

The Review/Complaint Process

If you have submitted a request for access to a record or for correction of your personal information to a public body and you are not satisfied with the response, you may ask the Commissioner to review the matter. This includes the failure of the public body to respond within the time frames specified in the *Act*.

If you are a third party (a person or organization other than the applicant or the public body) and you have been notified by a public body that they intend to release information that may be harmful to your business interests, you may ask the Commissioner to review the public body's decision.

In addition, you may ask the Commissioner to investigate complaints about an extension of time for responding to a request, a fee required under the *Act*, failure of a public body to fulfill its duty to assist an applicant, or any other circumstance where you feel your access or privacy rights have been violated.

If you wish to request a review by the Commissioner or file a complaint you may do so by writing a letter to this Office or by completing the prescribed form, available from our Office or our web site. Please attach all relevant documentation including a copy of your original Application for Access and a copy of the public body's response. We will not accept requests for review or complaints by e-mail. If you have any questions or concerns regarding this process please contact our Office and we will assist you.

On completion of a review, we will provide you and the public body with a report on our findings. A public body must respond to any recommendations in the report. If you are not satisfied with the Commissioner's findings or with the response of the

public body, you may appeal the decision to the Supreme Court Trial Division. In certain circumstances, the Commissioner may appeal a decision of a public body or intervene as a party to an appeal.

There is no cost to file a request for review or complaint with the Office of the Information and Privacy Commissioner.

Contact Information

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OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER OF NEWFOUNDLAND AND LABRADOR

About the Access to Information and Protection of Privacy (ATIPP) Act

The access provisions of the *ATIPP Act* came into effect on January 17, 2005. The *Act* governs access to records in the custody or control of a public body. It sets out requirements for the collection, use, storage and disclosure of personal information contained in the records they maintain. **It is important to note that the privacy provisions (Part IV) of the *Act* are not yet in force.** Public bodies include:

- provincial departments and agencies including Crown Corporations, certain boards, commissions, and other bodies;
- educational bodies including Memorial University, College of the North Atlantic, Centre for Nursing Studies, Western Regional School of Nursing, and each of the province's school districts;
- health care bodies including health boards, the Cancer Treatment and Research Foundation, the Mental Health Review Board, and the Newfoundland and Labrador Centre for Health Information;
- local government bodies including cities and municipalities. Local service districts are not covered by the *ATIPP Act*.

Purposes of the ATIPP Act

The purposes of Newfoundland and Labrador's *ATIPP Act* are to make public bodies more open and accountable and to protect individual privacy by:

- giving the public a right of access to records;

- giving individuals a right of access to their own personal information and a right to request correction of that information;
- specifying limited exceptions to the right of access;
- preventing the unauthorized collection, use and disclosure of personal information by public bodies;
- providing for independent review by an Officer of the House of Assembly of a decision, act or failure to act on the part of a public body.

The *Act* also requires public bodies to respond to a request within 30 calendar days. There are provisions for extending this time frame for up to an additional 30 days, but only under limited and specific circumstances. Such an extension is also subject to investigation by the Commissioner.

The Information and Privacy Commissioner

Newfoundland and Labrador's Information and Privacy Commissioner is an independent Officer of the House of Assembly. The Commissioner has a broad range of responsibilities and powers and may make recommendations to ensure compliance with the access and privacy provisions of the *ATIPP Act* and the *Regulations*. The Commissioner's duties include:

reviewing a decision, act or failure to act of a public body that relates to an access request or a request to correct personal information;

investigating complaints about an extension of time for responding to a request or a fee required under the *Act*;

making recommendations to ensure compliance with the *Act* and *Regulations*;

informing the public about the *Act*;

receiving comments from the public about the administration of the *Act*;

commenting on the information and privacy implications of proposed legislation and programs;

commenting on the implications of record linkages and information technology on the protection of privacy;

informing the head of a public body about a failure to adequately assist an applicant;

making recommendations to public bodies or the minister responsible for this *Act* about the administration of the *Act*.