



Standing Committee on Oversight of Government Operations and Public Accounts

*Report on the Review of the 2020-2021 and 2021-2022 Annual Reports of the
Information and Privacy Commissioner of Nunavut*

**2nd Session of the 6th Legislative Assembly of Nunavut
Fall 2022 Sitting**

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Introduction

The Standing Committee on Oversight of Government Operations and Public Accounts held a televised hearing on the 2020-2021 and 2021-2022 annual reports of the Information and Privacy Commissioner of Nunavut from September 26-27, 2022.

The standing committee's hearing was held in the Chamber of the Legislative Assembly and was televised live across the territory. The hearing was open to the public and news media to observe from the Visitors' Gallery, and was livestreamed on the Legislative Assembly's website. The transcripts from the standing committee's hearing are available from the Legislative Assembly's website.

Witnesses appearing before the standing committee included the Information and Privacy Commissioner and a number of departmental officials, including the Deputy Minister of Executive and Intergovernmental Affairs. The standing committee notes its appreciation to the witnesses.

Overview and Chronology of Recent Events

The *Access to Information and Protection of Privacy Act* was inherited upon division on April 1, 1999.

Section 61 of the statute provides, in part, that:

Appointment of Information and Privacy Commissioner

61. (1) The Commissioner, on the recommendation of the Legislative Assembly, shall appoint an Information and Privacy Commissioner to carry out the duties and functions set out in this Act and shall undertake other duties and functions in addition as required by other legislation.

The current incumbent, Graham Steele, assumed office on January 11, 2021. His term office expires on January 10, 2026. His predecessor, the late Elaine Keenan Bengts, served from November 15, 1999 to January 10, 2021.

The 2016-2017 annual report of the Information and Privacy Commissioner was tabled in the Legislative Assembly on September 12, 2017. The 2017-2018 annual report was tabled on October 26, 2018. The 5th Legislative Assembly of Nunavut's Standing Committee on Oversight of Government Operations and Public Accounts held a televised hearing on the annual report on April 11, 2019. The standing committee presented its *Report on the Review of the 2015-2016 Annual Report of the Information and Privacy Commissioner* at the Legislative Assembly's sitting of June 6, 2019. The Government of Nunavut's response to the standing committee's report was tabled in the Legislative Assembly on October 25, 2019.

The 2018-2019 annual report of the Information and Privacy Commissioner was tabled in the Legislative Assembly on October 17, 2019. The 2019-2020 annual report was tabled on October 21, 2020. As a consequence of the COVID-19 pandemic, televised hearings were not held on these reports. The 2020-2021 annual report of the Information and Privacy Commissioner was tabled in the Legislative Assembly on September 9, 2021. The 2021-2022 annual report was tabled on May 25, 2022.

The Government of Nunavut's Department of Executive and Intergovernmental Affairs has overarching responsibility for the government's administration of the *Access to Information and Protection of Privacy Act* and related regulations and policies (*Access to Information and Protection of Privacy Policy*, the *Privacy Breach Policy* and the *Privacy Impact Assessment Policy*). The government's 2019-2020 annual report on the administration of the *Access to Information and Protection of Privacy Act* was tabled in the Legislative Assembly on March 16, 2021. The 2020-2021 and 2021-2022 annual reports have not yet been tabled. The annual report is not required by statute to be tabled.

The most recent set of significant amendments to the *Access to Information and Protection of Privacy Act* were made in 2017. Bill 48, *An Act to Amend the Access to Information and Protection of Privacy Act*, was introduced and received 1st Reading on June 6, 2017. The Bill received Assent on September 19, 2017.

Observations and Recommendations Directed to the Government of Nunavut

Issue: Commitments to Provide Information

During the televised hearing, witnesses from the Government of Nunavut made a number of commitments to provide additional information to the standing committee.

Standing Committee Recommendation #1:

The standing committee recommends that the Government of Nunavut's response to this report include, as attachments, the information items that were committed to during the televised hearing of September 26-27, 2022.

Issue: Annual Reports on the Administration of the *Access to Information and Protection of Privacy Act*

The Government of Nunavut's Department of Executive and Intergovernmental Affairs has overarching responsibility for the government's administration of the *Access to Information and Protection of Privacy Act* and related regulations and policies (the *Access to Information and Protection of Privacy Policy*, the *Privacy Breach Policy* and the *Privacy Impact Assessment Policy*).

