



ADMINISTRATION OF THE NORTHWEST TERRITORIES
ACCESS TO INFORMATION AND PROTECTION OF
PRIVACY ACT

ANNUAL REPORT 2021-2022

Table of Contents

1.0 Overview	3
1.1 <i>The Access to Information and Protection of Privacy Act</i>	3
1.2 The GNWT Access and Privacy Office	3
2.0 Amendments to the ATIPP Act	5
3.0 Statistical Information on 2021-2022 Access Requests	6
3.1 Number of Access Requests	6
3.2 Request Type	7
3.3 Fees Charged	8
3.4 Access Request Processing Times	9
3.5 Application of Exceptions	12
3.6 Outcome of Access Requests	15
4.0 Privacy Compliance and Privacy Impact Assessment Data	16
5.0 Information and Privacy Commissioner Information	18
6.0 ATIPP Resources	19

1.0 Overview

The purpose of the **Annual Activity Report on the Administration of the Northwest Territories Access to Information and Protection of Privacy Act** (“the Report”) is to provide the public and Members of the Legislative Assembly with information on access to information requests received by the Government of the Northwest Territories (GNWT) departments and public bodies designated under the *Access to Information and Protection of Privacy Act Regulations* (the “ATIPP Regulations”). The Report includes information on items such as the volume of requests received, the time taken to process requests, along with other matters related to the administration of the Northwest Territories *Access to Information and Protection of Privacy Act* (“the ATIPP Act”).

1.1 The Access to Information and Protection of Privacy Act

The ATIPP Act, which came into force in 1996, plays a critical role in maintaining government accountability and protecting the public’s personal information. The ATIPP Act:

- Gives individuals the right to request access to information held by GNWT departments and public bodies designated in the ATIPP Regulations;
- Gives individuals the right to access and correct their personal information that is held by GNWT departments and public bodies designated in the ATIPP Regulations;
- Specifies the limited exceptions to the right of access;
- Sets out when a GNWT department or other public body may collect, use, and disclose personal information; and
- Provides for an independent review of decisions made under the ATIPP Act.

1.2 The GNWT Access and Privacy Office

The GNWT Access and Privacy Office (APO) supports the Minister of Justice in all aspects of the implementation and administration of the ATIPP Act across government. The GNWT APO is responsible for providing government-wide support and leadership to assist departments and public bodies in complying with the ATIPP Act.

Additionally, the GNWT APO fully centralized in February 2021. This means the GNWT APO now processes access requests on behalf of the 10 GNWT departments and Housing NWT. The expanded scope of the GNWT APO includes processing of access to information requests and Information and Privacy Commissioner (IPC) reviews related to these access requests

for all GNWT departments and Housing NWT, while continuing to provide access and privacy advice and support to these departments and other public bodies subject to the ATIPP Act. While the GNWT APO processes requests on behalf of GNWT departments and Housing NWT, the initial records search and final decision making still rests with the appropriate department. Please note the remaining public bodies designated under the ATIPP Regulations do not fall under the GNWT APO.

The GNWT APO is also responsible for the development, coordination and delivery of GNWT access and privacy training sessions for employees to ensure they obtain the level of knowledge required to meet program responsibilities under the ATIPP Act. In person training currently offered includes new coordinator orientation and a general introduction to the ATIPP Act. An online general awareness course is also available and was created for all GNWT employees to expand their understanding of the ATIPP Act. This online course is also accessible to members of the public. The GNWT APO is currently revising this online training to reflect the amendments that were made to the ATIPP Act in 2021. The GNWT APO is also drafting new privacy specific online training.

2.0 Amendments to the ATIPP Act

In July 2021, a series of amendments were made to the ATIPP Act to modernize the legislation and ensure consistency with other jurisdictions across Canada in relation to access and privacy law. These amendments include, but are not limited to, an overall shortening of legislative timeframes, revisions to exceptions, mandatory breach reporting and privacy impact assessments, as well as the addition of Information and Privacy Commissioner order making powers. In the past, the GNWT APO had routinely collected statistics to track access requests made under the ATIPP Act and the recent amendments to the ATIPP Act have made collecting and reporting of access and privacy statistics a legislative requirement. Specifically, section 75 requires every public body subject to the ATIPP Act to report the following information to the Minister of the Department of Justice within 60- business days after the end of the fiscal year:

- The number of requests made pursuant to the ATIPP Act received by the public body in the fiscal year;
- The time taken to process these access requests;
- The number of requests that were denied, and the exceptions that were relied on;
- The amount of fees collected;
- The justification relied on for any extension of time; and
- The number of privacy impact assessments conducted in the fiscal year.

