



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER

NEWFOUNDLAND AND LABRADOR

2016 ANNUAL REPORT 2017

PROMOTING ACCESS & PROTECTING PRIVACY

FINDING THE BALANCE



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER

NEWFOUNDLAND AND LABRADOR

October 4, 2017

The Honourable Perry Trimper
Speaker of the House of Assembly
Newfoundland and Labrador

I am pleased to submit to you the Annual Report for the Office of the Information and Privacy Commissioner in accordance with the provisions of section 105 of the *Access to Information and Protection of Privacy Act, 2015*, and section 82 of the *Personal Health Information Act*. This Report covers the period from April 1, 2016 to March 31, 2017.

Donovan Molloy, Q.C.
Information and Privacy Commissioner

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Commissioner's Message



It has been a busy year for access and privacy in Newfoundland and Labrador as reflected in this Annual Report covering our first full fiscal year of operation since proclamation of the *Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015)*. We have also seen some significant events in our oversight of the *Personal Health Information Act (PHIA)*, and I am pleased to report on these as well.

The ATIPPA, 2015 has been heralded by the Centre for Law and Democracy as being one of the best laws of its kind in the world. When reflecting on where we are with the ATIPPA, 2015, we must first recognize the work of the members of the legislative review committee, chaired by the Honourable Clyde Wells, as the foundation for the ATIPPA, 2015.

All three parties in the House also deserve acknowledgement for supporting the bill as recommended by the committee. The challenge since then has been to ensure that its implementation lives up to its billing.

Undoubtedly, from an access to information perspective, more people are getting more timely information faster and at less cost than ever before. I believe we are leaders in Canada in that regard. Even when there is a complaint to this Office, the majority are resolved informally within 50 days. The mandatory 65 business day deadline to issue a report, if a complaint is not resolved informally, ensures an expeditious resolution. Despite a significant increase in workload this year, the average time to resolution was reduced from 60 to 43 days.

If public bodies opt not to follow our recommendations following formal resolution, they have 10 days to bring the matter before a judge to seek a declaration that they are not required to comply. This has been very much the exception to date, and as a result, the rate of compliance with recommendations is high. Few jurisdictions can match these successes.

From a privacy perspective, we are also achieving great results. We successfully launched an audit program, which is one of the new oversight features of the *ATIPPA, 2015*. It allows us to examine in detail how a particular program or service of a public body is faring in terms of compliance with the *ATIPPA, 2015*. Our first audit report, released in June 2016, was an [Audit of Physical Safeguards in the Pensions Administration and Group Insurance Division of the Human Resource Secretariat \(HRS\)](#). The cooperation we received from HRS was exemplary, and we consider it to be a shared success.

We have also had an opportunity to review four privacy impact assessments. These assessments are an essential tool for public bodies subject to *ATIPPA, 2015* and custodians under *PHIA* to use when launching new programs or services (or revising old ones) which involve the collection, use or disclosure of personal information or personal health information. When we are consulted on privacy impact assessments, the goal is to help public bodies and custodians avoid pitfalls so they can deliver their programs and services in a way that protects privacy and complies with the law.

In terms of implementation of the *ATIPPA, 2015*, I must commend the Access and Privacy Coordinators for each public body who do the work, day in and day out, processing increasing numbers of access to information requests. The *Act* has many nuances, and as with any law it can be quite a challenge to apply the words of the statute to a specific record or situation. Despite the challenges they face, the Coordinators continue to demonstrate an impressive level of professionalism, determination and commitment. Concerns about the increasing workload faced by some of these Coordinators are addressed in this Report.

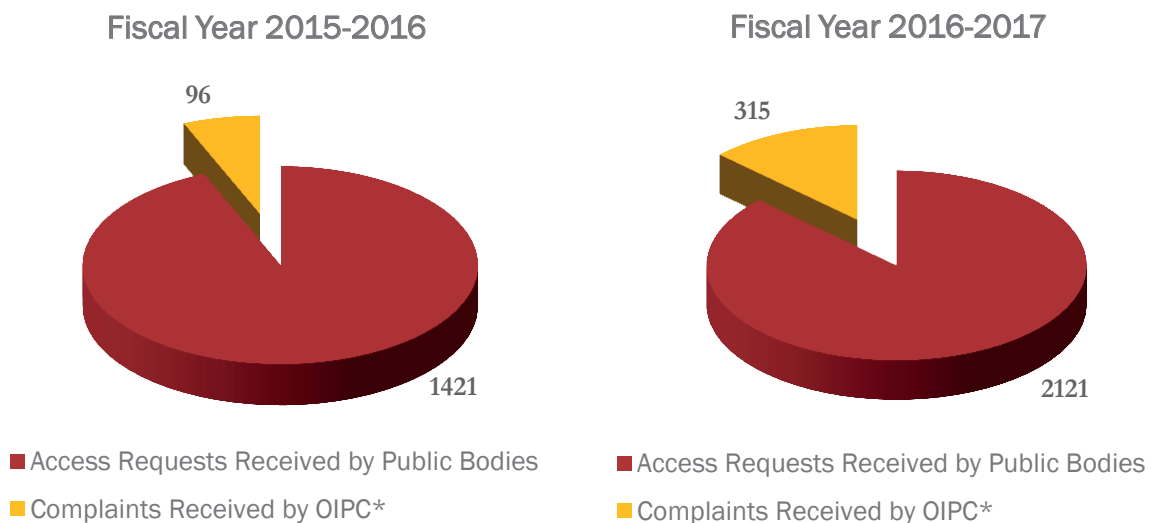
Generally, the senior executive and leadership of most public bodies has been very supportive of ensuring that the *Act* is properly implemented. When issues have been identified, the responses to our recommendations are usually positive. At the same time, there are some ongoing issues which require attention from and dialogue with senior officials, such as the challenges faced by Access and Privacy Coordinators. Unfortunately, attempts to meet with Deputy Ministers at one of their regular group meetings to discuss ongoing issues have been unsuccessful, despite several overtures seeking to address them as a group.

One of the provisions of the *ATIPPA, 2015* involves a requirement to consult with this Office on any bill that could have implications for access or privacy before it is tabled in the House. This has been quite positive. Although the consultation timelines have been short, we have at times been able to point out issues and propose changes to address implications for access and privacy.

Since proclamation of the ATIPPA, 2015 almost two years ago, there has been a significant increase in the number of access to information requests to public bodies.

This is a good thing. It shows that the Act is working as intended. In terms of the goal of making public bodies more transparent and accountable, we are getting there.

