



OFFICE OF THE INFORMATION  
AND PRIVACY COMMISSIONER  
NEWFOUNDLAND AND LABRADOR

# Annual Performance Report

## 2015-2016

[www.oipc.nl.ca](http://www.oipc.nl.ca)  
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September 21, 2016

### **Message from the Information and Privacy Commissioner**

In aid of fulfilling Government's commitment to being accountable to the citizens of Newfoundland and Labrador, the *Transparency and Accountability Act*, SNL 2004, c T-8.1. provides a legislative framework for strengthening accountability of government entities through multi-year performance-based plans and annual performance reports that are presented to the House of Assembly.

In accordance with the requirements of section 9(5) of the *Act*, I am pleased to present the Office of the Information and Privacy Commissioner's Annual Performance Report for April 1, 2015 to March 31, 2016.

During the time period covered by this report Mr. Edward Ring served as the Information and Privacy Commissioner.

As Commissioner, I am accountable for the results reported in the 2015-2016 Annual Performance Report.

A handwritten signature in blue ink, appearing to read 'Donovan F. Molloy' with a stylized flourish at the end.

Donovan F. Molloy, Q. C.  
Information and Privacy Commissioner



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## OVERVIEW

The mandate of the Office of the Information and Privacy Commissioner (OIPC) includes the following lines of business:

- Investigations;
- Advocacy and Compliance; and,
- Oversight.

The OIPC has the responsibility to protect the rights of all citizens of Newfoundland and Labrador under the *Access to Information and Protection of Privacy Act, 2015 (ATIPPA)* and the *Personal Health Information Act (PHIA)*.

### Number of Employees

The Office has a staff complement of twelve permanent positions and one temporary position (9 female, 4 male).

### Physical Location

The OIPC is located in the Sir Brian Dunfield Building, 2 Canada Drive, St. John's, Newfoundland.

### Revenues and Expenditures

The 2015-2016 budget for the Office of the Information and Privacy Commissioner was \$1,343,800. The breakdown of revenues and expenditures can be found on page 18 of this report.

## MANDATE

The mandate of the OIPC is derived from the provisions of the *Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015)* and the *Personal Health Information Act (PHIA)*. This mandate has expanded considerably with the coming into force of the *ATIPPA, 2015*.

Our *ATIPPA*, 2015 mandate includes:

- being an advocate for the public right of access to information;
- being an advocate for protection of privacy;
- receiving privacy breach reports which public bodies must forward to the OIPC on a mandatory basis and providing feedback and consultation to public bodies on their breach responses;
- educating public bodies about compliance in order to help prevent the unauthorized collection, use or disclosure of personal information by public bodies;
- educating public bodies about compliance with the access provisions of the *Act*, including the duty to assist, in order to facilitate timely and user friendly application of the *Act*;
- investigating complaints in relation to a decision, act, or failure to act of a public body that relates to an access to information request;
- conducting privacy investigations in response to complaints or at the Commissioner's own motion;
- receiving, investigating and making a final determination in relation to time extension requests from public bodies;
- receiving, investigating and making a determination in relation to a request from a public body that it be allowed to disregard an access to information request from an applicant;
- receiving an application from a person who has filed an access request to revise costs associated with the request and to make a final determination regarding the costs which may be charged by the public body;
- receiving an application from a person who has filed an access request to review a decision by the head of a public body not to waive the payment of costs associated with the request and to make a final determination in the matter;
- making recommendations to public bodies to ensure compliance with the *Act* and regulations and to better achieve the objectives of the *Act*;
- informing and educating the public about the *Act*;
- monitor and audit the practices and procedures employed by public bodies in carrying out their responsibilities and duties under the *Act*;
- review and authorize the collection of personal information from sources other than the individual the information is about;
- reviewing privacy impact assessments prepared by public bodies;



- receiving comments from the public about the administration of the *Act* and about matters concerning access to information and the confidentiality, protection and correction of personal information;
- commenting on the implications for access to information and protection of privacy of proposed legislation, programs, and practices of public bodies;
- 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; and
- making recommendations to public bodies or the minister responsible for this *Act* about the administration of the *Act*.

Under *PHIA* our mandate includes:

- investigating a decision, act or failure to act of a custodian that relates to an access request for personal health information or a request for correction of personal health information;
- investigating complaints where an individual believes on reasonable grounds that a custodian has contravened or is about to contravene a provision of this *Act* or the regulations in respect to his or her personal health information or the personal health information of another, including privacy breaches;
- making recommendations to support compliance with the *Act*;
- informing the public about the *Act*;
- receiving comments from the public about matters concerning the confidentiality of personal health information or access to that information;
- commenting on the implications for access to or confidentiality of personal health information of proposed legislation schemes or programs or practices of custodians; and
- commenting on the implications for the confidentiality of personal health information of using or disclosing personal health information for records linkage or using information technology in the collection, storage, use or transfer of personal health information.

