

**Mr. Simailak:** Thank you, Mr. Chairman. Thank you, Mr. Seeley, for the response. I may have not asked my question correctly or it didn't come out the way I wanted it. Does the Government of Nunavut ensure that they say, "here's your work cell phone to do your work on; we already downloaded the applications you need to use for your work. Please use only these applications. Do not download another application that you are more used to, because we are have not secured it, we have not insured that it has all the protection and all the privacy, because there's so many attacks every single day, and we did our best to ensure that these applications that are on the cell phone is as secure as we can get it"?

Has the Government of Nunavut gone that far to say, "please use only these applications that are on the cell phone, do not download any other applications that you are more used to or you know them better because you think it's better, but we know these applications that are on your cell phone now are as secure as can be"? Is that what the Government of Nunavut has done with Government of Nunavut cell phones? Thank you, Mr. Chairman.

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Chairman: Mr. Seeley.

Mr. Seeley: Thank you, Mr. Chair. I thank the member for the clarification on his question. The answer is no, we have not locked that down. People can, users can download applications that they would prefer to use. We are taking additional measures in that area to, I'll say, restrict applications that have not had a rigorous security and/or privacy assessment.

But if I may, through you, Mr. Chair, have Mr. Wells respond on some of the additional measures that we'll be taking in that direction in the near future. Thank you.

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

Mr. Wells: Thank you, Mr. Chair. Member, where we're at right now is that no, as Mr. Seeley said, no, there are opportunities for users to be able to download additional software on their devices. It's something called Bring Your Own Device is popular within the Government of Nunavut at this time.

In order to further and better secure the Government of Nunavut's network and data and information, we are proceeding with a model where individuals wanting to access the GN network remotely in any way, either through cell phones or with laptops, that kind of thing, we will be enforcing through IM/IT security operations team that they will have to be either a GN-owned and operated managed device within IM/IT or through a system called Cloud PC, or on smart phones, then we will install a tool that will allow the Government of Nunavut to manage the cell device, and which means we will be able to block the downloading of any other tools or applications onto that device.

The policy is in process. We were hoping to have it ready for April 1st this year; it looks

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more like it's going to be June. By June we should be able to implement this. We're not there, but we will be there within the next few months to do exactly what you're asking, where all devices connecting remotely to the network will be managed by IM/IT to ensure that the proper levels of security and patching will be on those devices. Thank you, Mr. Chair.

**Chairman**: Thank you. And for information, that is Information Management and Information Technology. Just try to refrain from acronyms. Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman, and I thank you for the clarifications and the responses. Along the same lines of questioning with regard to computers in the offices, there are many different search engines out there that are available simply to download and apply. Same question: Is that done with the office computers to ensure that you must use only Microsoft Edge search engine; you cannot use Firefox or Opera, or whatever search engines are out there, because they may not be as secure?

Now, I do remember speaking to an Information Technology employee before us saying, please use only Microsoft Edge because we know it's as secure as can be. Regarding the Government of Nunavut computers, office computers and laptops that are used to work from home, is it mandatory to use specific search engines so that it's as secure as can be and sensitive data is not leaked accidentally through these different search engines, maybe? So I'd like clarification on computers. Thank you, Mr. Chairman.

Chairman: Mr. Seeley.

**Mr. Seeley:** Thank you, Mr. Chair. The GN devices, laptops, even if people are using them from home, do have the search engine, the approved search engine installed on them. To

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use any other search tool would require explicit approval of IM/IT to utilize it for GN functions. So the answer is no, the GN devices do utilize the approved search engine, for similar reasons that the member has described. If somebody is using an off-domain device, that's not something that we have a line of sight on or control over. Thank you, Mr. Chair.

Chairman: Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman. To the commissioner, I'm just wondering if I can get his opinion on the responses I'm getting from my last questions. Any suggestions or thoughts? Are they heading in the right direction? Is the timeline sufficient in your opinion, Commissioner? Thank you, Mr. Chairman.

Chairman: Commissioner Steele.

**Mr. Steele:** Thank you, Mr. Chair, and thanks, Member, for raising this important topic. I'm not an information technology expert, and so largely I defer to the people who are information technology experts on striking the right balance between convenience for users so that they can get their work done but also security.

What I can say, based on the work that I've done here over the last four years, is that not everybody in the GN workforce has a high level of knowledge about security, and some of the privacy breaches that I see are very basic human error. You know, if people want to do that sort of thing in their personal life at home, that's up to them. That's their problem. But when they're at work for the Government of Nunavut, and especially when they're dealing with sensitive information, we need to expect more and we need to expect better from them.

I understand what the information technology people are doing. It's a little more hands-off

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than maybe I would like, you know. I think that answers your question about where am I. I think I'd like to see them do a little bit more, because the GN workforce is so large that the level of knowledge and sophistication is from very knowledgeable and very sophisticated about privacy and security to knowing basically nothing, and it's the people at the bottom end that we need to worry about. It's not that they're doing this on purpose or maliciously; it's just they just don't know what they're doing, and they may be sacrificing the personal information of Nunavummiut without even realizing that they're doing it.

I'll conclude. Just to repeat something I said yesterday, the example I gave yesterday was the use of WhatsApp, W-h-a-t-s-a-p-p, all one word. That's a particular application that people use to have conversations back and forth. Lots of people use it in private life. No problem. That's up to them. But when it gets used for government business, I worry for all the reasons we talked about yesterday.

Now, the stance of the information technology people is you can download it if you want to, you can use it on your government device if you want to, we're just not going to provide any technical support. And I just worry that that's a little more hands-off than what I would like to see as the privacy commissioner. (interpretation) Thank you, Mr. Chair.

Chairman: Thank you. Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman, and thank you, Commissioner, for the response. I'd like to move on to non-disclosure agreements and confidentiality agreements, for the commissioner. The Government of Nunavut's response for the Standing Committee's report on the review of the 2020-2021, 2022-2023 annual reports of the Information and Privacy Commissioner of Nunavut included a list of non-disclosure agreements that the Government

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"The Government of Nunavut has examined the situation and has decided to not continue to provide non-disclosure agreement data as this could constitute a breach of those same agreements."

Do you consider this to be a reasonable position? Thank you, Mr. Chairman.

Chairman: Thank you. Commissioner Steele.

Mr. Steele: Mr. Chair, the answer is no, I do not consider that to be a reasonable position, and let me explain why. The first thing I want to say is any conversation about non-disclosure agreements very quickly gets confused because there are two very different kinds of non-disclosure agreements. Often, when I hear the Government of Nunavut response, they're really talking about the other kind, okay.

Let me be clear about the two different kinds of non-disclosure agreements. The first one is that if somebody wants to do business with the Government of Nunavut, there will be, as part of the agreement about entering into a contract that information is shared between the parties so that they know exactly what they're dealing with on the other side, and those kind of agreements always have what's called a nondisclosure agreement, which is we're giving you this information because we think we may enter into a contract with you, but you are not allowed to do anything else with that information. If we don't enter into a contract with you, you've got to give us the information back and promise to never use it for any other purpose. Those are what I will call commercial non-disclosure agreements, or if you want to

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use even simpler word, business non-disclosure agreements. And those are perfectly fine. That is normal. They're necessary in order to do business.

In this conversation, let's leave those aside, okay, and let's not let the Government of Nunavut confuse us all by saying oh, no, there have to be non-disclosure agreements. Yes, that kind of business non-disclosure agreement, perfectly fine, perfectly normal.

The issue, the problem, the reason that we talk about this issue at all is because of the other kind of non-disclosure agreement, which is, and a typical case would be somebody in the Government of Nunavut has done something bad, you know, it's often a human resources issue, it might be a financial issue, it could be any number of things. They've done something bad, and somebody, the typical case inside or outside government, would be sexual harassment. So you might have a senior manager who has sexually harassed somebody in the organization. So now the person who has been harassed has the potential of suing not only the manager but the Government of Nunavut itself. I hasten to say I'm not dealing with a specific case; I'm describing a general situation.

What happens is the government says to the person, we will pay you money to settle your claim, but we also are demanding that you never speak about this publicly, all right? So there's the payment of money to settle a claim, and then the non-disclosure agreement is you get this money only if you agree never to tell anybody about this. And so you'll never talk about it publicly. You won't even, we don't even allow you to tell anybody that you received money from us. It's a way of taking a bad situation and making it go away. It's a way in short, Member, of covering up bad behaviour.

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That is the kind of non-disclosure agreement that is controversial, and at least one Canadian jurisdiction, I believe I'm right in saying this, Prince Edward Island has passed a law forbidding that kind of non-disclosure agreement. Forbidding it, saying that is not allowed.

And it's not what you want. It's not what any of us want. If we as citizens want to know what our government is doing, we should not allow them to keep things quiet by saying to people, "We'll pay you, but only if you agree never to talk about it, because then the government is not accountable." Then bad things can happen. Maybe the same behaviour will happen again, and so on and so on.

Now, on the government side, they say, yeah, but it's generally better to resolve litigation by agreement, to use the English word, settle, right, and that you often won't get a settlement unless you have a non-disclosure agreement. That's the debate that we should have, whether it's ever a good idea to have that kind of a non-disclosure agreement; a lot of people think the answer is no.

To go back to your question, Member, if the government's position is that they will not talk about non-disclosure agreements or they will not give statistics because even giving statistics might violate the non-disclosure agreements that they should have entered into in the first place, that is not a reasonable position. (interpretation) Thank you, Mr. Chair.

Chairman: Thank you. Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman, and thank you, Commissioner. Would it be simpler if there were two types of non-disclosure agreements, the business side that you mentioned earlier where if they provide data for that, and then the other one where that you just talked about, maybe does not provide data? To

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Chairman: Commissioner Steele.

Mr. Steele: Thank you, Member. That kind of thing wouldn't really help, because to be perfectly honest, nobody really cares about the good kind of non-disclosure agreement, the business kind. It happens everywhere. It happens all the time. You have to do it in order to conduct business. Having statistics about how many times the government does that, it doesn't help anybody. It doesn't tell you anything.

What you really want is the statistics on the bad kind of non-disclosure agreement, because if there's even one, that's where there's a risk of a lack of accountability.

And let's pull back. I'm the Information and Privacy Commissioner. I help make sure the government follows the law on being accountable to the public by giving out information that they should give out. The bad thing about non-disclosure agreements, the bad kind of non-disclosure agreement, is that it prevents accountability. What it is is the government saying, by contract, we agree never to give out information about what we paid or we agree never to give out information. Personally, I think that's a violation of the Access to Information Act. There's no provision in there for hiding those kinds of settlements, and really, in terms of transparency and accountability of government, there's no justification for entering into that kind of a nondisclosure agreement.

I hope that answers your question. The business side of stuff, having statistics, doesn't matter. Nobody cares. But you, I think we all want to know if people have been paid off and the government says, but we demand that you keep

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quiet about whatever it was that caused the conflict in the first place, because that is where you lack accountability. (interpretation) Thank you, Mr. Chair.

Chairman: Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman. To the Department of Justice, the Government of Nunavut's response to the Standing Committee's report on the review of the 2020-2021 and 2022-2023 annual reports of the Information and Privacy Commissioner of Nunavut included a list of non-disclosure agreements that the Government of Nunavut had entered into with individuals and organizations. The Government of Nunavut's response to the Standing Committee's report on the review of the 2022-2023 annual report of the Privacy Commissioner of Nunavut indicates:

"The Government of Nunavut has examined the situation and has decided not to continue to provide non-disclosure agreement data as this could constitute a breach of those same agreements."

How did the government arrive at this determination? Thank you, Mr. Chairman.

Chairman: Mr. MacLean.

Mr. MacLean: Thank you, Mr. Chair. The types of non-disclosure agreements that the Government of Nunavut enters into are what the Commissioner just described as the good kind. They are the commercial agreements, negotiation kind. To my knowledge, we do not use non-disclosure agreements for the bad kind, as the Commissioner just described.

We do settle disputes through grievance arbitrations, through civil litigation with former employees. The settlement amount is usually governed by a confidentiality agreement, but  $\Delta$  የላሪ ርጭ (ጋጎ አበЈና): የሀን ው ፈት የ  $\Delta$  ርካ  $\Delta$  አስነጋ.

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the individual is free to tell whoever they want that they sued the government. The lawsuit is a public record. Arbitration is a matter of record. So there is no, the English term is gag order. I apologize to the interpreters if there isn't an Inuktitut phrase for that. That is not a common practice, and to my knowledge, we don't do that.

As to why we did not produce a list, and to answer the member's question as to why we didn't produce a list, is for a simple reason: Contracts in the Government of Nunavut are not tracked, are not centrally stored. They're not centrally managed, so to be able to tell you how many contracts that all of the public agencies enter into at this time, perhaps with Fusion Cloud, we'll be able to run reports in future years, but it was an administrative burden that at the time we did not have the capacity to take on.

