



Government of Nunavut Response to the Standing Committee on Oversight of Government Operations and Public Accounts' *Report on the Review of the 2023-2024 Annual Report of the Information and Privacy Commissioner of Nunavut*

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Introduction

The 2023-2024 Annual Report of the Information and Privacy Commissioner of Nunavut was tabled in the Legislative Assembly of Nunavut on May 23, 2024.

The Standing Committee on Oversight of Government Operations and Public Accounts held a televised hearing on the report from April 24-25, 2025. On May 28, 2025 the Chair of the Standing Committee on Oversight of Government Operations and Public Accounts presented a report on their review of the 2023-2024 Annual Report of the Information and Privacy Commissioner.

This document is the comprehensive response to the report requested by the Chair pursuant to Rule 91(5) of the Rules of the Legislative Assembly. The Standing Committee's recommendation is included verbatim from their report with the addition of sub-numbers for ease of reference where there are parts to the recommendation.

Responses To Recommendations

Standing Committee Recommendation #1

1.1 The standing committee recommends that the government of Nunavut's 2024-2025 annual report on the administration of the Access to Information and Protection of Privacy Act be tabled in the Legislative Assembly at the earliest practicable opportunity.

1.2 The standing committee further recommends that the Government of Nunavut introduce amendments to the Access to Information and Protection of Privacy Act to provide for a statutory requirement for the Minister responsible for the Act to table, within six months after the end of each fiscal year, an annual report in the Legislative Assembly on the administration of the legislation.

GN Response 1.1

The 2024-2025 Annual Report on the Administration of the Access to Information and Protection of Privacy Act is complete and ready for tabling during the fall sitting of the Legislative Assembly.

GN Response 1.2

The Government of Nunavut is in support of this recommendation and will be looking at annual reporting as part of our 2025 review of the *ATIPP Act*.

Standing Committee Recommendation #2

2.1 The standing committee recommends that the Government of Nunavut's response to this report provide a detailed update on the status of the Access to Information and Protection of Privacy-related training and modernization initiatives that are referenced on pages 6-7 of the 2025-2026 business plan of the Department of Executive and Intergovernmental Affairs.

2.2 The standing committee further recommends that the Government of Nunavut's response to this report provide a detailed description of work performed during the 2023-2024 and 2024-2025 fiscal years under the terms of Request for Proposals 2022-52: Standing Offer Agreement – Privacy and Information Management Specific Training and Consulting Services.

GN Response 2.1

Work is ongoing to create a client resource management portal for new ATIPP requests and to create dedicated online training for new staff related to ATIPP. As part of this initiative, training presentations and other materials have been updated and reviewed.

A draft online training course aimed at providing an introduction to the ATIPP Act for all staff as part of the oracle platform has been developed and is currently in the review and testing phase. Once approved and translated it will be posted and available widely throughout the GN and to public bodies that have access to oracle.

GN Response 2.2

A full list of contracts entered into under the terms of standing offer agreement 2022-52 can be found attached as Appendix A.

Standing Committee Recommendation #3

The standing committee recommends that the Government of Nunavut's response to this report provide a detailed update on the status of its reviews of the Access to Information and Protection of Privacy Policy, the Privacy Breach Policy and the Privacy Impact Assessment Policy.

GN Response 3

New policies were approved and came into force on June 30, 2025. They will be posted to the Government of Nunavut website in all official languages once they are translated.

Standing Committee Recommendation #4:

The standing committee recommends that the Government of Nunavut's response to this report include detailed descriptions of the findings of each privacy impact assessment and preliminary assessment undertaken under section 42.1 of *the Access to Information and Protection of Privacy Act* between April 1, 2022 and March 31, 2024, and that these descriptions detail the extent to which the Information and Privacy Commissioner was consulted in their preparation.

GN Response 4

Please find attached in Appendix B a full list of preliminary privacy impact assessments and privacy impact assessments from April 1, 2024 to March 31, 2025.

Standing Committee Recommendation #5

5.1 The standing committee recommends that the Government of Nunavut's response to this report include a detailed list of non-disclosure agreements, confidentiality and settlement agreements entered into between the Government of Nunavut and other entities between April 1, 2022 and March 31, 2025.

5.2 The standing committee further recommends that the Government of Nunavut's response to this report disclose the aggregate amount of public funds expended from the Consolidated Revenue Fund during the 2023-2024 fiscal years in respect to matters described in Note 24(b) ("Litigation") of the 2023-2024 Public Accounts of Nunavut.

5.3 The Standing Committee further recommends that the Government of Nunavut's response to this report disclose the aggregate amount of public funds expended from the Consolidated Revenue Fund during the 2023-2024 fiscal year in respect to matters arising from settlement agreements entered into between the Government of Nunavut and other entities and individuals.

5.4 The standing committee further recommends that the Government of Nunavut's response to this report describes, in detail, its policies, practices and procedures regarding the process of entering into settlement and/or release and/or non-disclosure agreements in respect to matters arising in relation to Human Resources Manual Directive 209: Internal Disclosure of Wrongdoing and Human Resources Manual Directive 1010: Respectful and Harassment-Free Workplace.