The enactment of *ATIPPA, 2015* on June 1, 2015 heralded new challenges for this Office. This development significantly changed and expanded our oversight function, as well as emphasizing the education and other functions of this Office. Furthermore, the new Act has resulted in an increase

in the number and complexity of access requests, which means that more access to information complaints have been received by the Office. Beyond dealing with access to information complaints, we are now routinely dealing with applications for time extensions, applications to disregard requests and similar matters. The expansion of our mandate, especially as it relates to advocacy, education and audit requires an evaluation of our structure going forward to best achieve that mandate. We will use data from this reporting period to refine and review previously considered restructuring models.

During this reporting period preparations were begun for the mandatory five year PHIA Review process which is due to commence in 2016. This has involved an initial review of PHIA along with comparable legislation from other jurisdictions. We continue to build on the very strong and positive working relationships developed between the OIPC, Department of Health and Community Services officials and the four Regional Health Authorities has contributed to this Office's ability to deal efficiently and effectively with *PHIA* issues, such as complaints and breaches.

## LINES OF BUSINESS

In delivering its mandate, the OIPC provides the following lines of business:

### **Investigations**

Under the *ATIPPA, 2015*, the investigative mandate of the Office expanded considerably. The Office is specifically mandated to conduct the following types of investigations:

- complaints from access to information applicants relating to a decision, act or failure to act by the head of a public body in response to an access to information request;
- complaints from access to information applicants about a cost estimate for an access request or a refusal to grant a waiver of costs to be charged for access to information;
- complaints about a failure or refusal by a head of a public body to correct personal information;
- complaints from members of the public relating to the collection, use or disclosure of personal information by a public body;

- the Commissioner may initiate, on his or her own motion, an investigation relating to the collection, use or disclosure of personal information by a public body;
- receiving, investigating and making a final determination in relation to time extension requests from public bodies;
- receiving, investigating and making a determination in relation to a request from a public body that it be allowed to disregard an access to information request from an applicant;

Under the *PHIA*, the Office investigates complaints from individuals that a custodian has denied a request for access to personal health information or a request for correction of personal health information. We also investigate complaints where an individual believes that a custodian has contravened or is about to contravene a provision of *PHIA* or the regulations in respect to his or her personal health information or the personal health information of another.

### **Advocacy and Compliance**

Under the *ATIPPA, 2015*, a number of new or expanded roles were prescribed for the OIPC. In order to fulfil this new and expanded mandate as efficiently and effectively as possible, it was determined that this role be set aside as a separate and distinct line of business within the Office. The parts of our mandate which have been assigned to this line of business are as follows:

*Education (for the general public; public bodies under ATIPPA, 2015; and custodians under PHIA)*

The *ATIPPA, 2015* prescribes two specific mandates in relation to education – for public bodies, as well as for the general public. As part of this undertaking, a significant revision of the OIPC website with new tools and information for public bodies, custodians and the general public has been completed. New material is under development, with priority being given to issues that appear to be the most challenging for the public, health care authorities and public bodies.

The OIPC strives to ensure that members of the public are aware of their rights of access to information and protection of privacy, and how those rights are protected and supported. As appropriate, the Office informs the public about these rights through public commentary and education and awareness presentations aimed at explaining the administration and operation of

*ATIPPA*, 2015, *PHIA* and our Office. Additionally, all Reports issued by the Commissioner under *ATIPPA*, 2015, and *PHIA* are published on the OIPC website. The OIPC also uses its Twitter account to stimulate public awareness of privacy and access to information issues by tweeting Reports and other important documents produced by the Office as well as re-tweeting news articles about access and privacy from around the world.

The OIPC is very much engaged in education and training for public bodies. In this regard, we continue to issue our quarterly newsletter and we have increased our number of presentations, including groups of Access and Privacy Coordinators and senior leadership within public bodies. We have also developed a wide variety of guidance documents to assist public bodies in interpreting the *ATIPPA*, 2015. We send these to Access and Privacy Coordinators by e-mail, discuss them in presentations, summarize them in our newsletter and post them on our web site. We also present an annual conference to the entire access and privacy community, including information management and information technology professionals to share best practices and encourage collaboration and knowledge transfer.