On the settlement side, we settle disputes with employees all the time. The exact number is not exactly to hand at me. Perhaps Ms. Power will be able to provide more illumination there. Thank you, Mr. Chair.

Chairman: Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman. Thank you for the response. To the Commissioner, 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 approximately \$1 million had been paid by the government during the 2021-2022 and 2022-2023 fiscal years in respect to litigation-related matters. What is your position concerning the extent to which the amounts of these payments and the identities of the recipients can and should be publicly disclosed? Thank you, Mr. Chairman.

Chairman: Commissioner Steele.

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**Mr. Steele:** Thank you, Mr. Chair. I'm not certain that I entirely understand the question, but I'm going to say what I think the question was and provide an answer, and if I'm mistaken, I apologize, and the member can perhaps rephrase.

Mr. MacLean said that the government settles legal disputes all the time, and with employees in particular, and I'm certain that's true. It's reassuring to hear him say that to his knowledge none of those settlements would include, well, he called it, he used the phrase gag order, but that's the same as a non-disclosure agreement, which is we're going to settle with you, but we both agree never to talk about it publicly.

Now, Member, in your question you mentioned a particular figure. I'm not sure what that figure is. It may be that's the amount that claims were settled for. Now, Mr. MacLean says the government generally does not reveal settlement amounts for specific disputes. Nobody has brought that before me, and I don't want to pre-judge what would happen if anybody applied for the settlement amount of a particular case.

I am aware that across Canada this issue has come up with my counterparts across Canada, and generally the answer is that access laws do not permit applicants to know specific settlement amounts. But that, to my knowledge, that issue, it certainly hasn't come up with my time, and I don't believe my predecessor dealt with it either. So we don't have a decision on that specific point in Nunavut. (interpretation) Thank you, Mr. Chair.

Chairman: Thank you. And just for the Commissioner, so on the government's response on page 6, the GN response 5.2, it talks about the amounts that were paid out in 2021-2022. It was just under 490,000, and 2022-2023 it was just under 600,000. But it just

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lists it as an aggregate amount. There is no breakdown or anything like that. That's where Mr. Simailak's question is coming to.

So, again, I'm just going to go back to the commissioner. If somebody settles with the Government of Nunavut for X amount of dollars, specifically for a sexual or harassment type situation, should that be listed specifically in a report or to the committee, versus an aggregate amount? I'd just like to get a clarification on that, Commissioner.

Mr. Steele: Thank you, Mr. Chair. So I feel like I'm just going to repeat what I said before, but no doubt what I said before wasn't clear. So what the government has provided is an aggregate figure. For example, let's say they settled five cases, and the total amount of the settlements were a million dollars. That means you could have five for 200,000, or you could have one for 900,000, and the rest shared the remainder. So you don't really know how much any particular settlement was for.

I have not had anybody come to me, so the way it would work under the access to information system is somebody, an applicant, a citizen, a journalist, anybody would say, all right, we heard this claim was settled. We want to see all the records about the amount. And then the department would either release that information or not release that information. If they don't release that information, the person can appeal to me, and then I would look at it. I would look at the law and say, do you have the legal right to this or do you not.

And what I was trying to say in my previous answer, Mr. Chair, is because that has never come before me, I don't want to pre-judge it, because it would depend on the facts of a particular case, and I'd have to hear the arguments on both sides, but what can I can say that in the rest of Canada, all of whom have laws similar to ours, not identical, but similar,

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the decisions have been that the amounts of individual settlements do not have to be released under access to information laws.

In short, if that precedent holds in Nunavut, then what the government is currently doing is acceptable. Thank you, Mr. Chair.

**Chairman**: Thank you for that. Just before I go back to Mr. Simailak, I'm going to recognize the clock, and we'll take a 15-minute break.

>> Committee recessed at 10:32 and resumed at 10:54

**Chairman**: Thank you. I'd like to call the committee meeting back to order. And before we left, Mr. Simailak had the floor. Continue, please.

Mr. Simailak: Thank you, Mr. Chairman. Staying on non-disclosure agreements, to the Department of Justice, 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 non-disclosure agreements are "distinguishable from confidentiality agreements which form part of almost all settlement agreements entered into by the Government of Nunavut."

How many settlement agreements did the Government of Nunavut enter into during the 2023-2024 and 2024-2025 fiscal years? Thank you, Mr. Chairman.

**Chairman**: Thank you. Mr. Mansell.

**Mr. Mansell:** Thank you, Mr. Chair. We don't have that information on hand, but we can commit to get back to the member.

Chairman: Mr. Simailak.

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b<sup>°</sup> ጋና<sup>†</sup>CÞ/L+σ<sup>c</sup>CÞ<sup>°</sup> ላጋናታየΓ+ህ<sup>c</sup>
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**Mr. Simailak:** Thank you, Mr. Chairman. Thank you for the commitment, Mr. Mansell.

To the government, to what extent are Government of Nunavut employees who are terminated with cause entitled to severance payments or other benefits? Thank you, Mr. Chairman.

**Chairman**: Mr. Mansell. Thank you. My apologies. Ms. Power.

**Ms. Power:** Thank you, Mr. Chair. You said with cause, when employees are terminated with cause? It's probably dependent on the individual. Generally, people come back and do try and negotiate with us. Sometimes there's nothing. Sometimes there are settlements, if there are mitigating factors. Thank you, Mr. Chair.

**Chairman**: Thank you. Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman. As a follow-up, have there been instances in the last two fiscal years where a Government of Nunavut employee was terminated without cause and has received severance payments or other benefits? Thank you, Mr. Chairman.

Chairman: Ms. Power.

Ms. Power: Thank you, Mr. Chair. Yes.

**Chairman**: Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman. To not delve into any matters for that both for the Commissioner, from time to time, departing government employees, some of whom have been terminated with cause, may receive severance payments that may have been described in their contracts of employment. What is your position concerning the extent to which most of these payments and identities of

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the recipients can and should be publicly disclosed? Thank you, Mr. Chairman.

Chairman: Thank you. Commissioner Steele.

Mr. Steele: Thank you, Mr. Chairman. Generally speaking, the contract itself should be disclosable, and therefore if the contract contains payments, the contract itself should be disclosable. But if there was an actual settlement of a disputed claim; see, a lot of terms are getting thrown around here, so I'm not exactly sure, Member, what you're looking for, because the whole idea of dismissal with cause versus dismissal without cause is precisely whether any payment is appropriate. If somebody has been fired with cause, that means that the government is entitled to dismiss them without any compensation. If somebody is fired or dismissed or let go without cause, that means the government has an obligation to pay them a severance. It's a legal obligation.

Now, the amount of the obligation, well, there's whole law books written on that topic just how much somebody is entitled to receive, so both sides would look at it and one side would say, well, we think we are entitled to this amount of money; the government might say, well, we counteroffer with a different amount of money, and then they reach an agreement somewhere in the middle, typically. But if they can't reach an agreement, they will go to court. But it's actually extremely rare for these cases to go to court. They do occasionally, but not very often.

But if we then say, okay, there's been a settlement, should that amount of money be public, and that's when I go back to my previous answer before the break, is that has never come up to me. I don't want to pre-judge the answer by saying it's definitely this or it's definitely that. Generally speaking, in the rest of Canada when people have gone looking for that information, what is the specific settlement

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on a specific case, the courts have said, no, you're not entitled to see that under the access to information law; however, we don't have any precedent to that effect yet in Nunavut. (interpretation) Thank you, Mr. Chair.

**Chairman**: Thank you. Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman. And my last question is a follow-up to the commissioner. The last question was when Government of Nunavut released with cause, what's your position on if they are released without cause. Should the payments and identities of the recipients be made public, be publicly disclosed if they are released without cause? Thank you, Mr. Chairman.

Chairman: Commissioner Steele.

Mr. Steele: It's obviously much, much more common for the government, if they want to let somebody go, to let them go without cause. The thing I should mention about cause is, if the government has cause, they have no obligation to provide any severance payment, but that is usually precisely what the dispute is about. It's really hard to prove cause, to prove that the government has a good reason to let somebody go, and that's why the government settles. Even if the government believes that they have a good reason, they know they're in for a long, expensive fight that might end in court where they might lose, and so that's why they reach settlement in almost all cases. It would be a rare case where the government says we are so sure we're going to win that we absolutely refuse any discussion of any kind of settlement.

But again, Member, if it comes to the point of settling with an employee in order to make sure that that employee leaves, I wouldn't want to pre-judge whether that is releasable. It would depend on the circumstances. But generally speaking, I would say in the typical case, the answer would be no, the law does not require or

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ᡏ᠆ᢖ᠘ᡏᡃᠳᢛᢗᠻᡖᡠᡃᡲᢧ᠘ᢞᢆᠾ. ᠑ᠸ᠘᠆᠘᠘᠘᠘᠘᠘᠘  $4^{\circ}\Gamma^{\circ}CD^{\prime}L^{\circ}\Gamma^{\circ}D\sigma^{\circ}$   $^{\circ}D\Lambda^{\prime}D^{\prime}CD^{\prime}L^{\circ}CD^{\prime}$ ᡃᡉᠵ᠘᠘᠘ᡯ᠘᠙᠘᠙᠘᠙᠘᠙᠘᠙᠘᠙᠘᠙᠘᠙᠙᠘᠙᠙᠘᠙  $P_{P_{A}} = P_{A} +  ᠘ᡩ᠙ᢗᡃᠪᡃᢗᠺᢣ᠒᠘ᡥᡆᠣᡲᠮ᠙. ᡰ᠘ᠮ᠘᠘᠘ᡤᢆᠺ ▷¹b▷ፖሲፖĽ┖┖IJ ▷᠙⁴⋂°ዾ⁴. Δ፫፟ዾዾ⁴σና⁴ጋσ▷⁰. ხ<del>"</del>ህ교<sup>ւ</sup>6)σ Δίλιο ΚΡΛίη ΛΩ Δεαλαίριο σρο. ΛΓΡΕΊ ΡΙΘΕΙΝΉ ΑΙΘΕΙΝΉ ΑΙΘΕΙΝΗ ΑΙΘΕΙΝΉ ΑΙΘΕΙΝΉ ΑΙΘΕΙΝΉ ΑΙΘΕΙΝΉ ΑΙΘΕΙΝΉ ΑΙΘΕΙΝΉ ΑΙΘΕΙΝΗ ΑΙΘΕΙΝΉ ΑΙΘΕΙΝΉ ΑΙΘΕΙΝΗ ΑΙΘΕΙΝΉ ΑΙΘΕΙΝΗ ΑΙΘΕΙΝΉ ΑΙΘΕΙΝΗ ΑΙΘΕΙΝΉ ΑΙΘΕΙΝΗ ΑΙΘΕΙΝΉ ΑΙΘΕΙΝΗ ΑΙΘΕΙΝΉ ΑΙΘΕΙΝΗ  $L \subset V \subset A$ ΡίὸυΡΠςċσ, Δυ<sup>δ</sup>ρι Λλησροσίος Ρίσος Tok-F CdS°&PNF° 4L P'bCPNCSC  $U^{6}$ Tok-52 $^{1}$ 1 $^{1}$ 1 $^{1}$ 2 $^{1}$ 

Ċჼď┙ ÞſҌÞŸᲑՐďſϭϽΔ°むΔና LĊႱĊÞჼჼႶϭჼ ൎለჼჼჄſď≯Þ°ጔĊ ÞſĠĊÞՈſĊſ ΔጔďĠſϽΓ ÞďſŊᢣÞϭჼႱႻჼ ďſϽჼჼჄϽΔ°むႢďſҌſႸჼჼႱႷ suggest that that individual level of information would be something that would be released under the access to information law. (interpretation) Thank you, Mr. Chair.

**Chairman**: Thank you for that. Next name I have on my list, Ms. Brewster.

Ms. Brewster: Thank you, Mr. Chair. Good morning, everyone. I'd just look to follow up on the line of questioning regarding nondisclosure agreements. Nunavut is quite a small territory, and just on our break, we had a discussion about how many people, former employees that we know, or maybe some current, that had settlements and had to sign non-disclosure agreements as part of those settlements. What we heard today is that the Government of Nunavut is not in the practice of signing non-disclosure agreements with employees about whatever settlement they may come to. So my question to the Government of Nunavut is when did that practice change. Thank you, Mr. Chair.

Chairman: Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair. As Mr. MacLean stated, there's aspects of the settlement, particularly the amount which is non-disclosable. As well, as there's a difference between a settlement and a release. In some situations, individuals will receive payment, funds, in order to release the government from their claim, and those would be subject to non-disclosure, but those are different than a settlement. Thank you, Mr. Chair.

Chairman: Ms. Brewster.

**Ms. Brewster:** Thank you, Mr. Chair. Does the Government of Nunavut provide information on the number of individuals who are under release agreements? Thank you, Mr. Chair.

Chairman: Mr. Mansell.

