



**GNWT Activity Report on the Administration of the
Access to Information and Protection of Privacy Act
(*ATIPP*)**

April 1, 2008 - March 31, 2015

Table of Contents

1. Purpose of Report	3
2. Overview of the ATIPP Act	4
• Scope of the Act.....	4
3. GNWT Access and Privacy Office, Department of Justice	
• Role of GNWT Access and Privacy Office.....	4
• Training and Resources.....	5
• Comprehensive Review of the ATIPP Act.....	7
4. Statistical Information on ATIPP Requests 2008 to 2015	
• Number of Access to Information Requests Received by GNWT Departments.....	8
• Number of Requests (Personal versus General).....	10
• Fees Charged.....	12
• Access Request Processing Times.....	14
• Outcomes of all Requests for Information.....	19
• Number of Reviews.....	20
5. Resources	
• Link to info on DOJ website on ATIPP.....	22
• Link to GNWT Access and Privacy Office Contact Information.....	22
• Link to Listing of Access and Privacy Coordinators/Contacts.....	22

1. Purpose of the Report

The purpose of the **GNWT Activity Report on the Administration of the Access to Information and Protection of Privacy Act** is to provide the public and Members of the Legislative Assembly with statistical information on the volume of requests received by GNWT departments, the timeliness of the responses as well as other matters related to the administration of the Act. This report includes statistical information from all GNWT departments relating to requests dating back to 2008. Statistics relating to other public bodies subject to the legislation is not currently compiled. The statistical information in the report is related to formal access to information requests and does not reflect the number of informal requests for information received by GNWT departments.

The *Access to Information and Protection of Privacy Act* (ATIPP Act or “the Act”) demonstrates the GNWT’s commitment to protecting privacy while still providing access to information. This legislation plays a critical role in maintaining government accountability and protecting the public’s personal information. Although there is no requirement under the Act to provide an activity report, the GNWT (through the Department of Justice, Access and Privacy Office) intends to produce this report annually to demonstrate the GNWT’s commitment. By establishing an annual activity report, GNWT departments that fall under the Act will have the opportunity to report publically in a manner that is comprehensive and consistent.

2. Overview of the ATIPP Act

In 1996, the Legislative Assembly of the Northwest Territories (NWT) passed the **Access to Information and Protection of Privacy Act**. The Act:

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

The Act refers to government entities as public bodies. They include Northwest Territories government departments, agencies, boards, commissions, corporations and offices. All public bodies subject to the Act are considered separate entities and are responsible for responding directly to formal access to information requests.

All public bodies have a designated access and privacy coordinator who is responsible for assisting the public with access to information requests as well as any questions they may have regarding privacy matters. A listing of access and privacy coordinators is available on the Department of Justice, GNWT Access and Privacy Webpage at:

<https://www.justice.gov.nt.ca/en/files/atipp/ATIPP%20Coordinators.pdf?t1433446389737>

The Act also establishes the role of the NWT Information and Privacy Commissioner; to provide an independent review of the decisions made under the Act. The Commissioner may review the decision of a public body to not grant access to information, or correct personal information or may also review how a public body has collected, used or disclosed personal information.

In her annual report the Information and Privacy Commissioner comments on the government's performance in meeting its responsibilities under the ATIPP Act. This report is tabled in the Legislative Assembly.

Scope of the ATIPP Act

The legislation applies to the majority of records in the custody or under the control of public bodies regardless of whether those records came into existence before or after the Act came into force. In this way, the Act provides a uniform process for requesting all types of information held by the GNWT or other public bodies.

There are a limited number of records held by public bodies that do not fall under the Act. These records are considered to be excluded from the Act and include:

- Court records;
- Personal notes, communication or draft decision of persons acting in a judicial or quasi-judicial capacity;
- Active prosecution records;
- Exam questions or tests;
- Materials placed in the NWT Archives by individuals or private sector corporations;
- Records in public registries where public access is normally permitted.

The ***Access to Information and Protection of Privacy Regulations*** list the authorities, boards, corporations and other offices, other than government departments, considered to be public bodies subject to the legislation.

3. GNWT Access and Privacy Office, Department of Justice

Role of the GNWT Access and Privacy Office

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

1. Providing services and support to assist public bodies in complying with the ATIPP Act;
2. Promoting access to information and protection of privacy awareness through the development and delivery of GNWT training;
3. Leading strategic policy research and initiatives in the access to information and protection of privacy area;
4. Developing access and privacy policies and practices to provide guidance to public bodies;

5. Representing the GNWT in Federal/Provincial/Territorial working groups, national committees or policy forums.
6. Maintaining appropriate updates to the Access and Privacy Directory and the ATIPP Policies and Procedures Manual; and
7. Consulting and coordinating access and privacy initiatives with the NWT Information and Privacy Commissioner, GNWT public bodies, other governments and key stakeholders.