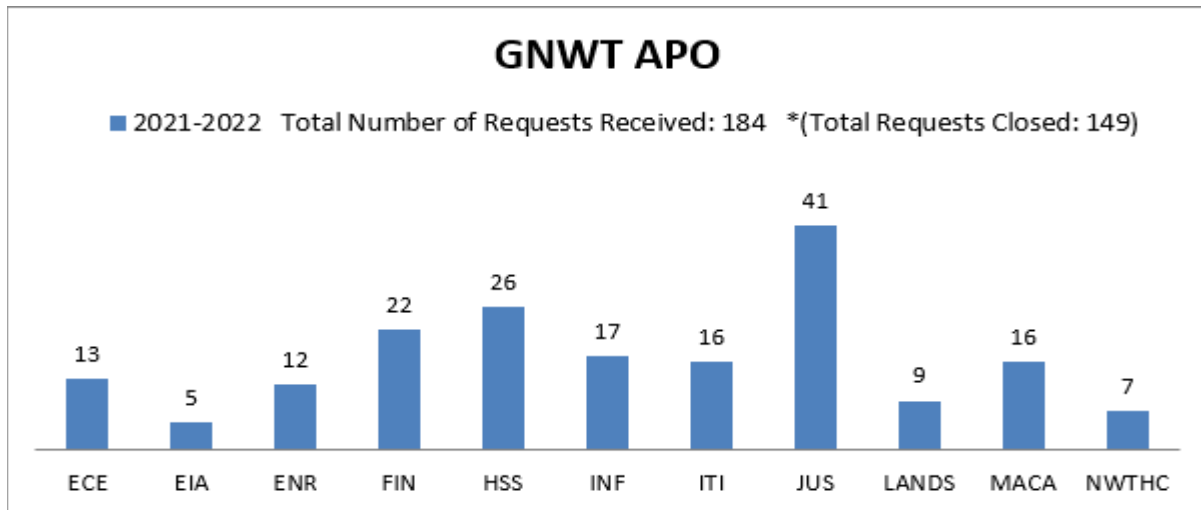
The Minister must then table a report containing this information in the Legislative Assembly.

This report includes statistical information from all GNWT departments and public bodies subject to the ATIPP Act in relation to requests received in the 2021-2022 fiscal year (April 1, 2021-March 31, 2022). This report does not contain statistical information from previous years or information on requests that have been carried over from the 2020-2021 fiscal year. This is because centralization of the GNWT APO was a phased process that was not completed until February 2021.

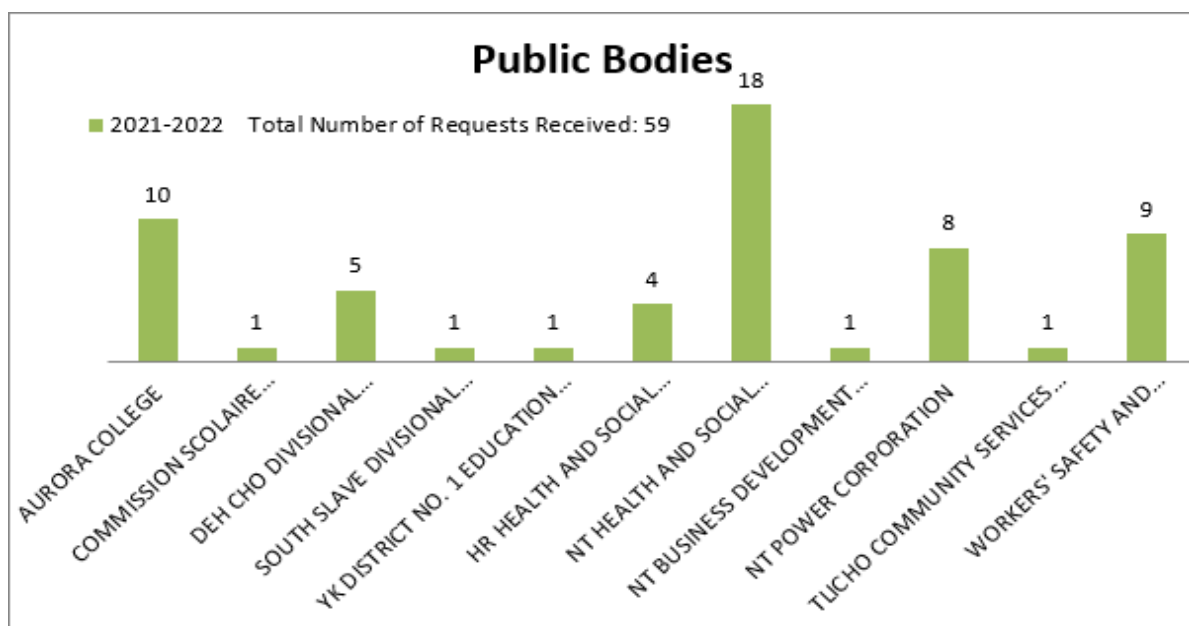
3.0 Statistical Information on 2021-2022 Access Requests