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**Mr. Mansell:** We have not, Mr. Chair. Thank you.

Chairman: Ms. Brewster.

**Ms. Brewster:** Thank you, Mr. Chair. I'd just like to go to the commissioner to provide any insight that he might have on what we just heard. Thank you, Mr. Chair.

Chairman: Commissioner Steele.

Mr. Steele: Thank you, Chair. Yeah, I think there's a risk here that we're going to get confused, and I want to bring us all back to what the real issue is with non-disclosure agreements. The issue of releases that Mr. Mansell has just talked about, that's not an issue. That's not controversial. All the word "release" means is that the Government of Nunavut agrees to pay somebody, and in return the person being paid agrees never to sue the Government of Nunavut, right? That's normal, that's why you reach a settlement. It's we pay you money, you agree not to sue us. That's all the release is. Every settlement agreement would include a release. That's just part of what it is.

I want to bring us back to what the issue is. And that is that if, typically this will happen when something bad has happened, where there's bad behaviour by somebody inside the government that gives somebody a right to sue, a right to go to court, and the government keeps it all quiet by saying we'll pay you money, sometimes a lot of money, but you have to agree never to talk about what you saw, never to talk about what happened to you. It's a way of covering things up, right? And it's those are the kind of non-disclosure agreements that we should all be focusing on. (interpretation) Thank you, Mr. Chair.

Chairman: Ms. Brewster.

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<>>> (ϽϳϡρηͿς): ჼϭϧ·ͼͺϳ·ϧͺ ΔϧͰϭϘϲʹ·ϧ. Γ·Ϛͺ ἐʹϲϘʹ Ϸʹϧϳʹ·ϧ·ϲʹ·ϧϲϲ, ϲʹ·ͼͺ Λͼͺἐη ʹϧϼͺͼϧ ϭϽͼϧϲϘϭ·ϧϭ ϲʹ·ͼͺʹϧϛϧϧ;ʹͿ· Λͼͺἐη. ἐʹ·϶ ΡͼͺͿ· happy birthday–Ϳϭ ϹΔͰΔ·ͼϫϧ϶϶ϧ·ϧ ϭϽͼϭ϶·<sup>ͼϧ</sup>ʹριͰϲ. ΡͰϭϭ ϭϽʹͼϭ϶·ϲϘͿͿ·ͼͺͼͰϲ ΔͼϧͼϫͿϧͼ·ΠϷϚ Γͼϳͺϼϲ Ϸϭͼϧͼ϶ϲϲ ϭͿͼϭϧϷͼϧϲͰϲ ʹϧϼϽϪ·ͼͺͼϧ ϭϽϤͿϪϲ ͰϲϲϽϲ Ϫͼϧͼϧͼϧͼϧϲϧͼϧ ʹϧϼϭϲϷϭϲͼͼϲ ϪͰϭͿϲϷͿͼͼͼ϶ϧͼ ΔσͼϧϦͼϲϷͿͼͼͼ϶ͺͼͼͼϫ, ΑϲϲͼϗϦϧϧͺ ͼϧϷ ϷͼϧϷϦϧϷ϶Ϧ·϶ͼϲͼ϶϶ϧͺͼϭϧͼϧͺͼϧϧ ΔͰϭϲϲͰϭϙͿϥͼͼ϶ϧͼ ΔͰασιλαβοντικος Αναβος, Αναβος,

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D<sup>5</sup>/<sup>6</sup>DCΛ<sup>2</sup>/<sup>6</sup>C<sup>6</sup>(«ἀ<sup>6</sup>C)<sup>6</sup> α<sup>6</sup>CDΠ<sup>4</sup>ΔΛΟ<sup>6</sup>L<sup>6</sup>.

Happy birthday. C<sup>6</sup>/<sup>6</sup>/<sup>6</sup> D<sup>6</sup>/<sup>6</sup>σ<sup>6</sup>/<sup>6</sup>.

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**Ms. Brewster:** Thank you, Mr. Chair. I think it might be helpful to have some examples about, I think, why it would be important to publicly disclose information about those sorts of situations, and I just really want to be careful about how I say this.

If there's a workplace where there are individuals or employees who are perhaps sexually harassing other employees, whether it's one other person or a group of people, I think it's really important that in an effort to ensure a safe workplace for every employee that action be taken. And to my knowledge this does happen, and the Government of Nunavut and the other corporations do take action in order to address an issue like that, and there might be an investigation.

And so, I think that it's important for the public to know when this sort of thing does occur that providing reports on the actions taken can provide a sense of security for all employees to be reassured that action is being taken to ensure a safe workplace. So in that event, what I'm hearing is that if there is an event like that example where a person is behaving contrary to what should be happening in a workplace, to a code of conduct or a code of ethics, and action is taken to perhaps fire that person, or to support the targets of the abuse by coming to some sort of a settlement agreement in concert with the action taken on the alleged abuser, I think it's important to provide that knowledge to the public so that the public has an idea of what – we know that the Deputy Minister of Health made a public apology to employees for the toxic work environment at the Department of Health. That was a very public action taken to reassure employees and to reassure the public that these issues, we're aware of them and we're taking action.

So this act of publicly declaring when settlements are reached in this area I think are

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really important, and I wonder if I could ask the Government of Nunavut why this isn't currently reported on. Thank you, Mr. Chair.

Chairman: Thank you. Mr. Mansell.

**Mr. Mansell:** Thank you, Mr. Chair. I'll speak a bit to it, and then Ms. Power might have some additional information.

When we're talking about these situations which the government takes very seriously, it's vital to ensure that any witnesses as well as the complainant feel that their information is going to be confidential. Individuals may be reluctant to step forward or reluctant to serve as witnesses if their identity might become public or the investigation report might become public. So that's a serious concern with this kind of information. But through you, Mr. Chair, Ms. Power might provide some more information.

**Chairman**: Thank you. Please proceed, Ms. Power.

Ms. Power: Thank you, Mr. Chair. And I thank the member for the question. It's certainly an area of concern. I think there's a couple of things in your example. So if we do an investigation in a workplace, all the individuals who are involved, either witnesses, complainants, are all advised of the investigation. They're all asked to respect confidentiality while we investigate. We can't have people talking about the issue among themselves while we investigate. That ensures due process for everybody involved.

The other point is that to my knowledge, I've been involved in the GN for a long time, with HR for eight-plus years. I have never known us to do a non-disclosure agreement with an individual to say if you say you are harassed, you cannot speak about that. That's not the way the GN works. The example you gave of sexual

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harassment by an individual against the people in it the office, the individual would be terminated. They would be subject to a confidentiality clause, maybe a release, but not the individuals who made the complaint. That's never something we would do.

Releasing the information, I think we probably do release, in our public service annual report, there may be some numbers around investigations. But we also need to be sure that we protect the people. So I wouldn't say that we did an investigation of the Department of Health today and this is what happened, just to ensure everybody's protected. Thank you, Mr. Chair. I hope that answers your question.

Chairman: Ms. Brewster.

**Ms. Brewster:** So I understand that when we're talking about data and maybe a small data set, that there's always the concern that people might be able to parse out who the individuals are that are being reflected in the statistics.

I just want to go back to Mr. Mansell's response. Part of public disclosure about those actions is to reassure complainants that action will actually be taken on their issues of concern, and especially when it comes to, I mean, I gave the example of sexual harassment. It could be an example of a teacher who has vulnerable children that they may have targeted. When it comes to bringing to light issues of concern like that, complainants want to be reassured that there's evidence of action having been taken in the past to reassure people that they can come forward and that their concerns will be taken seriously and acted upon.

I'd just like to go back to Mr. Mansell about that response, saying what you said about it's important not to disclose that information. Thank you, Mr. Chair.

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Mr. Mansell: Thank you, Mr. Chair. I thank the member, and just for some clarification, I was focusing on it would be important not to disclose the identity of the complainant and the witnesses. That was really what I was focusing on. I do agree with the member that if someone makes a complaint and it's founded, they should know that follow-up and what occurred to address that situation. Thank you, Mr. Chair.

**Chairman**: Thank you. And I do apologize to Mr. Steele. He wanted to provide a little bit of additional information on Ms. Brewster's previous question. Mr. Steele.

Mr. Steele: Thank you, Mr. Chair. I wanted to start by saying that we all have to remember that the reason this comes up is because public money is being spent, and generally speaking, when the public's money is being spent, the public deserves to know why it is being spent. So the reason that it comes up in the context of non-disclosure agreements is because let's remember what these non-disclosure agreements say: We will pay you money, and in exchange you must keep quiet. You agree by contract never to talk about what you've seen.

Now, you're right, Member, it would be sexual harassment, it might be a whistleblower who has seen financial irregularity, who's seen a toxic workplace, who sees something that shouldn't happen. And the reason why these non-disclosure agreements are bad is because they protect the powerful at the expense of the victim by forcing the victim to stay quiet.

The point I wanted to make, Mr. Chair, is to me this whole issue is not really about reports and statistics. It's not really about what should the government be reporting or not reporting or what statistics are acceptable and what statistics are not acceptable. What we should focus on, in

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my opinion, is that we must never force victims to keep quiet. If victims want to stay quiet, that's their right. To Mr. Mansell's point, you can't, sometimes confidentiality is exactly what victims want.

But if something bad has happened, and a victim is ready to talk about it to MLAs, to journalists, to whomever in public, they should be able to talk about it because it's public service and public money. Thank you, Mr. Chair.

Chairman: Thank you. Ms. Brewster.

Ms. Brewster: Thank you for that response, Commissioner Steele. I think you bring up a very important point, and you did use the term "victim" right now just now; however, you know, when it does come to whistleblowers, for example, that person might be better described as a knowledge holder. And so, yeah, that does, to me, make sense to be able to ensure that somebody who has knowledge of wrongdoings or potential wrongdoings to have the ability to speak to the issue and bring it to the public's attention. And so I suppose, I see Mr. Steele has, maybe has a comment. No. He's just waving his pen.

So I guess to close off the discussion on my part, I would like to seek some assurance that there is some kind of a disclosure, of course, because these are public funds and actually sometimes it might not involve an exchange of money but, you know, I would like to have some reassurance that there is a reporting mechanism in place that ensures that at the very least that MLAs are aware that certain issues take place and decisions are made about these sort of issues and that we get the information that this has occurred. Thank you, Mr. Chair.

**Chairman**: Thank you. Mr. Mansell.

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With respect to the bad non-disclosures that the commissioner has talked about, I think we heard now from Ms. Power and Mr. MacLean that those non-disclosures with the specific purpose of silencing people is not something that we're aware of going on in the Government of Nunavut.

On disclosure and making sure MLAs know what we are using public funds for, Ms. Power pointed out that there are some basic statistics in the public service annual report, but we can go back and look at what we're sharing and look at ensuring that we're sharing so members know what is being done, but that we're protecting complainants and witnesses and taking into account all the other things we've discussed today. But we can go back and look at that. Thank you, Mr. Chair.

Chairman: Ms. Brewster.

Ms. Brewster: Thank you for that reassurance. I appreciate it. I'll just go back to the discussion earlier about cyber security. Mr. Seeley mentioned that when there is a breach, there is an effort to go and look deeply into a breach to see what sort of information may have been accessed in a cyber breach. And I'm just wondering what are the mechanisms for looking into those breaches. Is it done by internal staff or is somebody contracted? Thank you, Mr. Chair.

Chairman: Mr. Seeley.

**Mr. Seeley:** Thank you, Mr. Chair. That type of investigation is managed by our staff

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Chairman: Ms. Brewster.

**Ms. Brewster:** Thank you, Mr. Chair. Mr. Seeley, what's the threshold for the duty to report a potential breach of personal information? Thank you, Mr. Chair.

**Chairman**: Mr. Mansell. Sorry, Mr. Seeley, go ahead, please.

Mr. Seeley: Thank you, Mr. Chair. The threshold for identifying a breach is pretty clearly laid out within the legislation. So where it comes to an employee's attention, the personal information or information under our care has not been handled appropriately, we have a requirement to report it as soon as possible. That's managed at the departmental level and then escalated over for additional consultation with EIA, and then the commissioner is engaged as required after that.

So the threshold for material breach, if I may, I can pass it over to EIA, pardon me, to Executive and Intergovernmental Affairs to speak in a little more detail to talk about how that threshold is established and managed. Thank you.

**Chairman**: Thank you. Mr. Witzaney.

Mr. Witzaney (interpretation): Thank you, Mr. Chair. There are four factors that go into whether or not a breach is material. The first is the sensitivity of the personal information at play; the second is how many people have been affected; the third is an potential harm that could befall an employee based on the person that the information relates to, based on what that information is; and the last one is an analysis by the public body as to whether or not the breach is systemic.