The GNWT Access and Privacy Office currently has four staff members involved in the responsibilities previously noted. They include the Manager, GNWT Access and Privacy Office, who has overall responsibility for the program, the Senior Information and Privacy Analyst, the Information and Privacy Analyst and the Records and ATIPP Administrator.

Training and Resources

The GNWT Access and Privacy Office is responsible for the development, coordination and delivery of GNWT Access and Privacy training sessions to impart the level of knowledge commensurate to program responsibilities under the ATIPP Act.

Training offered ranges from a general half day introduction, new coordinator orientation sessions as well as an intensive three day workshop meant to give Access and Privacy coordinators throughout the Northwest Territories a clear understanding of the Act.

These GNWT Access and Privacy Office responsibilities include:

1. Analysis of training needs of public bodies listed under the ATIPP Act and development of appropriate training plan to implement training.
2. Developing and delivering a series of Access and Privacy Training sessions on an annual basis;
3. Evaluating the training feedback received by GNWT stakeholders.

The GNWT Access and Privacy Office provides training on ATIPP to GNWT Employees, including new employees who joined the GNWT after devolution. Training from 2008 to 2015 included:

Session	Year	# of Sessions
General Introduction to the ATIPP Act Half day training session	2008	3
	2009	3
	2010	3
	2011	3
	2012	4
	2013	5
	2014	3
	2015	2
New Access and Privacy Coordinator Orientations Half Day Session	2012	2
	2013	4
	2014	8
	2015	2
Access and Privacy Coordinator Training 3 Day Training Session	2008	
	2009	1
	2010	1
	2011	2
	2012	1
	2013	1
	2014	2
	2015	1
Customized or Specialized Training- Half Day Session Full Day Session 2 Day Session	2008	
	2009	1
	2010	2
	2011	3
	2012	2
	2013	1
ATIPP and Devolution Training Half Day Session ** This course was offered 7 additional times however participant levels were too low to run the courses.	2014	3

Upcoming training for the 2015-16 fiscal year includes new training courses focusing on:

- Online Access and Privacy Awareness Course
- Privacy Impact Assessments
- Protection of Privacy Courses

Comprehensive Review of the ATIPP Act

The GNWT has committed to undertake a comprehensive review of the *Access to Information and Protection of Privacy Act*. This work continues to be the priority of the GNWT Access and Privacy Office and the report on the review will be provided to Standing Committee during the fall 2015 session of the 17th Assembly.

The report will identify the areas in the Act that either require or would clearly benefit from amendments. The report will further address any outstanding recommendations for legislative changes raised by Standing Committee in all previous reports. Consultations with public bodies and the Information and Privacy Commissioner are planned for the summer of 2015.

A public consultation on the Act is anticipated to take place in the winter of 2015/16.

4. Statistical Information on ATIPP Requests 2008 to 2015

Number of Access to Information Requests Received by GNWT Departments

Since 2008-2009, the GNWT Access and Privacy Office has collected statistical information from all GNWT Departments. During the period 2008-2009 to 2012-2013 there was a steady increase in the number of requests for information from GNWT Departments. The information in Figure 1 illustrates this increase, and Table 1 shows that this increase was especially acute for the Departments of Justice and Education, Culture and Employment. This increase in requests can be primarily attributed to the Residential School Claims Process. However, increased requests for information may also be attributed to an increased awareness by the public in relation to their rights under the Act.

In 2013-2014 GNWT departments began to see the first decrease of residential school requests, as the deadline to file claims passed. In the 2012-2013 fiscal year 810 ATIPP requests were received by GNWT Departments due primarily to the residential school process.

Figure 1 details the total number of requests for information received by all GNWT departments.

