

Table of Contents

Fiscal Year 2019-2020 in Review.....	3
<i>Year at a Glance</i>	3
<i>Increasing Support for ATIPP Coordinators</i>	3
<i>Policy Renewal</i>	4
<i>New ATIPP Manuals</i>	4
<i>ATIPP Training</i>	4
<i>Privacy Impact Assessments & Preliminary Privacy Impact Assessments Conducted</i>	5
2019-2020 Access Request Statistics	5
ATIPP Training Statistics 2019-2020.....	7
Recommendations from the 2019-2020 Annual Report of the Information and Privacy Commissioner	8

Fiscal Year 2019-2020 in Review

The Department of Executive and Intergovernmental Affairs (EIA) tables an annual report in the Legislative Assembly on the administration of the Access to Information and Protection of Privacy (ATIPP) Act. Although this report is not a statutory requirement, it is important that the government is accountable to the public regarding this function. Statistics on the administration of the ATIPP Act are recorded individually by each public body before the information is compiled centrally in the ATIPP office within EIA.

We are pleased to table the 2019-2020 Annual Report on the Administration of the ATIPP Act. This report provides a summary of formal requests received by public bodies under the ATIPP Act between April 1, 2019 and March 31, 2020. It also provides information on important updates and work done under the ATIPP function throughout the fiscal year.

Year at a Glance

The 2019-2020 fiscal year was anything but ordinary. This period started with a transition in the ATIPP Manager role, included a ransomware attack that temporarily brought down the entire Government of Nunavut core business network and ended in a global pandemic that shut down most public and common spaces. Throughout this period of upheaval, ATIPP Coordinators have shown an incredible resilience, resourcefulness and strength and the Government of Nunavut appreciates all of their work to ensure that their roles were fulfilled and requests were responded to.

This year, ATIPP Coordinators handled 175 requests, only an 8% decrease compared to 2018-2019 which was one of the busiest years on record. Of those requests, 73 of them (41%) were requests for general information, and 102 (59%) were requests for personal information.

The Department of Education received the most requests in 2019-2020. Most of these requests were for education records to support claims under the Indian Day School Settlement.

Increasing Support for ATIPP Coordinators

One of the biggest focuses of this fiscal year was the creation of more support for and training of ATIPP Coordinators. In order to accomplish this goal, the Department of Executive and Intergovernmental Affairs resumed chairing of the ATIPP Coordinator Committee, which meets monthly. This committee is now able to share best practices and discuss items of mutual concern. In addition to discussing normal business, a seminar component was added to most meetings where presentations with practical tips were given on the following topics:

- Severing/redacting information using electronic software;
- Manual searches of Outlook data files;
- Writing better and more robust exemption rationales; and

- Responding to the Information and Privacy Commissioner, and reviews from her office of interest.

Policy Renewal

The ATIPP Policy and the Privacy Breach policy which had previously passed their sunset clauses have been updated and re-approved. While the ATIPP Policy remained mostly the same, the Privacy Breach Policy brought the policy better in line with updated language in the *ATIPP Act* related to material vs. non-material breaches and the requirement to report breaches to the Information and Privacy Commissioner. Dated language about privacy incidents was removed from the policy.

A third policy was brought into force to provide clarity on the requirement for Privacy Impact Assessments, including how they were to be submitted to the Department of Executive and Intergovernmental Affairs, and how disputes related to the assessments were to be settled.

New ATIPP Manuals

The ATIPP Manual, which was last updated in 2012 following minor legislative amendments, was given a major update. The goal of the project was to make the manuals more useful to ATIPP Coordinators; removing dated material, simplifying language to ensure the manuals were accessible to ATIPP Coordinators of varied experience, and adding user friendly formatting and features. The manual was broken down into four distinct parts focusing on the following topics:

Part 1 – Introduction to the Access to Information and Protection of Privacy Act and a Guide for Processing Requests

Part 2 – Exemptions under the Access to Information and Protection of Privacy Act

Part 3 – Reviews of the Information and Privacy Commissioner

Part 4 – Fee Assessments and Estimates

ATIPP Training

The GN is committed to the successful implementation of the *ATIPP Act* throughout all public bodies. As the centralized point of coordination for the ATIPP function, the ATIPP office organizes training sessions for ATIPP coordinators and other GN staff throughout the year.