GN Response 5.1

The Government of Nunavut will not be providing information of non-disclosure, confidentiality, and the details of settlement agreements between the Government of Nunavut and third parties because they are protected by legal privilege. However, depersonalized information about settlement reports for these years is provided as Appendix C.

GN Response 5.2

As of the 2023–24 fiscal year, the Government of Nunavut's Public Accounts report a liability of approximately \$4.865 million dollars related to ongoing litigation. These liabilities reflect cases where a future payment is considered likely and a reasonable estimate of the amount can be made.

The balance represents expenses that have been accrued over several years, as the resolution of these legal matters remains pending. When payments become due, they are made from the recorded liability.

During the 2023–24 fiscal year, there were no reductions to these estimated legal liabilities, as no payments were issued.

GN Response 5.3

The Government of Nunavut is unable to provide the aggregate amount of public funds expended from the Consolidated Revenue Fund in relation to settlement agreements for the 2023–2024 fiscal year. This information is not centralized across departments, and not all settlement agreements are processed through the Department of Justice's legal division. Additionally, the financial coding of settlement-related payments varies depending on the nature of the settlement (e.g., salary adjustments, contract resolutions), making it difficult to isolate and compile a comprehensive total across government.

GN Response 5.4

The Government of Nunavut settles disputes through the grievance, arbitration, or at times, civil litigation processes. A Memorandum of Settlement (MOS) is the agreement that governs the settlement between parties. A standard MOS would include confidentiality clauses related to the terms of the settlement and a release that frees both sides from further action on the items detailed in the settlement. Consistent with the law and the courts, individual-level information would not be released under the access to information law. The four ways that are used to determine a settlement are as follows:

1. The Department of Justice discusses settlement proposals with the employee/ex-employee's counsel. The representative from the Department of Justice works with both the responsible Department and the Department of Human Resources when determining the settlement amounts. The Deputy Minister of Human Resources must approve all settlements.
2. Grievance settlements are negotiated between the division of Employee Relations and the union (NEU/NTA). Employee Relations involves both the deputy of the responsible Department and the Deputy Minister of Human Resources when determining an appropriate settlement amount. Approval is required from the Deputy Minister of Human Resources on settlements.
3. Arbitration Awards are also a means of determining settlement awards. An Arbitrator issues a decision to the GN and directs the amount of the settlement.

4. Arbitrated/mediated settlements. Often, prior to the commencement of an arbitration, the Arbitrator works with the parties to come to an agreement on the settlement. A Memorandum is drafted between the parties, and the settlement is paid.

In relation to wrongdoing and harassment, when the GN does an investigation, all individuals who are involved are advised to respect privacy and confidentiality during the investigation to ensure due process for all those involved. Unless there is an MOS through the process grievance/arbitration/civil litigation process no other confidentiality or non-disclosure clauses or agreements exist.

Standing Committee Recommendation #6

The standing committee recommends that the Government of Nunavut's response to this report provide a detailed update on the current status of the development of regulations under sections 73(I.1) and (I.2) of the Access to Information and Protection of Privacy Act in respect to the disclosure of remuneration of prescribed classes of public employees.

GN Response 6

A significant amount of research and review has taken place, which looked more closely at different models for salary disclosure in order to develop options for limited stakeholder consultations. We have collected information from all Canadian jurisdictions with employee salary disclosure and gathered internal data. We are currently analyzing this information and developing the various options.

EIA will collaborate with HR in the development of the regulations with respect to the disclosure of the salary of top-earning public employees.

Standing Committee Recommendation #7

The standing committee recommends that the Government of Nunavut's response to this report provide a detailed description of each information-sharing agreement entered into by the Government of Nunavut under the authority of a territorial statute between April 1, 2024 and March 31, 2025, and that these descriptions indicate the extent to which the Information and Privacy Commissioner was consulted in their preparation.

GN Response 7

While some existing agreements were extended or renewed, outreach to public bodies did not identify any new Information Sharing agreements entered into between April 1, 2024 and March 31, 2025 under the authority of a territorial statute.

Standing Committee Recommendation #8

8.1 The standing committee recommends that the Government of Nunavut's response to this report provide a detailed update on the status of consultations with the Office of the Information and Privacy Commissioner regarding the entering into of agreements with contracted investigative bodies and contracted police forces under the new *Police Act*.

8.2 The standing committee further recommends that the Government of Nunavut's response to this report provide a detailed timeline for the coming into force of the new *Police Act*.

GN Response 8.1

In March 2025, the Department of Justice consulted with the Information and Privacy Commissioner regarding agreements with civilian oversight bodies under the *Police Act*. As the Commissioner stated in his testimony before the Standing Committee on April 24, 2025, the department's commitment made in 2021 to consult with his office had been fulfilled.

GN Response 8.2

The Department of Justice has been working toward bringing the *Police Act* and its regulations into force at the same time but may consider bringing the Act into force alone to authorize the Government of Nunavut to sign an agreement with an independent investigative body, if that agreement is ready. Given the timing of the upcoming election, this decision may rest with the incoming government.

Standing Committee Recommendation #9

The standing committee recommends that the Government of Nunavut's response to this report provide a detailed update on the status of developing amendments to address the issue of prosecutions under section 59 of the *Access to Information and Protection of Privacy Act*.

GN Response 9

The Government of Nunavut agrees with this recommendation and is considering options to address this issue as part of our 2025 review of the *ATIPP Act*.