The government's 2019-2020 annual report on the administration of the *Access to Information and Protection of Privacy Act* was tabled in the Legislative Assembly on March 16, 2021. The 2020-2021 and 2021-2022 annual reports have not yet been tabled. The annual report is not required by statute to be tabled.

The standing committee emphasizes the importance of timely tabling of annual reports to the Legislative Assembly.

Standing Committee Recommendation #2:

The standing committee recommends that the Government of Nunavut's 2020-2021 and 2021-2022 annual reports on the administration of the *Access to Information and Protection of Privacy Act* be tabled in the Legislative Assembly at the earliest practicable opportunity.

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.

Issue: Access to Information and Protection of Privacy Coordinators

Significant attention was paid during the standing committee's televised hearing of September 26-27, 2022, to the role of the Government of Nunavut's Access to Information and Protection of Privacy Coordinators. The standing committee applauds the work of these frontline employees.

In his 2021-2022 annual report to the Legislative Assembly, the Information and Privacy Commissioner indicated that "there are too many vacancies, too much turnover, not enough training and little or no management support" with respect to the government's Access to Information and Protection of Privacy Coordinators.

The standing committee recognizes that the government currently faces a number of significant capacity challenges in filling critical positions, such as health care workers.

On August 12, 2022, the Government of Nunavut issued *RFP 2022-52: Standing Offer Agreement - Privacy and Information Management-Specific Training and Consulting Services*. The Request for Proposals closed on September 16, 2022.

Standing Committee Recommendation #3:

The standing committee recommends that the Government of Nunavut's response to this report clarify, in detail, what specific education and training qualifications are currently required for Access to Information and Protection of Privacy Coordinator positions.

The standing committee further recommends that the Government of Nunavut's response to this report clarify, in detail, the methodology which determined current salary ranges for Access to Information and Protection of Privacy Coordinator positions.

The standing committee further recommends that the Government of Nunavut's response to this report clarify, in detail, what specific actions are being taken to review current salary ranges for Access to Information and Protection of Privacy Coordinator positions.

The standing committee further recommends that the Government of Nunavut's response to this report confirm the results of *Request for Proposals 2022-52: Standing Offer Agreement - Privacy and Information Management-Specific Training and Consulting Services*.

Issue: Centralization of Access to Information and Protection of Privacy Administration

The Government of Nunavut's formal response of August 3, 2022, to the Information and Privacy Commissioner's *Review Report 22-221-RR* indicated that:

“As for the observation that the access to information and protection of privacy function is broken and needs changes either to the legislation or to access to information and protection of privacy administration, this is part of a larger conversation between the Information and Privacy Commissioner's office and The Department of Executive and Intergovernmental Affairs. We have started conversations internally on how to centralize the access to information and protection of privacy function to better address the concerns and recommendations on a whole Government of Nunavut approach to access to information and protection of privacy.”

Standing Committee Recommendation #4:

The standing committee recommends that the Government of Nunavut's response to this report clarify, in detail, the status of its current review of the centralization of access to information and protection of privacy administration, and that this clarification include a detailed update concerning the extent to which positions related to the administration of the function are planned to be transferred to the Department of Executive and Intergovernmental Affairs or other central agency.

Issue: Application of the *Access to Information and Protection of Privacy Act* to Municipalities, District Education Authorities and Alcohol Education Committees

In April of 2015, the *Access to Information and Protection and Privacy Regulations* were amended to designate housing authorities and housing associations as public bodies. However, District Education Authorities (DEAs) are not yet covered by the legislation. In 2017, the Legislative Assembly passed a number of amendments to the *Access to Information and Protection and Privacy Act*, including the addition of new provisions to allow, through regulation, for the designation of municipalities as public bodies. However, new regulations to give effect to these changes have not yet been passed.

On November 9, 2021, the Iqaluit City Council passed a formal motion directing the municipal administration to “work with the Government of Nunavut and the Office of the Information and Privacy Commissioner of Nunavut on funding, training and file management systems, with the goal of coming under the *Access to Information and Protection of Privacy Act* by January 2023.”

Although the standing committee supports the principle of having federal, territorial and municipal levels of government being covered by appropriate legislative frameworks in respect to access to information and protection of privacy, it recognizes the reality of capacity challenges facing smaller entities.

Standing Committee Recommendation #5:

The standing committee recommends that the Government of Nunavut’s response to this report clarify, in detail, 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 municipalities as public bodies.

