

Decision to Proceed to Court

Policy

The decision to proceed to Court requires an assessment of the merits of each case. The Commissioner will generally intervene in court actions deemed by the Office of the Information and Privacy Commissioner (OIPC) to be of sufficient importance and significance, bearing in mind the role of the Commissioner in overseeing compliance with ATIPPA, 2015.

Purpose

The decision of the Commissioner to intervene in an application for a declaration under sections 50(4) or 79(2) of ATIPPA, 2015, or to intervene in an appeal under section 56(3) of ATIPPA, 2015, will be informed by several factors, including but not limited to the following:

- whether it is in the public interest, for example: the issue has an enduring, widespread, or significant impact on the public; relates to the promotion of transparency and accountability of public bodies; or relates to public understanding of and involvement in the democratic process;
- whether the matter to be decided raises an important issue of statutory interpretation, particularly in regards to ATIPPA, 2015;
- whether the matter to be decided relates to an issue of general and widespread applicability in access and privacy law; or
- whether the Commissioner's specialized knowledge and expertise with ATIPPA, 2015 is likely to assist the Court in arriving at a just and legally correct decision.

Scope

This policy applies to all decisions to intervene in court actions.

Approved by Information and Privacy Commissioner



Commissioner

February 15, 2024

Date