Standing Committee Recommendation #10

10.1 The standing committee recommends that the Government of Nunavut's response to this report include copies of the Department of Justice's interjurisdictional reviews of Clare's Law legislation and missing persons legislation.

10.2 The standing committee further recommends that the Government of Nunavut's response to this report include a detailed timeline update on the status of its work to address the joint resolution adopted in October of 2024 by Canada's federal, provincial and territorial privacy commissioners and ombuds concerning responsible information-sharing in situations involving intimate partner violence.

GN Response 10.1

The Department of Justice has provided summaries of jurisdictional scans related to the referenced types of legislation. They can be found attached as Appendixes D and E.

GN Response 10.2

The Government of Nunavut thanks the Standing Committee for presenting the recommendations of federal, provincial, and territorial privacy commissioners and ombuds on responsible information-sharing in cases of intimate partner violence. While we will review these recommendations with interest, the government has not yet established a position on them.

Standing Committee Recommendation #11

11.1 The standing committee recommends that the Government of Nunavut's response to this report include a detailed update on the current status of the development of health specific privacy legislation, and that this update provide a summary of the responses to the department's online survey and feedback provided at its community consultations.

11.2 The standing committee further recommends that the Government of Nunavut's response to this report include a detailed update on consultations held to date with the Office of the Information and Privacy Commissioner regarding the development of health-specific privacy legislation.

11.3 The standing committee further recommends that the Government of Nunavut's response to this report include a detailed update on the current status of the administration of the Government of Nunavut's *Information Sharing Agreement with Nunavut Tunngavik Incorporated on Tuberculosis Data*, and that this update include a description of what privacy training, if any, has been offered to, and taken by, employees of Nunavut Tunngavik Incorporated in respect the organization's responsibilities and obligations under the Agreement.

GN Response 11.1

The Department of Health has concluded public consultations and continues to consult with internal stakeholders.

Health continues to analyze the data from the online survey and public consultations and is in the beginning stages of developing a Consultation Report and Legislative Proposal to bring forward early in the new government.

To date, key themes identified from consultations include: accountability for breaches; consent; stigma associated with a health diagnosis (for example mental health, STIs, and TB); and, online records access.

Health is planning to introduce legislation in the next government.

GN Response 11.2

The Department is planning to consult with the IPC following the completion of all consultations.

GN Response 11.3

The Department of Health shares TB data with NTI as it becomes available under *the Information Sharing Agreement with Nunavut Tunngavik Incorporated on Tuberculosis Data*. There is an understanding among parties to maintain privacy and confidentiality.

The Department of Executive and Intergovernmental Affairs provided privacy training to NTI staff on April 29, 2025.

Standing Committee Recommendation #12

12.1 The standing committee recommends that the Government of Nunavut's response to this report include a copy of the correspondence received from the Nunavut Association of Municipalities on June 28, 2024.

12.2 The standing committee further recommends that the Government of Nunavut's response to this report provide a detailed update on the current status of the development of regulations under section 73(a) of *the Access to Information and Protection of Privacy Act* in respect to the designation of District Education Authorities as public bodies.

12.3 The standing committee further recommends that the Government of Nunavut's response to this report provide a detailed update on the current status of the review of the *Liquor Act*.

GN Response 12.1

This letter has been attached as appendix F.

GN Response 12.2

The Department of Education has informed the Coalition of Nunavut District Education Authorities of the GN's intent to designate DEAs as public bodies under the *Access to Information and Protection of Privacy Act*. The department will begin engagement with DEAs directly in fall 2025.

GN Response 12.3

The Department of Finance indicated in its 2024-26 Business Plan that “*a first draft of the Liquor Act Review has been completed for internal review, however, due to critical staff vacancies in the policy division, proceeding with the legislative amendment process and consultations has been delayed.*”

An open competition to fill the vacant Manager of Liquor and Cannabis position is currently in progress (as of June 2025).

A newly-created Legislative Specialist/Senior Policy Analyst position is expected to be advertised in Summer 2025 to support the policy division with liquor and cannabis-related policy, regulatory and legislative amendments.

With these staff supports in place, the department will be able to work toward completing its 2025-26 Business Plan priority to “*continue working on draft materials that can be used to support a legislative review and public consultations in the next government.*”

With respect to designating Alcohol Education Committees as a public body under the ATIPP Act, there is no intention to do so either before or as part of the *Liquor Act* review and amendments.

Unlike the other boards and commissions listed as public bodies in the *ATIPP Regulations*, AECs are independent, locally-elected, quasi-judicial bodies that are not appointed by, and do not report to a Minister (or head of public body). They do not fit the same definition or type of public bodies that fall under the *ATIPP Act*, nor are they considered “public agencies” under the *Financial Administration Act*, like DEAs or other territorial boards and commissions.

The Government of Nunavut is satisfied with existing provisions under AEC regulations to ensure the access, protection and privacy of personal information received as part of AEC meetings and hearings on permit applications.

Individuals applying for a liquor permit are invited to present and hear evidence relating to the committee’s decision on their application, can receive a signed copy of the AEC’s decision in writing, and can appeal a decision to a Nunavut Justice of the Peace.