#### *Audit*

An important new feature of *ATIPPA*, 2015 is our audit function, which provides the OIPC with the broad mandate to audit the practices and procedures of public bodies related to any aspect of how they carry out their role and functions regarding the *ATIPPA*, 2015. To accomplish this we have developed in-house expertise based largely on intensive study of experiences from other jurisdictions, in particular, British Columbia. We have also initiated our first audit. The audit is an important oversight tool because it will allow us to identify compliance risks in such a way as to help public bodies avoid privacy breaches or other non-compliance incidents in the future, and to encourage and support best practices. Information about our audit program is available on our web site.

#### *Privacy Impact Assessment (PIA) Review*

This is another new and important feature of *ATIPPA*, 2015. Specific circumstances are prescribed in *ATIPPA*, 2015 for when the OIPC is required to review a PIA. Ministers of all departments or

branches of executive government are now required to complete a PIA or preliminary PIA in conjunction with the development of all programs or services. Public bodies sometimes request that the OIPC review a PIA or preliminary PIA even if not required by law, to assist in satisfying themselves that the program or service is in compliance with the *ATIPPA, 2015*. Information about our PIA expectations is available on our website.

### *Privacy Breach Reporting*

Yet another new role prescribed by the *ATIPPA, 2015* is a requirement for public bodies to report all privacy breaches to the OIPC. This provides important information to the OIPC about privacy compliance issues, and it helps the OIPC to identify emerging or repeating patterns in privacy breach incidents. This allows us to tailor our approach by choosing timely topics for seminars, newsletters and new guidance documents.

## **Oversight**

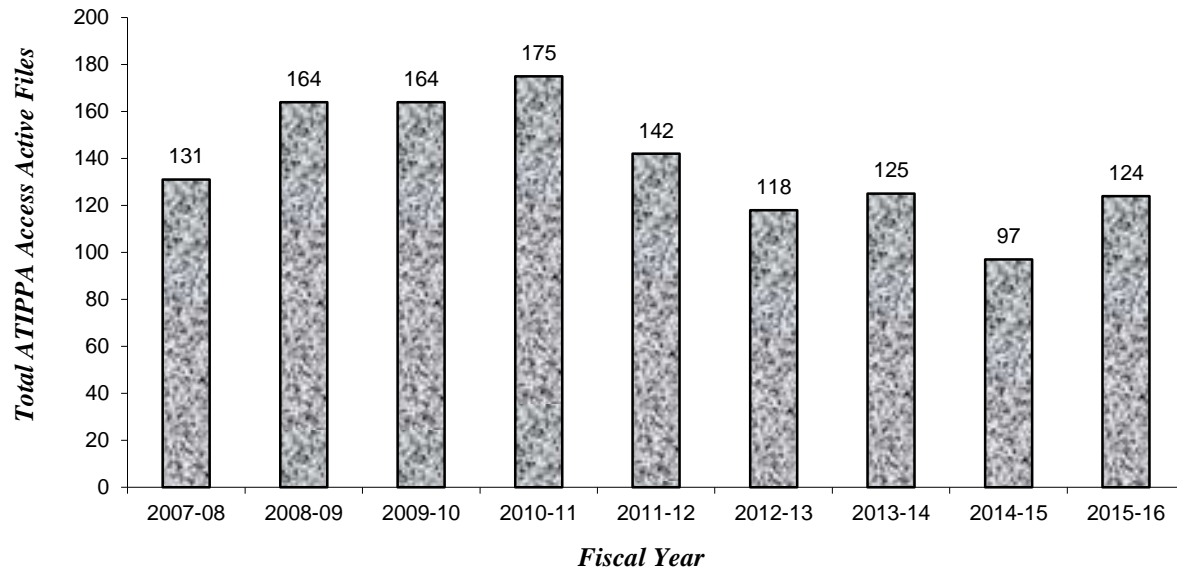
The Office oversees compliance by public bodies with *ATIPPA, 2015* and custodians with *PHIA*. The Office has a wide variety of general oversight functions and mandates, which are outlined above under the “Mandate” section. These range from receiving and deciding on requests from public bodies for a time extension to reviewing and commenting on draft legislation where there may be implications for access to information or protection of privacy.