3.1 Number of Access Requests

Graph 1 - Number of access requests received by the GNWT APO in the 2021-2022 year (Includes 10 GNWT departments and Housing NWT)



Graph 2 - Number of access requests received by public bodies in the 2021-2022 fiscal year (Includes the public bodies designated in the ATIPP Regulations that have received requests)



3.2 Request Type

The ATIPP Act distinguishes between two types of requests for records.

- a. General requests - where information is requested that does not pertain to the requestor. These commonly include information related to contracts, programs and services or decisions made by a department or other public body subject to the ATIPP Act.
- b. Personal requests - where an individual (or their representative) is requesting access to personal information held by a department or other public body subject to the ATIPP Act.

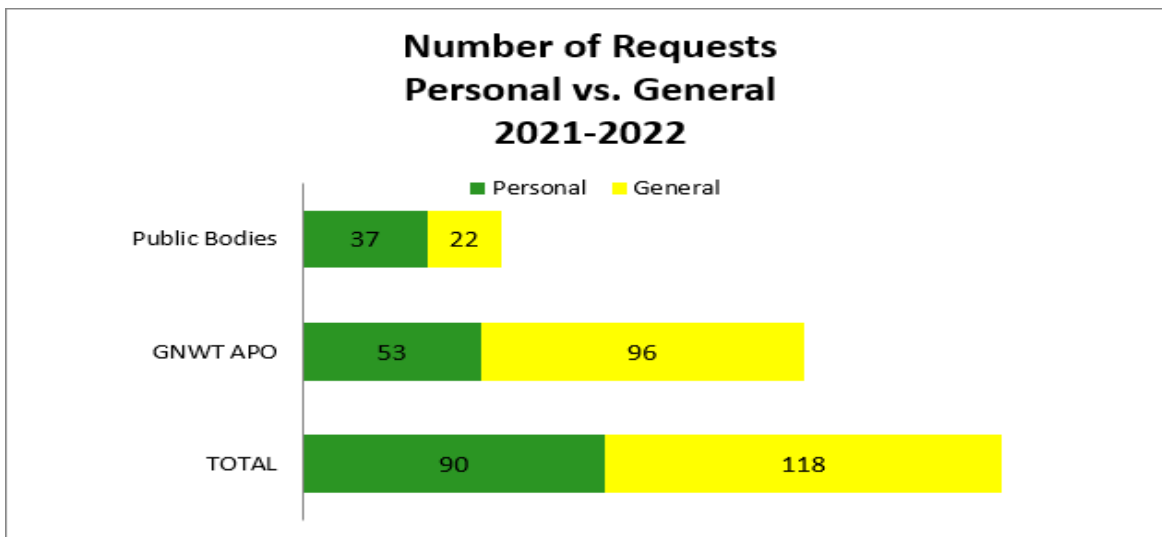
*This report includes data on requests both received and closed within the 2021-2022 fiscal year to establish a clear cut-off date for subsequent reports.

Table 1 - Types of requests received by the GNWT APO and public bodies

GNWT APO	2021 - 2022	
	Personal	General
ECE	6	3
EIA	1	3
ENR	2	5
FIN	8	9
HSS	8	14
INF	4	10
ITI	3	12
JUS	17	21
LANDS	1	4
MACA	1	11
NWTHC	2	4
TOTAL	53	96

PUBLIC BODIES	2021 - 2022	
	Personal	General
AURORA COLLEGE	9	1
COMMISSION SCOLAIRE FRANCOPHONE DE DIVISION	1	0
DEH CHO DIVISIONAL EDUCATION COUNCIL	5	0
SOUTH SLAVE DIVISIONAL EDUCATION COUNCIL	0	1
YK DISTRICT NO. 1 EDUCATION AUTHORITY	0	1
HR HEALTH AND SOCIAL SERVICES AUTHORITY	2	2
NT HEALTH AND SOCIAL SERVICES AUTHORITY	10	8
NT BUSINESS DEVELOPMENT AND INVESTMENT CORPORATION	1	0
NT POWER CORPORATION	0	8
TLICHO COMMUNITY SERVICES AGENCY	0	1
WORKERS' SAFETY COMPENSATION COMMISSION	9	0
TOTAL	37	22

Graph 3 - Type of requests received by the GNWT APO and public bodies



In 2021-2022, general requests made up 57% of the total number of requests. In the past, personal information requests typically outnumbered general requests received; however, a shift has been identified in recent years. This increase in general requests being received may indicate a greater public awareness of the ATIPPA Act and the public’s right to request information held by the government. The initial application fee for general information requests has been eliminated with recent amendments to the ATIPPA Regulations, which may also be contributing to an increase in general access requests.