As noted in the statistics produced in this Report, however, there has been an increase in the number of complaints to our Office as well. This is to be expected. Disagreements will occur from time to time even with the best of intentions; sometimes there are longstanding disputes between citizens and public bodies and there is no trust relationship; sometimes Coordinators may be overworked, leading to mistakes. One of the goals of the OIPC is to work towards reducing the number of complaints which come to this Office. We are doing this by resourcing the proactive Advocacy and Compliance work of auditing, education and outreach, and the creation of new, comprehensive guidance documents which can help public bodies, applicants and third parties understand the Act better. It is my hope that these efforts will eventually lead to fewer complaints. This approach, combined with the adoption of initiatives such as open contracting, can achieve greater levels of transparency using fewer resources than are currently expended.



*Includes complaints from third parties objecting to disclosure of information.

A progressive move towards transparency took place in 2016 when Government enacted the *Public Sector Compensation Transparency Act*. We note however that despite appearing to be based upon Alberta's legislation of the same name¹, our legislation does not include Alberta's requirement for publication of payments to medical practitioners pursuant to its health insurance plan (the equivalent to our Medical Care Plan (MCP)).

For *PHIA*, this year saw the issuance of two privacy reports as well as charges being laid in a privacy breach. An individual was charged with an offence pursuant to section 88(1)(a) of *PHIA*. The individual charged is a former employee of Eastern Health and is alleged to have improperly accessed the personal health information of a number of patients. The matter is still before the courts.

One of our significant projects this year involved preparation for and participation in the statutory review of *PHIA*. A great deal of time and effort was devoted to scrutiny of the current law and reflecting on our experience with it. Since it came into force in April 2011, through interaction with stakeholders, inquiries from the public and custodians, complaint investigations, and all of the myriad ways we have used and applied the *Act*, our staff had a storehouse of ideas and suggestions about ways in which it could be improved. These were channeled into our submission to the *PHIA* Review process, which is discussed later in this Report. We look forward to reporting on the outcome of the Review in our next Annual Report.

Finally, I would be remiss if I did not pay tribute to the excellent staff of the Office of the Information and Privacy Commissioner (OIPC). Their experience, expertise and counsel continue to ensure that we offer a high standard of service to the people of this Province. One of my goals as the 'new' Commissioner is to ensure that our policies and procedures allow them to more efficiently deal with our increasing workload with our current complement of human resources.

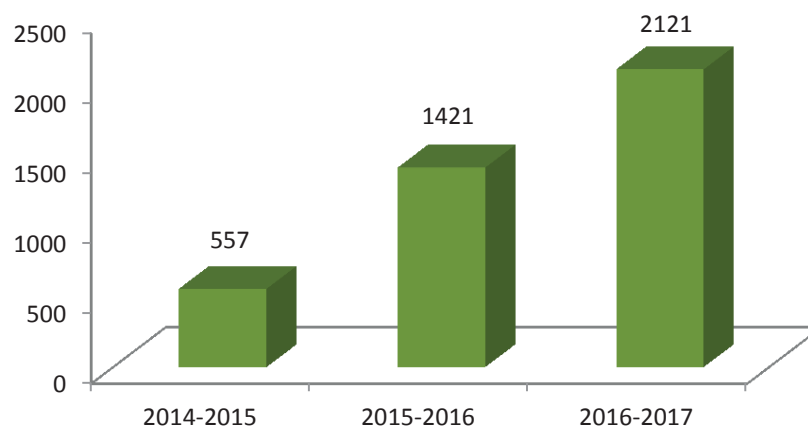
¹ *Public Sector Compensation Transparency Act*, SA 2015, c P-40.5

The Burdens on Access and Privacy Coordinators under ATIPPA, 2015

Beyond question, the ATIPPA, 2015 is one of the best pieces of legislation in Canada in terms of facilitating public access to information. One consequence of that fact is a continuing increase in the number of access requests. The system's success, however, has put it under serious strain.

ATIPP Coordinators in some government departments and public bodies report incredible stress, mental health issues and negative impacts on familial relationships stemming from inordinately long working hours and the pressure from feeling that their employment is vulnerable should they make a mistake that embarrasses their department or agency.

Access Requests Received by Public Bodies



The present situation for many ATIPP Coordinators is unfortunately far removed from that envisioned in the Report of the 2014 Statutory Review of the *Access to Information and Protection of Privacy Act* ²:

Coordinators must also be seen by their colleagues as having the organizational clout to challenge senior officials to release information, even when it is not politically expedient to do so. The coordinator position must become a role that senior officials aspire to, because of its status in the organization, the expertise that it requires, and the salary that it offers. It is repugnant to the spirit of the Act to be seen to be foisting the coordinator role on junior officials with little organizational clout or, worse still, to those who take on the role simply because they have no choice.

²http://www.oipc.nl.ca/pdfs/ATIPPA_Report_Vol1.pdf

Many Coordinators report a desire to vacate their positions as soon as another employment opportunity becomes available. Turnover of Coordinators impairs the efficiency and effectiveness of the system.

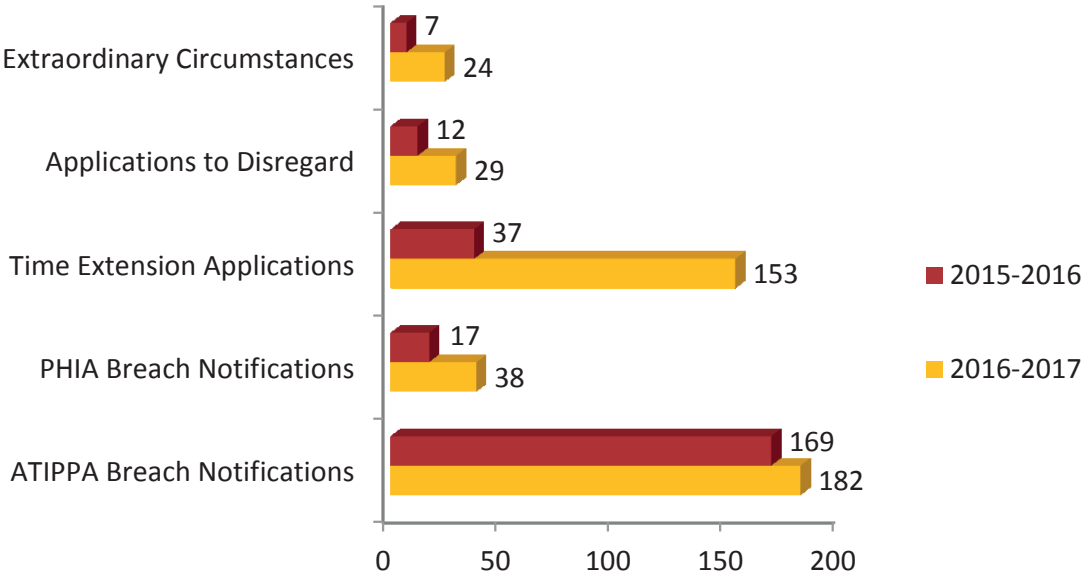
The numbers explain why we are in this situation.