## **OTHER KEY STATISTICS**

### ***ATIPPA, 2015 Access***

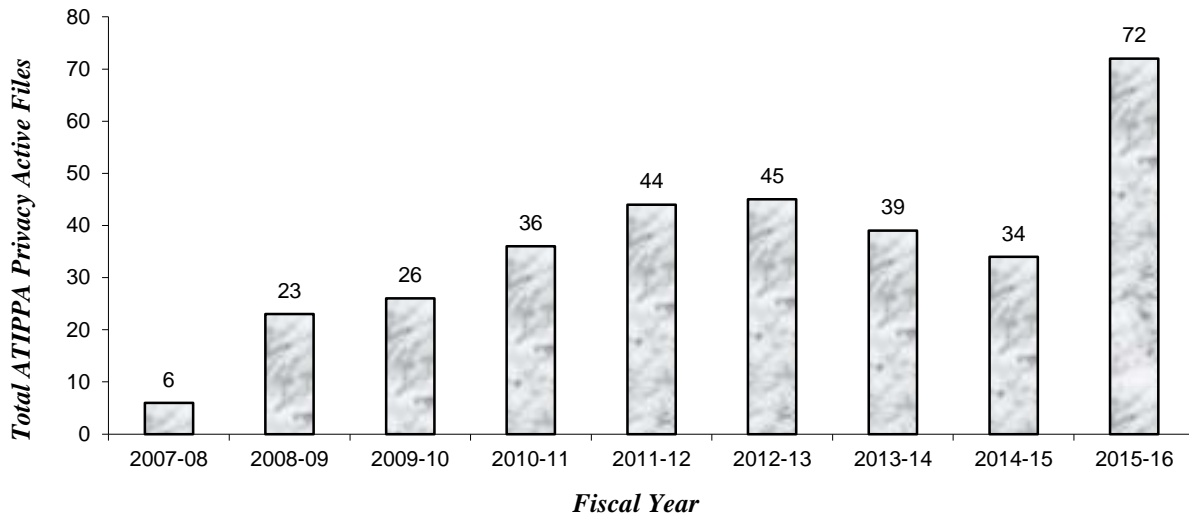
Recent experience is of increasingly complex access complaints. Other oversight and investigatory functions seem to be increasing, resulting in more investigative time required and longer periods needed to conclude the investigations. This situation is likely due to requesters becoming more familiar with the legislation, along with an increased sophistication in using the *Act* and improved skills in wording requests for information to public bodies. The newly legislated time limit of 65

business days from the date a complaint is received for this Office to produce a Commissioner's Report has presented a new challenge in this regard, but one that we have been successful in meeting.



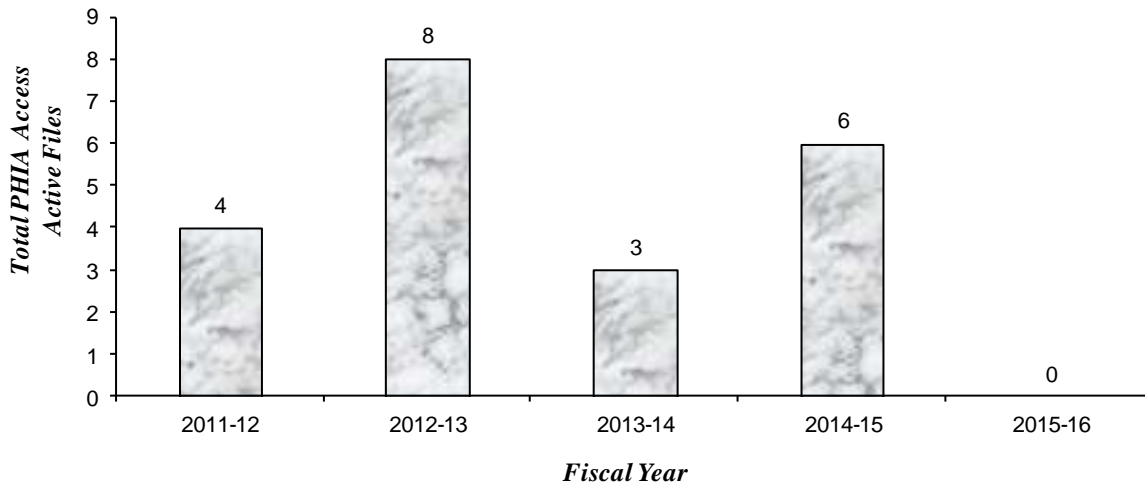
### ***ATIPPA, 2015 Privacy***

Privacy breach complaints have presented a significant challenge for the Office. These investigations tend to be complex and time consuming, requiring significant periods of time to conduct and conclude. These investigations routinely require site visits and sometimes the engagement of technical experts. Adapting to this challenge will require a consideration of the adequacy of the present resources of the OIPC and the potential need for additional personnel with investigation specific skill sets.