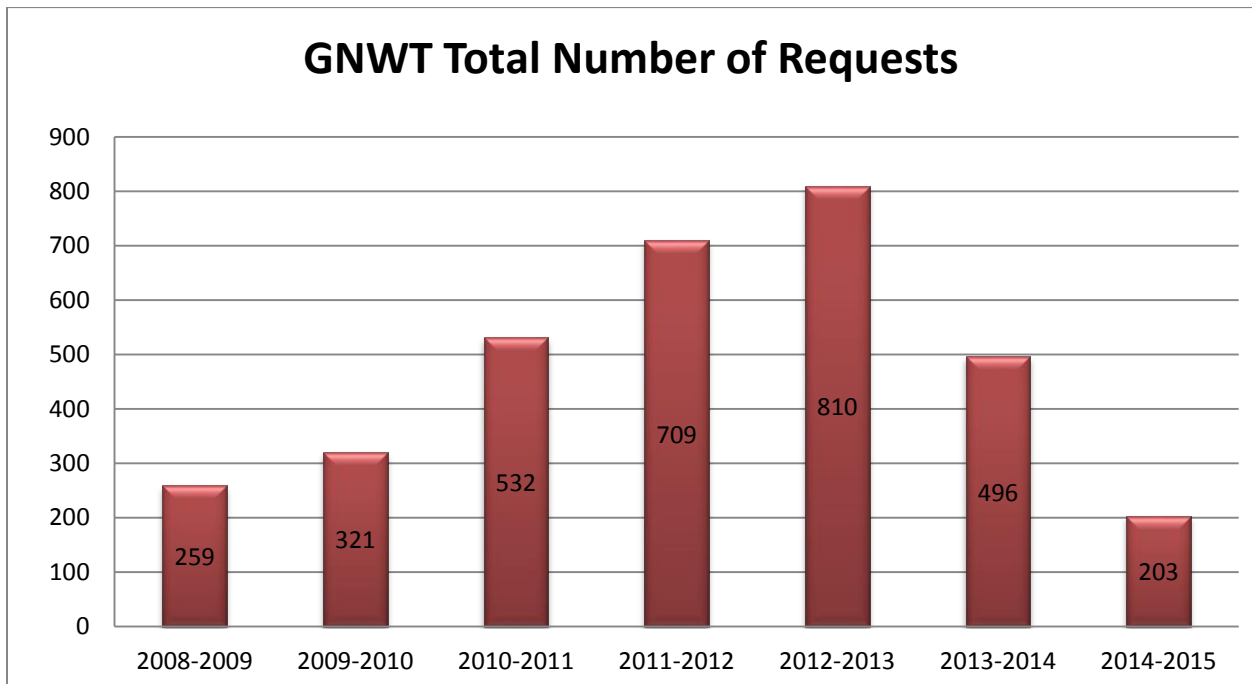


Table 1 - Number of access to information requests received by GNWT department

Department	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015
AAIR	7	4	3	6	8	4	6
ECE	136	158	274	320	338	212	64
ENR	1	1	2	2	9	10	4
EXEC	4	1	4	7	3	3	1
FIN	2	2	3	1	6	4	17
HR	11	14	4	13	49	24	4
HSS	4	15	18	19	22	26	35
ITI	0	3	1	2	2	2	3
JUS	82	110	220	333	361	193	58
LANDS	N/A	N/A	N/A	N/A	N/A	N/A	0
MACA	4	3	1	5	3	3	4
PWS	1	1	0	0	4	5	2
TRANS	7	9	2	1	5	10	5
TOTAL:	259	321	532	709	810	496	203

Routine disclosures requests were included in total numbers during 2008-2013. This was revised to a separate reporting section in the 2013-2014 and 2014-2015 fiscal years.

Table 2 – Trends in access to information requests for all GNWT departments.

	2008-2009 to 2009-2010	2009-2010 to 2010-2011	2010-2011 to 2011-2012	2011-2012 to 2012-2013	2012-2013 to 2013-2014	2013-2014 to 2014-2015
Percent Increase	24%	66%	33%	14%	-	-
Percent Decrease	-	-	-	-	39%	59%

Number of Requests (Personal vs. General)

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

- a. General information requests - where information is requested that does not pertain to the requestor. These commonly include information related to contracts, programs or services provided by the department or information about another individual.
- b. Personal information requests -where someone is requesting access to their own personal information held by a department.

Figure 2 indicates the type of requests for information received by all GNWT departments.

The GNWT has seen a sharp increase of requests for personal information from 2008 to 2015. In the past two years there has been a decrease in requests. This can be attributed to requests for personal information in relation to the Residential School Claims Process. As the deadlines for claims passed, the number of requests has decreased.