The first year following the Act’s coming into force saw a 88% increase in requests (757 to 1421). A further increase of 49% occurred in 2016-2017 (1421 to 2121) . Resources to process these requests appear to have not significantly increased. A 314% increase in 2016-2017 of requests to the OIPC for time extensions speaks to the strain on Coordinators. This appears to be the “new normal”, and public bodies must adapt to this. Features of the *ATIPPA, 2015*, designed to address



exceptional situations, include the ability of this Office to: grant time extensions; allow a public body to disregard an access request; and vary a time limit on the basis of extraordinary circumstances. Since what once was a high number of requests is now a normal volume, it is difficult for the OIPC to view circumstances as exceptional when applications primarily rely on the number of outstanding requests. When what was once exceptional becomes normal, it no longer is sufficient to justify delaying the right to timely access to information.

OIPC Activities 2016-2017



Any system that experiences an ongoing increase in input without a consequent increase in its capacity for output cannot be sustained in the long term. Two solutions are available. The first involves simply injecting resources to increase output. The second requires an approach that has proactive openness and transparency as a premise in order to reduce input. The first may be necessary in the short term through means such as assigning additional coordinators or backup coordinators at the highest volume public bodies. As an ultimate solution, however, the OIPC advocates for the second approach. Information that is presumptively accessible pursuant to the *ATIPPA, 2015* should not require access to information requests to obtain.

Embracing *open government* makes information available proactively. Similar measures have already been adopted in other Canadian jurisdictions and around the world. By way of example, Ontario's Open Data Directive³ requires the proactive publication of information that is not exempt from disclosure pursuant to its freedom of information laws.

Our provincial government, commendably, has made a start towards open data⁴ but much more information needs to be part of this proactive disclosure. Section 111 of the *ATIPPA, 2015* is meant to facilitate access to information by requiring public bodies to publish listings of information in their custody or control:

111. (1) The commissioner shall create a standard template for the publication of information by public bodies to assist in identifying and locating records in the custody or under the control of public bodies.

(2) The head of a public body shall adapt the standard template to its functions and publish its own information according to that adapted template.

The OIPC fulfilled its obligation to create a standard template and provided it to Government on January 26, 2016. The next step was for Government to customize this template to fit the information holdings of each Department. We are advised that Government's template is still being worked on. Given that well over a year has passed, it appears that this has not been a priority.

While investments in software and other assets will be required to move towards true open government, these investments will be recouped in the long term and potentially make us one of the leaders in terms of proactive governmental transparency and accountability. The only other alternative requires adding more human resources to relieve the burden of the ATIPP Coordinators, people I have referred to publicly as the backbone of our access to information system. They cannot reasonably be expected to continue to shoulder a burden that shows no sign of relenting.

³<https://www.ontario.ca/page/ontarios-open-data-directive>

⁴<http://opendata.gov.nl.ca/>

Audit and Compliance Program

The OIPC's Audit and Compliance Program assesses the extent to which public bodies are protecting personal information and complying with access provisions of the *ATIPPA, 2015*. Public bodies subject to an audit may be assessed on any aspect of its *ATIPPA, 2015* obligations with regard to access, collection, use, disclosure, protection, retention, or disposal of personal information.

In June 2016, the OIPC released its first audit report, *Audit of Physical Safeguards* in the Pensions Administration and Group Insurance Division of the Human Resource Secretariat (HRS). During the audit, HRS demonstrated that it was aware of the government's resource material and had developed its own material to further complement the general guidelines. While documentation was sometimes lacking and specific recommendations for improvement have been made, overall there were no major gaps in physical safeguards discovered during the audit. This Office encourages every public body to review the standards discussed in that Report and conduct a review to determine its own level of compliance.

In the third quarter of 2016-2017, the OIPC launched its second audit. The audit is examining the use of Information Sharing Agreements as an administrative safeguard by one division of a public body. The results of the audit will be published once the final report has been completed.

Work on identifying public bodies and topics for audit is ongoing.

Privacy Impact Assessments

The OIPC may receive privacy impact assessments (PIAs) for review and feedback under both the *ATIPPA, 2015* and *PHIA*.

While no PIAs have been formally submitted to this Office under section 72 of the *ATIPPA, 2015*, several public bodies have approached this Office to discuss privacy impacts of projects informally. We encourage this practice, as we may be able to point out additional areas for consideration or provide guidance on expectations. This year we were consulted on four initiatives.

- The ATIPP Office's ATIPP Online Payment System PPIA was shared as a courtesy.
- The Labour Relations Agency contacted us to discuss modifications to its arbitrations website.

A Privacy Impact Report (PIR) was shared; one of the recommendations in the PIR was to consult with the OIPC.

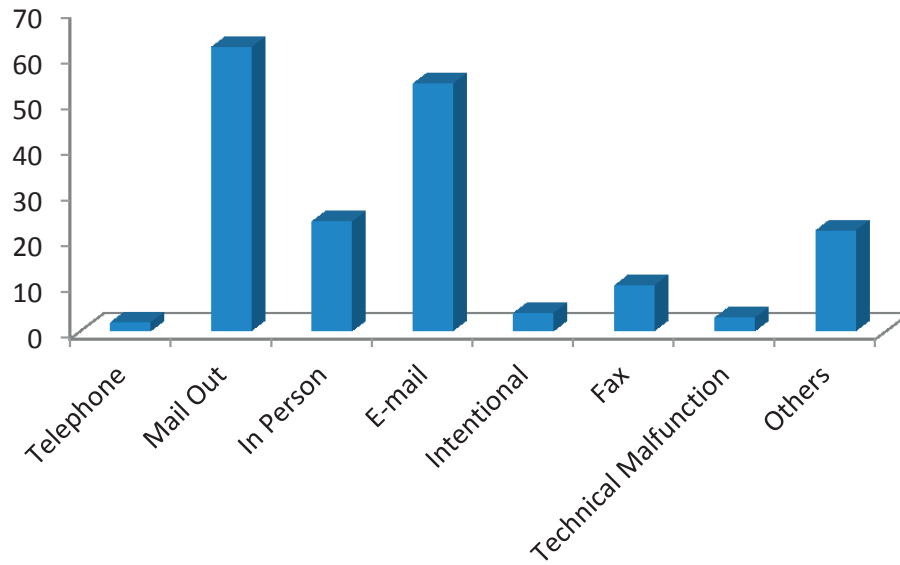
- The Newfoundland and Labrador English School District approached us regarding the adoption of Google Apps for Education. In addition to a draft PIA, there was also a meeting to discuss this initiative.
- The Human Resource Secretariat consulted with us on its new ticketing system. Although no PPIA was provided, a meeting was requested and this provided an opportunity to identify a number of areas for consideration and to learn more about the initiative.

