



Annual Report
On the Administration of the
Government of Nunavut

Access to Information and Protection of Privacy Act

For the period April 1, 2008 to March 31, 2009

Submitted by the Department of Executive and Intergovernmental Affairs

May, 2009

**2008-2009 Annual Report
on the
Administration of the Government of Nunavut
Access to Information and Protection of Privacy Act
(ATIPP)**

The Department of Executive and Intergovernmental Affairs is pleased to submit its annual report of activity surrounding the Access to Information and Protection of Privacy Act for the year beginning April 1, 2008 and ending March 31, 2009.

Background

The Nunavut *Access to Information and Protection of Privacy Act* was duplicated from Northwest Territories Statutes in 1999. Since that time, several amendments have been made to the Act, including an update to the list of public bodies responsive to the Act and identified in the ATIPP regulations, Schedule A. This amendment, registered in June 2004, identified public bodies created since the inception of the territory and eliminated outdated public bodies associated with the Northwest Territories or no longer in existence in Nunavut. Bill 18 – *An Act to Amend Nunavut Statutes in Response to Section 4(2) of the Access to Information and Protection of Privacy Act* received assent in November, 2007. Section 4(2) would have come into effect on December 31, 2007 and would have made the *Access to Information and Protection of Privacy Act* prevail over any other Act where there was an inconsistency or conflict, unless another Act expressly provided that it would prevail over the ATIPP Act. In anticipation of the coming into effect of Section 4(2) a review of all territorial statutes was carried out for the purpose of identifying conflicts between the ATIPP Act and other legislation. Where potential conflicts were identified between the ATIPP Act and other territorial Acts or regulations, these enactments were reviewed to determine whether an amendment was required to provide which Act would prevail.

The ATIPP Act provides members of the public with a legal right of access to information held by public bodies including government departments and offices but also provides limited exceptions to the right of access to certain records.

The Act defines parameters for the collection, use and disclosure of personal information; gives individuals the right to access the personal information public bodies have about them and to request corrections to that information.

The Act also provides for an independent review of decisions made by public bodies under the Act, by the Information and Privacy Commissioner.

ATIPP Process

The Manager of Access to Information and Privacy position, located in the Department of Executive and Intergovernmental Affairs (EIA), is responsible for coordination of all ATIPP functions throughout the government, including legislative issues, training, policies and procedures and inter-departmental activity.

An ATIPP coordinator is identified in each public body. The Department of Health and Social Services (HSS) and the Department of Environment (DOE) both have dedicated positions for ATIPP Coordinators /Records Management.

Specialized ATIPP process and procedure training is provided, by an external ATIPP specialist, to coordinators and other staff who are responsible for processing ATIPP requests, administration functions and monitoring of privacy. Specific topic-related training modules are also provided on access and privacy related issues on a regular basis.

Internal ATIPP training, delivered by the ATIPP Manager, is built into staff orientation sessions and is part of records management Administrative Records Classification System training in Iqaluit and other communities. ATIPP modules can also be provided to departments and public bodies based on their specific needs. In the fiscal year 2008-2009, there were 46 training sessions held. A total of 438 GN staff received training. These included basic ATIPP training as well as specialized ATIPP training for ATIPP Coordinators. Specialized training sessions were also held for Municipal Community Liaison Officers, Corrections Managers, and Conservation Officers. An ATIPP briefing session was provided by the ATIPP Manager for the Premier and Ministers of the Third Legislative Assembly. Attached to this report is a schedule of ATIPP training provided in the 2008-2009 fiscal year. The ATIPP Coordinators for the Departments of Health and Social Services, Environment and Education also provided training sessions which are reflected in this report. The total number of GN employees who received training also includes the monthly ATIPP Coordinators' meetings which are chaired by the ATIPP Manager and allow for discussions, issues, concerns and updates to be brought forward. Although the majority of the training was conducted in Iqaluit training sessions were also provided in Arviat, Cambridge Bay and Pond Inlet. Due to time and costs both teleconference training and TeleHealth training was provided in order to reach more communities.

The ATIPP manager works closely with Community and Government Services Records Management and Informatics Planning and Services staff, with the Archivist, located in CLEY and is a member of the Public Records Committee.