In 2019-2020 a total of 355 GN employees attended formal ATIPP training sessions. While some of these sessions were provided during employee orientation sessions, the majority of

them were standalone sessions. Effort was made during this fiscal year to have privacy training provided to as many Department of Health frontline and healthcare workers as possible. The majority of employees trained during this fiscal year were Department of Health staff.

Charts included later in this report provide details on the training delivered.

Privacy Impact Assessments and Preliminary Privacy Impact Assessments Conducted

Fiscal year 2019-2020 saw the completion of seven Preliminary Privacy Impact Assessments and one Privacy Impact Assessment. Of the seven Preliminary Privacy Impact Assessments, three required a full Privacy Impact Assessment to follow. These were: the proposed Mental Health Act (Health), the proposed Public Health Act and Regulations (Health), and a Nunavut-wide hearing tests for schoolchildren (Health).

A full PIA was conducted on the Department of Health's proposed new Mental Health Act. This Privacy Impact Assessment was provided to the Information and Privacy Commissioner for review and comment.

2019-2020 Access Request Statistics

In 2019-2020, a total of 175 formal access to information requests were received by public bodies under the *ATIPP Act*. Requests for access to information were placed in both English and French, though the department is prepared to handle requests in any of the official languages of Nunavut. The table below lists public bodies that received one or more formal requests. Out of the public bodies who received formal requests in 2019-2020, the Department of Education received the highest percentage with 33 percent of the requests.

The Departments of Justice and Family Services had fewer requests than in previous years, and the Department of Finance, following its split from Human Resources, has fewer than one quarter of the requests that it received in 2018-2019. The departments of Health, Community and Government Services, Environment and Human Resources all had more new requests than they received in 2018-2019.

Any public body that did not receive a request has been omitted from the table below.

Public Body	# of Requests	% to Total Requests
Community and Government Services	14	8
Culture and Heritage	1	Less than 1
Economic Development and Transportation	5	3
Education	57	33
Environment	12	7
Executive and Intergovernmental Affairs	4	2
Family Services	5	3
Finance	5	3
Health	29	17
Human Resources	19	11
Justice	14	8
Nunavut Arctic College	2	1
Nunavut Housing Corporation	1	Less than 1
Qulliq Energy Corporation	2	
Nunavut Business Credit Corporation	1	Less than 1
Total	175	100%*

*Numbers have been rounded to the nearest whole number; hence the percentage adds up to 102%.

The 175 requests made in 2019-2020, an 8% decrease in the number of requests made compared to the previous year. This is still the second highest number of new requests in the past five years and the 3rd highest in the history of Nunavut.

ATIPP Training Statistics 2019-2020

The GN is committed to the successful implementation of the ATIPP Act throughout all public bodies. Training sessions on the legislation are provided to employees throughout each fiscal year, the majority of which is done through the Department of Executive and Intergovernmental Affairs ATIPP Office.

Date	Location	Audience	Attendance	Type	Presenter
06-Jun-19	Rankin Inlet (Video)	Various GN employees	13	Basic Introduction to ATIPP	ATIPP Manager
27-Jun-19	Iqaluit	ATIPP Coordinators	4	ATIPP Coordinator Training	ATIPP Manager
04-Jul-19	Iqaluit	ATIPP Coordinators	7	ATIPP Coordinator Training	ATIPP Manager
21-Oct-19	Kitikmeot	Various GN employees	4	Basic Introduction to ATIPP	ATIPP Manager
10-Oct-19	Iqaluit	Department of Health Executive	11	Release of Information	Legal Counsel
23-Oct-19	Iqaluit	ATIPP Coordinators	2	ATIPP Coordinator Training	ATIPP Manager
13-Nov-19	Iqaluit	ATIPP Coordinators	4	ATIPP Coordinator Training	ATIPP Manager
07-Jan-20	Iqaluit	Qikiqtani General Hospital Management	18	Privacy Training	ATIPP Manager
24-Jan-20	Rankin Inlet (in person)	Health Staff	16	Privacy Training	ATIPP Manager
28-Jan-20	Iqaluit	Health Staff	16	Privacy Training	ATIPP Manager
29-Jan-20	Iqaluit	Presentation on Privacy to Housing Managers	32	Privacy Training	ATIPP Manager
03-Feb-20	Iqaluit	Family Services SMC	11	Privacy Training	ATIPP Manager
11-Feb-20	Iqaluit	Various GN employees	13	Basic Introduction to ATIPP	ATIPP Manager
14-Feb-20	Qikiqtani via Telehealth	Health Centre Staff	176	Privacy Training	ATIPP Manager
28-Feb-20	Qikiqtani via Telehealth	Health Centre Staff	28	Privacy Training	ATIPP Manager