During a review of draft legislation, this Office discovered a program that should have had a PPIA/PIA completed. It was a bill to amend the *Income and Employment Support Act* and the *Student Financial Assistance Act*. The new procedure authorized by the bill involves staff from both public bodies (Advanced Education and Skills and the Student Loan Corporation) accessing information in a database belonging to the other public body. We believe the arrangement authorized in this bill has the characteristics of a common or integrated program and therefore should have triggered an earlier notification to the Commissioner in accordance with section 72(3). We worked with the public bodies to address the identified gaps, including the development of an Information Sharing Agreement.

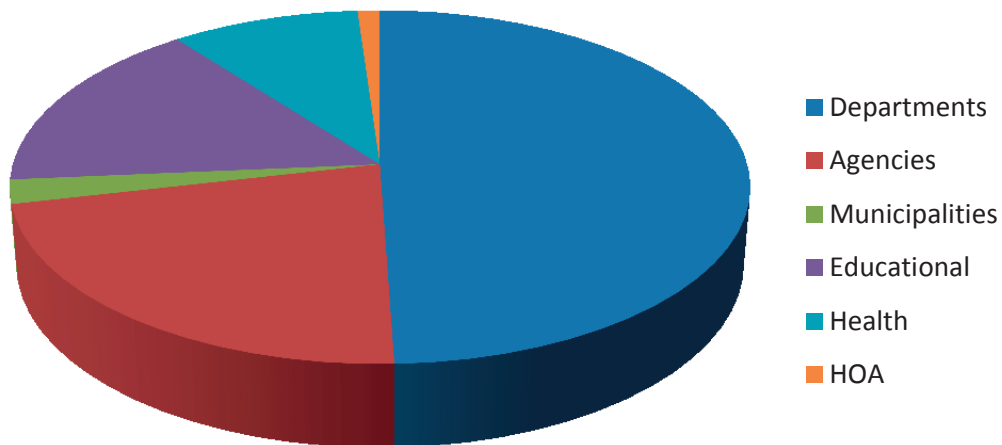
Section 39(4)(d) of *PHIA* addresses the disclosure of information to a custodian designated in the regulations who compiles or maintains a registry of personal health information. The OIPC has been working with the Department of Health and Community Services to identify the process for designating a registry; Eastern Health has been involved as well, as it is the proposed custodian of a provincial Cancer Care Registry. Eastern Health provided a PIA to both the Department and the OIPC for review and feedback as part of this process. The OIPC was satisfied with this process and outcome, as the PIA process better ensures compliance with *PHIA* and documents a detailed assessment of potential privacy impacts of the project. Formal designation of the Cancer Care Registry in the *PHIA* regulations is anticipated in spring 2017.

The OIPC is aware of a number of registries that have yet to undergo such a review and encourages custodians of registries to begin the PIA process, a necessary step in being designated in the regulations as a registry.

Privacy Breaches by Breach Type



Privacy Breaches by Public Body Type



Outreach and Statistics

Part of the mandate of this Office is to offer guidance to Public Bodies and members of the public as to how the *Act* is to be applied. One method we use for fulfilling our education mandate is giving presentations to various groups. Guidance Pieces, Practice Bulletins, Newsletters, News Releases and Twitter are other methods for delivering on our Education mandate.

PRESENTATIONS		
Date	Audience	Topic
April 12, 2016	ATIPP Coordinators, OIPC Workshop	Duty to Assist, Reasonable Search, Non-Responsive
April 19, 2016	ATIPP Coordinators, ATIPP Community of Practice	Third Party Business Interests
April 29, 2016	Royal Newfoundland Constabulary Review Division	General Privacy
May 4, 2016	St. Michael's Regional High School, Bell Island	Social Media and Privacy Presentation
June 20, 2016	Maritimes Conference	<i>ATIPPA, 2015</i> Update
July 21, 2016	ATIPP Coordinators, OIPC Workshop	Workplace Investigations, Legal Privilege
September 30, 2016	Memorial University's Political Science Department	<i>ATIPPA, 2015</i>
October 4, 2016	ATIPP Coordinators, OIPC Workshop	Disregards, Time Extensions and Extraordinary Circumstances and Audit Self-Assessment Tool
October 4, 2016	Parliamentary Standing Committee on Access to Information, Privacy and Ethics	Amending the Federal <i>Privacy Act</i>
October 12, 2016	Medical Administration Students, Eastern Academy	<i>PHIA</i> Overview
November 5, 2016	Registered Massage Therapists Annual General Meeting	<i>PHIA</i> Overview
November 7, 2016	PC Caucus	<i>ATIPPA, 2015</i> Overview
November 18, 2016	Government Members	<i>ATIPPA, 2015</i>
March 16, 2017	ATIPP Coordinators, ATIPP Community of Practice	Third Party Notice

Guidance Pieces	
Title	Date Issued
PPIA/PIA Review Criteria	May, 2016
Section 30 – Legal Advice	August 15, 2016
Section 33 – Information from a Workplace Investigation	August 15, 2016
Extraordinary Circumstances	October, 2016
Business Interests of a Third Party (Section 39)	December 23, 2016
Quick Tips for Municipal Councillors	March 29, 2017

Practice Bulletins	
Title	Date Issued
Use of Personal Email Accounts for Public Body Business	February 2, 2017
Redacting Non-Responsive Information in a Responsive Document	May 11, 2016
Reasonable Search	March 29, 2017



Access, Privacy, Security and Information Management Conference

From November 28-30, 2016, the OIPC, with the assistance of a steering committee comprised of representatives of Memorial University, Eastern Health, Government of Newfoundland and Labrador, College of the North Atlantic and the Centre for Health Information, hosted our first



conference for access, privacy, security and information management professionals without relying on an outside conference organizer. Titled “We Are Connected”, the Conference focused on the overlap and common ground between these four disciplines. A full and comprehensive agenda was offered at no charge to attendees.