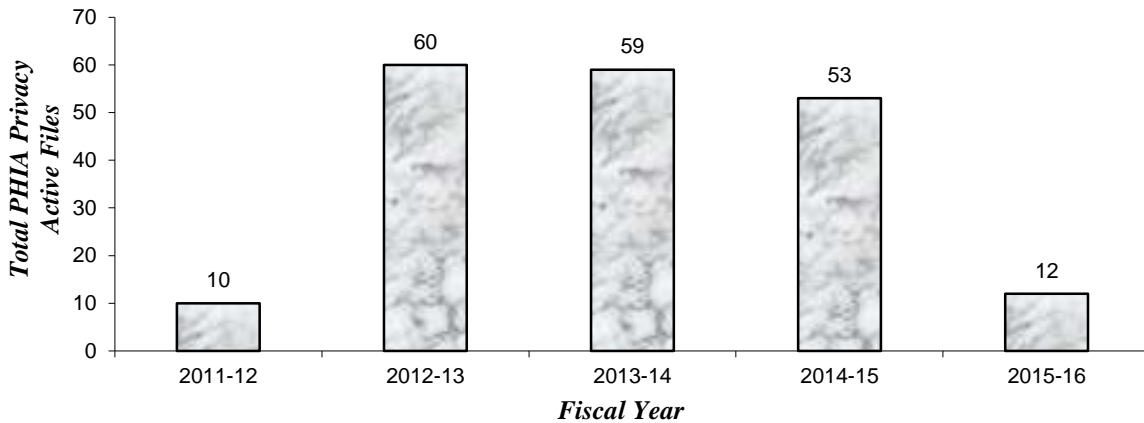
### **PHIA Access/Corrections Complaints**

This is a relatively small part of the Investigative workload of the OIPC. Demand will likely fluctuate year to year and will be difficult to predict. While we continue to receive a number of inquiries from custodians and members of the public about access to personal health information or correction of personal health information, there were no complaints in 2015-2016.



## PHIA Privacy Complaints

As indicated earlier in this Report, the amount of work generated since the proclamation of *PHIA* has been manageable to date., It is important to note that these kinds of investigations are often very complex and technical, involving additional training for staff and technical expert consultation. This has, on occasion, resulted in delay in concluding some investigations and publishing the resulting Report. On two occasions the Office has been involved in investigations leading to prosecutions and convictions under the offence provisions of *PHIA*. These investigations consume considerable amounts of staff resources in order to ensure that the necessary evidence is presented to the Attorney General in order to warrant a prosecution proceeding. This process also involves staff cooperation with the assigned Crown Attorney to ensure that evidence to be presented at trial is identified appropriately and that the Crown Attorney has the necessary understanding of *PHIA*.



## HIGHLIGHTS AND ACCOMPLISHMENTS

During the reporting period, the OIPC was engaged in a number of activities and events that directly and indirectly contributed to the accomplishment of the various mandates of the Office. A selection of these activities follows.

A main highlight for the 2015-2016 reporting period was the proclamation of the new legislation, *Access to Information and Protection of Privacy, 2015 (ATIPPA, 2015)*. This required the Office to evolve and adapt to new roles and responsibilities as outlined above in the **Mandate** and **Lines of Business** sections, and it required a number of specific actions.



In particular, there has been an increased level of outreach to public bodies in the form of presentations. This was practical in the sense that we have worked to ensure that public bodies understand the many changes in the new *ATIPPA, 2015*, and required given we also have a more explicit mandate for education. As a corollary, we have developed a number of guidance documents in relation to a number of our new functions, such as time extensions, privacy impact assessments, the public interest override, along with interpretation guides for public bodies regarding some of the key provisions in the *Act*, such as the Third Party Business Interests exception. This is important, because under the tightened time frames of the new legislative regime, efficiencies in production can be achieved by reference in Reports to published guidelines. Our guidelines are living documents that will be revised and increase in number in response to case law, legislative and other developments.

A sample of group presentations and meetings is included below. While not exhaustive it gives a sense of the types of interactions we have had with stakeholders in the past year.