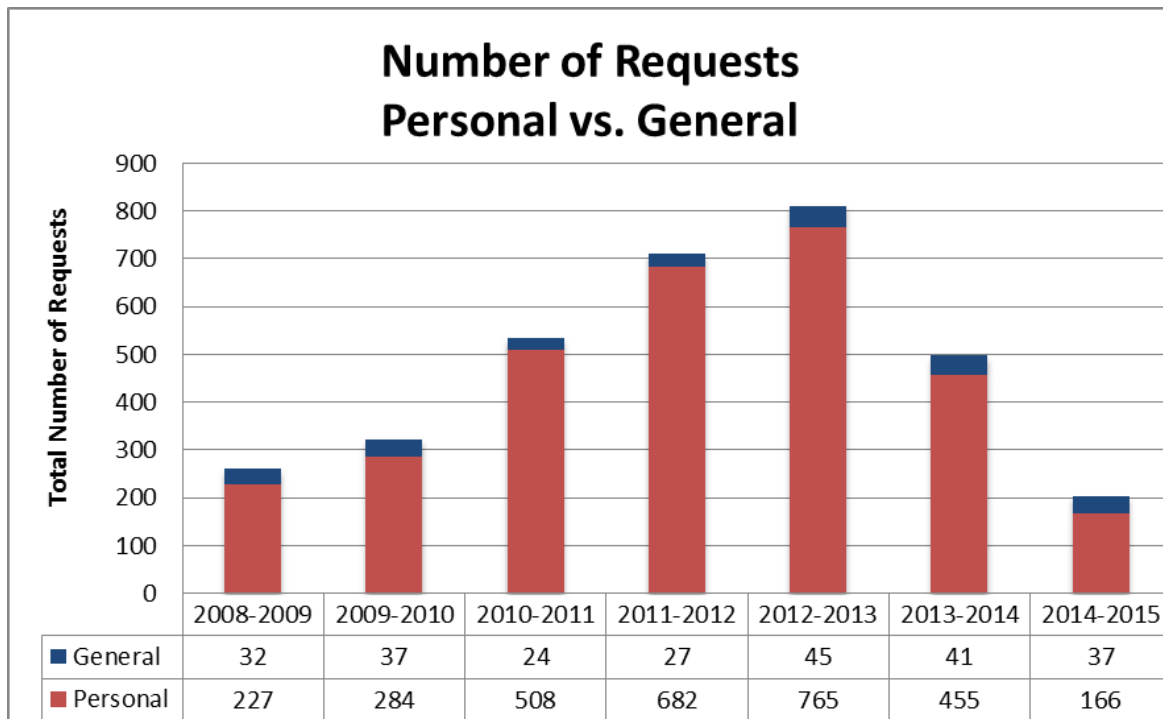


Table 3 details the number and types of requests for information received by each Department.

Dept	2008-2009		2009-2010		2010-2011		2011-2012		2012-2013	
	Personal	General	Personal	General	Personal	General	Personal	General	Personal	General
AAIR	0	7	0	4	0	3	0	6	0	8
ECE	133	3	151	7	269	5	316	4	333	5
ENR	0	1	0	1	0	2	0	2	0	9
EXEC	0	4	0	1	0	4	1	6	2	1
FIN	1	1	0	2	0	3	1	0	1	5
HR	8	3	14	0	4	0	6	7	47	2
HSS	2	2	12	3	12	6	19	0	20	2
ITI	0	0	1	2	1	0	2	0	0	2
JUS	82	0	104	6	220	0	332	1	357	4
LANDS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MACA	1	3	2	1	0	1	5	0	3	0
PWS	0	1	0	1	0	0	0	0	0	4
TRANS	0	7	0	9	2	0	0	1	2	3
TOTAL	227	32	284	37	508	24	682	27	765	45

Dept	2013-2014		2014-2015	
	Personal	General	Personal	General
AAIR	0	4	0	6
ECE	204	8	60	4
ENR	0	10	0	4
EXEC	0	3	0	1
FIN	1	3	14	3
HR	23	1	4	0
HSS	25	1	32	3
ITI	0	2	1	2
JUS	190	3	55	3
LANDS	N/A	N/A	0	0
MACA	3	0	0	4
PWS	2	3	0	2
TRANS	7	3	0	5
TOTAL	455	41	166	37

Fees Charged

The ATIPP Act states that records may be subject to the payment of a fee under section 5(3). There are two different fee structures set out in the ATIPP Regulations: one for accessing general (i.e. non-personal) information under section 11 and the other for accessing personal information under section 12, for (detailed in schedule B of the Regulations).

An initial fee of \$25.00 is charged for requests for general information. When an initial fee is required, it must be paid before the request will be processed. If there are additional fees, an applicant is informed of the estimated cost, and must advise the public body whether or not they want to proceed with the request. Fees associated with access to information requests for general information are not intended to cover the cost related to processing of these request but rather to offset costs.

For applicants who are requesting access to their own personal information, there is no initial fee required and the only cost that may be charged are copy charges in excess of the first 100 pages.