3.3 Fees Charged

The ATIPPA Act states that records may be subject to the payment of a fee under subsection 5(3). There are two different fee structures set out in the ATIPPA Regulations: one for accessing general information under section 11 and the other for accessing personal information under section 12 (detailed in schedule B of the Regulations). The head of a department or other public body may excuse an applicant from paying all or part of a fee if, in the opinion of the head, the applicant cannot afford the payment or, for any other reason, it is fair to excuse payment.

In relation to the access requests closed in the 2021-2022 fiscal year, there were only two instances where a public body charged fees which totaled \$50.00 and there was only one instance where a public body waived a \$25.00 fee in relation to a request that was closed. The amendments to the ATIPPA Regulations in 2021 eliminated the initial fee for general

information and reduced other fees that could be previously charged for both general and personal information.

3.4 Access Request Processing Times

The ATIPP Act establishes legislative timeframes for departments and public bodies to adhere to when processing access to information requests, specifically, 20-business days from receipt of the request. There are exceptions to this timeframe, such as when a response extension is permitted by section 11(1) or a further request for extension is granted by the Information and Privacy Commissioner. For these reasons, please be aware that the data below does not necessarily indicate if a request has been processed late or beyond legislative timeframes.

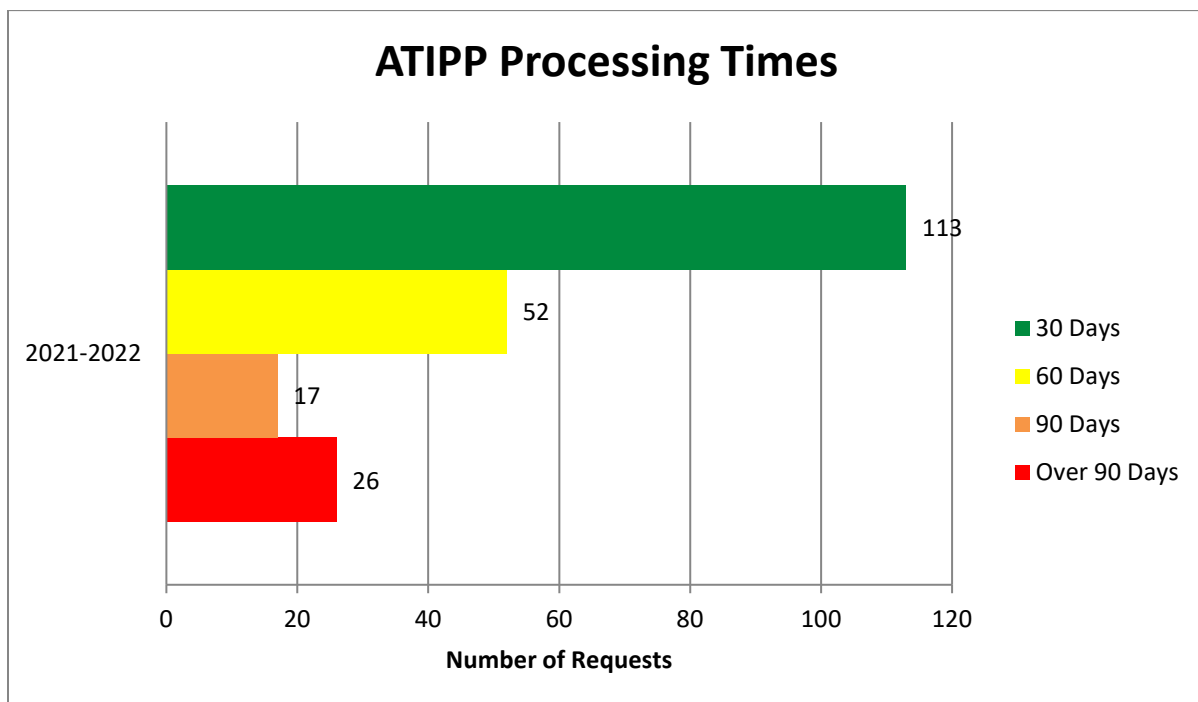
*The data below is specific to calendar days and not business days.