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When the department becomes aware of an instance where a breach has occurred, they have an obligation to notify our office for any breach. It could be something leaving something on a copier, it could be a person gets into a folder who is not supposed to be there, an intrusion, and they see access to a file they shouldn't. So they would have an obligation to notify our office. We would then help them to determine whether it's material, normally through a phone conversation, hey, this happened, what should we do. And normally our first recommendation is you should talk to the commissioner. This is material, and we should also do up a report.

But we track serious and non-serious breaches that come to our attention and make sure they're being handled appropriately, but if it hits that material threshold, then it would go to the Information and Privacy Commissioner who would then be able to provide additional recommendations. (interpretation) Thank you, Mr. Chair.

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

Ms. Brewster: Thank you, Mr. Chair. Thank you for that response. When it comes to a major breach of a number of people's information, I know at one point credit monitoring through Transunion and Equifax were referred to the public whose information was breached. I wonder where that comes from, who pays for that. Is that an insured? Is the Government of Nunavut insured for that and that pays for it? Or would that come out of a general fund? In thank you, Mr. Chair.

Chairman: Mr. MacLean.

**Mr. MacLean:** Thank you, Mr. Chair. It can be all of those things that you just said. We do require privacy and data breach insurance coverage in our service contracts for vendors

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who handle our confidential and personal information, so that is a potential avenue to go after the vendor and their insurance. We also have our own insurance. We also self-insure for certain aspects of privacy breach response. So it can be any and all of the options that you suggested. Thank you, Mr. Chair.

Chairman: Thank you. Ms. Brewster.

Ms. Brewster: That's great to know. Thank you. I'll just go back to the discussion about WhatsApp, the use of WhatsApp and other platforms that are not part of the GN cache of software, whatever is being used for communication. Are there any human resource policies related to taking disciplinary action for employees who insist on continuing to use a platform such as that in order to discuss information related to the public or to their work? Thank you, Mr. Chair.

**Chairman**: Sorry, I'm looking across my panel of witnesses for somebody to step up. Mr. Seeley.

**Mr. Seeley:** Thank you, Mr. Chair. If I understood the question, it was if there's any human resource policies related to managing what applications are utilized by staff. We do have a role in that at the department of Transportation and Infrastructure Nunavut via the information management technology team, and that is detailed through a couple policies. There are existing policies that have been in place for quite some time, starting with the acceptable usage policy for how GN devices could be used and what information can be transmitted on them. And of course, with the advent of our more recently developed records and information management policy, we do track out how that information is managed on those devices. So those are our department's policies, and we are accountable and responsible for them.

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The implementation of those policies, of course, we do work very closely with the Department of Human Resources, the people that are using, and I guess subject to the policy, along with the Department of Executive and Intergovernmental Affairs. Thank you, Mr. Chair.

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

Ms. Brewster: Thank you. I'm still not clear on whether or not there are steps or actions that can be taken in order to once and for all discontinue the use of using these unapproved applications. And Meta, I know that some Government of Nunavut employees use Messenger in order to discuss issues over, throughout the day because sometimes maybe it's easier than texting. But to me the Commissioner Steele has brought this to our attention as an issue that could cause privacy breaches, and so I'd just like some reassurance that it's not just – I know my colleagues and I, when we first got our cell phones for use as MLAs, they helped us set them up, and for some, it was easier than others. Some people had downloaded TikTok, for example. And months after we got our phones, we got a message from our team saying, if you have TikTok on your phone, please delete it.

That's a good faith direction to us as members on asking us to get rid of an app that is known to be a threat to security, and so I feel reassured that everybody who had it did delete it.

I know that when it comes to the use of cell phones in the workplace with the Government of Nunavut, obviously, they would probably have gotten that message as well.

But is there any reassurance that we can have that if people continue to use these apps that are potentially not good for protection of privacy that and that can't be accessed for information **Δολ<br/>ΘC**<br/>(D<br/>ί<br/>λ<br/>D<br/>1<br/>1<br/>1<br/>1<br/>1<br/>2<br/>1<br/>2<br/>1<br/>2<br/>4<br/>2<br/>5<br/>1<br/>2<br/>4<br/>2<br/>4<br/>5<br/>1<br/>2<br/>4<br/>4<br/>5<br/>4<br/>5<br/>4<br/>5<br/>4<br/>5<br/>4<br/>5<br/>4<br/>5<br/>4<br/>5<br/>4<br/>5<br/>4<br/>5<br/>5<br/>4<br/>5<br/>5<br/>5<br/>5<br/>5<br/>6<br/>5<br/>5<br/>6<br/>7<br/>9<br/>7<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/>9<br/

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or mined for information when it comes to a request under access to information and privacy protection if the use continues, what steps will the Government of Nunavut take in order to potentially discipline an employee for continuing to go against, not convention, but the rules. Thank you, Mr. Chair.

Chairman: Thank you, Mr. Seeley.

**Mr. Seeley:** Thank you, Mr. Chair. So there was a lot there, and I'd just like to start by sorting out a couple of different components to the member's comments.

Software or applications like some of the ones the member has described have been prohibited from use within our systems when there's a security risk. And I think that the example of TikTok, that's a security risk, and therefore that is dealt with through those channels.

I think on the other side of it, there are many applications that do come up and we have considered and we have debated the idea of coming up with a policy. We heard from the commissioner earlier that he would like to see a firmer hand on this or a more aggressive approach, things moving a lot more quickly.

One of the relates of putting a policy in place, is that we're obliged to force it and follow it and enforce it, and to put a policy forward that is going to preclude any applications besides the ones that are within our licensing means that we need to be out there enforcing that. It means that we need to have that capability to do that effectively and successfully.

The next piece to that is with the enforcement of the policy, that then requires that there be some consequence, and I think that we will get there. I think that we do need to get there starting with what the acceptable use is, the acceptable applications will be on our platform

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and on our devices for the transmission and storage of Government of Nunavut records.

There's an entire separate piece to this, and the member did touch on it towards the end of her comment, about the impact on employees or the consequence for employees that are using applications or systems that they shouldn't be using, and that, of course, quickly becomes an employee relations issue for GN employees or a contract management issue, if it is contractors that are operating outside of the GN.

So we are working on that. There is our acceptable usage policy. It is one that is reviewed very regularly, given the very quickly evolving landscape that we are working in in this area. We're not ruling out the concept of having is some more detailed parameters on what applications can be used on our systems and consequences for it; we're just not there yet, and we will continue to monitor it, and importantly, make sure that we do have a suite of services available on our approved licensed platform that will meet all the functional needs of our employees to get the work done that they need to do safely and effectively. Thank you, Mr. Chair.

**Chairman**: Thank you. Ms. Power.

Ms. Power: Thank you, Mr. Chair. Just to follow up on what Mr. Seeley said, in the absence of the ban of an app, it's not necessarily the tool, but how people are using the tool. So I can have a WhatsApp group and chat with my senior management team and say "hey, I'm at Standing Committee today", or "happy birthday to employee B." That's not inappropriate use of the tool. But the second people are using the tool to share employee information, do things that are not authorized through the acceptable use policy, any policy within the GN that an employee breaches is an employee relations issue, and can lead to, depending on the severity of what they're

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doing, it can be anything from a letter of reprimand, an informal discussion to say that's not appropriate, to dismissal. And it would go through the department and HR, the Department of Human Resources. Thank you, Mr. Chair.

Chairman: Thank you. And just before, I know Mr. Lightstone is anxious to get into his next line of questioning. Just so we have some continuity with it, I'm actually going to make a chair decision. We're going to break for lunch now. But as we've been talking about IT, I would like to acknowledge our own manager of IT here in the building, whose birthday is today. So happy birthday, Brian.

>>Applause

With that, we will break, returning at 1:30. Thank you.

>> Committee recessed at 11:39 and resumed at 13:30

Chairman: Good afternoon. I'd like to call the committee meeting back to order. Before us we have the Standing Committee on Oversight of Government Operations and Public Accounts with the Information and Privacy Commissioner. Next name I have on my list, Mr. Lightstone.

**Mr. Lightstone:** Thank you, Chair. I just have a few last topics that I'd like to touch upon regarding legislation, specifically the *ATIPP Act*, Clare's law, and the missing persons act, all of which we discussed this time last year. I'd like to pose my fist question to the government.

Bill 59, An Act to Amend the Access to Information and Protection of Privacy Act, was introduced during the fall sitting and subsequently withdrawn days later. The Minister of Executive and Intergovernmental Δ<sup>1</sup>/<sub>1</sub> Δ<sup>1</sup>/<sub>2</sub> Δ<sup>1</sup>/2 Δ<sup>1</sup>/2 Δ<sup>1</sup>/2 Δ<sup>1</sup>/2 Δ<sup>1</sup>/2 Δ<sup>1</sup>/2 Δ<sup>1</sup>/2 Δ<sup>1</sup>/2 Δ<sup>1</sup>/2 Δ<sup>1</sup>/2 Δ<sup>1</sup>/2 Δ<sup>1</sup>/2 Δ<sup>1</sup>/2 Δ<sup>1</sup>/2 Δ<sup>1</sup>

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Affairs who introduced the motion to withdraw the legislation stated, in part, that it has been determined that Bill 59 may have unintended consequences for the Office of the Information and Privacy Commissioner that may impact the relationship between the commissioner and the Government of Nunavut. I am just wondering if the deputy minister may be able to describe how the government is working to address that specific concern. Thank you, Chair.

Chairman: Thank you. Mr. Mansell.

Mr. Mansell: Thank you, Mr. Chair. I thank the member for the good question. As the member stated, the bill was withdrawn. As we talked about yesterday, the Government of Nunavut is now undertaking a full review of the *Access to Information and Protection of Privacy Act*. That review will involve extensive consultations with the public, but with the commissioner as well, and any parts of Bill 59 that are determined to be appropriate to move forward would be in a more broad piece of legislation, if they should choose to introduce it. Thank you, Mr. Chair.

Chairman: Mr. Lightstone.

Mr. Lightstone: Thank you, Mr. Mansell. Just to follow up on that, the privacy commissioner has indicated on a number of occasions how desperately our access to information act needs to be modernized. Would you be able to indicate what specific amendments to the legislation are being actively considered. Thank you, Chair.

Chairman: Mr. Mansell.

**Mr. Mansell:** Thank you, Mr. Chair. Mr. Witzaney can give a brief overview of some of the modernizations that perhaps we would consider.

Chairman: Thank you. Mr. Witzaney.

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**Mr. Witzaney** (interpretation): Thank you, Mr. Chair.

(interpretation ends) There are a lot of different things we're looking at. We don't want to put ourselves in any corners by committing to anything. There are some big things we are specifically looking at, like for example ordermaking power, which I know this committee has been interested in. We're looking at annual reporting. We're looking at changes to how we do offences and to strengthen that section, but kind of anything and everything.

We're doing a broad approach to this, looking at legislation from all over the world to see what other jurisdictions have done, what's best practice. So not to say that we're putting anything aside, but we want to make sure that we are doing this in the most holistic way possible.

We're not any select company. There are many other jurisdictions who are entering a similar time for their province or territory, and we're hoping to have the best act that we can for Nunavut. So we want to make sure we take a very deliberate, very holistic and very comprehensive approach. (interpretation) Thank you, Mr. Chair.

Chairman: Mr. Lightstone.

**Mr. Lightstone:** Thank you, Mr. Witzaney. I'm glad to hear that order-making powers are being considered.

Mr. Mansell had mentioned that the current legislation is going through the consultation phase, so my next question is: Will be Information and Privacy Commissioner be included with in the consultations with regards to amending the *ATIPP Act*? Thank you, Chair.

Chairman: Mr. Mansell.

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**Mr. Mansell:** Thank you, Mr. Chair. I thank the member for the question. Sorry, just to clarify, it will go through a consultation phase, and that will include the commissioner. Thank you, Mr. Chair.

Chairman: Mr. Lightstone.

Mr. Lightstone: Thank you, Chair. So my next question will be for the commissioner. As you've indicated in the House as well as in your annual reports, the Nunavut information and privacy law is old, needs to be updated to match the way that the Government of Nunavut actually works and utilizes ATIPP. As you indicated, information technology is advancing rapidly, and artificial intelligence has burst on to the scene in many ways that seem to be science fiction. Again, I love your writing. But our information law still talks about photocopying.

What specific amendments would you recommend be made to update the *ATIPP Act*? Thank you, Chair.

Chairman: Commissioner Steele.

Mr. Steele: Mr. Chair, the main thing that needs to happen is that this law, which is about information, needs to reflect the way the Government of Nunavut operates today in 2025. Canadian access and privacy laws started in the early 1980s, and the first round was based on laws from that period. Now, as far as information and information technology goes, that's a long time ago.

The Nunavut law was carried over from the Northwest Territories, and the Northwest Territories law, the base of the law, most of what's in there is from 1994. So for those who are old enough, think back 30 years about what we were all doing with information technology then. That's when this law was written.