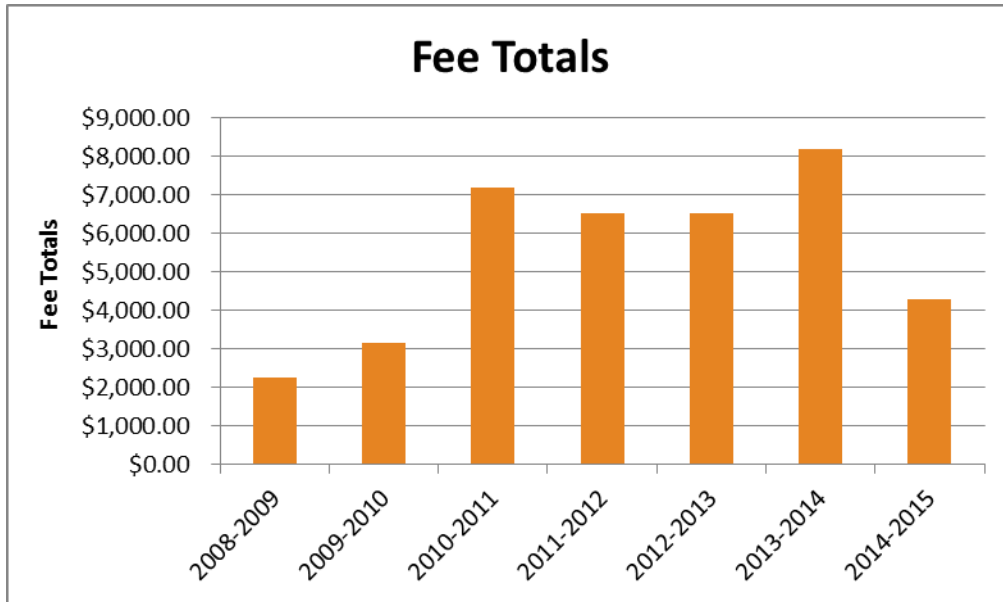
Applicants who may not be able to afford the fees may request the head of the public body to waive all or part of the fees if the applicant can substantiate that paying the fees would cause undue financial hardship or for any other reason that may be fair to waive the payment. The GNWT Access and Privacy Office does not currently collect statistical information in relation to fee waivers.

Total Fees received by GNWT since 2008 were \$38077.75. The majority of these fees were in relation to copying charges for requests of personal information.

Table 4 - Total fees charged by all GNWT departments.

Year	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015
Request totals	259	321	532	709	810	487	209
Fee Totals	\$2238.43	\$3136.75	\$7186.39	\$6533.75	\$6528.80	\$8183.55	\$4270.08

Figure 3 - Total fees charged by all GNWT departments .