Table 2 - Request processing times by the GNWT APO and public bodies

GNWT APO	2021 - 2022			
	Within 30 days	Within 60 Days	Within 90 Days	Over 90 days
ECE	5	4	0	0
EIA	4	0	0	0
ENR	4	2	0	1
FIN	6	6	2	3
HSS	11	6	3	2
INF	7	2	0	5
ITI	4	8	0	3
JUS	25	8	3	2
LANDS	2	2	1	0
MACA	7	2	0	3
NWTHC	1	2	0	3
TOTAL	76	42	9	22

2021 - 2022				
PUBLIC BODIES	Within 30 days	Within 60 days	Within 90 days	Over 90 days
AURORA COLLEGE	8	2	0	0
COMMISSION SCOLAIRE FRANCOPHONE DE DIVISION	0	1	0	0
DEH CHO DIVISIONAL EDUCATION COUNCIL	5	0	0	0
SOUTH SLAVE DIVISIONAL EDUCATION COUNCIL	1	0	0	0
YK DISTRICT NO. 1 EDUCATION AUTHORITY	0	1	0	0
HR HEALTH AND SOCIAL SERVICES AUTHORITY	3	1	0	0
NT HEALTH AND SOCIAL SERVICES AUTHORITY	6	5	3	4
NT BUSINESS DEVELOPMENT AND INVESTMENT CORPORATION	1	0	0	0
NT POWER CORPORATION	5	0	3	0
TLICHO COMMUNITY SERVICES AGENCY	1	0	0	0
WORKERS' SAFETY COMPENSATION COMMISSION	7	0	2	0
TOTAL	37	10	8	4

Graph 4 - Processing times of the GNWT APO and public bodies



As noted previously, under certain circumstances, departments and public bodies may ask for a time extension for processing a request under section 11 of the ATIPP Act if the request is too vague, if it includes a large volume of records, if consultation with public bodies or a third party is required, or if a third party requests a review by the Information and Privacy Commissioner. Data in relation to time extensions is indicated below. The most frequently claimed section for requesting a time extension was section 11.(1)(b) of the ATIPP Act in response to large volume requests.

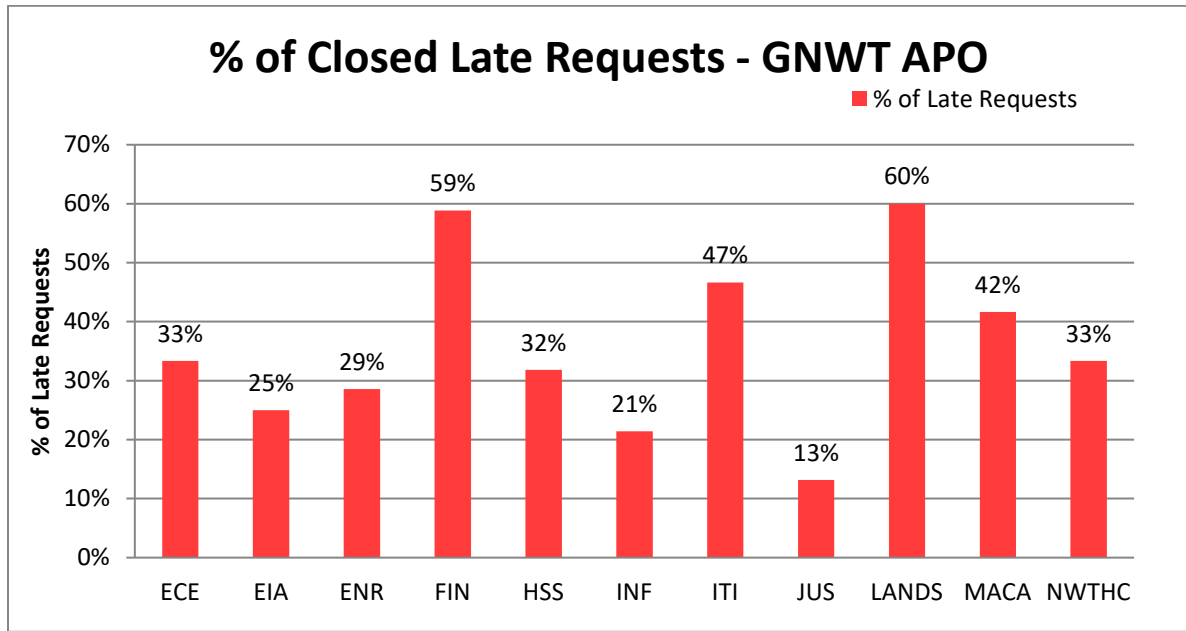
Table 3 - Justification relied on for an extension of time