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We're in a whole different world. We're in it a whole different universe in terms of the way information moves around government, and we need a law that reflects the modern reality, which is rapidly advancing.

So the second thing that I would say, Member, in response to your question is very similar to what I said yesterday in regards to the health-specific privacy legislation, and that is that I beg the government and I beg this Assembly not to start with a blank page and write a brand new law. Other jurisdictions are on their second or third or fourth generation of laws. We know what works. We know what doesn't work, right? We have to resist the urge in, in this really, really small jurisdiction of inventing our own wheel.

Why does it matter? Because there are provinces like Ontario that have like 20 years of experience interpreting the next generation of laws, and we need to learn from that rather than writing something that nobody else has and then it's going to take us 20, 30, 50 years to figure out what it all means. Hiring the right people is easier, training is easier, applying the law is easier if you just use the same concepts that other Canadian jurisdictions are using.

To conclude, Mr. Chair, I will just say that if I could make a recommendation, I think it's widely considered even among information and privacy commissioners that jurisdiction in Canada with the best law currently is Newfoundland and Labrador. And one of the reasons for that is they have written right into their law that there has to be a thorough review every five years. So their law is always pretty much up to date, and it works pretty well. If we're going to use a model, well, I can't suggest anything better than that. (interpretation) Thank you, Mr. Chair.

Chairman: Mr. Lightstone.

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I'd like to switch topics now and return to Clare's law. My question will be for the government. The government's response to the committee last year indicated that the Department of Justice continues to make progress to review how Clare's law is designed and operates in other jurisdictions and how that can be applied here in Nunavut. I'd like to ask, as of today, what is the status of this work. Thank you, Chair.

Chairman: Thank you. Mr. Shaddock.

**Mr. Shaddock** (interpretation): Thank you, Mr. Chair. Thank you, (interpretation ends) Member, for the question.

The status of the Clare's law review, the department has completed a detailed review of all Canadian legislation that is in place. Right now there are five acts that have been passed, three of which are in force. Two of those are of particular sort of interest, I guess, to Nunavut that we've been reviewing as a department. The first one is Manitoba, and that relates to the scope of the requests, the information that can be requested, because it includes, in addition to intimate partner violence, potential violence against children as this House has talked about: and also Newfoundland and Labrador because it's the smallest jurisdiction that currently has its Act in force as well right now. And looking more at those two models. Those are also the jurisdictions we've spent some time engaging directly with to get some feedback on.

Again, Manitoba is one of the ones that is not in force, but talking about some of the process and thinking that went into the scope of, I said, the information that can be requested. And then Newfoundland and Labrador, because of the

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Just a little bit of background. For instance, Alberta and Saskatchewan are two of the other jurisdictions that have their act in force. They're quite larger. They have a separate body, separate entity, a committee of sorts, that reviews applications for information that individuals wanting to get this disclosure from the police to review that.

In Newfoundland and Labrador, where they also have the RCMP as well, too, of course, they have the Newfoundland Constabulary. I never know how to say that properly. Was that close? Thank you. The two larger jurisdictions, though, Alberta and Saskatchewan, they have a committee, and it requires sort of a separate administration and so forth, whereas Newfoundland and Labrador, their policing entities actually take care of the review and risk assessment analyses. So, again, no decisions have been made, but we're engaging with these jurisdictions specifically on their laws at this time.

Also, what we've done is because the requests for information, it's to access information held by the police, which relates to domestic violence incidents, and that can include convictions, but also warnings that might be issued and reports that might apply to a specific individual. We've held productive meetings with the RCMP here – sorry, the Royal Canadian Mounted Police 'V' Division on the possibility of adopting and some scope as well as implementation matters for Clare's law, and those conversations have been made a bit easier because as of 2021 the regulations, the federal regulations, I should say, were amended so the RCMP can participate in Clare's laws across account country. And, again, what we're doing right now is we're continuing to engage with these jurisdictions.

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So based on, again, our review of the information that we've gathered, assessing the issues as I just mentioned about the scope to include child abuse, also some of the privacy matters, we're here at a privacy hearing, so issues related to the nature of what can and can't be disclosed, but also how that information is disclosed.

A lot of jurisdictions, there are restrictions to protect the offender but also past victims of an offence. So when information about an incident has been shared, there's no names related to previous victims that is provided to the requester for information. And further, information is given verbally, and there's no recording of the information, and there's nothing in writing.

So, again, as well as restrictions on how that information can be used. It can't then be used at a legal hearing or some other process. It's really meant to inform the individual so that they can take the steps necessary to protect themselves, that's the purpose of that legislation.

I think that's all the steps for now. (interpretation) Thank you, Mr. Chair.

**Chairman**: Thank you for that information. Mr. Lightstone.

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I'm really glad to hear that the Department of Justice is considering including protection of children. That is extremely important, and I'm very glad to hear that.

It sounds like the Department of Justice has come a long way in developing this legislation, but I think it has probably been about five years since I originally brought this up. It's been about at least five years. How far along is this, Nunavut's specific Clare's law? And how soon could we potentially see it introduced in the Legislative Assembly? Thank you, Chair.

Chairman: Mr. Shaddock.

Mr. Shaddock (interpretation): Thank you, Mr. Chair. Thank you (interpretation ends) to the member for the question. In terms of timeline, I mean, what I can certainly say is would not be during this government. It would have to be for the consideration of a future government.

I would say that we do have a good foundation in terms of the research and outreach with some of the other jurisdictions. We would, of course, have to engage with further detailed consultations within Nunavut. So right now, again, without the direction of the future government, it's difficult to say exactly how long we would be out, but I do feel that we've made significant progress, for sure. (interpretation) Thank you.

Chairman: Thank you. Mr. Lightstone.

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Now I'd like to return to my last topic. Last year I brought up the potential of a missing person act in Nunavut, and this is an important piece of legislation that has been passed in a number of jurisdictions, which, again, allows the police to expedite the process of utilizing an individual's information in the cases where they go missing, accessing cell phones and other relevant information.

In the government's response to our report from last year's televised hearing, the government indicated that the Department of Justice has been monitoring developments on missing persons laws in other jurisdictions but does not have immediate plans to propose similar legislation for Nunavut.

I'd like to ask if the government would be able to provide an update on the subject of a missing person act. Thank you, Chair.

Chairman: Mr. Shaddock.

**Mr. Shaddock** (interpretation): Thank you, Mr. Chair. Thank you, (interpretation ends) Member, for the question.

The short answer is we're essentially in the same place in terms of not being further along with specific legislation per se, but we're continuing to monitor developments across the country, more specifically the fact that Northwest Territories in June of last year introduced, or passed, I should say, a bill. They are working on their regulations. My understanding is that they're expecting to have them this year as well, so that is something we're closely monitoring. And they did quite

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consultations as well too, which could help the scope of our own engagement as well going forward.

You did a very good job summarizing, I think, the nature of the tool in terms of it allowing for police to on an expedited basis access information, but it also can give authorization to search premises as well, too, because that's another key component of it.

One of the issues that we are considering when we're looking at missing persons legislation is the nature of missing person cases within the jurisdictions. Specifically in Nunavut, a lot of the missing cases are missing persons situations, rather, kind of relate more to when somebody goes out on the land and, you know, is either in distress or goes missing. So it's more of a search and rescue situation rather than other jurisdictions where somebody is able to move from community to community because of road access and so forth.

So as far as I'm aware, there hasn't been any issues with a lack of police access to a location or police access to information that is impeding the ability to find missing persons within the territory, anyway. So, again, not to say that this is conclusive or anything, but it's just as we are looking at missing persons legislation in other jurisdictions, we're sort of appreciating or ensuring that we factor in the nature of the cases as they can be different among the jurisdictions. Thank you.

Chairman: Mr. Lightstone.

Mr. Lightstone: Thank you, again, Mr. Shaddock, for that response. You're right that most instances of Nunavummiut going missing is related to hunting and being out on the land, but there are also instances where individuals go missing in community and end up with, I guess, a fatal conclusion. So both of these pieces of legislation, Clare's law and a missing persons act, I believe, fall under the

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I'd like to ask how many other pieces of legislation is the Department of Justice currently working on, and where exactly do these two pieces of legislation fit in the prioritization. Thank you, Chair.

Chairman: Mr. Shaddock.

Mr. Shaddock (interpretation): Thank you, Mr. Chair. Thank you, (interpretation ends)
Member, for the question. Well, specifically, missing persons legislation is not really on the agenda for this government; neither was Clare's law, and there are sort of other pieces of legislation that we have been working on, some of which will be targeting to try to target this time, but others, we appreciate we are getting near the end of this government, so those will have to wait for a future government for consideration and prioritization at that point. (interpretation) Thank you.

Chairman: Mr. Lightstone.

Mr. Lightstone: Well, thank you for the response. Not exactly what was really hoping to hear. I understand that quite a bit of work has already been done towards the Nunavut Clare's law, and it sounds like a significant amount of research has been done into the missing persons act. When will the Department of Justice be in a position to have a drafted piece of legislation ready, or sorry, I guess, backing up, has a legislative proposal been drafted? When could we potentially see consultations occurring? And what type of timeframe could the draft legislation be completed? Thank you, Chair.

Chairman: Mr. Mansell.

**Mr. Mansell** (interpretation): Thank you, Mr. Chair. (interpretation ends) I thank the member for the good question. I think it is getting a little

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I would say that the policy work necessary to get into those legislative steps you've talked about is near completion. As we're certain we won't have it ready for the spring, it really is up to the next government to decide when and what the department is going to work on, but I can say that the department internally has done the policy work necessary to really drive that forward, based on priorities set by the future government. Thank you, Mr. Chair.

**Chairman**: Thank you, Mr. Mansell. I think as EIA, Executive and Intergovernmental Affairs is a central agency, I think you can still use "us". The next name I have on my list is Ms. Killiktee.

Ms. Killiktee (interpretation): Thank you, Mr. Chairman, and good afternoon. This has been brought up repeatedly in the past, but I feel like I have to bring it up again while I'm sitting here with this government.

I would like to go back, maybe first of all, I would like to direct my questions to Mr.

Mansell in regards to confidentiality and also harassment, and what is brought forward to the public and what isn't. After the investigation, for example, my colleague Ms. Brewster brought it up earlier, and it's part and parcel of that. For example, if a teacher, a man or woman, harasses a young person or a child or another staff, and after the investigation of that, those incidents, Mr. Chairman, Alma Power, and it also touches up on the Human Resources

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deputy minister, and I do apologize that I didn't bring it up earlier.

If an employee breaches a law or a policy, and once the investigation is completed, there's either payment to an individual who was harassed or some other action is taken place, and following the policies of the government. What I'm trying to say and what my question is: What kind of policy do you have on disclosure? Can they go back to their regular job, or are they moved to another community? What happens after an investigation has been completed, or what happens to that individual who breached a policy or a law? I'll leave it at that, Mr. Chairman. Thank you.

Chairman: Ms. Power, please.

Ms. Power: Thank you, Mr. Chair, and thank you for the question. If there's an allegation that an employee has breached a policy or a law, we would do an investigation. Depending on the outcome of the investigation, then we would make a decision. It could be anything from, if it was founded that they did do something wrong, it could be something minor; could be something major. Something minor, it could be discipline. If it's major, it could be termination.

If we were to terminate a employee, we still have a duty of confidentiality, so we would not tell everybody involved that the employee was terminated; we would advise them the issue had been addressed and they're no longer there. If it was something more minor, it could be discipline. It would depend on the outcome of the investigation, severity of the outcome. If nothing happened or it was deemed that it was not disciplinary or terminatable, then they would return to their position.

So there's many things. Sometimes, even though nothing happened, the relationship in an employment setting, could be such that they  $\Lambda^{1}$  $\Delta^b \Lambda J \ell^b b^c C \Lambda^L L L D L \ell^c - J P^L L^b D^b C D^c d^c J L$  $a \rightarrow a \Delta^{6} 7^{4} \rightarrow C \Delta^{6} d A \Delta^{6} b a \Delta^{1} b^{6} \Delta^{6}$  $\Lambda^{1}$ し**ペ**∟ኄቦ°ፚ• >∟ናጐቦ′ጔ∩•, Lናት• ∆፫°ፚዺጘል፞•,  $\Delta$ C° $\sigma$ 4' $\delta$ 4 $\rightarrow$ ' $\Delta$   $\Delta$ C° $\sigma$ 4' $\delta$ ' $\Delta$ .  $\Delta$  $\Delta$ 9'  $V_{\alpha} = V_{\alpha} V_$ CΔ644 ιρΓα-ΣΑιζι-ωΓα ζερα αυγνεριφένου Επισταστικώ το Ευγνεριστών 'bLσΌϤኘͰͽ϶ʹϽσ. Ϥ϶ϭϤϴϧϽ ϹϪϸ϶ϧϽϭͺ  $\Delta \Delta C \wedge b d^2 \rightarrow$ ᠋ᡰ᠙᠘ᢞᠿᠳ᠘᠅᠘ᡧ᠘᠘ᢣᢛ᠑ᢏ᠒ᡧ᠘ᠳ᠘ᢝ᠘ᡎ᠘ ᠴᡆᡄᡲᠦ. ᠘ᡄᡲᡥ᠘ᢞᡎ᠘ᢞ᠙᠘ᢟᡎ᠘᠘᠖ᡩ᠘᠘ ᠘᠙ᡐ᠘᠘ᢗ᠂ᡐ᠘᠘᠘᠙᠙᠙᠘᠙᠙᠙᠘᠙ Δb<2°α′L%iC ¿¬ ΠΠς%γL<br/>L<br/>C DJ<br/>V<br/>C DJ<br/>V<br/>C DJ<br/>C D ▷°᠙ᠫ°ᡠᠬ᠘ᢣ᠘ᠮ᠔᠘᠙᠘᠘᠘᠙᠘᠘᠙ Cd4LU\_Dd6p>Uc.