These regulatory provisions give individuals direct access to the personal information used in the course of an AEC decision, which if subject to ATIPP, could otherwise be exempt for release to a third party under Section 23 of the *ATIPP Act*.

The Government of Nunavut has committed to ensure that an individual’s access to their personal information used during AEC deliberations is not restricted as part of any amendments to the *Liquor Act and Regulations* resulting from the legislative review

Standing Committee Recommendation #13

13.1 The standing committee recommends that the Government of Nunavut's response to this report describe, in detail, what specific discussions it has had with the Nunavut Employees Union and the Nunavut Teachers' Association concerning potential changes to the grievance process in respect to access to information and protection of privacy.

13.2 The standing committee further recommends that the Government of Nunavut's response to this report describe, in detail, the status of work to update Human Resources Manual Section 1104 - Release of Information.

GN Response 13.1

To improve our relationship with our unions and potentially reduce the number of ATIPP requests flowing through HR, amendments to Human Resource Manual Directive 801: Employee Discipline are being explored to require sharing of investigative reports with the union.

GN Response 13.2

Due to the ongoing implementation of the Fusion Cloud system, the updating of the HRM1104 – Release of Information is on hold to allow alignment with the changes on how personal information is collected and protected in Fusion Cloud.

Standing Committee Recommendation #14

14.1 The standing committee recommends that the Government of Nunavut's response to this report provide a detailed update on the status of work to decommission and replace the network Y-drive.

14.2 The standing committee further recommends that the Government of Nunavut's response to this report provide a detailed update on its work to "use, adopt and adapt our protocols, processes and policies to safeguard personal and corporate information contained in the cloud."

14.3 The standing Committee further recommends that the Government of Nunavut's response to this report provide a detailed update on its work to develop "clear, easy to understand rules related to the use of artificial intelligence in Government of Nunavut Workplaces."

GN Response 14.1

As noted in the April 22, 2025 letter from Transportation and Infrastructure Nunavut Deputy Minister, Mr. Kyle Seeley to Mr. Graham Steele, IMIT has a number of parallel activities currently underway that are targeted towards the eventual decommissioning of the GN's Y:Drives. This work is guided by the Office of the Chief Corporate Information Officer in addition to being reviewed by the Information Governance Committee.

Summarily, the Government of Nunavut is actively creating a comprehensive plan for the decommissioning and replacement of the network Y-drive. This review is being conducted with careful consideration of the technical complexities, operational requirements, and legislative obligations associated with modernizing our information management infrastructure.

As part of this process, evaluation has begun regarding the transition to cloud-based platforms that support enhanced collaboration, security, and accessibility. The plan under review incorporates:

- **Technical Considerations:** Including data migration strategies, system interoperability, and long-term sustainability of the replacement solution.
- **Operational Requirements:** Ensuring minimal disruption to departmental workflows, continuity of access to critical files, and support for users across all GN communities.
- **Legislative and Policy Alignment:** Addressing the need for updated information management practices, including the implementation of information/data classification and security standards, privacy impact assessments, and governance frameworks to ensure compliance with applicable legislation and policies
- **Costing:** Detailed analysis and forecasting of anticipated heightened budgetary requirements that will result from moving Y:Drive files to the Cloud.

GN Response 14.2

The Government of Nunavut (GN) is actively advancing its efforts to safeguard personal and corporate information in cloud environments through a comprehensive modernization of its information governance framework. This work is being led by the Department of Transportation & Infrastructure Nunavut (TIN) in collaboration with the newly formed Information Governance Committee (IGC) and other departmental stakeholders. TIN is also looking to advance/expand its overall role in the Information Management field to modernize the practices within government. This is a significant endeavor for which TIN IM/IT is in the process of articulating a business case to secure the capital and human resources necessary to achieve this objective.

GN Response 14.3

While the work to develop a policy is ongoing, recommendations for staff on how to use generative AI while being privacy protective has been added to training provided by the Territorial ATIPP Office and draft language has been added to the Privacy Management Manual.

Until we have a formal policy in place, the Government of Nunavut is recommending that uses of Generative AI do not include the use of personal information unless a thorough Privacy Impact Assessment has been completed.

Standing Committee Recommendation #15

15.1 The standing committee recommends that the Government of Nunavut's response to this report provide a detailed update on the status of its comprehensive review of the *Access to Information and Protection of Privacy Act*.

15.2 The standing committee reiterates its previous recommendation concerning order making power and appeals.

GN Response 15.1

The Government of Nunavut has finished the research portion of the work and has moved on to analysis and drafting a review document. The document is on schedule to be provided to the next government for review and decision, following the fall election.

GN Response 15.2

Special attention was paid to this issue during the research and information collection stage. The recommendation will be considered while drafting the review document.