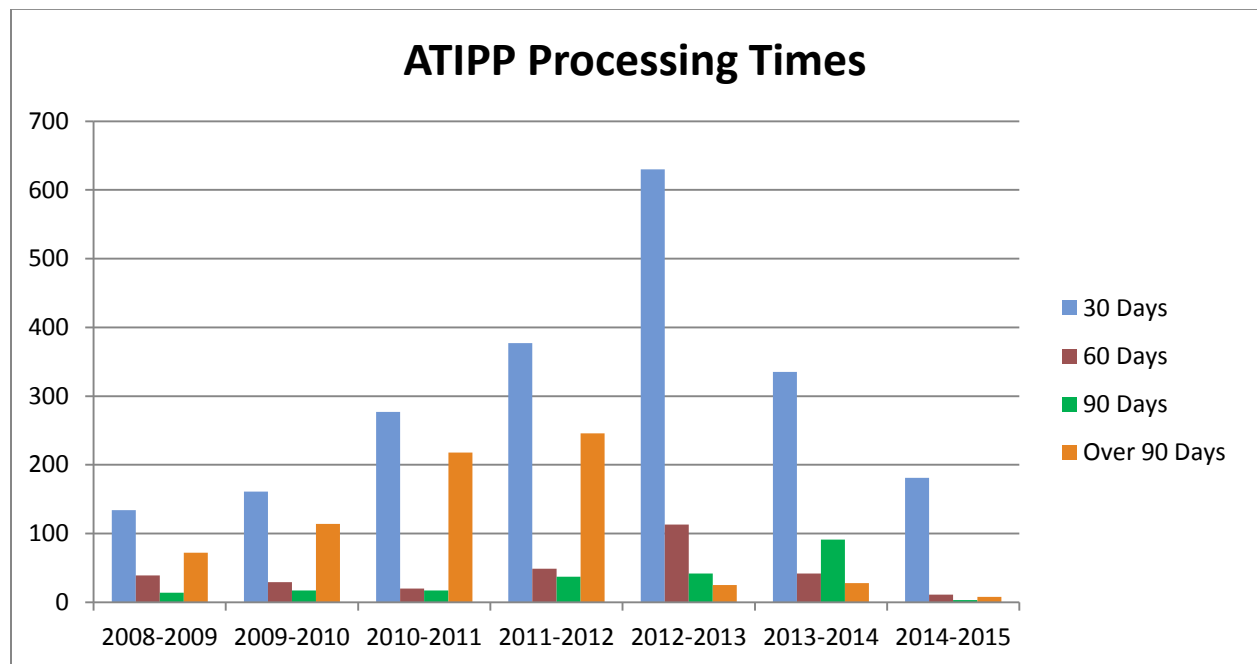
Access Request Processing Times

The Act establishes legislated timeframes for public bodies to adhere to when processing access to information requests. A 30-day time limit to respond to an access request is required by public bodies unless the public body requests an extension under section 11(1) or if there are other extensions provided for under the Act (such as third party consultations time frames).

Under certain circumstances the public body may ask for a time extension in processing the request if the request is too vague, the request includes a large volume of records, if consultation with another public bodies or a third party is required or if a third party requests a review by the Information and Privacy Commissioner.

The sharp increase in the volume of ATIPP requests relating to residential school requests resulted in a backlog of requests being dealt with by some public bodies. Processes were put in place to address the volume.

Figure 4 – Processing times all GNWT departments.



Tables 5 indicates the processing times for each GNWT department when responding to access to information requests.

2008-2009	Department	Within 30 days	Within 60 Days	Within 90 Days	Over 90 days
	AAIR	7	0	0	0
	ECE	47	13	7	69
	ENR	1	0	0	0
	EXEC	3	1	0	0
	FIN	2	0	0	0
	HR	7	1	1	2
	HSS	3	0	0	1
	ITI	0	0	0	0
	JUS	56	24	2	0
	LANDS	N/A	N/A	N/A	N/A
	MACA	4	0	0	0
	PWS	1	0	0	0
	TRANS	3	0	4	0
TOTAL	134	39	14	72	

2009-2010	Department	Within 30 days	Within 60 Days	Within 90 Days	Over 90 days
	AAIR	4	0	0	0
	ECE	25	9	12	112
	ENR	1	0	0	0
	EXEC	1	0	0	0
	FIN	1	1	0	0
	HR	14	0	0	0
	HSS	15	0	0	0
	ITI	3	0	0	0
	JUS	88	19	3	0
	LANDS	N/A	N/A	N/A	N/A
	MACA	2	0	1	0
	PWS	1	0	0	0
	TRANS	6	0	1	2
TOTAL	161	29	17	114	

2010-2011	Department	Within 30 days	Within 60 Days	Within 90 Days	Over 90 days
	AAIR	3	0	0	0
	ECE	30	13	16	215
	ENR	0	0	0	2
	EXEC	3	0	1	0
	FIN	3	0	0	0
	HR	4	0	0	0
	HSS	17	1	0	0
	ITI	0	1	0	0
	JUS	215	5	0	0
	LANDS	N/A	N/A	N/A	N/A
	MACA	1	0	0	0
	PWS	0	0	0	0
	TRANS	1	0	0	1
	TOTAL	277	20	17	218

2011-2012	Department	Within 30 days	Within 60 Days	Within 90 Days	Over 90 days
	AAIR	6	0	0	0
	ECE	24	26	35	235
	ENR	1	0	1	0
	EXEC	2	0	0	5
	FIN	1	0	0	0
	HR	6	5	1	1
	HSS	18	1	0	0
	ITI	2	0	0	0
	JUS	313	17	0	3
	LANDS	N/A	N/A	N/A	N/A
	MACA	3	0	0	2
	PWS	0	0	0	0
	TRANS	1	0	0	0
	TOTAL	377	49	37	246

2012-2013	Department	Within 30 days	Within 60 Days	Within 90 Days	Over 90 days
	AAIR	8	0	0	0
	ECE	189	87	38	24
	ENR	9	0	0	0
	EXEC	1	0	2	0
	FIN	5	1	0	0
	HR	41	6	2	0
	HSS	21	1	0	0
	ITI	2	0	0	0
	JUS	346	15	0	0
	LANDS	N/A	N/A	N/A	N/A
	MACA	3	0	0	0
	PWS	3	1	0	0
	TRANS	2	2	0	1
	TOTAL	630	113	42	25