The Conference lasted for two and a half days, with a half day workshop on day one and a full slate of speakers (including four sets of breakout sessions) over the next two days. The registration totaled 246 attendees and involved over 25 presenters. We had local industry leaders (for example, the Chief Information Officer of Memorial University) and several speakers who travelled here from other provinces to present. The topics covered included: Cloud Computing; Genetic Information and Research; Defining Accountability for all four of our target groups; an Update on How *ATIPPA, 2015* is Working; and the One Shop Model (where IM, IT, Privacy and Access are all in the one shop) and the Advantages of this Grouping.

The feedback was uniformly positive and our audience is anticipating another conference of this caliber next year. We would like to thank all of our presenters who donated their time so freely and our attendees for making time for this important event.

Please feel free to visit our conference website apsim.gov.nl.ca to learn more about the 2016 conference and stay tuned for updates for the next conference slated for spring 2018.

2016-2017 Statistics

Statistical breakdown for this reporting period can be found on our website at www.oipc.nl.ca.

Legislative Consultations

Prior to the coming into force of the *ATIPPA, 2015*, consultations with the OIPC regarding draft legislation were at government's discretion. Pursuant to that discretion, a number of draft Bills were referred to the OIPC for comment about potential impacts on access or privacy.

Pursuant to section 112 of the *ATIPPA, 2015*, ministers are required to consult with the OIPC on all proposed legislation that "could have implications for access to information or protection of privacy". The OIPC will review, if requested, any draft legislation, as it is sometimes challenging for drafters to identify potential implications for access to information or protection of privacy.

Over the past year a number of Bills were referred for consultation, including the:

- Highway Traffic Act;
- Regional Service Boards Act, 2012;
- Patient Safety Act;
- Public Sector Compensation Transparency Act and Regulations;
- Lands Act;
- Municipal Elections Act;
- Rooms Act, 2016;
- City of Mount Pearl Act;
- City of St. John's Act;
- City of Corner Brook Act;
- Seniors' Advocate Act;
- Consumer Protection and Business Practices Act;
- Vital Statistics Act;
- Public Procurement Act;
- Personal Health Information Act Regulations;
- Income and Employment Support Act;
- Student Financial Assistance Act;
- Secure Withdrawal Management Act;
- Revenue Administration Act; and
- Labour Standards Act.

Our review of Bills prior to their being introduced in the House is a critical function to ensure that the important public interests reflected in the *ATIPPA, 2015* are fully considered before the legislators begin their debates.

When Bills are referred to the OIPC for comment they are sometimes received just before briefing notes or other materials are due to the Cabinet Secretariat. This creates an urgency that has limited our ability to conduct detailed research and jurisdictional scans, tasks that result in more fulsome commentary. We do respond to all such referrals within whatever time we are provided as we view this responsibility as a critical part of our mandate.

While ministers are obliged to seek our advice, they are not required to act upon it, nor should they be. If we deem it warranted, the OIPC can publicly comment on draft Bills after they are made public.

As the amendments to the public sector and teachers' pension plans were introduced in the Legislature prior to the enactment of the *ATIPPA, 2015*, government was not legally required to consult with the OIPC regarding their impacts on privacy or access to information. Government had however, prior to the existence of the legal duty, exercised its discretion to obtain comment from the OIPC on legislation impacting access and privacy.

When the new entities tasked with managing these pension plans were created, it was clear to the drafters of the legislation that these new corporations would be outside the scope of the *ATIPPA, 2015*. The Department of Finance maintains that this was an essential condition that the various union groups insisted upon. Union leadership advises that this was an essential condition that the Department of Finance insisted upon and that the changes were approved by union memberships. Union responses to the OIPC failed to advise whether the impacts regarding access and privacy were explicitly pointed out to members prior to their voting.

While input from or comment by the OIPC may not have made any difference, it could have generated public discussion about the loss of protection to union members and pensioners in regards to breaches of their privacy by the new corporation. The public, union members and pensioners will also now be unable to use *ATIPPA, 2015* to access any information in regards to the operating expenses, bonuses or other expenditures by the new corporation. For evidence that pension managers/corporations can function while subject to provincial access and privacy legislation one need look no further than Alberta, Prince Edward Island, New Brunswick, British Columbia and Saskatchewan.

Business Information of a Third Party

Accountability and transparency demand that the public have access to records relating to expenditures by government. Whether public bodies are purchasing paper and pens or awarding tenders for millions of dollars, information related to those transactions must be accessible unless it would result in undue harm to a third party as set out in section 39 of the *ATIPPA, 2015*.

These harms generally relate to third parties competing for government business, whether or not they were successful. Harms to third parties include the revelation of trade secrets that were supplied in confidence to a public body, the disclosure of which could significantly harm the competitive position of third parties.

In respect of third party records, the balancing exercise is set out in section 39 of the *ATIPPA, 2015*:

39. (1) The head of a public body shall refuse to disclose to an applicant information

- (a) that would reveal
 - (i) trade secrets of a third party, or*
 - (ii) commercial, financial, labour relations, scientific or technical information of a third party;**
- (b) that is supplied, implicitly or explicitly, in confidence; and*
- (c) the disclosure of which could reasonably be expected to
 - (i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,*
 - (ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,*
 - (iii) result in undue financial loss or gain to any person, or*
 - (iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.**

Third parties objecting to a public body's decision to disclose their information must prove that all three elements of the test in section 39 are satisfied in order for a public body to be required to withhold the information.

Doing business with government is attractive to local, national and international companies. The volume of business is often significant and generally receiving payment for goods and services is more certain than when dealing with private entities. Businesses however are sometimes concerned about losing competitive advantages as a result of disclosure of their information.

The fact remains, however, that disclosure of third party business information pursuant to access to information legislation has been a reality across Canada for many years. Despite this, many businesses, including large and sophisticated entities, express astonishment that their records can be disclosed in response to an access request. This reaction is sometimes encountered even when documents soliciting tenders clearly indicate that responses received are subject to the *ATIPPA, 2015*.