1. January to March 2016 – Annual meeting/teleconference with the four regional health authorities
2. Presentation to Municipal Assessors, September 17, 2015
3. Presentation to Information Managers Community of Practice, September 17, 2015
4. NL Canadian Bar Association Lunch and Learn, September 29, 2015
5. Occupational Health Nurses – PHIA presentation, October 9, 2015
6. Provincial Municipal Administrators AGM presentation, November 5, 2015
7. Municipalities NL AGM presentation, November 5, 2015
8. WHSCC Review Division presentation, November 6, 2015
9. ATIPP Community of Practice presentation, December 7, 2015
10. Three presentations to groups of staff and executive at NL Housing about *ATIPPA, 2015*, December 2015, January 2016
11. Eastern College PHIA Overview presentation, January 18, 2016
12. Social Media and Privacy Presentation, Carbonear (school), January 22, 2016
13. Three presentation to groups of staff and executive at NL Housing on privacy, January 28, 2016
14. Social Media and Privacy Presentation, Gander, Wing's Point and Lewisporte (schools), March 17/18, 2016

15. Various meetings and consultations sessions with Minister, Deputy Minister and staff from the Office of Public Engagement regarding implementation of *ATIPPA, 2015*
16. OIPC staff participated in several telephone conferences regarding Canada's Digital Interchange Working Group
17. Meetings with organization and management officials concerning OIPC restructure and options as a result of the OIPC expanded mandate flowing from the *ATIPPA* Review and resulting legislation
18. Right to Know Day panel discussion
19. Presented to CBA Access and Privacy Law Symposium
20. Steering Committee assembled and planning initiated for a Privacy, Access, Security and Information Management conference slated for November 2016

## VISION

Our vision is one where public bodies and custodians operate in a fashion that is transparent and accountable to the people, always in consideration of the privacy rights of the citizens of Newfoundland and Labrador.

## MISSION

The mission statement of the Office of the Information and Privacy Commissioner outlines the priority focus over the next planning cycle. It represents our plan for the future and identifies various measures and indicators which will assist in the monitoring and evaluation process.

**Mission:** By 2017, the Office of the Information and Privacy Commissioner will have improved the capacity and effectiveness of the Office such that the citizens of the Province enjoy the full measure of the access to information and personal health information as well as the privacy rights which are guaranteed by the *Access to Information and Protection of Privacy Act* and the *Personal Health Information Act*.

**REPORT ON PERFORMANCE**

**Issue 1: 2014 ATIPPA Legislative Review**

The Premier announced in February 2014 that a comprehensive review of the *ATIPPA* would be launched by the review committee being named in March 2014. The review is scheduled to be concluded by the end of 2014. The Office of the Information and Privacy Commissioner will play a significant role in the review process by researching, preparing and submitting a comprehensive and detailed written submission. Additionally, oral presentation to provide clarification and context will be delivered on an as required basis to the Review Committee. The Office will be involved in detailed consultations and discussions as the review process unfolds and submissions are made by public bodies, citizens and any other stakeholders or interested party. Depending on the outcome of the review, the Office may not be able to rely on previous decisions to assist in our reports but will have to conduct the appropriate level of research to help identify and solidify the position of the Office on any new section of the *Act*

**Objective 2:** By March 31, 2016 the Office of the Information and Privacy Commissioner will have initiated action to progress the work of the Office as required pending the result of the *ATIPPA* legislative review.

**Measure:** Initiated action to progress the work of the Office as a result of changes to *ATIPPA, 2015*.

<i>Planned</i>	<i>Actual Results</i>
Requested House of Assembly Management Commission (HOAMC) approval for appropriate resource levels due to additional mandate workload.	Received HOAMC approval, but due to budgetary reasons positions have not yet been filled.
Assigned new duties and responsibilities to existing and new staff.	New duties and responsibilities assigned. Examples include persons designated to Audit, PIA Review and Education
Established guidance documents, guidelines, and policies to enhance the work of the Office.	Developed and posted five key guidance documents and developed nine operational policies as a result of changes to the legislation.

**Discussion of Results**

The many new requirements of the *ATIPPA, 2015* referenced above resulted in a change in focus for the OIPC from being almost entirely focused on complaint and breach investigations to becoming a proactive body which is focused on ensuring compliance through education of public body officials, conducting audits, reviewing PIAs, processing privacy breach reports, etc.

Furthermore, a number of new investigative and oversight functions have changed significantly, including a significantly reduced timeline for issuing Commissioner’s Reports, receiving and considering requests from public bodies to disregard an access request, and reviewing draft legislation where there may be implications for access or privacy.

Data from this reporting period will be used to assess our current organizational model.

**Objective 3:** By March 31, 2017 the Office of the Information and Privacy Commissioner will have continued action to progress the work of the Office as required pending the result of the *ATIPPA* legislative review.

**Measure:** Continued action to progress the work of the Office as a result of changes to *ATIPPA, 2015*.

**Indicators for 2016-2017**

Continued to increase our education work by engaging in more outreach to the general public

Continued to increase outreach to public bodies through continued publication of our newsletter.