Appendix A – Work Completed Under Standing Offer Agreement 2022- 52

<i>Department</i>	<i>Service Provided</i>	<i>Date</i>	<i>Vendor Used</i>	<i>Contract Price</i>
Health	Privacy Services Health Information Unit	21-Mar-2023	Privacy Horizon	\$150,000.00
Finance	ATIPP 1029-20-NULC03172	23-May-2023	PrivacyWorks Consulting Inc.	\$17,500.00
Education	Privacy Impact Assessment	19-Jun-2023	Privacy Horizon	\$15,000.00
Family Services	Privacy Impact Assessment	9-Aug-2023	Securewise Inc.	\$24,200.00
Family Services	Audit Report Review	24-Aug-2023	PrivacyWorks Consulting Inc.	\$6,250.00
Education	Privacy Impact Assessment	1-Nov-2023	Privacy Horizon	\$6,000.00
Health	Access to Information and Protection of Privacy Support	11-Mar-2024	Privacy Horizon Inc.	\$84,480.00
Environment	Privacy Impact Assessment Enforcement Database	5-Nov-2024	PrivacyWorks Consulting Inc.	\$12,600.00
Education	Privacy Impact Assessment	15-Dec-2024	Privacy Horizon Inc.	\$6,500.00
Education	Privacy Impact Assessment	15-Feb-2025	Privacy Horizon Inc.	\$9,000.00

Appendix B – Preliminary Privacy Impact Assessments and Privacy Impact Assessments

Date of application	Department	Project Title	PIA or Pre-PIA?	Full PIA Required	Sent to IPC for review
22-Apr-24	Human Resources	Telework policy	PIA	n/a	No
8-May-24	Health	Hyperfine Swoop Portable MR Imaging System-	Pre-PIA	No	No
25-Apr-24	Human Resources	GN Employee Engagement Survey	Pre-PIA	No	No
22-May-24	Community and Government Services	Inuit Games Challenge	Pre-PIA	No	No
12-Jun-24	Nunavut Housing Corporation	Mandatory Payroll Deductions	Pre-PIA	No	No
13-Jun-24	Health	Security Cameras	Pre-PIA	No	No
14-Jun-24	Health	CCTV Camera Installation	Pre-PIA	No	No
18-Jun-24	Health	Omni-Doc Management	Pre-PIA	No	No
17-Jun-24	Finance	Risk Management Information System	Pre-PIA	No	No
26-Aug-24	Health	Vital Statistics Act - Amendments	Pre-PIA	No	No

3-Sep-24	Finance	Fuel Tax Act	Pre-PIA	No	No
11-Sep-24	Education	Early Learning Child Care Data collection legislative	Pre-PIA	No	no
11-Sep-24	Education	Principals Monthly Reports	Pre-PIA	No	No
11-Sep-24	Education	Financial Assistance For Nunavut Students - Student Portal	Pre-PIA	No	No
11-Oct-24	Health	Pharmacy Professions Act	Pre-PIA	No	No
20-Nov-24	Finance	TeamMate Audit Software	Pre-PIA	No	No
18-Dec-24	Finance	Oracle Fusion Cloud	PIA	n/a	The IPC was consulted
5-Mar-25	Justice	Police Regulations	Pre-PIA	Yes	No
6-Mar-25	Health	Inventory Management System	Pre-PIA	No	No
21-Feb-25	NHC	Yardi Management software	Pre-PIA	No	No
4-Mar-25	Health	Nunavut Diagnostic Images to Shared Health Manitoba	Pre-PIA	No	No
19-Mar-25	CGS	BYOD Programs for Smartphones	Pre-PIA	Work is ongoing	Work is ongoing
20-Mar-25	Health	Medical Professionals Regulations (version 2)	Pre-PIA	No	No

Appendix C – Depersonalized Information on Settlement Reports

Fiscal Year	Region	Department	Issue	Resolution
22/23	Kivalliq	Health	Termination of Employment-Settlement	MOS
22/23	Iqaluit	NHC	Termination of Employment-Settlement	MOS
22/23	Iqaluit	NHC	Termination of Employment-Settlement	MOS
22/23	Iqaluit	Health	EXC Grievance: Termination	MOS
22/23	Iqaluit	Family Services	NEU Grievances (4): Alleging harassment, employment issues	Arbitration
22/23	Iqaluit	NHC	Termination of Employment-Settlement	MOS
22/23	Iqaluit	Finance	NEU Grievance: Alleging failure to accommodate	Grievance
22/23	Iqaluit	Health	NEU Grievance: Alleging Intrusion Upon seclusion	MOS
22/23	Iqaluit	Health	NEU Grievance (3): 1 and 5 day Suspension, leave calculation	MOS
22/23	Baffin	Health	NEU Grievance: Alleging Employer failed to protect from Harassment.	Grievance
23/24	Baffin	Health	NEU Grievances (2): Alleging harassment and wrongful termination	Grievance
23/24	Iqaluit	Human Resources	Termination of Employment-Settlement	MOS
23/24	Iqaluit	Family Services	Termination of Employment-Settlement	MOS
23/24	Iqaluit	Justice	NEU Grievance: Alleging failure to accommodate	MOS

23/24	Iqaluit	Health	Resolution of differences at resignation	MOS
23/24	Kivalliq	CGS	Termination of Employment-Settlement	MOS
23/24	Kivalliq	Education	Termination of Employment-Settlement	MOS
24/25	Iqaluit	Culture & Heritage	EXC Grievance: Alleging Breach of contract concerning salary	MOS
24/25	Iqaluit	Finance	Court Settlement: Discontinuation of LTD Benefits.	MOS
24/25	Iqaluit	NHC	Termination of Employment-Settlement	MOS
24/25	Iqaluit	Justice	NEU Grievance: Alleging violation of privacy rights	Grievance
24/25	Kivalliq	Education	Termination of Employment-Settlement	MOS
24/25	Baffin	Health	Resolution of differences at resignation	MOS

Appendix D: Clare's Laws – Jurisdictional Review Summary

How Clare's Law is typically structured in Canada

"Clare's Law" refers to legislation that allows police to disclose information about an individual's history of intimate partner violence to a current or former partner who is concerned about their safety. The general purpose of Clare's Law is to provide individuals who may be at risk of intimate partner violence with information about their partner's history of domestic abuse, to enable the person who is at risk to make an informed choice about their safety.