Access to Information and Privacy Requests

In the fiscal year 2008-2009 the Government of Nunavut recorded 70 formal ATIPP requests; 27 were requests from individuals to access personal information and 23 were requests to access general government records under the access provisions of the Act. Included in the number of requests for personal information there was one request concerning a breach of privacy dealt with under the privacy provisions of the Act. There were no requests for corrections of personal information. In 20 instances other governments consulted with the GN regarding release of GN records on file with the other government. These records were subject to an access request in the other governments' jurisdiction.

Public bodies deal with informal requests for access to information on a regular basis. Ideally, an applicant will be able to access information through dialogue with the public body. Informal requests are handled within the spirit and intent of the Act but without the formal ATIPP process. Each public body as well as the ATIPP Manager process informal requests on a daily basis. Three departments – Health and Social Services, Justice and Education have been dealing with Residential School files which are reflected under their administration hours. These requests have come from law firms representing their clients' interest in the Residential School settlement or from the Federal Government in order for them to be able to process the files. These often require an extensive amount of work since very little information is given in the request. To date we have had 9 requests from the law firms and departments have spent a total of approximately 51.5 hours on these requests. Education has been dealing with the Federal Government and has a MOU (Memorandum of Understanding) in conjunction with the files needed for the Residential School Resolution. In the 2008-2009 fiscal year they sent 25 -30 boxes of files to the Federal Government and spent a total of 300 hours processing these files.

As part of the administration hours under the Department of Human Resources, tracking is now done on the amount of requests by other departments for personal employee information available in P2K (Personality 2000 Database for Employee Information). These requests go through the ATIPP Coordinator for the Department of Human Resources and information is only given out if the departments need it to perform their duties. A total of 13 hours was spent on the P2K requests.

All public bodies are encouraged to develop policies and procedures to enable information to be disclosed without the need for a formal ATIPP application.

When a formal request is made but resolved in an informal way, the request may be cancelled in writing. In the 2008-2009 fiscal year there were nine requests of this nature. Five of these requests were for information that was actually public

information. Three requests were for Residential School information which were originally submitted as formal requests but were handled informally by the departments. One request was for an applicant's personal health record which can be obtained without a formal request.

At other times requests may be cancelled for other reasons. There were 5 requests cancelled for other reasons – two because the request needed either more information or needed to be clarified before the public body could respond to the request and this information was not or could not be provided.

There was one request that was before the court where the Judge was ruling on the information to be released so it could not be released under an ATIPP request and one request was cancelled by the applicant who no longer needed or wanted the information. Under Schedule B of the *Access to Information and Protection of Privacy Act* public bodies may charge a certain amount of fees for items such as photocopying if the photocopying charge exceeds \$150.00 calculated at \$0.25 per page for non-personal information. One of the requests would have cost in excess of \$1500.00 due to the volume of materials. The applicant cancelled the request when informed of the cost

No records were found in response to 4 requests. It is to be noted that one of these requests where records could not be found was in fact where the records had been properly destroyed as according to Records Disposition Authority #1995-32.

Many requests are multi-departmental. One applicant may make a single request that names several departments. Each department must search, retrieve and process records applicable to the request. Approximately 5 of the requests were made to multiple departments.

There may be times when a department is not in possession of the records in question. In that case, the request may need to be transferred. Transfers occurred in two situations. There was also one request for information which was not in the possession of the GN but actually in the possession of the Government of the North West Territories.

In some cases, one applicant will make multiple requests either at the same time or one after another for various types of records and from one or more departments or public bodies. In 2008-2009, there were 56 applicants who generated the 70 requests.

Two requests were made in French and the rest were made in English although requests can be made and responded to in any of the four official languages.

Seven requests were carried over from the 2007-2008 fiscal year and were counted in with that year's statistics.

Requests for Review

Three requests were subject to review by the Information and Privacy Commissioner. Three requests for review were brought forward from the 2007 – 2008 fiscal year and were counted with that year's statistics.