2013-2014	Department	Within 30 days	Within 60 Days	Within 90 Days	Over 90 days
	AAIR	4	0	0	0
	ECE	89	28	86	9
	ENR	8	1	1	0
	EXEC	3	0	0	0
	FIN	4	0	0	0
	HR	9	7	4	4
	HSS	26	0	0	0
	ITI	1	0	0	1
	JUS	186	6	0	1
	LANDS	N/A	N/A	N/A	N/A
	MACA	3	0	0	0
	PWS	1	0	0	4
	TRANS	1	0	0	9
	TOTAL	335	42	91	28

2014-2015	Department	Within 30 days	Within 60 Days	Within 90 Days	Over 90 days
	AAIR	6	0	0	0
	ECE	64	0	0	0
	ENR	3	0	0	1
	EXEC	1	0	0	0
	FIN	16	0	1	0
	HR	2	2	0	0
	HSS	35	0	0	0
	ITI	1	1	0	1
	JUS	48	8	0	2
	LANDS	0	0	0	0
	MACA	2	0	2	0
	PWS	1	0	0	1
	TRANS	2	0	0	3
	TOTAL	181	11	3	8

Outcomes of all Requests for Information

While processing access to information requests, public bodies are required to complete a line by line review of all information pertaining to the request. During the line by line review, portions of the information may be severed or blacked out. This is to ensure that information not pertaining to the request or information that falls under one of the limited exceptions set out in sections 13 to 26 of the Act, is removed.

The Government classifies the release of records to an applicant in the following ways:

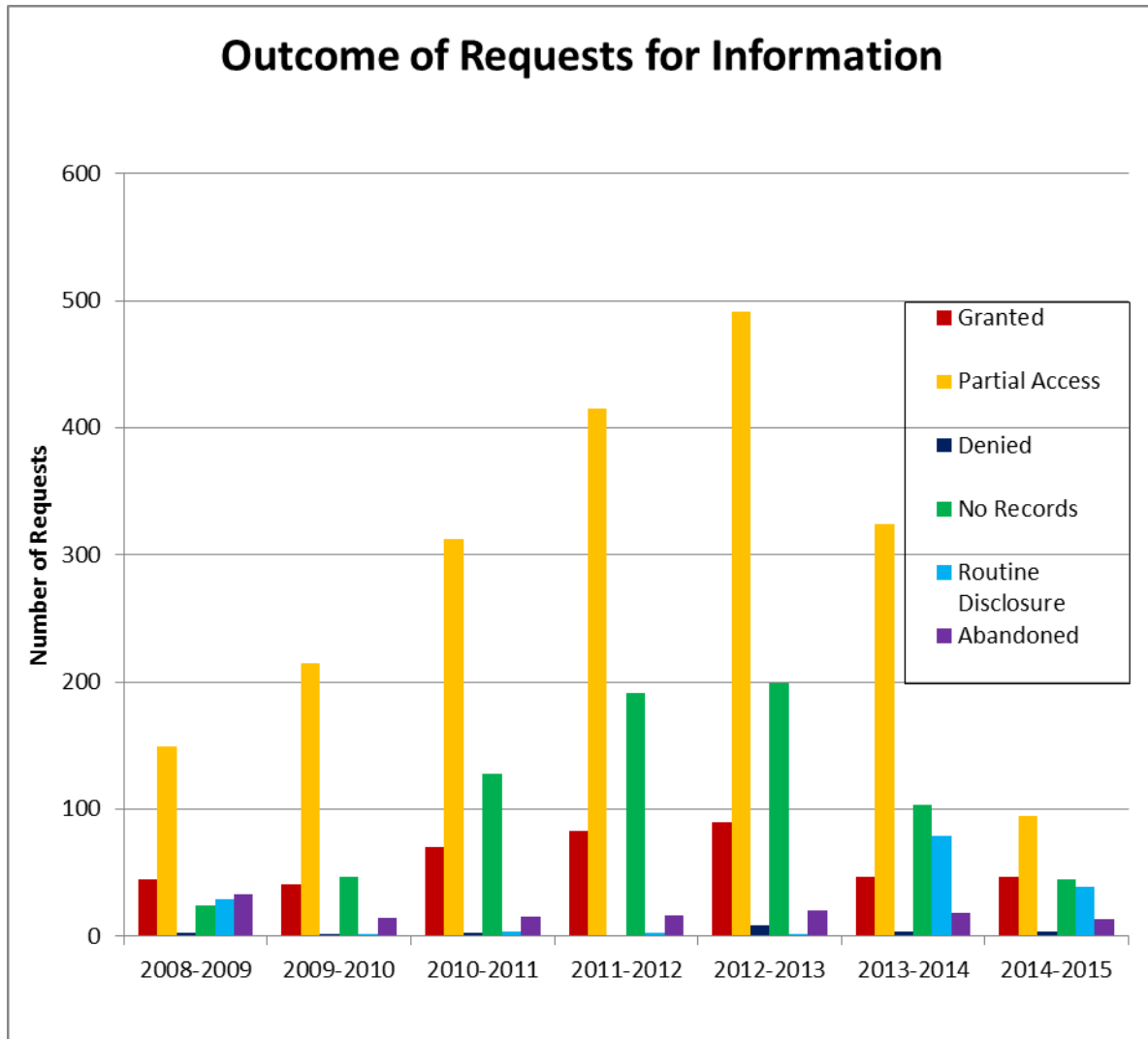
Granted	is a response where all requested records have been released in their entirety
Partially Granted	is used to describe records where some of the identified records are not being released or portions of records have been removed as per exceptions set out in the ATIPP Act
Denied	describes a response 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
Routine Disclosure	describes a response where the records requested through the department’s ATIPP office were released as a routine disclosure
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