Sections of the ATIPP Act Used by the GNWT APO to Justify Time Extensions	Number of Occurrences
Section	2021 - 2022
11.(1)(a) the applicant does not give enough detail to enable the public body to identify a requested record;	3
11.(1)(b) a large number of records is requested or must be searched to identify the requested record and meeting the time limit would unreasonably interfere with the operations of the public body;	19
11.(1)(c) more time is needed to consult with a third party or another public body before the head can decide whether or not the applicant is entitled under this Act to access to a requested record;	7
11.(1)(d) a third party asks for a review under subsection 28(2).	2
TOTAL	31

Sections of the ATIPP Act Used by Public Bodies to Justify Time Extensions	Number of Occurrences
Section	2021 - 2022
11.(1)(a) the applicant does not give enough detail to enable the public body to identify a requested record;	2
11.(1)(b) a large number of records is requested or must be searched to identify the requested record and meeting the time limit would unreasonably interfere with the operations of the public body;	8
11.(1)(c) more time is needed to consult with a third party or another public body before the head can decide whether or not the applicant is entitled under this Act to access to a requested record;	5
11.(1)(d) a third party asks for a review under subsection 28(2).	0
TOTAL	15

Additionally, the GNWT APO tracks requests which are considered late, meaning there was no legislative authority under section 11 to exceed the legislative timeframes permitted by the ATIPP Act. For requests processed on behalf of departments by the GNWT APO, that were both received and closed in the 2021-2022 fiscal year, approximately 32% of these requests are considered late.

Graph 5 - Percentage of late responses to requests closed by the GNWT APO in 2021-2022



3.5 Application of Exceptions

When processing an access to information request, departments and public bodies are required to complete a line-by-line review of all records pertaining to the request. During the line-by-line review, portions of the information may be blacked out (severed or redacted). This is to ensure that information which falls under the limited mandatory or discretionary exceptions to access set out in sections 13 to 25 of the ATIPP Act is protected. Below you will find a description of the types of exceptions that may be applied in the graph and table below. The mandatory exception to access section 23 (*personal privacy of third party*) and the discretionary exception to access section 14 (*advice from officials*) were the two most frequently applied exceptions.