Fees

An individual is not required to pay a fee to access personal records (about him or herself) held by government. However, a \$25 access fee is applied to requests for access to other government records. Applicants may be required to pay fees for services such as copying a record, shipping, preparing and handling a record for disclosure and other fees as set out under Schedule B of the ATIPP Regulations. (Note: the department or agency may choose to excuse the applicant from paying all or part of a fee if, for example, the applicant cannot afford the assessed fees.) Departments have started to keep track of information sent to the applicant by registered mail and the cost to the public body. It is estimated that approximately \$645.63 was spent on this service and not charged back to the applicants. This is over and above the total estimated cost for the Government of Nunavut.

A total of \$455.75 was collected in application fees and photocopying charges.

Time and Costs

Each public body is responsible for tracking time spent processing ATIPP requests and on related administrative functions, as well as providing data to the ATIPP Manager on an annual basis. The process for tracking various aspects of access to information and privacy requests was introduced in the fall of 2003. Therefore, the 2004-2005 fiscal year was the first full year of tracking. Modifications are still being developed to facilitate even more accurate reporting.

The number of hours spent on both ATIPP requests and administrative functions are approximations. Administration hours are calculated separately from the actual hours spent on ATIPP requests and include attendance at scheduled ATIPP staff meetings, training for ATIPP staff, consultation within the departments (including staff inquiries and education) and with external publics, identification and management of privacy issues as well as reporting and general maintenance of the ATIPP process.

An average hourly rate of \$35 was used in the calculation of the costs to the GN departments and public bodies.

The total hours reported for processing ATIPP requests was 1,013.50 for a cost of \$35,472.50. Reported administration costs total \$19,985.00 for 571 hours. Included in the above figures are the hours spent by Informatics (Department of

Community Government Services) to retrieve electronic documents for ATIPP requests which was 30 hours for a cost of \$1,050.00. Informatics has put in place a method that allows the ATIPP coordinators direct access to the Archived files for Iqaluit, so IT's involvement in searching records has been minimal. The majority of their time spent is now in gathering the records from across the north (outside of Iqaluit) when requested by the ATIPP coordinators. Since most of the ATIPP requests are for electronic documents including emails Records Centre staff (Department of Community Government Services) have not had to search out records in support of an ATIPP request. These estimates are based on information reported by the public bodies and may therefore be lower than actual costs incurred. In separate line items the cost for the ATIPP Manager (salary and training dollars), the training cost for both community training and for the external ATIPP specialist came to a total of \$114,822.10. As a very conservative estimate, it costs the departments and public bodies of the Government of Nunavut approximately \$170,279.60 in 2008-2009 to process ATIPP requests, perform administrative functions and take part in training opportunities associated with access and privacy.

Updates

- The Department of Health and Social Services put together a Privacy Impact Assessment (PIA) framework in preparation for the implementation of electronic health records. This was sent to the ATIPP Commissioner on Feb.19, 2007 for her comments. To date there has been no response back. Feedback on the PIA framework from the ATIPP Commissioner is needed to incorporate into the actual Privacy Impact Assessment. The Government of Nunavut aiming to improve and modernize the delivery of healthcare services in the territory has committed to a comprehensive multi year eHealth initiative. The ATIPP Manager, Records Manager and ATIPP Coordinator for HSS have been asked to participate as members of the Privacy Advisory Group for the eHealth project. The ATIPP Manager is currently the Chairperson for this group.
- The ATIPP Manager has completed the Information Access and Protection of Privacy Certificate program through the University of Alberta and the ATIPP Coordinator for the Department of Health and Social Services is also currently enrolled in this program.
- In October, 2008 at the close of the 2nd Legislative Assembly of Nunavut all files both paper and electronic from the Ministers' offices were properly recorded, boxed and stored for archival purposes by the ATIPP Manager and Records Manager.

Conclusion

In 2007-2008, there were 104 formal requests. There is a marked decrease of the total requests reported for 2008-2009. However, in 2007-2008 there was a single requester who made a total of 37 requests to various government departments and 22 requests to the Commissioner for review which elevated the number of requests for that year.