The ability to hold government accountable for its expenditures is largely being utilized by business competitors, seeking to acquire as much information as possible about each other's bids. A significant number of complaints to the OIPC are made by businesses objecting to the disclosure of their information in response to access to information requests.

Of the 37 *ATIPPA, 2015* Access Reports issued this year by the OIPC, 17 related to the disclosure of third party records and section 39. As of year-end, the OIPC was involved in 11 cases filed in the Supreme Court of Newfoundland and Labrador, Trial Division seeking to overturn public body decisions to follow recommendations by the OIPC to disclose third party records.

Besides adding to the workload of the OIPC and consuming scarce judicial resources, processing these files from intake to conclusion consumes a disproportionate amount of the resources available to ATIPP Coordinators who are already under considerable strain in terms of their capacity.

One solution that we continue to advocate is Open Contracting, which would result in the presumptive publication of all bids, contracts and related submissions to government. The only contents that would be excluded would be those that are exempt pursuant to section 39 of the *ATIPPA, 2015*.

The practice of Open Contracting is fast becoming the norm internationally. In 2016 the United Kingdom became the first G7 country to commit to Open Contracting, and a number of other countries have since made similar commitments. The Centre for Global Development issued a report detailing many of the leading examples of Open Contracting implementation around the world, with a focus on explaining its benefits and dispelling commonly raised concerns:



<https://www.cgdev.org/sites/default/files/publishing-government-contracts-report.pdf>

This report provides examples of the benefits of open contracting, such as:

- lower costs for social housing in France; and
- a 50% increase in competition for government tenders in Slovakia;
- lower average prices for hospital supplies in Latin America;
- exposure of significant political party funding by sole-source contract winners in Georgia.

Overall, the report found that Open Contracting lowers entry barriers for firms bidding on work by providing information about previous similar contracts and gives bidders greater comfort that the bidding process will be fair. It found that governments benefit from increased competition as well as the knowledge of similar contract models in other jurisdictions, which should improve price and revenue forecasts as well as the quality of contract specifications.

In Canada, at the Federal level, the Department of Public Works and Government Services has initiated an Open Contracting Data Standard Pilot in order to study how procurement data can best be made available in a useful and accessible format. In Manitoba, the 2016 mandate letter for the Minister of Justice and Attorney General included delivery of a new Open Government bill which will include “open contracting procedures.” Ontario’s Open Data Directive contains a requirement that certain procurement information be published, including a provision that “vendors shall agree that financial data of contracts are not considered commercially sensitive and may be released.” Newfoundland and Labrador can join the leading jurisdictions in Canada by making a commitment towards implementation of Open Contracting.

The recently enacted *Public Procurement Act* provides an unprecedented opportunity to make Newfoundland and Labrador a leader in terms of Open Contracting. The yet to be

drafted regulations will determine the degree to which additional transparency is injected into our procurement processes. The OIPC made representations to the executive of Service NL regarding the benefits of Open Contracting and how the regulations can be drafted in a manner that maximizes the potential for transparency.

In the interim, we suggest that when issuing tender calls, public bodies require third parties to identify in an appendix the contents of third party submissions that are considered by them to fall within section 39 of the *ATIPPA, 2015*. This will allow public bodies to determine specifically what to consider when deciding whether notice to third parties is required pursuant to section 19 of the *ATIPPA, 2015*. Perhaps more importantly, this practice would also spare ATIPP coordinators from having to parse lengthy and sometimes technical documents to identify material that might fall within section 39 of the *ATIPPA, 2015*.

This process would promote timely access to information to applicants of everything other than the portions of records under consideration for exemption. As it stands, requests from 2015 remain outstanding due to ongoing appeals and other court proceedings. In circumstances where the courts agree that a public body should release the third party records in question, the applicant's receipt of those records is often moot because they are no longer relevant to the issues at hand when the original request for the information was submitted.

Use of Personal Email for Business Purposes

The issue of using personal email accounts to conduct the business of a public body was addressed in Reports [A-2016-021](#) and [A-2016-022](#). For reasons outlined in those documents and our Guidance Piece, *Use of Personal Email Accounts for Public Business*, absent exigent circumstances, this is inappropriate.

We were pleased to note that the Office of the Chief Information Officer⁵ and Nalcor have since introduced policies addressing this issue.

For public bodies (i.e. small municipalities) that may be unable to establish their own websites or email servers, consideration should be given to creating an account using a free service that is used by staff to conduct business, such as town of _____@gmail.com or emails for staff members such as clerk town of _____@gmail.com. If no suitable alternatives are available it is vital to remember that web-based systems have vulnerabilities which public bodies cannot control or audit. Conducting public body business using personal email accounts that are also used for personal emails should be avoided.

⁵ http://www.ocio.gov.nl.ca/ocio/im/employees/non_gov_email.html

Court Decisions

[McBreairty v. College of the North Atlantic, 2016 CanLII 51110 \(NL SCTD\)](#)

This appeal was initiated by the Applicant in response to a decision by the College of the North Atlantic (CNA) to deny access to the name of an individual found in a record which was responsive to the Applicant's request. The Applicant brought the matter to the Commissioner, resulting in Report A-2012-011 in which the Commissioner recommended disclosure. CNA refused to follow the recommendation and the Applicant appealed to the Supreme Court, Trial Division.

CNA took the position that the name of the individual is personal information, and that the individual was not an employee of the College, therefore access must be refused on the basis of the mandatory exception against disclosure of personal information. The Applicant was of the view that the individual was in fact an employee of the College, as assessed in Report A-2012-011.

The Court found that the individual in question was in fact an employee of the College and that the person's name should be disclosed to the Applicant. That decision is now under appeal.

[Newfoundland and Labrador Teachers' Association v. Newfoundland and Labrador English School District, 2016 CanLII 89960 \(NL SCTD\)](#)

This matter arose as a result of a journalist's request to access information from a number of public bodies for the names, job titles and salaries of employees whose taxable income exceeded \$100,000. Some public bodies disclosed the information in full, while others, including the Newfoundland and Labrador English School District (NLESD), notified all affected individuals, giving them the option to file a complaint with the Commissioner or appeal directly to the Supreme Court, Trial Division. The Newfoundland and Labrador Teachers' Association (NLTA) filed an appeal on behalf of a number of affected individuals, and the Court was tasked with determining whether the salaries of individuals identified by name were required to be released in accordance with the *ATIPPA, 2015*. A number of other public bodies and unions were intervenors in the matter. The Court determined that disclosure of names and salaries of employees was an unreasonable invasion of privacy and ruled that the names of employees should not be disclosed in conjunction with salaries. That decision is currently under appeal.