The standing committee further recommends that the Government of Nunavut’s response to this report clarify, in detail, its response to City of Iqaluit Motion 21-371, which was adopted at the Council’s meeting of November 9, 2021.

The standing committee further recommends that the Government of Nunavut’s response to this report include a detailed description of 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.

The standing committee further recommends that the Government of Nunavut’s response to this report clarify its position respecting the application of the *Access to Information and Protection of Privacy Act* to Alcohol Education Committees established under section 50 of the *Liquor Act*.

Issue: Cybersecurity and Ransomware

Significant attention was paid during the standing committee’s televised hearing of September 26-27, 2022, to the issues of cybersecurity and ransomware.

In his 2021-2022 annual report to the Legislative Assembly, the Information and Privacy Commissioner indicated that “we live in a world of surveillance and cyberattacks.”

Standing Committee Recommendation #6:

The standing committee recommends that the Government of Nunavut’s response to this report include a copy of the “forensic report” that is referenced on page 11 of the Information and Privacy Commissioner’s 2021-2022 annual report.

The standing committee further recommends that the Government of Nunavut’s response to this report describe, in detail, what consultations it has undertaken, or is planning to undertake, with the Office of the Information and Privacy Commissioner regarding cybersecurity initiatives.

Issue: *Police Act*

Nunavut's new *Police Act* was passed by the 5th Legislative Assembly and received Assent on June 8, 2021. The legislation provides, in part, that:

Agreement - contracted investigative body

6. (1) The Minister may, from time to time, on behalf of the Government of Nunavut, enter into an agreement with an independent investigative body, or with its government, to authorize the independent investigative body to be a contracted investigative body for the purposes of this Part.

Agreement - contracted police force

(2) The Minister may, from time to time, on behalf of the Government of Nunavut, enter into an agreement with a police force in Canada, or with its government, municipality or other authority, to authorize the police force to be a contracted police force for the purposes of this Part.

These provisions concern investigations into serious incidents occurring within the meaning of the federal *Royal Canadian Mounted Police Act*.

In his 2021-2022 annual report to the Legislative Assembly, the Information and Privacy Commissioner indicates that his office has not yet been consulted by the Department of Justice concerning proposed agreements between the Government of Nunavut and independent investigative bodies and other entities.

The standing committee notes the importance of ensuring that agreements entered into between the Government of Nunavut and independent investigative bodies and other entities include disclosure requirements that are comparable to those which are in place in other Canadian jurisdictions in respect to the public reporting of investigative findings.

Standing Committee Recommendation #7:

The standing committee recommends that the Government of Nunavut's response to this report describe, in detail, what consultations it has undertaken, or is planning to undertake, 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 territorial *Police Act*.

Issue: Non-Disclosure Agreements

Significant attention was paid during the standing committee's televised hearing of September 26-27, 2022, to the issue of non-disclosure agreements.

In his testimony to the standing committee of September 27, 2022, the Information and Privacy Commissioner stated that:

"The answer to your question is that, in my opinion as your Information and Privacy Commissioner, and as a lawyer of more than 30 years' experience, the information law prevails over non-disclosure agreements, especially in the government context, because it is the people's money. If there's a non-disclosure agreement entered into by the Government of Nunavut, it means that there is some aspect of the public interest at play, and although the issue has not come before me, if somebody applied to see an agreement and the government said, 'No, we're not giving it to you because there is a non-disclosure clause in the agreement,' I'm very likely to say that that is legally wrong and the agreement should be disclosed. To put it in one sentence, Member, I do not believe that governments should enter into non-disclosure agreements and, if they do, it is very much subject to the information and privacy law."

Standing Committee Recommendation #8:

The standing committee recommends that the Government of Nunavut's response to this report include a detailed list of non-disclosure agreements entered into between the Government of Nunavut's departments, public agencies, territorial corporations and other entities and individuals between April 1, 2019 and March 31, 2022.

Issue: Privacy Impact Assessments

In 2017, the Legislative Assembly passed a number of amendments to the *Access to Information and Protection and Privacy Act*, including the addition of new provisions concerning privacy impact assessments.

The statute defines a "privacy impact assessment" to mean "an assessment that is conducted by a public body as defined in section 2, but not including a municipality, to determine if a current or proposed program or service meets or will meet the requirements of Part 2 of this Act."