Continued to develop new guidance materials and updated existing guidance materials in order to assist public bodies with legislative compliance.

**Issue 2: *Personal Health Information Act (PHIA)***

The *Personal Health Information Act* was proclaimed into force on April 1, 2011. There are thousands of custodians responsive to this legislation, both public and private sector. The OIPC is the oversight body legislated to ensure compliance with this legislation. The Office has been very busy based on the demands placed on it as a result. A number of highly technical investigations presented a significant learning curve for the Office. Additionally, a number of privacy breach investigations and subsequent prosecution proceedings also presented considerable challenges during the past several years resulting in priority changes impacting the work place of the Office.

It was anticipated that by March 31, 2014 the *PHIA* policy and procedures manual would be completed and published. Due to unforeseen events over the past few years and the requirement to change and shift priorities, this work has not been completed. We will continue to pursue the development of the *PHIA* policy and procedures manual.

**Objective 2:** By March 31, 2016 the Office of the Information and Privacy Commissioner will have continued work on the draft *PHIA* policy and procedures manual.

**Measure:** Continued work on the draft *PHIA* policy and procedures manual.

<b>Planned</b>	<b>Actual Results</b>
Initiated action to continue work on the <i>PHIA</i> policy and procedures manual.	Work neared completion on the draft <i>PHIA</i> manual during this reporting period. It was determined that a policy manual rather than a

	policy and procedures manual was of more utility. It will be used to guide the work of the Office in its oversight role of <i>PHLA</i> .
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<b>Discussion of Results</b>
The 5 year statutory review of <i>PHLA</i> is slated to begin on April 1, 2016. As a result, the draft <i>PHLA</i> policy manual may need to be updated pending any legislative changes which may result from the review.

<i>Objective 3:</i> By March 31, 2017 the Office of the Information and Privacy Commissioner will have completed its <i>PHLA</i> policy and procedures manual.
<b>Measure:</b> Completed work on the <i>PHLA</i> policy and procedures manual.
<b>Indicators for 2016-2017</b>
Will have completed the <i>PHLA</i> policy and procedures manual.
Will have updated the <i>PHLA</i> policy and procedures manual if necessary as a result of the mandatory 5 year review of <i>PHLA</i> in 2016-2017.

<b>Issue 3: Public Education</b>
<p>The access provisions of <i>ATIPPA</i> were proclaimed in 2005 and the privacy provisions in January 2008. <i>PHLA</i> was proclaimed into force on April 1, 2011. The Department of Justice was initially responsible for the administration of <i>ATIPPA</i> and in 2013 that function was transferred to the Office of Public Engagement (OPE). The Department of Health and Community Services (HCS) is responsible for the administration of <i>PHLA</i>. As part of the roll-out for both the <i>ATIPPA</i> and <i>PHLA</i> both responsible organizations undertook extensive education and training initiatives. For <i>ATIPPA</i>, the OPE conducted training programs aimed at public bodies. In addition, a comprehensive policy and procedures manual was prepared and distributed to public bodies responsive to the legislation. Likewise, for <i>PHLA</i>, the HCS created a number of tools and resources to assist custodians in becoming <i>PHLA</i> compliant, as well as developed resources for custodians to educate themselves and train their staff.</p>
<p>This Office has been very supportive of these education and awareness programs and encourages both responsible organizations to continue their initiatives in this regard and to conduct program reviews and where necessary, upgrade their training programs as well as their policy and procedures manuals and resources.</p>
<p>The OIPC takes its responsibilities to educate the public about the <i>ATIPPA</i> and <i>PHLA</i> very seriously. Significant resources and effort have been invested by our Office to ensure, to the extent possible, that the Province have received appropriate, necessary and timely information on the <i>ATIPPA</i> and <i>PHLA</i>.</p>