Graph 6 - Percentage of Exceptions Applied by the GNWT APO and public bodies

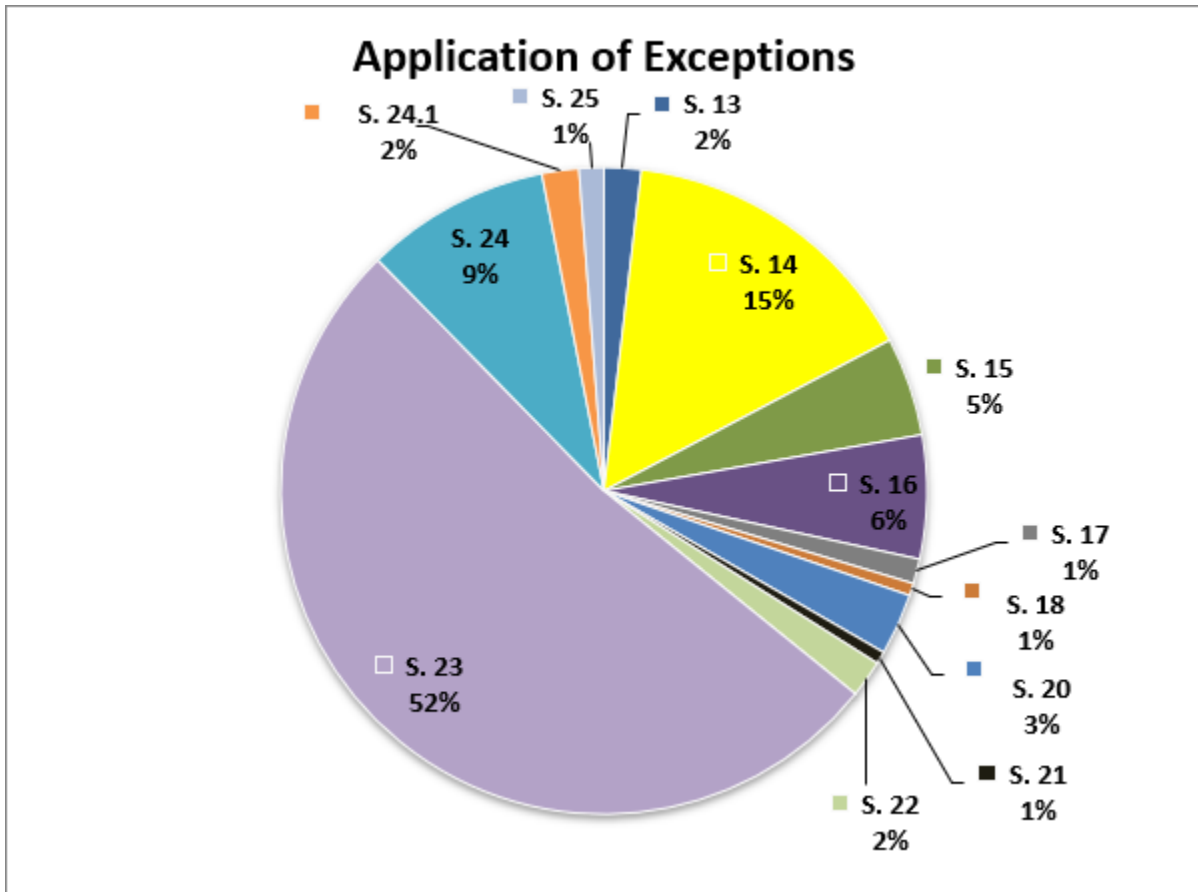


Table 4 - How the GNWT APO and public bodies applied exceptions to access

Sections of the ATIPP Act Used by the GNWT APO		Number of Occurrences
#	Title	2021 - 2022
13	Executive Council Records	2
13.1	Municipality Confidences	0
14	Disclosure of Advice from Officials	21
15	Privileged Information	6
16	Disclosure Prejudicial to Intergovernmental Relations	9
17	Economic and Other Interests of Public Bodies	2
18	Testing Procedures, Tests and Audits	1
19	Disclosure Harmful to Conservation	0
20	Disclosure Prejudicial to Law Enforcement	5
21	Disclosure Harmful to Individual or Public Safety	1
22	Confidential Evaluations	2
23	Personal Privacy of Third Party	65
24	Business Interests of Third Party	13
24.1	Disclosure of Labour Relations Information	0
25	Information Otherwise Available to the Public	2
TOTAL		129

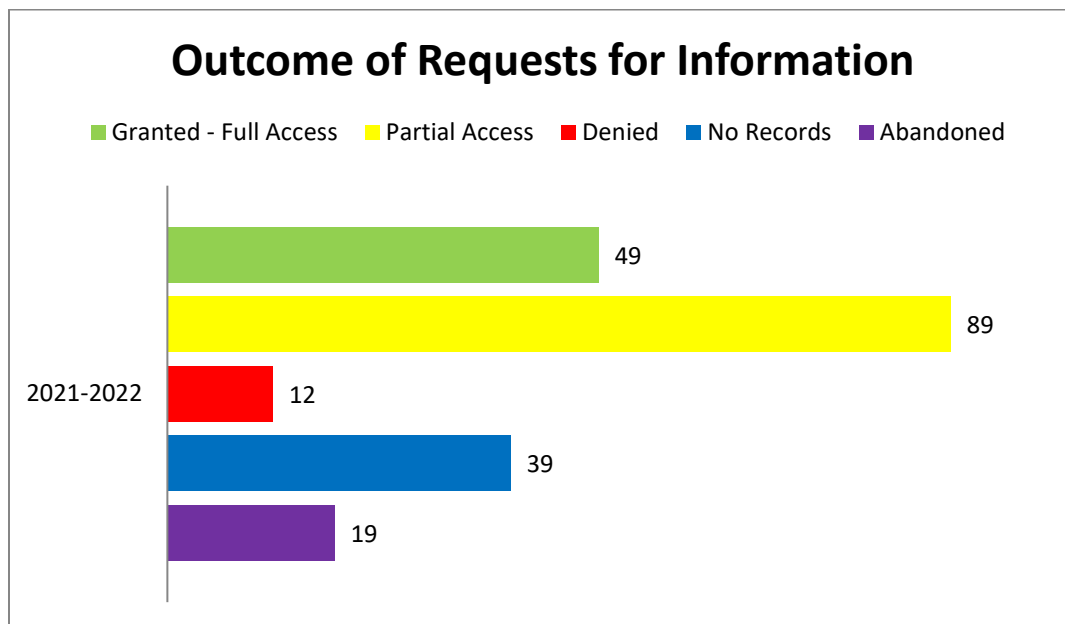
Sections of the Act Used by Public Bodies	Number of Occurrences 2021 - 2022
S. 13	1
S.13.1	0
S. 14	4
S. 15	2
S. 16	1
S. 17	0
S. 18	0
S. 19	0
S. 20	0
S. 21	0
S. 22	1
S. 23	19
S. 24	2
S.24.1	3
S. 25	0
TOTAL	33