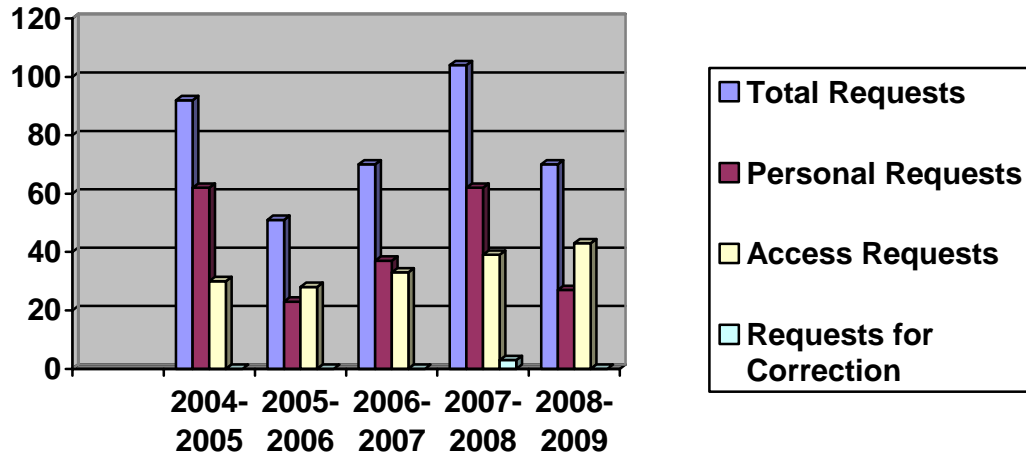
The process of tracking the number of hours spent on each request is a new concept and will gradually become more exact. A simple request for access to a personnel file, for example, might take one to four hours of an ATIPP Coordinator's time. A multi-departmental request might take 300 or more employee hours, involve many employees to search and retrieve records (including Information Technology professionals and Records Management staff), require legal advice and/or consultation with the ATIPP manager, third parties or other public bodies, and result in the processing of hundreds if not thousands of records.

The least time recorded to handle a very straightforward request was .5 hour. Most departments put in between 20 – 50 hours on a single request. The amount of material provided for requests is now being tracked using a number stamp. The amount of pages released for a single ATIPP request ranged from one page for a very simple request to 423 pages for an access to personal information request from the Department of Environment.

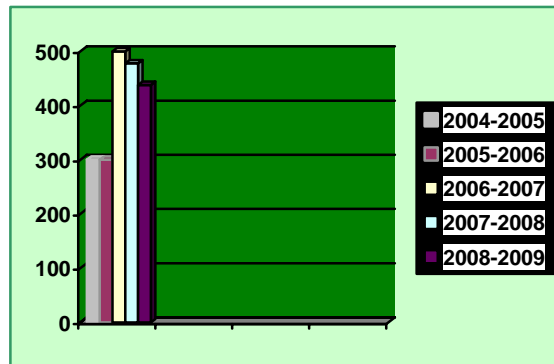
Increased public awareness of the right of access under the ATIPP Act, ongoing training for staff and the commitment by government to the access and privacy provisions of the Act continues to encourage ATIPP activity within the departments and public bodies of the Government of Nunavut.