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can't work together anymore. So it doesn't mean that anyone did anything bad, it he means move somebody in that instance. Thank you, Mr. Chair.

**Chairman**: Thank you. And just before I go to Ms. Killiktee, I always like to see guests in the gallery when we are going through proceedings here. I notice we have a couple guests in the gallery. I'd like to welcome you to the Nunavut Legislature. Ms. Killiktee.

## >>Applause

Ms. Killiktee (interpretation): Thank you, Mr. Chair, and thank you for that explanation. Going back to your response, the employees who are dealing with the situation, for example, whether the breach was either small or large, but they had breached a policy or law, and in your response there are steps taken to deal with that situation and in the policy, for example, if they breached a policy, this is what happens.

(interpretation ends) I see that your department maybe sometimes take the risk for making that decision to allocate the employee to another community, close by or in the same territory. So my point asking that question is, like, as you are responding to my question, the disciplinary action, when it has to be given in outline — outlining of, I guess, I assume orders, so what happens, then, after that, if it is broken?

(interpretation) If there's a breach and even though they breach a policy, they might be relocated to another community, or would it be that they wouldn't be able to work with the government anymore? I'm not sure what happens. And then the employee, for them, I'll use the teacher as an example, if there's an investigation by the human resources about what type of action will be taken on an individual who breaches a law or policy. Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Power.

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**Ms. Power:** Thank you, Mr. Chair, and I thank the member for the question. So if it's deemed that someone has breached a policy or a law, they could be terminated. Then they would not be allowed to work for the government for two years. If the breach was serious enough or was criminal in nature, it would be referred to the police to investigate as well.

When we're talking about teachers, I think there's a higher duty on us as an employer to ensure we protect children. They're more vulnerable. There's a lot more scrutiny in hiring for these positions. You need a vulnerable sector check to ensure there's no issues around you working with youth.

So it's hard to be really specific when it could be any, a wide range of actions by the individual or actions on us as an employer, from minor to serious and everything in between. I hope that answers your question. Thank you, Mr. Chair.

Chairman: Thank you. Is just before I go to Ms. Killiktee, I think what we're looking for is some assurance that if somebody, especially a teacher or somebody that's in charge of vulnerable people, that if some type of violation of a fairly serious nature that may not even be criminal, that those people are not, the problem is not just transferred away to another community or another school or another workplace. So I hope that clarifies, Ms. Power.

Ms. Power: Thank you, Chair. I can assure you we work very closely with the Department of Education, and we take these instances very seriously. There's very low tolerance for a behaviour in a school setting or with children that's not acceptable. So it happens fairly frequently that people are terminated for behaviour in the education system. Thank you.

Chairman: Thank you. Ms. Killiktee.

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**Ms. Killiktee** (interpretation): Thank you, Mr. Chairman, and thank you for your response. And thank you for clarifying my question, Mr. Chairman.

Then, again, in a community, there's the local governments, like the hamlet, which is the central administrator of the community, and then there's the health centres and local housing associations. For example, if somebody is harassing, or some people who start petitions to terminate a person from a job, in your policies and if there was such an incident in a community, do the local governments have the power to terminate or to take action on an individual?

I'm sure you work with the hamlet councils when there's such an incident, or if there's a petition to remove an individual from a job. Do you not work with the local governments? Because there's some individuals that are not able to work closely with a community, and usually if the community wants to terminate an individual, they'll start a petition to take some kind of action.

As a government, do you listen, or do you have a policy on termination after you have received a petition? I would like to know what happens, if I'm clear. Thank you, Mr. Chairman.

**Chairman**: Thank you. Ms. Power.

**Ms. Power:** Thank you, Mr. Chair. Thank you for the question. I think there are a couple of different things in there. If a community or someone in the community has an issue with a GN employee in how they are behaving in their role, if it's a teacher, they could go to the DEA. If it's the health centre, they have options to go to the Department of Health.

We can't act on a recommendation from outside the GN, we would have to do our own

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Chairman: Ms. Killiktee.

Ms. Killiktee (interpretation): Thank you, Mr. Chairman, and thank you for your response. I'd like to move on to a different theme, and this will be directed to Mr. Mansell and the Department of Executive and Intergovernmental Affairs. Now, what Mr. Steele said earlier in the response I heard, and I had a question pop up when I heard the response.

The responsibilities that we have here in the Legislative Assembly as MLAs, we review bills and policies, and we deal with all sorts of things like that. And one of the responses to a question was that since the 1980s the policies that had been put down by the government for Nunavut or for other jurisdictions, and I just want to ask questions about it.

Now, you as the government, the way it is set up and the way it runs today, and try and see the situation with the information that you have, can you explain what percentage in your opinion, are all the policies and legislation up to date enough so that the different departments, like Education, are all the policies up to date to acceptable times from your own opinion? Like, where are we at? Do we need more work on the policies and different things? What is your opinion as the deputy minister in

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the department? How is it? Like, how is it today and what does it do? Thank you.

Chairman: Thank you. Mr. Mansell.

Mr. Mansell (interpretation): Thank you, Mr. Chair. (interpretation ends) I thank the member for the question. Our legislation division does often undertake reviews of our legislation to determine sort of what's outdated, what needs pressing updates. We do have legislation that we inherited in 1999 that some of it hasn't been touched, some of it has been subject to significant overhaul and update, and the various departments in the government do the best they can based on the direction we get and the priorities of the day and the sort of pressing issues that come up to work on modernizing and updating the legislation that we have.

With respect to the *Access to Information and Protection of Privacy Act*, as the commissioner has noted, there are some updates needed, and we're undertaking that review now. There were updates in 2012 and 2017 to reflect some of the changes that have been made in other jurisdictions, but we recognize that that bill does need a good look and an update, along with a number of other bills.

But as a government, we do the best we can to continue to bring legislation forward and work to update what we have. Thank you, Mr. Chair.

**Chairman**: Thank you. Next on my list is Ms. Nutarak. Sorry, just one moment. Ms. Killiktee, do you just have one more question, or do you have more?

Ms. Killiktee: I have one more.

**Chairman**: I'll allow it, Ms. Killiktee. Please proceed.

**Ms. Killiktee** (interpretation): Thank you very much, and my apologies, but thank you for

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allowing me. I'd like to direct this question to Mr. Steele. Now, us as members of the committee here, in the report that you mentioned here yesterday that you brought here, us in the committee, I'd like to hear from the commissioner all the things that need to continue and the things that have started and some things are going slow. I'd like to hear more about what else the committee can do, what else the MLAs can do to make sure that we do the next important steps at the Legislative Assembly. And thank you for the opportunity to ask another question. Thank you.

Chairman: Mr. Steele.

**Mr. Steele:** Thank you, Mr. Chair, and I thank the member for the question. Really, I could talk for the rest of the afternoon in answer to that question. The most important idea, though, for you all to take away, you the members who are here today, is that I am an independent officer of the Legislative Assembly. I report to you. At the end of the day, that's all I can do. I do not have the authority to order the government to do anything. If I'm concerned, all I can do is say to you, the members, I am concerned; here is why I am concerned, and then it is up to you about what happens next. You have to decide how important these issues are that I'm raising compared to all the other things that are going on. I know there's many, many other things going on across the territory that you are also concerned about. But then the power of the regular members is, because you outnumber the cabinet, is that you can press them about what it is that they are working on, about what priorities they set.

In my particular area, Member, the best thing I can do is just refer you to page 17 of my report where I talk about the things that I thought needed to be done when I arrived here in 2021. Most of those things are not done yet. I'll just go over them again. Some of them we've talked about already. The second one on the list is to

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C°<br give me the power to order the disclosure of documents. I think that's a weakness in the Nunavut system. It hasn't happened. This committee supported that recommendation last time I was here, but the government does not support that recommendation. That's something that I think, the law won't really work the way it's supposed to until that happens. I'm disappointed that I've been here for over four years now, and there's been no movement on that one simple, little thing.

Next is just to review the law. Again, when I arrived here, I recommended that because the law was old, and I'm happy to hear from Mr. Mansell that they're working on it, but it's at the very early stages. And if things go the way they normally go in Nunavut, they'll have a piece of legislation three or four years from now; then they'll take another two or three years to write the regulations. And we might have a law, might, in five or six or seven years. Like that's really slow. If this is something that the government needs to do, it's really time too speed it up.

One thing I want to say to you, Members, is the time that it takes to get stuff done in Nunavut. None of you should be accepting this as normal. This is not normal. You take the *Police Act*, for example. It was debated in this house, a really important issue. It was debated in this house four years ago. It is still not in force. Probably won't be in force until next year. That's five years after this House debated it. And, you know what? That's not normal.

You could say the same about the *Corrections Act* and the *Mental Health Act* and other pieces of legislation that go through this house. But once you've approved it, it just goes away and disappears into the bureaucracy, and it's not normal. And nobody should accept that it will take four or five or six years to revise the access to information law.

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And then there is the fourth one on the list there, is enact health-specific information legislation. Again, I'm really happy to hear it's moving. I believe it is moving. The consultations have been held.

But, again, they've been talking about it. Not this deputy minister; this deputy minister has only been here for three years, two years, anyway, not very long, but the department as a whole has been talking about it 15 years.

I have looked at my predecessor's files. She had files on this topic from 15 years ago, and it's still not done. And now they're talking about maybe having legislation to present to this House next year, and then they need time to write the regulations. It's like, come on. It's like, are we all going to say this is normal, this is the way things work?

So when I look at that list, Member, to answer your question, those are the things I'd like to see you the members focus on. Now, you can't write legislation or introduce this kind of legislation, but your job is to decide what you want the cabinet to be focusing on and then keep pressuring them until they do, is and not let things go on and on and on. Even if they express the best of intentions, it's got to get done. (interpretation) Thank you, Mr. Chair.

**Chairman**: Thank you. Now I'll go to Ms. Nutarak.

Ms. Nutarak (interpretation): Thank you, Mr. Chairman. I don't have many questions; however, I do have some questions to the Information and Privacy Commissioner of Nunavut's annual report from 2023-2024. I'll read it in English.

(interpretation ends) Information and Privacy Commissioner of Nunavut annual report, 2023-2024, report on page 13. I'm going to read from the report. ϽΡΥΡΕΊΠΑʹʹσʹͽʹϧϽΡ·ͼϽϚ. ΔΕΔϲʹϟ·ͼʹͽʹʹ ΛΡΥϷβ·σʹͼ·ϽʹͺϲʹͼʹͻͺϤʹ·σʹϤʹͰͿͻͺΛϲͲϢϲ ΔͼβαΔϟͼ·Ͷϧϲͺ Αγτης Τευαίτο ΔΕΦε Δηνες Πασικο Ακτονίκο Δηνες Αμπονομού Δηνερονομού Δηνερονομου Δηνερονομου Δηνερονομου Δηνερονομου Δηνερονομο Δηνερονομο Δηνερονομο Δηνερονομο Δηνερονομο Δηνερονομο Δηνερονομο Δηνερονομο Δηνερονομο Δηνερονομο Δηνερονο 

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"The Commissioner finds the Y-drive does not meet the 'reasonable security arrangements' standard in section 42 of the *Access to Information and Protection of Privacy Act*, and makes certain recommendations to reduce the risk of privacy breaches on the Y-drive."

The question is for the government. I believe the Y-drive is being replaced by the shared drive. Will the shared drive meet section 42 of the *Access to Information and Protection of Privacy Act*? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Witzaney.

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

(interpretation ends) Section 42 of the Access to Information and Protection of Privacy Act requires the government to take reasonable security precautions with the personal information of Nunavummiut. I can say that the Teams environment and the SharePoint environment that we're looking at as a successor to the Y-drive, we're looking very closely as we move more wholesale to that information about what the security precautions are in place, how to strengthen those, and how to properly educate staff on how to use them.