Section 42.1 of the statute provides that:

Privacy impact assessment

42.1. (1) A minister shall, during the development of a program or service by a public body or the redesign of an existing program or service by a public body, submit to the Minister responsible for this Act

- (a) a privacy impact assessment for the Minister's review and comment; or
- (b) the results of a preliminary assessment showing that a privacy impact assessment of the program or service is not required.

Preliminary assessment

(2) A minister shall conduct a preliminary assessment and, where required, a privacy impact assessment in accordance with the directions of the Minister responsible for this Act.

Municipality not included

(3) A municipality is not a public body for the purposes of subsection (1).

Standing Committee Recommendation #9:

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, 2019 and March 1, 2022, and that these descriptions detail the extent to which the Information and Privacy Commissioner was consulted in their preparation.

Issue: Sunsetting Policies

The Government of Nunavut's Department of Community and Government Services administers the *Acceptable Use of Mobile Devices Policy*, which sunsetted on August 31, 2021. The Government of Nunavut's Department of Community and Government Services also administers the *Acceptable Email and Internet Usage Policy*, which sunsetted on December 31, 2021.

Standing Committee Recommendation #10:

The standing committee recommends that the Government of Nunavut's response to this report clarify, in detail, the status of its reviews of the *Acceptable Use of Mobile Devices Policy* and the *Acceptable Email and Internet Usage Policy*.

Issue: Health-Specific Privacy Issues and Related Matters

Significant attention was paid during the standing committee's televised hearing of September 26-27, 2022, to health-specific privacy issues.

The standing committee takes note of the September 2022 resolution concerning digital healthcare that was issued at the annual meeting of federal, provincial and territorial information and privacy commissioners.

Subsection 67(c) of the *Access to Information and Protection of Privacy Act* provides that the Information and Privacy Commissioner may "offer comment on the implications for privacy protection of proposed legislative schemes or government programs."

Standing Committee Recommendation #11:

The standing committee recommends that the Government of Nunavut's response to this report include a detailed description of the current status of the development of health-specific privacy legislation, including the extent to which the legislation will address the public release of statistics and other information concerning communicable diseases.

The standing committee further recommends that the Department of Health formally consult with the Office of the Information and Privacy Commissioner regarding the development of health-specific privacy legislation, and that the Office's recommendations be tabled in the Legislative Assembly following the introduction of the proposed Bill.

The standing committee further recommends that the Government of Nunavut's response to this report include a detailed description of what information- and privacy-related orientation and training is provided to employees and contractors working in group home and supported living environments in Nunavut.

The standing committee further recommends that the Government of Nunavut's response to this report describe, in detail, what consultations it has undertaken, or is planning to undertake, with the Office of the Information and Privacy Commissioner regarding the coming into force of the new territorial *Mental Health Act* and the activities of the Mental Health Review Board.

The standing committee further recommends that the Government of Nunavut's response to this report include a copy of the "Interagency Sharing Protocol" that was referenced by the Government of Nunavut's lead witness during his testimony to the standing committee of September 27, 2022.

The standing committee further recommends that the Government of Nunavut's response to this report include a detailed description of the current status of the development of its information-sharing agreement with Nunavut Tunngavik Incorporated regarding health-specific data, including data concerning tuberculosis, and that a copy of this agreement be tabled in the Legislative Assembly at the earliest practicable opportunity.

Issue: Public Sector Salary Disclosure

In 2017, the Legislative Assembly passed a number of amendments to the *Access to Information and Protection and Privacy Act*, including the addition of new provisions to allow, through regulation, the disclosure of remuneration of prescribed classes of public employees. However, new regulations to give effect to these changes have not yet been passed.

Standing Committee Recommendation #12:

The standing committee recommends that the Government of Nunavut's response to this report include a detailed description of the current status of the development of regulations under sections 73(1.1) and (1.2) of the *Access to Information and Protection of Privacy Act* in respect to the disclosure of remuneration of prescribed classes of public employees.

Issue: Labour Relations and the *Access to Information and Protection of Privacy Act*

The Information and Privacy Commissioner has written in a number of his formal review reports that the *Access to Information and Protection of Privacy Act* has become a “proxy battleground for labour relations issues within the Government of Nunavut.”