<p><b>Objective 2:</b> By March 31, 2016, the Office of the Information and Privacy Commissioner will have continued to conduct briefings/meetings and presentations in various locations throughout Newfoundland and Labrador.</p> <p><b>Measure:</b> Continued to conduct briefings/meetings and presentations in various locations throughout Newfoundland and Labrador.</p>	
<i>Planned</i>	<i>Actual Results</i>
Areas/locations identified and targeted.	Primarily public bodies and professional association AGMs and conferences as well as schools that respond to our open offer to do presentations
Briefings/meetings conducted.	<p>Some examples include:</p> <ul style="list-style-type: none"> <li>• Municipal Assessors presentation; Municipal Administrator’s AGM; Municipalities NL AGM.</li> <li>• A number of presentations to public bodies following proclamation of <i>ATIPPA, 2015</i>.</li> <li>• Presentation to several schools on privacy and social media.</li> <li>• Meetings with all Regional Health Authorities to review and discuss privacy compliance.</li> </ul>
Gathered and analyzed feedback information.	Feedback from all stakeholders has been carefully considered and informs our continued efforts in education and policy development.
<b>Discussion of Results</b>	
<p>Given our expanded mandate under <i>ATIPPA, 2015</i> in terms of education, the number of these presentations has increased. Staff conducting these sessions always return and outline any particular issues or questions that were raised, and where appropriate these are referred for development of more specialized future training or development of guidance material. This activity is now a core element of the OIPC mandate resulting from the new emphasis in <i>ATIPPA, 2015</i> on education for public bodies about access and privacy, as well as public education.</p>	

<p><b>Objective 3:</b> By March 31, 2017, the Office of the Information and Privacy Commissioner will have continued to accomplish its public education mandate and will have identified further locations/opportunities/organizations to be targeted for educational purposes.</p> <p><b>Measure:</b> Continued to conduct briefings/meetings and presentations in various locations throughout Newfoundland and Labrador.</p>
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<i>Indicators for 2016-2017</i>
Will have hosted a Conference for public bodies, custodians and other stakeholders of <i>PHIA</i> and <i>ATIPPA, 2015</i> .
Will have continued to conduct presentations to any interested organizations, including schools, professional bodies, and community groups, about access and privacy issues and the law, and about the role of the OIPC.
Will have continued to offer presentations and training to public bodies and custodians about their roles and responsibilities under <i>ATIPPA, 2015</i> and <i>PHIA</i> .

## OPPORTUNITIES AND CHALLENGES

The Office of the Information and Privacy Commission is expecting a very busy year during the next reporting period due to the scheduled mandated legislative review of the *Personal Health Information Act*. As well, we expect, based on the advancements in technology, such as surveillance, social media, etc., to be involved in more comprehensive systemic investigations. Additionally, the new mandate allows the OIPC to undertake “own motion” privacy breach investigations which will present a challenge both in terms of developing guidelines for same and the workload associated with conducting investigations .

Other challenges will be to keep pace with the relentless advancement of information management technology. These advancements in technology will continue to present challenges as systems and equipment continue to evolve. These challenges are of particular concern to the smaller oversight offices that have limited resources to allocate to technology monitoring.

In conclusion, the OIPC will continue to fulfill the various components of its mandate. We continue to strive to create an environment of open communication and dialogue with public bodies and custodians and work in a spirit of cooperation. The very positive and productive relationship that exists with the Office of Public Engagement (OPE) continues to evolve. Subsequent to the proclamation of the new *ATIPPA, 2015*, on June 1, 2015 the role and mandate of the OIPC increased substantially, and priorities for the Office may change depending on availability of resources and as the true scope of the work demands are realized.

A large number of new and expanded functions have been added which will require the Office to be restructured and adequately resource in order to achieve positive results and be successful in delivering the quality services that the citizens of the province demand and deserve. This province now has the strongest access and privacy legislation in the country but the strength of the Act will be largely measured by the ability of the OIPC to effectively oversee the Act and deliver on the required programs.

## FINANCIAL STATEMENT

*Expenditure and revenue figures included in this document are based on public information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for fiscal year ending March 31, 2016 (un-audited).*

	<u>Actual</u> \$	<u>Estimates Amended</u> \$	<u>Original</u> \$
<b>OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER</b>			
<b>Current</b>			
<b>6.1.01. Office of the Information and Privacy Commissioner</b>			
01. Salaries	<b>1,067,777</b>	1,089,100	1,131,400
02. Employee Benefits	<b>4,046</b>	4,100	2,000
03. Transportation & Communications	<b>34,067</b>	34,100	20,600
04. Supplies	<b>7,134</b>	9,700	6,500
05. Professional Services	<b>37,974</b>	50,900	60,000
06. Purchased Services	<b>120,236</b>	122,200	122,300
07. Property, Furnishings & Equipment	<b><u>2,212</u></b>	<u>2,300</u>	<u>1,000</u>
02. Revenue – Provincial	<b>(38)</b>		
<b>Total: Office of the Information and Privacy Commissioner</b>	<b><u>1,273,408</u></b>	<u>1,312,400</u>	<u>1,343,800</u>

**Note:** Audited financial information will be included in the Annual Report to be tabled by the Speaker during the next sitting of the House. The Office of the Information and Privacy Commissioner does not have a requirement for a separate individual audited statement.