It seems from using it myself that it does have more transparency about who has access to which files. It seems easier to make sure the right people have access. And we're wanting to make a step that is more privacy protective. So I think that's in line with that section 42 requirement. We're taking reasonable security precautions to protect the information in our custody, and we're making sure that Teams is the right place or SharePoint is the right place for that.

Chairman: Ms. Nutarak.

**Ms.** Nutarak (interpretation): Thank you, Mr. Chairman, and thank you for your response. I'd like to ask the commissioner also.

(interpretation ends) Can you update us with the six recommendations on the you made on the Y-drive, if the government has adopted to the six required, if they had improved the Ydrive within the six recommendations you made. (interpretation) Thank you, Mr. Chair.

Chairman: Mr. Steele.

Mr. Steele: Mr. Chair, I'm going to start by taking a step back for anyone in the room or listening to the broadcast who is not quite sure what it is we're talking about. The Government of Nunavut holds an enormous amount of information, and the issue here is where is that information. And they hold it in different places. One of them is called the Y-drive. So that's the English letter "Y" and the word "drive".

To put it simply, Mr. Chair, the Y-drive is like a giant warehouse, and our friends from information technology at Transportation and Infrastructure Nunavut, they set up the warehouse for everybody to use. And they say to each department, each one of you has a room inside this warehouse. But what happens inside the room is up to each individual department. So it's like a giant warehouse full of filing cabinets, right, just picture full of filing cabinets. Picture that in your mind: A huge warehouse full of filing cabinets, and every department has their own room.

The problem that I identified in my report was that the security in that warehouse was a mess. There were far too many people who could see information that they had no business seeing. Government employees should be able to see only the information that they need to do their jobs. They shouldn't be able to see anybody

else's personal information unless they need it to do their jobs.

Some departments were very good. Some were terrible, and again using the warehouse analogy, people could wander into one of those rooms and all of the filing cabinets were wide open, and they could look at whatever they wanted. Or some were locked and others weren't. The privacy problem was that there was far too much information that far too many people could see.

Now, this is a big issue, because you can't just snap your fingers and overnight build a different warehouse. So what the Government of Nunavut did was they committed to transitioning to a new warehouse, but that's taking time.

Earlier this week, the Deputy Minister of Transportation and Infrastructure Nunavut sent me a detailed letter on exactly this question. I think the fact that this hearing was coming up kind of focused his mind, and so he wrote me a very detailed letter. I'll have to check with him, Mr. Chair, to see if there was anything in it confidential, but what I would like to do to answer the member's question is table that letter, because it's much more detailed and much more precise than I can be with you now.

To answer your question directly, Member, I like the fact that they acknowledge the problem. I like the fact that they are taking steps to build a new and better warehouse, and I believe that they're going there. If I have a complaint, it's the same one that you've heard from me yesterday and today. That's all great, but it's moving pretty slowly. In an ideal world, it would be moving faster than it's actually moving.

So this report you referred to, Member, I issued, I think, just almost exactly two years ago, and we're quite some ways away from

having that new warehouse built. Meantime, I'm afraid to say bad things are still happening on the Y-drive. It's just not as bad as it used to be. Thank you, Mr. Chair.

Chairman: Ms. Nutarak.

**Ms. Nutarak** (interpretation): Thank you, Mr. Chair, and again to the Commissioner.

(interpretation ends) Following your appearance before the Standing Committee in September of 2022 in April of 2024, the Standing Committee recommended that your office in cooperation with the Government of Nunavut and the Nunavut Association of Municipalities undertake at least one visit to a smaller Nunavut community outside of Iqaluit. Your most recent response to this recommendation indicated that you "will continue to look for opportunities to visit communities outside Iqaluit circumstances that are within my statutory mandate."

As of today, what progress have you made in this area? (interpretation) Thank you, Mr. Chair.

Chairman: Thank you. Mr. Steele.

**Mr. Steele:** Thank you, Mr. Chair. My answer to the question is the same as it has always been, and, look, here's the thing, is I'm appointed by this Legislative Assembly to be the watchdog over the Government of Nunavut. Municipalities, the hamlets in Nunavut, are not currently covered by the law. I've always had trouble understanding why the members are asking me to visit communities over whom I have no authority. I can walk into a municipal office and they'll look at me, and I'll look at them, and they'll say, "What are you doing here? Because you have no authority over us. We don't come under your law." And I'll look back at them and say, "Yeah, you're right; I'm not sure why I'm here, either."

So here's my challenge to you, the members, and that is, if you think municipalities and district education authorities should be covered by the law, well, then press the government to do that. They haven't do it yet. As soon as you do that, I will go and visit the communities. That's my promise to you. As soon as I have some authority over them, as soon as they come within my legislation, I will visit every single one of them.

But you have work to do, members, first, before you ask me to visit those communities, and that is if you think they should be covered, then you – you, members – you get the government to pass that regulation to cover them. Thank you, Mr. Chair.

**Chairman**: Thank you. Last name I have on my list, Mr. Lightstone.

Mr. Lightstone: Thank you, Chair. I promise I just have two final questions for the government. Everybody understands that governments are slow; it is a common perception. But the commissioner made a very strong statement that we should not normalize how long it takes, especially for legislation taking five years to draft or 15 years, for the health-specific privacy legislation, and then another five years to draft the regulations to bring the act into force. I was just wondering if the government would be able to respond to Mr. Steele's statement. Thank you, Chair.

**Chairman**: Waiting for Mr. Mansell. Go ahead.

**Mr. Mansell:** Thank you, Mr. Chair. I thank the member for the good question. With respect to regulations, it was brought up yesterday and just kind of left hanging that we should be drafting regulations at the same time as legislation, in order to cut down on timeframe.

I just wanted to talk a little bit about why in Nunavut the convention is that we don't do that. In provinces where there's a party system, you can have a majority government who can set an agenda and push that through. We have a consensus government, as you know, and the cabinet does not ever make up the majority of the government. So the convention in Nunavut has always been that the government does not presuppose the will of the house, And I think the reason why we don't spend a lot of time drafting regulations for legislation that hadn't been introduced is that would be presupposing that the House is going to pass the bill.

As well, we are drafters; have a lot of different priorities, and it would be tricky for us to assign them to use their time to draft a lot of regulations when we're not sure what the final bill is going to look like.

Now, for instance, the Department of Health has done policy work related to regulations for health-specific privacy legislation, but we're not drafting those regulations, and that's for the reasons I just talked about.

With respect to sort of just timing and we need to move things forward, I talked a little bit earlier about priorities of the government, things that arise, and I can assure you that there is no intention on the part of any of our departments to pass a bill and then have it go down a rabbit hole and just disappear. We are working at the department level as hard as we can to bring this stuff forward to you and to ensure that the will of the house when legislation is passed is carried out.

I can understand everyone would like this stuff to go faster, but I can assure you that we're doing the best we can and everything we can to keep moving these initiatives forward, and hearings like this and Committee of the Whole and Standing Committee are good times to provide you updates and to ensure that the members are kept informed on our progress, and we continue to work towards the many goals that we are given and continue to work towards bringing these legislative items into force and before you. Thank you, Mr. Chair. **Chairman**: Mr. Lightstone.

**Mr. Lightstone:** Thank you, Mr. Mansell, for that response, and I understand the government is always trying its best. But I just want to encourage the government to enhance the resources for legislative drafters and hire more lawyers to draft the regulations or hire contractors to really speed up the process.

I'll move on to my last topic. This next question's for the Department of Human Resources. In July of last year, there was an email sent out to all GN employees regarding disclosure of salary range as a result of an ATIPP request submitted by the media. And in the email, it also states that although this is as a result of an ATIPP request, the GN, Government of Nunavut, is considering options for annual disclosure of this information and that this information may be disclosed to the public in the near future. I was wondering if we can get an update on that. Thank you, Chair.

Chairman: Thank you. Ms. Power.

Ms. Power: Thank you, Mr. Chair. I was wondering why nobody asked that question. We are working on it. We are working with our colleagues at Executive to develop regulations. What we haven't quite decided on is the parameters around what we release, how we release, and I may turn this over to Mark, Mr. Witzaney to provide some detail. But it's complicated.

We've had a lot of concerns raised within the public service at the community level, not so much in Iqaluit, about becoming targets within the community because of a salary disclosure. That is one thing we do have to take into

consideration, and the other thing is what we release. Is it base salary? Northern allowance? Overtime? All the allowances that some positions come with? So it is defining what salary is, is one of the big items as well.

But through you, Chair, I would ask if Mr. Witzaney could provide some additional detail.

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

**Mr. Witzaney** (interpretation): Thank you, Mr. Chair.

(interpretation ends) Ms. Power spoke on a lot of the different things that we were looking at. Following this hearing last year, we did reopen how we were looking at it to see if we could move forward on a consistent approach and found out that every jurisdiction kind of does it differently. You have some that release base salary, some that include overtime, some that include non-tax benefits, some that include noncash benefits. And so it's really building out a series of options for decision makers that we've been focused on, making sure we take into account all these different aspects of proactive salary disclosure in a way that meets our policy objective in doing so and that doesn't impact the privacy of Nunavummiut.

We also realized that we need to consult with a number of people. Our last consultations on this with the public service was through Tuttarviit. And this was back in, I think, 2019. And so it has been a significant amount of time. The same members that on that committee aren't on that committee anymore. And we want to make sure we also consult with the union and the Nunavut Teachers' Association so that we're not putting ourselves offside of those organizations.

So I guess that's a longwinded way of saying we are actively looking into this. We have

prepared policy material, and we're moving into the next phase. (interpretation) thank you, Mr. Chair.

**Chairman**: Mr. Lightstone.

Mr. Lightstone: Thank you, Chair. Just a follow-up question, again to Human Resources. Last time the *ATIPP Act* was amended back in 2017, one of the amendments was to include the disclosure of public sector salaries, Government of Nunavut salaries. Since then, I believe that the deputy minister employment contract template was amended to include a clause or section that states that their salaries can be publicly disclosed.

Does that public disclosure of salary section of the employment contract go beyond deputy ministers? For example, are senior managers' employment contract templates, does that also include a similar section regarding public disclosure of salary? Thank you, Chair.

Chairman: Ms. Power.

**Ms. Power:** Thank you, Mr. Chair, and thank you for the question. No, it does not. It's only the deputy contracts, which is the reason why when we're releasing the ATIPP, we felt it necessary to provide this information to the public servants so that they're aware it may be released. Thank you, Mr. Chair.

**Chairman**: Thank you. And I just had another name added to the list. Mr. Simailak, go ahead.

Mr. Simailak: Thank you, Mr. Chairman, for recognizing me again. To the commissioner, I've just got a follow-up question to my colleague from Maligaliuqti, a question about the idea or the encouragement from the committee for the commissioner to visit smaller communities outside of Nunavut.

The reason why we keep bringing this up is we feel it's important for representation, people to

come up, show up, and help explain positions like your role, for an example. It's not mainly to visit the hamlet. I'll use Baker Lake as an example. It's not mainly to visit the hamlet of Baker Lake, the municipality. In Baker Lake, I've got two schools, the elementary school and a high school, filled with Government of Nunavut employees. Qulliq Energy Corporation head office is in Baker Lake. The Arctic College community learning centre, there's one in Baker Lake. Nunavut Library headquarters is in Baker Lake. The health centre is there, Family Services, mental health, home care workers. There's tonnes and tonnes of Government of Nunavut employees in all of these communities, and some may not understand how a person in your position could help them if they want access to information, or give suggestions for protection of privacy. That's the kind of thing that we're hopeful to see.

So I just want to explain why we've been trying to encourage for other people in positions like yours to visit our communities.

And I was wondering what, I know you're not going up for a reappointment, but I'm wondering what your opinion or position is on this idea now, after I've explained it a bit more. Perhaps it's something that we could work on before your term is done or for your successor. Thank you, Mr. Chairman.

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

Mr. Steele: Thank you, Mr. Chair, and I thank the member for his further explanation. And I hope nobody misunderstands me. If I had any of my files where it would advance the file to visit the communities, I would not hesitate. I would be on the plane tomorrow. But the member raises another question, which I did address last year, but it's useful to bring it up

again, and that is: What is my role with regard to public education?

Now, my view is that the responsibility for access to information and protection of privacy rests primarily with the Government of Nunavut. So, for example, just to take the schools, for example, the Department of Education, in my view, is responsible for making sure that every single person in that school is aware of their responsibilities to protect student information, teacher information, and so on. That's not something that I, in my position, could possibly. I'm one person. I have a one-person office, okay, whereas the responsibility to safeguard personal information rests with each individual department.

If I could go back to the analogy that I've used a number of times, Mr. Chair, and that is that I'm more like, my role is like the referee in a hockey game, or I'm a little bit like a judge, where I sit back, receive information, and then I make a decision. Now, when we're promoting hockey, we don't send referees out to communities to promote the hockey game, right? It's just that's not their role. It's not what they do. And it's the same with judges. We send judges out to communities because they have cases that require them to go to the communities, but we don't send our judges out to promote participation in the legal system. We don't send them out to encourage people to sue each other, right? That doesn't make any sense. That's not what judges do. It's not what they're for. They're there to sit back and make decisions.