In his testimony to the standing committee of September 27, 2022, the Information and Privacy Commissioner stated that:

“That’s not what the law is for; that’s not what it was intended to do, but nevertheless, that is the way it is being used. I do think that there are some ways of dealing with this. We could, again, talk about it a long time, but I’ll just name the most obvious way of dealing with this and that is to say that and that is to reach agreement with the unions, for example, about when somebody files a grievance, what information are they entitled to, what information they’re not entitled to, so that there’s already an agreement in place about how the information will be used in the grievance process.”

Section 1104 of the Government of Nunavut’s *Human Resources Manual* (“Release of Information”) was last updated on April 10, 2006, over fifteen years ago.

Standing Committee Recommendation #13:

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.

The standing committee further recommends that the Government of Nunavut’s response to this report describe, in detail, its timeline for updating *Human Resources Manual Section 1104 - Release of Information*.

The standing committee further recommends that the Minister responsible for the *Public Service Act* formally request the Office of the Ethics Officer to initiate contact with the Office of the Information and Privacy Commissioner to discuss areas of potential collaboration between the two entities.

Issue: Information-Sharing Agreements and Related Matters

A significant number of territorial statutes allow for the government to enter into information-sharing agreements with other entities.

On November 8, 2016, the Government of Nunavut's strategy document titled *Taking Steps to Reduce Alcohol-Related Harm in Nunavut* was tabled in the Legislative Assembly. One of the elements of the strategy provides that:

“Sometimes the courts, justices of the peace, Royal Canadian Mounted Police or other mechanism of Nunavut's justice system limit, restrict or prohibit an individual from accessing alcohol. These restrictions are often put in place after the individual, under the influence of alcohol, has caused themselves or others significant harm. It is the individual's responsibility to abide by any restrictions the court imposes.

However, to better reinforce these restrictions and limit future alcohol-related harm to the individual or others, the government could potentially support such court-ordered restrictions by *not* issuing an alcohol import permit to the individual. For this to work, the permitting system would need to be aware of the alcohol-related restrictions in place.

The government will explore how to support court-ordered restrictions on alcohol by considering whether the permitting system could help reduce alcohol-related harm by supporting court-ordered restrictions on alcohol; and exploring ways to increase communication between the courts and the permit system with respect to alcohol-related limitations, restrictions, and prohibitions for individuals in the territory, while respecting these individual's rights.”

Standing Committee Recommendation #14:

The standing committee recommends that the Government of Nunavut's response to this report include detailed descriptions of each information-sharing agreement entered into by the Government of Nunavut's departments, public agencies and territorial corporations under the authority of a territorial statute between April 1, 2019 and March 31, 2022, and that these descriptions clarify the extent to which the Information and Privacy Commissioner was consulted in their preparation.

The standing committee further recommends that the Government of Nunavut's response to this report describe, in detail, what specific actions have been taken to date in relation to the “Supporting Court-Ordered Restrictions on Alcohol” section of its *Taking Steps to Reduce Alcohol-Related Harm in Nunavut* strategy, including a detailed description of what information is currently shared with the Nunavut Liquor and Cannabis Commission in respect to court-ordered restrictions on alcohol.

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

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

Appeal of decision of head

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

However, the Information and Privacy Commissioner does not have the explicit authority under the legislation to appeal a decision made by a head of a public body in respect to their recommendations.

The Information and Privacy Commissioner indicates on page 21 of his 2021-2022 annual report that the *Access to Information and Protection of Privacy Act* should be amended to “give the Information and Privacy Commissioner the power to order the disclosure of documents.” This recommendation was also made by the previous Information and Privacy Commissioner. In its response to the previous Information and Privacy Commissioner’s recommendation, the government indicated that it is concerned that “giving the office this power would have unintended consequences to other initiatives and priorities.”

Standing Committee Recommendation #15:

The standing committee recommends that the Government of Nunavut introduce amendments to sections 36, 49.6 and 49.13 of the *Access to Information and Protection of Privacy Act* that would provide for a requirement on the part of the head of a public body to provide written reasons for decisions made in respect to recommendations made by the Information and Privacy Commissioner.

The standing committee further recommends that the Government of Nunavut introduce amendments to the *Access to Information and Protection of Privacy Act* to provide the Information and Privacy Commissioner with the authority to appeal a decision made by a head of a public body under sections 36, 49.6 and 49.13 of the *Access to Information and Protection of Privacy Act* to the Nunavut Court of Justice.