Recommendations from the 2019-2020 Annual Report of the Information and Privacy Commissioner

The Information and Privacy Commissioner raised a number of trends and issues moving forward as part of her Annual 2019-2020 Annual Report. The Government of Nunavut will take the opportunity here to respond to these comments.

Legislative Review

The last amendments to Nunavut's *Access to Information and Protection of Privacy (ATIPP) Act* came in 2017 with the passage of Bill 48. In addition to adding anonymity provisions for applicants, this legislation also laid the groundwork for adding municipalities under the legislation in addition to a number of changes to exemptions under the Act. Major amendments to the ATIPP Act were also made in 2012, just five years before.

Nunavut is keeping up with changes in the field of Access to Information and Protection of Privacy through periodic amendments to the legislation. We are always reviewing and comparing our legislation with that of other jurisdictions and best practices. We appreciate the Information and Privacy Commissioner's recommendation and can keep it under advisement during future reviews of the *ATIPP Act*.

Records Management

The Department of Community and Government Services recognizes that more records management training is required, particularly given the disruptions to the training schedule caused by ransomware and COVID-19. A revised Records Management training program is currently being developed to:

- Ensure GN departments have Records Management training material for use in their employee onboarding programs;
- Provide in-person Records Management training in each region (Qikiqtaaluk, Kivalliq and Kitikmeot) once a year; and,
- Include the development of on-demand Records Management training that employees can access on their computers.

The department is working to ensure that new onboarding material includes a module to ensure that staff are aware of the risks that can result in a breach such as that which occurred on the morning of November 2, 2019. The GN is currently in the process of updating the Records Management training to a digital video format so that it will be accessible to all users across the territory by the end of this fiscal year. This training will include more details around the secure handling of government information.

The department is currently undergoing an organizational review of IM/IT processes to define its mandate based on the current demands of the government and to determine the gaps in service

delivery that need addressing. The department agrees the IPC's recommendation to invest more resources and manpower into its records management systems and is hopeful that this review and subsequent actions will provide significant enhancements to the Records Management and Information Management practices for the GN.

Health Specific Access and Privacy Legislation

Health agrees that health information legislation is important. It was originally planned for consultations to begin this year, but due to COVID-19 that has not occurred. The Government of Nunavut is exploring ways to begin this consultation process with resources currently assigned to the COVID-19 response, and while respecting social distancing and other public health measures.

Municipalities

The work on this file is ongoing. The Nunavut Association of Municipalities has developed a common by-law for access to Information and Protection of Privacy. Work over the 2019-2020 year was focused on developing more substantive training and support materials so when municipalities are designated as public bodies they will have robust supports available.

Training for ATIPP Staff

This was a priority during the 2019-20 year for the Territorial ATIPP Office. As discussed earlier in this report, a new training manual was created with a focus on readability, ease of access and for use as a desktop reference guide. In addition to the normally offered ATIPP Coordinator training, training seminars were offered after ATIPP Coordinator Committee Meetings. The Government of Nunavut is unaware of any major transitions among ATIPP Coordinators, and while one or two coordinators have moved on to new opportunities, overall 2019-2020 saw relatively stable staffing in these positions, with additional supporting ATIPP Coordinators able to be trained.