

Anonymity of Applicants

Overview

Section 12 of the *Access to Information and Protection of Privacy Act, 2015*, SNL 2015, c A-1.2 (“*ATIPPA, 2015*”) requires that the name and type of the applicant remain confidential and only disclosed to certain individuals within the public body:

12. (1) The head of a public body shall ensure that the name and type of the applicant is disclosed only to the individual who receives the request on behalf of the public body, the coordinator, the coordinator's assistant and, where necessary, the commissioner.

(2) Subsection (1) does not apply to a request

(a) respecting personal information about the applicant; or

(b) where the name of the applicant is necessary to respond to the request and the applicant has consented to its disclosure.

(3) The disclosure of an applicant's name in a request referred to in subsection (2) shall be limited to the extent necessary to respond to the request.

(4) The limitation on disclosure under subsection (1) applies until the final response to the request is sent to the applicant.

Preserving an applicant's anonymity is grounded in the duty to assist. Anonymity ensures that requests are responded to in an open, accurate and complete manner and processed fairly and without bias or the perception of bias. The [Report of the 2014 Statutory Review of the Access to Information and Protection of Privacy Act](#) noted at page 47:

Requests for information should be anonymized (except in the case of requests for personal information or where the identity of the requester is necessary to respond to the request) before they leave the hands of the coordinator. The coordinator should be the only person to communicate with the requester, and therefore needs delegated authority from the head of the public body. Administrative sanctions should be envisaged for those who attempt to interfere in the integrity of the ATIPP process.

Disclosure of Applicant's Identity

Generally, only the ATIPP coordinator, the coordinator's assistant (i.e. back-up coordinator or ATIPP administrative staff) and the person who received the request are entitled to know the identity of the applicant. However, there are limited exceptions:

- i. if the request is for personal information and a search for records must be conducted by persons other than those listed above, the identity of the applicant may be disclosed to the individuals who must conduct searches; or



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- ii. where the name of the applicant is otherwise necessary to respond to the request and the applicant has consented to the disclosure, the identity of the applicant may be disclosed to achieve that purpose.

Where one of these exceptions applies, the disclosure of the applicant's personal information must be limited to the extent necessary to respond to the request.

Public bodies should clearly identify their back-up coordinator(s) and coordinator's assistants. However, simply being identified as being a back-up coordinator or assistant does not mean those individuals are routinely entitled to know the identity of the applicant. The identity of the applicant should only be disclosed to those individuals where it is necessary to respond to the request (i.e. those individuals are involved in the processing of the request). Generally, a brief absence of a coordinator does not require others to know the identity of an applicant unless urgent action is necessary in order to meet timelines in the *ATIPPA, 2015*.

The requirement for anonymity applies to both the first and last name of the applicant. Consequently, referring to an applicant by only a first name, last name or initials will not meet the anonymity requirement. Anonymity also extends to the type of applicant, i.e. media, employee, political party, and individuals.

It is appreciated that there may be instances where, by virtue of the wording or nature of the request, or by the actions of the applicant it may be possible to infer the identity of the applicant. In those instances, coordinators must decline to confirm or deny any speculation.

Anonymity During Consultations

Anonymity of the applicant encompasses not only interactions within a public body, but also any permitted consultations that may occur during the processing of the request. Where it is necessary to seek assistance in locating records or consult with another public body or third party, the coordinator should only provide those involved with the wording of the request without identifying the applicant.

Anonymity Following an ATIPP Request

The limitation on disclosure extends only until the final response is made; however, public bodies are not permitted to disclose the identity of an applicant after this time simply for informational purposes or to confirm speculation. Section 68 of the *ATIPPA, 2015* prescribes when personal information may be disclosed and requires that only the minimum amount necessary be disclosed. Unless the identity of the applicant becomes necessary in relation to one of the permitted disclosures, it should not be disclosed.

Measures to Assist in Ensuring Anonymity

- 1) Always refer to an applicant as "the applicant" or by an assigned request number.
- 2) Remove the name and address of the applicant on all correspondence related to the request to be sent between anyone other than the applicant and coordinator.

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- 3) Only after the final response has been approved by the Head of the Public Body should they be presented for signature the letter containing the name and address of the applicant.
- 4) If an access request is made by an employee, documents associated with the request should not be placed on the employee's personnel file.
- 5) Ensure that any verbal or written references to other on-going or past requests by the applicant of any type do not reveal the identity of the applicant.
- 6) Restrict access to ATIPP request documents, both electronic and paper.
- 7) Ensure any written search instructions do not contain personal information. De-identify the wording of the request, where necessary.
- 8) Develop and implement a policy regarding preserving the anonymity of applicant.