Clare's Law typically works through two distinct procedures: the "**Right to Ask**" and the "**Right to Know**".

The **Right to Ask** ("RTA") refers to a person's right to *request* information about their current or former partner's history of intimate partner violence. Under this process, a person who believes they are at risk of domestic abuse – called the person at risk ("**PAR**") – applies for information about their partner's past violent conduct. The partner is called the person of disclosure ("**POD**"). In certain circumstances, a third-party support person ("**Third-Party Applicant**") – like a social worker or family member – can assist a PAR with their application or apply on their behalf.

The **Right to Know** ("RTK") refers to a PAR's right to *receive* information about a POD's history of intimate partner violence. Under this process, the police can proactively disclose to a PAR information about a POD's past, without requiring the PAR to apply. For example, police may initiate the RTK process if they obtain information during an investigation that leads them to believe a PAR is at risk and should be advised of a POD's relevant history.

Five Canadian jurisdictions have passed their own versions of Clare's Law: Saskatchewan, Alberta, Newfoundland and Labrador, Manitoba, and New Brunswick (Manitoba's and New Brunswick's legislation are not yet in force as of June 30, 2025). Each version is different, but they all follow a similar structure.

1. **Application/Initiation:** The first stage involves collecting and/or verifying information about the PAR and POD and their relationship. This may happen through an application under the RTA process or through the RTK process, after the police receive information that leads them to believe a PAR may benefit from receiving disclosure information.

Part of the verification process includes running police database checks on the PAR, POD, and Third-Party Applicant (where applicable) to determine whether the PAR is eligible to receive disclosure. Generally, a PAR will be eligible where (a) there is a reason for them to feel they are at risk of intimate partner violence and (b) they are not making the application for a prohibited purpose (e.g., to use disclosure information against the POD in a custody dispute).

Where the available information demonstrates the PAR is eligible to receive disclosure, the application and results of the POD's record checks are analyzed for

a risk assessment.

2. **Risk Analysis:** During the second stage of the process, a committee of government, police, and/or social service representatives reviews the application information and police records to (a) assess the PAR's level of risk and (b) determine what disclosure should be made, if any.
3. **Disclosure:** In the final stage, police meet with the PAR and/or Third-Party Applicant to provide verbal disclosure of the PAR's level of risk (e.g., high, medium, low) and any applicable context information. Context information may include general information on the POD's previous convictions, police warnings, or reports of abusive or controlling conduct. Specific details (dates, victims' names, etc.) are not usually disclosed. Note that Newfoundland and Labrador only disclose context information that is publicly available, such as criminal convictions.
The default is for disclosure to be made in person at the police detachment, though arrangements may be made to provide disclosure at a different location or by phone or videoconference.

Key differences in Clare's Law across Canada

Although each Clare's Law follows a similar structure, there are three key differences in how they are implemented.

The first key difference between each Canadian jurisdiction's Clare's Law is in who/what entity conducts the **risk assessments**:

- In Alberta, risk assessments are conducted by the Integrated Threat and Risk Assessment Centre ("**I-TRAC**"), a specialized unit of the Government of Alberta that is focused on risk management and serving victims.
- In Saskatchewan, a multi-sector review committee ("**MSRC**") determines risk and makes recommendations on what should be disclosed (though police make the final decision respecting disclosure). The multi-sector review committee is composed of up to 10 representatives from police, victims' services, and the Provincial Association of Transition Houses and Services of Saskatchewan.
- In Newfoundland and Labrador, police conduct the risk assessment.
- In Manitoba, risk assessments will be conducted jointly by the Director (an employee of the department responsible for the Act, who is appointed by that department's Minister) and police.

- In New Brunswick, the Act does not stipulate who will conduct the risk assessment, though it does authorize the Minister to make regulations for assessing and establishing risk levels.

The second key difference is what each jurisdiction includes as **disclosure information**:

- In Alberta, disclosure information includes:
 - the PAR's risk level (Domestic Violence Related Information Identified, No Domestic Violence Related Information Identified, or Insufficient Information); and
 - context information, which may include information regarding the recentness, frequency, and severity of the POD's previous domestic violence related acts.
- In Saskatchewan, disclosure information is limited to:
 - the PAR's risk level (Low, Medium, or High); and
 - relevant criminal convictions, meaning those that may indicate an increased risk of intimate partner violence. However, disclosure will not include any personal information or details of the relevant convictions, as the severity of the conviction is reflected in the risk level.
- In Newfoundland and Labrador, disclosure information is limited to:
 - the PAR's risk level (Insufficient Information, Low, Medium, or High); and
 - publicly-available context information (e.g., POD's convictions).
- In Manitoba, what constitutes disclosure information will be prescribed in the regulations, which are not yet finalized. However, the Act suggests that "disclosure information" is information relating to one's risk of intimate partner violence, which includes violence toward a PAR or a PAR's child. The Act also defines "information" to include personal or personal health information.
- In New Brunswick, "disclosure information" will be defined in the regulations, which are not yet finalized.