[Mastropietro v. Newfoundland and Labrador \(Education\), 2016 CanLII 64876 \(NL SCTD\)](#)

This decision addresses some important elements of the *ATIPPA, 2015* which had previously received little or no judicial interpretation.

The substance of the matter was a refusal by the Department of Education to grant full access in relation to two requests for access to information by the Appellants. The matter was brought before the Court following decisions on two separate complaints to the OIPC in relation to these requests. Both complaints were disposed of by the Commissioner, citing section 45(1)(b), which allows the Commissioner to refuse to investigate a complaint that “could be more appropriately dealt with by a procedure or proceeding other than a complaint under this Act.” The Appellants then availed of their right under the *ATIPPA, 2015* to bring the matter before the Supreme Court, Trial Division.

The Court addressed how the public interest override found in section 9 of the *ATIPPA, 2015* is intended to operate:

*[25] Under ATIPPA 2015, a judge on an appeal such as these before me, must still decide whether the exceptions in the Act have been applied correctly. Under the predecessor legislation, once it was found on an appeal that an exception did in fact apply, the appeal could be dismissed (see section 63(1)(a) of the predecessor legislation). However, under ATIPPA 2015, there is a further step to be taken by this Court on appeals in certain cases, even if an exception applies. That step involves an assessment of the public interest in disclosure of a record and the reasons for the exception. **In applicable cases, the Court has the power, notwithstanding an exception, to order the head of a public body to give access to a record, where it has been clearly demonstrated that the public interest in disclosure outweighs the reasons for the exception.***

[emphasis added]

This recognition by the Court of the effect of section 9 on the scope of judicial authority in an appeal under the *ATIPPA, 2015* is noteworthy. Importantly, however, the Court observed that the scope of its authority in relation to the public interest provision in section 27 (the exception for Cabinet Records) is different. In the case of Cabinet Records, the Court held that the consideration of the public interest is based on a subjective assessment by the Clerk of the Executive Council, and this “... does not in my view, give the Court the power to review a determination by the Clerk of the Executive Council, under section 27(3), on whether he or she is satisfied that the public interest in disclosure of cabinet records, outweighs the reasons for non-disclosure.”

The decision also addressed the issue of burden of proof in relation to the public interest override in section 9: "... it is the party claiming the right to access to a record on the basis of public interest in disclosure who is in the best position to present evidence and make argument regarding such public interest," and therefore the burden rests with that party. This interpretation was qualified somewhat by stating that "... this onus cannot be absolute but must be relaxed somewhat in a situation such as this, where the Applicants have not had the benefit of reviewing the document on which they are required to make submissions as to whether the public interest override should prevail." Further clarification was provided as follows:

[50] I am not saying that it is incumbent upon a person seeking to establish that there is a sufficient public interest in disclosure so as to outweigh the purpose of the exception from disclosure, to present evidence of the public interest in disclosure, in every case. There may well be cases where the public interest in disclosure, is so notorious as to be capable of judicial notice by the Court. There may be other cases, where the records or documents themselves, are such that the Court is able to conclude there is a public interest in disclosure.

Ultimately the appeals were dismissed, based on the finding that the exceptions claimed by the Department had been claimed correctly, and that the information should continue to be withheld.

Other Ongoing Court Matters

There are a number of other applications before the Supreme Court, Trial Division in relation to the sunshine list which have been stayed pending a ruling by the Court of Appeal on the appeal from Newfoundland and Labrador Teachers' Association v. Newfoundland and Labrador English School District, 2016 CanLII 89960 (NL SCTD). All of the parties in those cases were intervenors in that case.

The following matters are also currently before the court:

- *Evelyn Rideout v. Minister of Municipal Affairs; Court File No. 2015 04G 0275*

This is an appeal by the Applicant of the decision of the Minister to follow our recommendation in Report A-2015-011 that the Department continue to withhold information it severed under sections 29, 30 and 40. A hearing was held on February 8, 2017 in Corner Brook. The Commissioner was an intervenor in the matter. The Court's decision was reserved.

- *Bell Canada v. Eastern Health; Court File No. 2016 01G 1716*

This is an appeal by Bell Canada (Third Party) of the decision of Eastern Health to follow our recommendation in Report A-2016-002 to release information related to Bell because it was not excepted from disclosure by section 39. The matter is expected to be heard in the coming months.

- *Bell Canada v. OCIO; Court File No. 2016 01G 1709*

This is an appeal by Bell Canada (Third Party) of the decision of the OCIO to follow our recommendation in Report A-2016-001 to release information related to Bell because it was not excepted from disclosure by section 39. The matter is expected to be heard in the coming months.

Both of the preceding matters involving Bell will likely be heard together.

- *NLMA v. Minister of Health; Court File No. 2016 01 G 6110*

This is an appeal by the NLMA of a decision of the Minister of Health to follow our recommendation for release in Report A-2016-019. We filed a Notice of Intervention on October 18, 2016. No court date has been set.

- *Bell Canada v. Minister of Health and Community Services; Court File No. 2017 01G 0320*

This is an appeal by the Third Party, Bell Canada, of a decision of Health and Community Services to follow our recommendation in Report A-2016-030 that the Third Party's information be released. The OIPC filed a notice of intervention on January 18, 2017. No court date has been set.

- *Bragg Communications, et al v. CNA; Court File No. 2017 01G 0369; Bragg Communications v. CNA; Court File No. 2017 01G 1058; Persona Communications v. CNA; Court File No. 2017 01G 1059*

These three matters are direct appeals by the Third Parties (Bragg Communications and Persona Communications) in relation to Third Party notices sent to them by the College of the North Atlantic. All three have been consolidated and will be heard together.

The OIPC filed Notices of Intervention in these matters on January 19, and February 7, 2017. An Interlocutory Application opposing the intervention of OIPC was filed by Bragg and Persona opposing the Commissioner's Intervention in the matter. It is scheduled to be heard on October 5, 2017.

- *Bragg Communications v. NLESD; Court File No. 2017 01G 1221*

This is a direct appeal by the Third Party, Bragg Communications, in relation to a Third Party Notice sent by NLESD. This matter was adjourned *sine die* on March 28, 2017 pending the outcome of the Interlocutory Application opposing our intervention in the three matters above.

- *City of Corner Brook v. OIPC; Court File No. 2017 04G 0063*

This is an Originating Application filed in the Trial Division in Corner Brook seeking a declaration under section 79(1) of *ATIPPA, 2015* that the City does not have to comply with the recommendations in OIPC Report P-2017-001. A court date is set for September 15, 2017.