3.6 Outcomes of Access Requests

A request under the ATIPP Act is complete once the department or public body completes a line-by-line review of all information pertaining to the request and applies the appropriate exceptions. Overall, the application of exceptions can result in different outcomes in terms of what is disclosed. This report classifies the disclosure of records to an applicant in the following ways:

Granted – Full Access:	is a response where all requested records have been released in their entirety or may also describes a response where the records requested were released as a routine disclosure of information.
Partial Access:	is used to describe records where some of the identified records are not being released or portions of records have been removed as per exceptions set out in the ATIPP Act.
Denied:	describes a response where records that have been identified as being responsive to the request are not being released at all as per exceptions set out in the ATIPP Act.
No Records:	is used to describe a response where the public body has found no records in its custody or control that respond to the applicant’s request or may also describe instances where a request has been formally transferred to another public body.
Abandoned:	means that the applicant has chosen to withdraw the request for records or has not pursued the request at some point in the process.

Graph 7 - How GNWT departments and public bodies handled the disclosure of records



4.0 Privacy Compliance and Privacy Impact Assessment Data

The GNWT Department of Justice is taking the lead in the development of a privacy framework for the GNWT. The framework will include the GNWT Protection of Privacy Policy, Guidelines for Privacy Management Programs, privacy training and privacy resources.

The GNWT privacy framework will reflect current practices, resources and policies and is built on existing work. The framework will set out the elements necessary for each department to establish a privacy program such as: accountability, education and awareness, use of personal information sharing agreements, privacy considerations when working with contract and service providers, how to respond to complaints, how to handle privacy breaches, and how to conduct privacy impact assessments and privacy audits.

Implementation of the privacy framework and departmental privacy management programs will allow the GNWT to establish practices for the protection and management of personal information under their custody and control. This will ensure that the privacy provisions of the ATIPP Act are administered in a consistent and fair manner.

Below you will find the number of Privacy Impact Assessments (PIAs) that were conducted in the 2021-2022 fiscal year. PIAs are the principal tool used in Canada and internationally to ensure that programs and applications are compliant with privacy laws. PIAs are one of the most important tools available to government for managing privacy risks. A total of 22 PIAs were completed by the GNWT departments in the 2021-2022 fiscal year.

Table 5 - Number of PIAs conducted by GNWT departments

2021 - 2022	
GNWT Dept	Number of PIAs
ECE	2
EIA	1
ENR	1
FIN	3
HSS	1
INF	6
ITI	1
JUS	3
LANDS	2
MACA	2
TOTAL	22

5.0 Information and Privacy Commissioner Information

An applicant who is unsatisfied with an access to information response from a department or public body designated under the ATIPP Regulations may request that the Information and Privacy Commissioner review the decision made by the department or public body. This includes, but is not limited to, reviews for denying or limiting access to records, reviews in relation to time extensions, and reviews in relation to fees. These types of reviews are referred to as access reviews.

An individual can also ask the Information and Privacy Commissioner to complete a review if they feel a department or public body has collected, used or disclosed their personal information improperly. These types of reviews are referred to as privacy reviews. For Information and Privacy Commissioner access and privacy review data please visit: <https://oipc-nt.ca/>.

The Northwest Territories Information and Privacy Commissioner has both order and recommendation making powers. To locate reviews completed by the Information and Privacy Commissioner, please visit: <http://www.canlii.org/en/nt/ntipc/>. The Information and Privacy Commissioner also highlights specific reviews and makes privacy and access related recommendations to the Standing Committee on Government Operations in his annual reports. These reports can be found under the tabled documents at the Legislative Assembly website: <http://www.assembly.gov.nt.ca/documents-proceedings/taled-documents>.

6.0 Resources

- Link to information on Department of Justice website on the ATIPP Act.
<https://www.justice.gov.nt.ca/en/access-to-information-held-by-public-bodies/>
- Link to Access and Privacy Guide
<https://www.justice.gov.nt.ca/en/files/atipp/contacts/Access%20and%20Privacy%20Guide%20%28july%202021%29.pdf?t1614981909993>
- Link to Listing of Access and Privacy Coordinators/Contacts
<https://www.justice.gov.nt.ca/content/uploads/2022/06/Access-and-Privacy-Contacts-Directory-June-2022-.pdf>
- Link to Online Access and Privacy General Awareness Course
<https://www.justice.gov.nt.ca/en/2017/03/access-to-information-and-protection-of-privacy-general-awareness-course-now-available-online/>

If you have questions about this report, please contact:

GNWT Access and Privacy Office, Department of Justice.

Phone: (867)767-9256 extension 82477

Email: APO@gov.nt.ca