The third key difference is the **number of steps** in the RTA process, from receiving an application to providing disclosure.

- In Alberta, there are roughly 10 administrative steps from an application being made to police providing disclosure information. Alberta appears to have the highest administrative burden, I suspect because there are three bodies involved in the assessment and disclosure process: a Government of Alberta committee or representative who conducts the initial validation checks and facilitates applications through the process; the police, who conduct record checks, compile information, and provide disclosure to the PAR; and I-TRAC, which conducts the risk assessment.

- In Saskatchewan, there are roughly 8 administrative steps throughout the process, though Saskatchewan's Protocol is only administered by two actors: police and the MSRC.
- In Newfoundland and Labrador, there are *at most* 5 steps in the process, likely because the police are essentially solely responsible for facilitating the process by receiving applications, conducting the risk assessments, and making disclosure.

In Manitoba and New Brunswick, it is currently unclear how many administrative steps the process will take.

Appendix E: Missing Persons Laws – Jurisdictional Review Summary

How Missing Persons Laws are typically structured in Canada

The general purpose of missing persons laws is to make it easier for police to access information that may assist in locating a missing person where no criminal investigation is underway. When an individual is determined to be a missing person, police officers have the authority to request information contained in individual's personal records, such as telecommunication, financial and health records.

Judicial Oversight

Every province and territory with missing persons legislation requires police to obtain a court order in most cases—whether it's a record-access order, search order or emergency demand—before accessing personal data or entering premises. This judicial oversight balances the need for immediate action against individual privacy rights.

Emergency Demands for Urgent Data Preservation

Emergency or urgent demands exist in nearly all jurisdictions to provide access to records when police believe on reasonable grounds that there is imminent risk to a missing person or to preserve a record where it may assist in locating the missing person. Most jurisdictions require police agencies to report annually on emergency demands they make to enhance transparency and accountability.

Narrow Scope of Use and Disclosure

All the laws limit the use of obtained information strictly for the purpose of locating the missing person. Once the case ends, records must be securely stored and subsequently destroyed or returned, with clear prohibitions on sharing data for unrelated investigations or public disclosure.

Varying Definitions of “Vulnerable” and “At-Risk”

What constitutes a vulnerable or at-risk person—such as minors, individuals with cognitive impairments, victims of domestic violence or persons experiencing homelessness—differs across jurisdictions. Some provinces specify additional groups (e.g., elderly or Indigenous persons), influencing how and when search orders are granted.

Privacy Considerations

The missing persons laws provide exceptions and exemptions from privacy legislation but include additional provisions to ensure confidentiality is maintained.

Alberta

Alberta's *Missing Persons Act* (2011) lets police obtain court orders to access personal, health and communication records when investigating a missing person. In urgent cases, officers can make “emergency demands” for specified records without a

warrant. The Act balances these tools with privacy safeguards, requiring judicial oversight for non-urgent requests and limiting use of the information to locating the missing individual.

British Columbia

The *Missing Persons Act* (2014) authorizes police on an application without notice to get record-access orders for phone, banking, health and other records that may aid in locating a missing person. It also provides search orders to enter premises when a vulnerable or at-risk person may be inside, plus emergency demands to preserve time-sensitive information. Use and disclosure of obtained records are strictly limited to the investigation purpose.

Manitoba

Manitoba's *Missing Persons Act* (2012, amended 2023), allows municipal or RCMP to obtain:

- Search orders to enter private property for minors or vulnerable persons;
- Record-access orders for personal health, financial, identifying and electronic communication records;
- Emergency demands for records when delay could risk the missing person's safety, plus annual reporting on emergency demands.

Information obtained is restricted to locating the person and protected by privacy rules.

New Brunswick

The *Missing Persons Act* (2022) empowers officers to apply, without notice, for record-access orders covering demographics, health, education, travel and financial records. It also includes search orders for minors, vulnerable or "at-risk" persons, and emergency demands when destruction or loss of records is imminent. Judicial criteria require balancing public and privacy interests, considering if the missing person may not want to be found.

Newfoundland & Labrador

Under the *Missing Persons Act* (2014):

- Record access orders for a wide range of data (health, GPS, video, social media, etc.);

- Search orders for dwellings where a minor or vulnerable adult may be located;
- Emergency demands for records if delay could hamper the search;
- Restrictions on disclosure and no-privilege overrides to ensure information use only for locating purposes.

Nova Scotia

The *Missing Persons Act* (2012) allows police to obtain:

- Search orders (by force if necessary) to enter premises where a vulnerable or minor missing person may be found;
- Record-access orders for personal, health, financial, communication and other relevant records;

All records must be securely stored and destroyed per agency policies once the investigation concludes.

Ontario

The *Missing Persons Act* (2018) gives police in non-criminal cases, tools to access personal, phone, financial and health records via production orders; to issue emergency demands if records may be destroyed; and to seek warrants to enter premises. Safeguards require judicial authorization and clear use-limits to protect privacy while expediting urgent searches.