Observations and Recommendations Directed to the Office of the Information and Privacy Commissioner

Issue: Office of the Information and Privacy Commissioner’s Annual Report to the Legislative Assembly and Website

Section 68 of the *Access to Information and Protection of Privacy Act* provides that:

Annual report

68. (1) The Information and Privacy Commissioner shall, within six months after the end of each fiscal year, submit to the Speaker of the Legislative Assembly an assessment of the effectiveness of this Act and a report on the activities of the Information and Privacy Commissioner under this Act during the fiscal year, including information concerning any instances where recommendations made by the Information and Privacy Commissioner after a review have not been followed.

Laying report before Legislative Assembly

(2) The Speaker shall, at the first opportunity, lay a copy of the annual report referred to in subsection (1) before the Legislative Assembly.

The 2021-2022 annual report of the Office of the Information and Privacy Commissioner was tabled in the Legislative Assembly on May 25, 2022, less than 60 days after the end of the 2021-2022 fiscal year. The standing committee applauds the Information and Privacy Commissioner for the timeliness of his reporting.

As part of its approved terms of reference, the standing committee holds televised hearings on the annual reports of a number of independent officers of the Legislative Assembly, including those submitted by the Auditor General of Canada. As a matter of practice, the government’s formal responses to recommendations made by the Auditor General are embedded in the report itself. This practice greatly facilitates the ability of the standing committee to hold government witnesses to account during televised hearings on the annual reports of independent officers.

The Office of the Information and Privacy Commissioner maintains a website that provides a comprehensive range of important information. The website includes a section titled “Decisions,” which contains formal review reports directed to public bodies and their responses to the reports. The standing committee notes that ease of navigation of this section of the website would be enhanced if the public bodies were more clearly identified.

Standing Committee Recommendation #1:

The standing committee recommends that the Office of the Information and Privacy Commissioner's annual reports to the Legislative Assembly which are prepared and submitted under section 68 of the *Access to Information and Protection of Privacy Act* include the Government of Nunavut's formal responses to recommendations made by the Information and Privacy Commissioner.

The standing committee further recommends that the "Decisions" section of the Office of the Information and Privacy Commissioner's website more clearly identifies the public bodies involved.

Issue: Community Travel

The theme of “capacity” was discussed at length during the standing committee’s televised hearing of September 26-27, 2022.

The standing committee is of the view that the Information and Privacy Commissioner’s work, especially in respect to the potential application of the *Access to information and Protection of Privacy Act* to municipalities, District Education Authorities and other entities, would benefit from first-hand exposure to the environment in which they operate.

The standing committee recognizes that pandemic-related travel restrictions during the 2020-2021 and 2021-2022 fiscal years precluded the Information and Privacy Commissioner from undertaking community travel within Nunavut.

Standing Committee Recommendation #2:

The standing committee recommends that the Office of the Information and Privacy Commissioner, 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 prior to the end of the 2022-2023 fiscal year, and that the results of the visit be reported in the Office’s 2022-2023 annual report to the Legislative Assembly.

Issue: Information-Sharing Agreements

In his testimony to the standing committee of September 26, 2022, the Information and Privacy Commissioner stated that:

“Last year, there was a ransomware attack. I’m not talking about the ransomware attack on the Government of Nunavut, which you are aware of all too well. There was a ransomware attack on a company in Ontario that has a contract with the Government of Nunavut to handle student information for every single student in the territory. Let me repeat that just so you understand what’s at stake. The Department of Education has a contract with a company based in Ontario. It’s called a ‘Student Information System.’ This time, it was not the Government of Nunavut that was attacked; it was that computer of that company down in Ontario which held information about every single school child in Nunavut.

The difficulty that I have is that this company was based in Ontario. I have no authority outside the borders of Nunavut. What I did was contact the federal privacy commissioner, which does have jurisdiction over private companies across the country, I entered into an information-sharing agreement with the federal privacy commissioner and they did the investigation. I call it my office, but it’s really just me, but the federal privacy commissioner has 150 people. It’s a big office with a lot of technical expertise. When they did the investigation, I was satisfied that they had done a proper, thorough job. And so now today, I can tell you that I am satisfied that no information about Nunavut students was stolen. It could have been, but it wasn’t, so that’s good news.”

The standing committee applauds the Information and Privacy Commissioner for his proactive response to this situation.

Standing Committee Recommendation #3:

The standing committee recommends that the Office of the Information and Privacy Commissioner’s response to this report include copies of information-sharing agreements entered into with other federal, provincial and territorial information and privacy commissioners between January 11, 2021 and September 30, 2022.