So I have never really seen myself as the person responsible for promoting the system, because for example, Member, if I went out to Baker Lake, for example, or any other community and said, we have this system, this access to information system, here's what you can do with it, here's the kind of information

you can get from it, and if you're not happy, you can come to me, well, what I'm really doing is encouraging people to use the system. But I don't run the system. And honestly, there's parts of the system that don't work very well.

So if I go out and I do the public education part, and somebody has a really negative experience with the system, they can come to me and say, but you told us to use the system. And I'd say, well, yeah, I know, but, like, I don't actually run the system. You see what I mean? It doesn't quite make sense to me that that public education role is one that my office would have, other than an educational role about what specifically I do, which is to be the referee in the hockey game.

Perhaps I'll leave it there. Look, I think you all know that I used to be a politician. I know very well what you're saying about the necessity for people to get the heck out of the capital city and get into the communities and see what people's lives are like in the communities. I totally understand that, which is why I say I would not hesitate if any of my files required me to go to the communities, I'd be there tomorrow. It's just I think there is room here for a little bit of perhaps disagreement about what exactly my role is in terms of promoting the system and that public education element. (interpretation) Thank you, Mr. Chair.

Chairman: Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman, and thank you, Commissioner, for the response. To the Government of Nunavut, the commissioner mentioned it's the government's role to educate the staff on their role to protect information, each department. And when we look at how, I'm pretty sure every single department or almost every department will take on a casual employee for two or three months. Do those casuals go through an education program to say, here's what you have to do to make sure

you don't accidently leak information, sensitive material? Is that done with every single casual in every department? Thank you, Mr. Chairman.

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

(interpretation ends) We feature heavily in a couple of regular trainings that are given in the Government of Nunavut. One of them is a records information management training, and the other is the new employee orientation program training. So we do a presentation at both of those trainings. I think the member has correctly identified that we could be doing more to catch more employees.

One of the things that we've been working with our Fusion Cloud folks to do is to actually look at the training module that that program has, and it would allow us to actually require people to go through some basic training before they were able to do more stuff on their computer or before they were able to start their role. So we've engaged with the lead on that file, have provided them our introductory training, and are going to be working with them to see if we can incorporate that into the Fusion Cloud program so that every new employee, regardless of how long they're on the job, first has to take that before they're able to start. (interpretation) Thank you, Mr. Chair.

Chairman: Mr. Simailak.

Mr. Simailak: Thank you, Mr. Chairman. Thank you, Mr. Witzaney. Mr. Witzaney mentioned the Fusion Cloud. Is that active now? Is that training happening now? Again, if there's an employee casual that's going to begin on-boarding tomorrow, or well, Monday, will they go through the training Monday morning first, or is that not going to happen for

another while yet? When would it start? Thank you, Mr. Chairman.

**Chairman**: Mr. Witzaney.

**Mr. Witzaney** (interpretation): Thank you, Mr. Chair.

(interpretation ends) Not currently. We're hoping soon. The Fusion Cloud team has been very busy with the go-live of the financial portal and are prioritizing that function.

The training that we do with new employees through the new employee orientation program and the records information management program is regular training we do every year. And we have one coming up, I believe, not next week but the week after.

Often, when people are either hiring summer students or casuals, they actually go to that records information management training, because one of the responsibilities that's often assigned to them is managing records and sending archives, sorry, sending records to the archive. So we do end up capturing a lot of employees that way.

We're also available at the territorial access to information office to do one-off training, to be invited in. I'm sure you saw in our most recent annual report we did training for 46
Department of HR employees in 2023-2024.
I've done training with Family Services employees in 2024-2025. In 2019, when was the manager of access to information, I trained over a hundred health staff over the ransomware period by phone and by Teams to get as many people as we could. So we do look for opportunities for training. (interpretation) Thank you, Mr. Chair.

Chairman: Mr. Simailak.

**Mr. Simailak** (interpretation): Thank you, Mr. Chairman. I would like to ask a question to the

Department of Health. Sometimes in Baker Lake, when the doctor or the nurse is not in the community, they usually meet with the Winnipeg medical officers through telehealth. Nowadays, some people are very good at computer operation and they could use interpreters, and they can watch the telehealth program confidentially, and they don't know who the individual is no matter where they are. Is there a security safeguard for the telehealth so that no scammers can intrude into that? Is there a system, is there a security protection system in the telehealth program? Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Hunt.

**Ms. Hunt:** Thank you, Mr. Chair. Thank you to the member for the question. All of our virtual care is run off of the Government of Nunavut network, so it is safeguarded, like all of the other components that are on the network. (interpretation) Thank you.

Chairman: Mr. Simailak.

Mr. Simailak (interpretation): Thank you, Mr. Chairperson. Thank you for your good response. I appreciate the fact that you're protecting the telehealth system, because they work with very confidential matters. I'm very proud of you, and I'm very appreciative of that. Thank you.

**Chairman**: Thank you, Mr. Simailak. Just before I go to closing comments, I just want to close off a couple of topics, just with some follow-up information. I'll just start off with a brief comment to the commissioner.

I realize it's late in the game, but I do see a value and we were talking about an education component for GN staff, but I think there's an education component for the commissioner themselves, of travelling outside of Iqaluit and going to smaller communities and seeing the

different lifestyle. I think it would help in some of your investigations from a mindset or from the public perception of privacy. I think there is some value to go out to different communities to see how life is lived outside of Iqaluit, to put some perspective into some of the investigative challenges that you may come across. So it's just probably more food for thought for the next commissioner, but if an opportunity arises, like the commissioner said, I'm sure you'd welcome it.

I'd like to go to the Department of Health. When it was talked about the consultations for the health-specific privacy legislation, what was some of the general feedback? That's one thing we didn't kind of get into, of how the public perceives health-specific privacy legislation. Ms. Hunt.

**Ms. Hunt** (interpretation): Thank you, Mr. Chair.

(interpretation ends) Thank you for the question. So there were a few themes that came out of the public consultations, as well as the electronic surveys that were received. Those themes from the public, from internal and external stakeholders and community sessions that were held, were around accountability and breaches, so wanting to understand what are the accountabilities, how are people held accountable, and what happens. There were themes around written consent. You know, even as far as the definition of written consent, how is that given, the methods that can be done, and what does that mean and what are you consenting to.

Mental health stigma was an area that was discussed, as well as support for online record access, so the portal that we heard discussed yesterday. Thank you.

**Chairman**: Thank you for that, Ms. Hunt. Just staying with Health, it was also described of

artificial intelligence, a number of different aspects it can be used in, and one of those is diagnostic situations. Does the Department of Health currently use any health-specific artificial intelligence at the moment? Deputy Minister Hunt.

**Ms. Hunt** (interpretation): Thank you, Mr. Chairman. (interpretation ends) Currently no. (interpretation) Thank you.

Chairman: Thank you. And just a final question I guess to Mr. Witzaney. Curious George kind of component kicked in. I realize that legislation protects cabinet records from disclosure for 15 years. The Government of Nunavut has been in existence now for almost, well, 26 years. Is the government receiving any requests for cabinet records from the early days? Mr. Witzaney.

**Mr. Witzaney** (interpretation): Thank you, Mr. Chair.

(interpretation ends) As a risk of jinxing myself and then having a bunch of requests, we have not seen that yet. I myself am interested in what happened during those early cabinet days, but to date – and I'm knocking on wood – we haven't had any interest from the public on that. But there certainly are many years of Government of Nunavut operations and cabinet operations that are now presumably able to be requested. (interpretation) Thank you, Mr. Chair.

**Chairman**: Thank you for that, Mr. Witzaney. I might have just knocked the tree down.

With that, I'm going to ask is the government first to provide closing comments, and then I'll go to Commissioner Steele. Mr. Mansell.

**Mr. Mansell:** Thank you, Mr. Chair. Just a few thank-yous. Thank you to the members for the excellent questions and to the chair for keeping

us going and on track the last two days. Thank you to the GN team for supporting me. And also a big thank-you to the commissioner. As we mentioned, this is his last appearance, and I just wanted to point out how much personally and on behalf of the government he's been a great person to work with and a real asset to the territory.

I assure the committee members that the Government of Nunavut takes our access to information and protection of privacy responsibilities very seriously. We look forward to receiving your recommendations from this hearing, and look forward to responding accordingly. Thank you, Mr. Chair.

**Chairman**: Thank you, Mr. Mansell, and the rest of your team as well. We got to utilize everyone at the table. I think that's quite an accomplishment itself.

Commissioner Steele, please provide your closing comments. Thank you.

Mr. Steele: Thank you, Mr. Chair. To the members, I will repeat that I report to you; I do not report to the premier. I do not report to the cabinet. I report to you, the Members of this Legislative Assembly, which is why to me these hearings are so fundamentally important. You are, in a sense, my bosses; I report to you what I see, and what happens to it after that is up to you. If you don't carry these things any further, that's fine. That's your judgment about priorities, then probably nothing will happen. But if you continue to push and press and ask questions of the cabinet about this, you can make a difference in terms of setting the government's agenda and what it does.

There are six of us who are independent officers of the Legislative Assembly: The Languages Commissioner, the Representative for Children and Youth, the Integrity

Commissioner, the Chief Electoral Officer, the Auditor General, and me.

So you've heard from me yesterday and today. You're hearing from two other of those officers next week on equally or more important topics. I'm sure that all of us, all the independent officers, greatly value the work you put into this, the questions you ask, and the relationship that we need to develop with you in order to get things done.

So for those of you who are running in the election, I wish you well, and perhaps you will be back here picking up these issues again. For those of you not running in the upcoming election, thank you very much for your public service.

I want to thank the Government of Nunavut representatives that are here today. I agree with Mr. Mansell that the Government of Nunavut takes the *Access to Information and Protection of Privacy Act* very seriously, and you see can see it. Today you have very senior representation from five different government departments, and I thank them all for their thoughtful and detailed well-considered answers.

I also particularly want to take a moment to thank their staff, who do the on-the-ground daily work. When an access-to-information request comes in, there's work that needs to be done. When a privacy breach occurs, there's work that needs to be done, and there are people inside every department who are doing that work. I don't think they always love to see me coming. You know, they don't always love to hear from me because often it means more work for them because I'm the watchdog. I'm the one watching how they do what they do and making suggestions about how to do it better sometimes or to say, that's great; you've done great work on this; I have no further suggestions. But I want to thank each and every

one of them, because they are the daily heroes of access and privacy work.

If I could summarize the message that I wanted to convey to you, especially since I expect this will be my last appearance before you, it is that since I arrived in Nunavut to do this job four years ago, the poor performers, the departments that were not doing well at all, have been doing better. So I would say to you that there's no longer any department in the GN that's not meeting the minimum standard. So that's good. So the poor performers have gotten better, even I would say much better.

The high performers, like the Department of Health, continue to be high performers, and again, that's because they've got the right people in the right positions with leadership from the top. And they're not the only department like that, but they are the top performer, and they need to be, I think, recognized as such because, frankly, they set the standard for everybody else that we want everybody else to be able to reach.

Then the biggest single change in the time that I've been here is the establishment of the central office. It's a new thing that Mr. Witzaney is running and doing a very good job. I had a chance to meet his staff. He's really hired great people, I have to say, really capable, dedicated people. I can already see the difference that it's making. It's not that they're now responsible for processing the files, but all of those public bodies now have an umbrella organization that is there to support them, give them advice, make sure the right thing gets done at the right time. And even though it's a new office, I can already see the difference.

So my congratulations to Mr. Witzaney and his team, and also the Department of Executive and Intergovernmental Affairs which had the foresight to establish this expanded office and has made it a reality.

So in sum, Mr. Chair, although there is always more work that we can do in this area, things are better in access and privacy than when I arrived.

Access to information, citizens knowing what their government is doing is fundamental to democracy, and the protection of people's private information is fundamental to human dignity, so we all have a obligation; we all have a role to play in making sure that things continue to get better for Nunavummiut in access and privacy. (interpretation) Thank you, Mr. Chair.

Chairman: Thank you, Mr. Steele. And like you'd mentioned to us earlier, we appreciate your service to the public as well, too, over the last four-plus years. I know you're not out the door yet, and I know you have a lot of work to do, so I'm not going to say goodbye or anything like that, but I do wish you all the best to you and your wife both in all your future endeavours.

With that, I will close the meeting. Thank you to the interpreters, and as Mr. Steele mentioned, all the staff behind the scenes. I know how much work goes in behind preparing the officials being here today, and there's a very deep bench behind them. So I thank you and them. And with that, I will close and adjourn the meeting. Thank you.

>>Committee adjourned at 16:51