Prince Edward Island

PEI's *Missing Persons Act* (2021) permits:

- Search orders for dwellings when safety of minors or vulnerable adults is in question;
- Record-access orders for health, communications, education, financial and other records;
- Emergency demands in emergency circumstances, including annual reporting.

It also specifies service requirements, annual reporting on emergency demands and secure record retention/disposal.

Quebec

Quebec's *Act to assist in locating missing persons* (2023) establishes:

- Communication orders for third parties to supply identity, GPS, telecom, social media, health and financial data;
- Search authorizations to enter premises for minors or vulnerable persons;
- Flexibility to vary orders in public interest, with terms to protect professional secrecy;
- Non-reliance on privilege or self-incrimination objections to ensure data flow to police.

Saskatchewan

The *Missing Persons and Presumption of Death Act* (2009) combines missing persons powers with property-guardian and presumption-of-death provisions. In addition to similar police powers to access missing persons' information, it allows courts to appoint guardians and, if necessary, declare a person presumed dead. It also streamlines administration of estates and family rights when someone remains missing long-term.

Northwest Territories

NWT's *Missing Persons Act* (2024) is the most recent enactment, which grants RCMP powers to:

- Obtain record-access orders for personal, telecom, health, financial, travel and other relevant records;
- Obtain search orders for dwellings where a missing person may be;
- Request emergency demands when delay risks destroying key records;

The Act also provides specific exemptions from territorial privacy statutes to facilitate the location of missing persons, along with judicial and procedural safeguards.

Yukon

Yukon's *Missing Persons Act* (2017), which came into force in 2023 enables:

- Record access orders for broad categories of data (ID, communications, GPS, video, health, etc.);
- Search orders to enter private premises;
- Emergency demands without prior warrant for immediate access to records, and the RCMP must publicly report on the number and types of emergency demands made.
- Restrictions on use, disclosure and retention of information strictly for locating purposes;

Appendix F: Letter from the Nunavut Association of Municipalities

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June 28th, 2024

Jessica Young,
A/Deputy Minister
Community Government and Services
Government of Nunavut

Sent via Email

RE: COMMENTS ON ATIPP

Dear Jessica,

A little while ago you asked for some thoughts surrounding the municipalities and ATIP. Thank you for the opportunity to collaborate on this topic.

We respect that the Access to Information and Protection of Privacy Act (ATIPP) is designed to ensure transparency and protect personal information within public institutions. However, there are valid reasons why our municipalities should not be subject to ATIPP at this time. I have outlined some thoughts as follows:

1. Compliance with ATIPP will impose significant administrative burdens and costs on our municipalities. Dedicated resources will be required to handle requests, implement stringent data management practices, and maintain comprehensive records.

Our municipal administrators are overly stretched in a multitude of activities and the municipality has limited budgets and staff. Having these requirements in addition to the current workload would divert essential resources away from their core activities.

2. Implementing ATIPP requirements involves collecting, storing, and managing large amounts of sensitive information. Many municipalities in Nunavut face significant challenges related to cybersecurity and data infrastructure due to their remote locations and limited technical resources in the community.

From my research on the topic, ensuring the secure handling of data to comply with ATIPP can be highly demanding. We have limited access to advanced cybersecurity measures that will increase the risk of data breaches and cyber-attacks, potentially exposing sensitive information and compromising the privacy of residents. For municipalities with constrained resources, prioritizing the development and maintenance of robust cybersecurity measures

over compliance with ATIPP can be essential to protect the integrity and confidentiality of their data. There are very few communities at this time with a robust cybersecurity system or data management protocols.

3. The vast and remote geography of Nunavut, coupled with limited and unreliable technological infrastructure, will make the implementation of ATIPP challenging. Ensuring secure and efficient handling of information requests could be difficult, further complicating compliance efforts.
4. In small, closely-knit communities, the release of information under ATIPP could inadvertently compromise individual privacy. The risk of identifying individuals from released data is higher in small populations, potentially leading to breaches of confidentiality and trust within the community.
5. Other municipalities I have spoken to speak of the “vexation” factor channeled towards municipal staff and elected officials where ATIPP is being used with malicious intent. What we have seen in the past few years on community Facebook and social media across the country may be a good indicator that ATIPP could be a vehicle for malicious intent as it relates to personal vendettas.

NAM would propose that instead of using ATIPP as a solution to gain transparency, we could all work towards developing a tailored transparency and accountability framework that better suits the unique context and needs of municipalities in our cultural context. Municipalities in Nunavut may already have local accountability and transparency mechanisms that are more attuned to their capabilities and specific needs. These could include community meetings, local consultations, and other forms of direct engagement with residents, providing an alternative to the formal processes mandated by ATIPP.

It is certain that at this time, we are not ready for ATIPP and should it be a legislated requirement and suggest that we are at least 5 years away from having an efficient system.

We would I would be pleased to discuss alternatives or approaches with you to ensure that whatever mechanism of transparency is selected, that our municipalities will become stronger and the work that they are currently tasked with not be deteriorated.

These comments are provided as food for thought, for our northern context as the Government of Nunavut reviews the possibility of requiring ATIPP in municipalities. There are other solutions.

Respectfully



EXECUTIVE DIRECTOR

MARLA LIMOUSIN