Table 6 indicates how GNWT departments dealt with the release of records.

	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015
Granted	45	41	70	83	90	47	47
Partial Access	149	215	312	415	491	324	94
Denied	3	2	3	1	8	4	4
No Records	24	47	128	191	199	103	45
Routine Disclosure	29*	2	4	3	2	79	39
Abandoned	33	14	15	16	20	18	13
TOTAL	283	321	532	709	810	496	203

*As previously noted, routine disclosure requests were included in the total number for the 2008-2013 fiscal years.

Figure 6 indicates how GNWT Departments dealt with the release of records.



Number of Reviews

An applicant who is unsatisfied with a response from a public body may request the Information and Privacy Commissioner to review the decision under the Act made by the public body. This includes reviews for denying or limiting access to records, to lower or review fees.

An individual can also ask the Information and Privacy Commissioner to complete a review if they feel a public body has collected, used or disclosed their personal information improperly. These types of reviews are referred to as privacy reviews.

Table 8 indicates the request for review received by each GNWT department by year.

Depart	2008-2009		2009-2010		2010-2011		2011-2012		2012-2013	
	Access	Privacy	Access	Privacy	Access	Privacy	Access	Privacy	Access	Privacy
AAIR	0	0	0	0	0	0	0	0	0	0
ECE	1	0	0	0	3	0	1	0	0	1
ENR	1	0	1	0	0	0	1	0	1	0
EXEC	0	0	0	0	0	0	0	0	1	0
FIN	0	1	0	0	0	0	0	0	0	0
HR	2	0	2	0	0	0	1	0	1	0
HSS	4	0	0	1	1	0	0	0	0	1
ITI	0	0	0	0	0	0	1	0	1	0
JUS	2	0	0	0	0	0	3	0	0	0
LANDS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MACA	0	0	0	1	0	0	0	0	0	0
PWS	0	0	0	0	0	0	0	0	0	0
TRANS	0	0	0	1	1	0	0	0	0	0
TOTAL	10	1	3	3	5	0	7	0	4	2

Depart	2013-2014		2014-2015	
	Access	Privacy	Access	Privacy
AAIR	0	0	0	0
ECE	0	1	0	0
ENR	0	0	0	0
EXEC	0	0	0	0
FIN	0	0	0	0
HR	1	1	1	0
HSS	0	0	0	1
ITI	2	0	1	0
JUS	0	2	0	1
LANDS	N/A	N/A	0	0
MACA	0	0	0	0
PWS	1	0	2	0
TRANS	1	2	0	0
TOTAL	5	6	4	2

More information on reviews completed by the Information and Privacy Commissioner can be found at <http://www.canlii.org/en/nt/ntipc/>. The Information and Privacy Commissioner also highlights specific reviews and makes recommendations to the Standing Committee on Government Operations in her annual reports. These reports can be found under the tabled documents in the Legislative Assembly website.

<http://www.assembly.gov.nt.ca/documents-proceedings/taled-documents>

5. Resources

- Link to info on DOJ website on ATIPP

<https://www.justice.gov.nt.ca/en/access-to-information-held-by-public-bodies/>

- Link to GNWT Access and Privacy Office Directory

<https://www.justice.gov.nt.ca/en/files/atipp/Access%20and%20Privacy%20Directory.pdf?t1434045348265>

- Link to Listing of Access and Privacy Coordinators/Contacts

<https://www.justice.gov.nt.ca/en/files/atipp/ATIPP%20Coordinators.pdf?t1432921402133>