Annual ATIPP Activity Report 2008-2009

Department /Public Body	Total #Requests	#Personal Requests	#Access Requests	Request for Release from Other Gov't.	Hours ATIPP Request	Hours Admin.	\$Cost	Request Cancelled	Fees Collected	Request for Review
Apprenticeship, Trade and Certification Board	0	0	0	0	0	0	0	0	0	0
Community Government Services (CGS)	8	0	6	2	24.5	44.5	\$2,415.00	3	\$75.00	0
Culture, Language, Elders and Youth (CLEY)	0	0	0	0	0	12	\$420.00	0	0	0
Economic Development and Transportation (EDT)	7	1	2	4	22	28	\$1,750.00	0	\$50.00	1
Education	3	2	0	1	459	105.5	\$19,757.50	0	0	1
Environment	7	1	4	2	54.5	14	\$2,397.50	1	\$155.75	0
Executive and Intergovernmental Affairs (EIA)	8	1	2	5	73.5	30.5	\$3,640.00	1	\$25.00	0
Finance	3	1	1	1	24	7	\$1,085.00	0	0	0
Health and Social Services (HSS)	20	10	7	3	184	123	\$10,745.00	5	\$125.00	0
Human Resources (HR) – includes time spent on P2K requests	7	6	1	0	64	8.5	\$2,537.50	0	\$25.00	1
Justice	5	4	0	1	70.5	35.5	\$3,710.00	2	0	0
Labour Standards Board	0	0	0	0	0	0	0	0	0	0
Legal Services Board of Nunavut	0	0	0	0	0	0	0	0	0	0
Liquor Licensing Board	0	0	0	0	0	0	0	0	0	0
Liquor Management Board	1	0	0	1	1	1	\$70.00	0	0	0
Nunavut Arctic College (NAC)	1	1	0	0	6.5	73.5	\$2,800.00	0	0	0
Nunavut Housing Corporation (NHC)	0	0	0	0	0	12	\$420.00	0	0	0
Nunavut Business Credit Corporation (NBCC)	0	0	0	0	0	0	0	0	0	0
Nunavut Power/Quilliq Energy Corporation	0	0	0	0	0	0	0	0	0	0
Nunavut Development Corporation (NDC)	0	0	0	0	0	0	0	0	0	0
Public Records Committee Nunavut Archives	0	0	0	0	0	72	\$2,520.00	0	0	0



The above graph shows ATIPP request activity over a four year period. Please note that the requests for release of records from other governments are included in with the access requests.



ATIPP Training for GN Employees

Date	Location	Audience	Attendance	Type	Presenter
April 2/08	Iqaluit	EIA Staff	22	ATIPP/Email Etiquette	ATIPP & Records Managers
April 9/08	Iqaluit	New ATIPP Coordinators – CGS & NHC	2	ATIPP Coordinator Training	ATIPP Manager
April 16/08	Iqaluit	ATIPP Coordinators	15	ATIPP Coordinator Training	ATIPP Manager – Session with Records Manager on properly filing emails
April 21/08	Iqaluit	Environment Senior Management	7	ATIPP/Records Presentation	ATIPP Coordinator Environment
April 22/08	Iqaluit	Various departments	13	ATIPP/Records Management Training	ATIPP & Records Managers
April 24, 2008	Iqaluit	Various departments	9	ATIPP/Records Management Training	ATIPP & Records Managers
May 20, 2008	Iqaluit	CGS, HSS, DOE, HR, NBCC	8	ATIPP/Records Management	ATIPP & Records Managers
May 21/08	Iqaluit	ATIPP Coordinator EDT	1	ATIPP Coordinator Training	ATIPP Manager
June 3/08	Iqaluit	CGS, CLEY, HSS, HR, Justice, Education, Finance	12	ATIPP/Records Management	ATIPP & Records Managers
June 11/08	Iqaluit	Municipal Community Liaison Officers	10	ATIPP/PIPEDA	ATIPP Manager
June 11/08	Iqaluit	New Employees – NHC, CGS, QEC, JUS, HR, DOE, ED.	11	Basic ATIPP Training	ATIPP Manager
June 12/08	Iqaluit	HR, DOE, EIA, HSS, CGS	10	ATIPP/ARCS Training	ATIPP & Records Managers
June 17/08	Iqaluit	NAC; HR; DOE; EDU; EDT; CLEY; Jus; CGS; Fin.	11	ATIPP/ARCS Training	ATIPP & Records Managers
June 18/08	Iqaluit	ATIPP Coordinators	16	ATIPP Coordinators' Training	ATIPP Manager
June 18/08	Iqaluit	New Employees – Summer Students	10	Basic ATIPP Training	ATIPP Manager
July 8, 2008	Iqaluit	HSS; EDT; CGS; Jus	7	ATIPP/ARCS Training	ATIPP Manager & Records Analyst
July 16, 2008	Iqaluit	ATIPP Coordinators	9	ATIPP Coordinators' Training	ATIPP Manager
Sept. 10/08	Iqaluit	Executive Secretaries	9	Discussion on procedures for filing Ministerial documents both electronic and paper and proper tracking of leave in preparation for new government	Department of Finance; ATIPP & Records Managers
Sept. 23/08	Iqaluit	HSS, CLEY, CGS, HSS, CLEY, EIA, HSS	7	ATIPP/ARCS Training	ATIPP & Records Managers
Sept. 24/08	Iqaluit	ATIPP Coordinators	13	ATIPP Coordinators' Meeting	ATIPP Manager
Sept. 25/08	Iqaluit	New ATIPP Coordinators CLEY/EIA	3	ATIPP Coordinators' Training	ATIPP Manager
Sept. 30/08	Arviat	FANS Employees	8	ATIPP/Records Training	ATIPP Manager; ATIPP Coordinator Education & Records Analyst
Oct. 14/08	Iqaluit	Nunavut Arctic College	6	Basic ATIPP	ATIPP Manager
Oct. 15/08	Iqaluit	New Employees' Training	14	Basic ATIPP	ATIPP Manager
Oct. 22/08	Iqaluit	Various Departments	10	ATIPP/ARCS	ATIPP Manager & Records Analyst

Date	Location	Audience	Attendance	Type	Presenter
Oct.24/08	Iqaluit	New ATIPP Coordinators HR/Jus	2	ATIPP Coordinators' Training	ATIPP Manager
Nov.4/08	Rankin--teleconference	HR/CGS/NDC/Finance	6	ATIPP/ARCS	ATIPP Manager & Records Analyst
Nov.6/08	Pang. -- teleconference	Nurses	3	Basic ATIPP	ATIPP Manager
Nov.13/08	Pond Inlet	QSO/Ulajuk School/Nassivik School/HSS/EDT	12	ARCS/ATIPP	Records Analyst & ATIPP Coordinator Education
Dec.5/08	Iqaluit	Ministers and Premier	7	ATIPP Briefing	ATIPP Manager
Dec.11/08	Iqaluit	Various Employees	4	Basic ATIPP in French	Records Analyst
Jan.20/09	Conference Call to Pang.	SCHP Nurse from Igloolik	1	Basic ATIPP Training	ATIPP Manager
Jan.21/09	Iqaluit	New Employees' Orientation -- Various Departments	16	Basic ATIPP Training	ATIPP Manager
Jan.21/09	Iqaluit	EDT, CGS, HSS, EDU, HR, NHC, FIN	9	ATIPP/ARCS	ATIPP & Records Managers
Jan.28/09	Iqaluit	ATIPP Coordinators	5	ATIPP Coordinators Monthly meeting	ATIPP Manager
Feb.3/09	Iqaluit	Corrections Managers	7	Email Etiquette/ATIPP	ATIPP & Records Managers
Feb.11/09	Iqaluit	NHC, JUS, EIA, HSS, FIN, CGS, HR	9	ATIPP/ARCS	ATIPP & Records Managers
Feb.12/09	Telehealth from Iqaluit to Igloolik	Health Centre Staff	12	ATIPP for Health Training	ATIPP Manager & HSS ATIPP Coordinator
Feb.18/09	Iqaluit	Justice, HSS, Outside Agencies	4	Basic ATIPP	ATIPP Manager
Feb.24/09	Iqaluit	Conservation Officers	33	Records/ATIPP/Email Etiquette	ATIPP Coordinator Environment
Feb.24/09	Iqaluit	New ATIPP Coordinators	4	ATIPP Coordinators' Training	ATIPP Manager
March 5/09	Telehealth -- Pang. Qik., Arctic Bay	Health Centre Staff	8	Basic ATIPP/ARCS	ATIPP & Records Managers
March 11/09	Iqaluit	EDU, JUS, EDT, HSS, DOE, FIN	10	ATIPP/ARCS	ATIPP & Records Managers
March 16, 2009	Iqaluit	ATIPP Coordinators -- FIN, Status of Women	2	Advanced Training ATIPP Coordinators	ATIPP Manager
March 18, 2009	Cambridge Bay	EDT, FIN, HSS, HR, EDU, NAC	32	ATIPP/ARCS Training	ATIPP Coordinator for Department of Health and Records Analyst
March 25, 2009	Iqaluit	ATIPP Coordinators	9	ATIPP Coordinators' Monthly Meeting	ATIPP Manager
Total			438		