- *Bell Canada v. Minister of BTCRD; Court File No. 2017 01G 1296*

This is an appeal by Bell Canada (Third Party) of a decision of BTCRD to follow our recommendation in Report A-2017-005 that the Third Party's information be released. Our Notice of Intervention was filed March 8, 2017.

- *Atlantic Lottery Corp. v. Her Majesty The Queen (Minister of Finance); Court File No. 2017 01G 2004*

This is an appeal by the Third Party, Atlantic Lottery, of a decision of the Department of Finance to follow our recommendation in Report A-2017-004 that the Third Party's information be released. The OIPC filed a Notice of Intervention on March 16, 2017.

- *Don Gibbons Ltd. v. Her Majesty The Queen (Minister of Health and Community Services); Court File No. 2017 01G 2562*

This appeal by the Third Party, Don Gibbons Ltd, was filed on March 31, 2017, appealing a decision of the Department of Health and Community Services to follow our recommendation in Report A-2017-009 that the Third Party's information be released. The Commissioner intends to file a Notice of Intervention in due course.

Personal Health Information Act Review

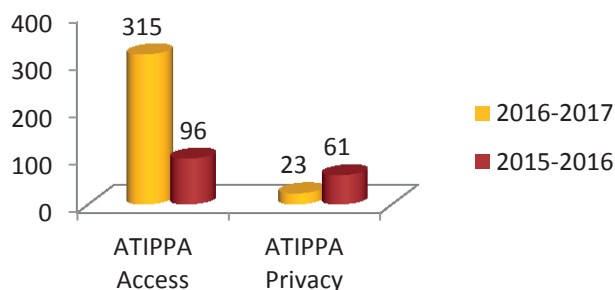
Another significant activity of the OIPC this year involved participating in the review of PHIA.

It is a legislative requirement that *PHIA* undergo a Review every five years, and the first mandatory review was launched by the Minister of Health and Community Services on December 20, 2016, to be conducted by a Review Committee chaired by Dr. David Morgan. The Department launched a website to provide information about the review, to solicit input, and to publish all of the stakeholder submissions that were received. The OIPC utilized the input and expertise of its experienced and knowledgeable staff to prepare its formal submission, and supplementary submissions were also filed in response to the input of other stakeholders. These are available at <http://www.phiareviewnl.ca/>.

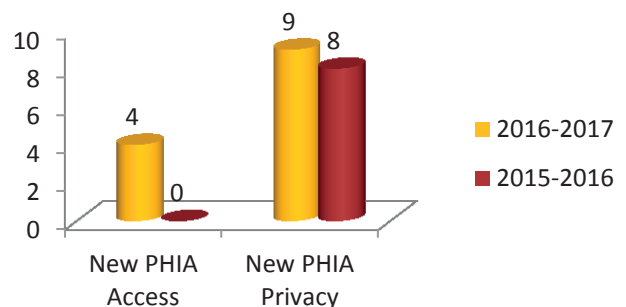
We were pleased with the transparent and open legislative review process. While it is unfortunate that the opportunities that were provided for public participation did not generate a large response, the stakeholder consultation process did result in a number of very thorough and thoughtful written submissions.

We look forward to receiving the Report of the Review Committee and working with officials of the Department of Health and Community Services and other stakeholders to hopefully see the implementation of positive changes in *PHIA*. In our next Annual Report we hope to be able to comment on this process.

ATIPPA, 2015 Complaints Received



PHIA Complaints Received



Systemic Issues

During this reporting period a few systemic issues have been observed that contribute to the challenges associated with processing and resolving access requests within the legislated time frames. These issues are highlighted so public bodies have an opportunity to consider improvements. Identifying these issues also provides an opportunity for the minister responsible for the *ATIPPA, 2015* to address them as set out in section 113(e).

- 1 Time Extensions:** The 314% increase in requests for time extensions reflects in part the burden on ATIPP Coordinators associated with the significant increase in access to information requests. As this is now the normal volume of requests, extensions will be increasingly harder to obtain for public bodies that have experienced this increase but have allocated no additional resources. The right to timely access to information cannot be routinely abridged where resources have not kept pace with substantial increases in demand.
- 2 ATIPP Coordinator Turnover:** The lack of continuity associated with turnover of ATIPP Coordinator (or extended leaves) creates considerable difficulty in processing access requests, which in turn increases the likelihood of complaints to the OIPC.
- 3 Records Management:** Access to information relies heavily on effective records management. Public bodies that are unable to effectively manage information requested under the *Act* face time-consuming retrieval of records, uncertain, incomplete or unsuccessful searches, as well as the risk of substantial delays and complaints. Initiatives have been undertaken to address records management across government and to varying degrees across the full spectrum of public bodies responsive to the *Act* but sustained effort and attention is required to achieve the required results.
- 4 Duty to Document:** The right to accountability in the form of access to information is illusory if there are no records of decisions made by public bodies, including the reasons for making those decisions. A legislated duty to document was recommended in the Report of the 2014 Statutory Review of the *Access to Information and Protection of Privacy Act*. The OIPC has commented on the need for a legislated duty to document in its Reports. Applicants and members of the public continue to comment upon the lack of responsive records in circumstances where it is reasonable to expect that they should have been created.

Conclusion

During this reporting period there was a significant increase in the number of access to information requests received by public bodies. In addition to increasing in volume, requests are becoming more complex as users become more proficient in formulating them to target specific information.

As a consequence, our Office received 153 requests for time extensions, a 314% increase over the previous reporting period. We also experienced significant increases in access to information complaints and issued 37 reports compared to the 14 issued in 2015-2016.

A consequence of the success of *ATIPPA, 2015* is a system under considerable strain, a burden that is not shared proportionately. In the immediate future, additional resources are needed. As a long term solution, embracing open government and open contracting can reduce the public's need to submit access requests to obtain the information necessary to hold government accountable and to meaningfully participate in the democratic process.

In terms of privacy, while we continue to receive significant numbers of privacy breach reports, the vast majority relate to inadvertent breaches. We continue to work with public bodies to identify safeguards to reduce the likelihood of inadvertent breaches and increase the likelihood of detecting intentional breaches.

In the midst of dealing with our own increased workload, we have turned the corner with regards to our advocacy and compliance work. This work is not only a part of our mandate, it is essential that we work proactively with public bodies to reduce the likelihood of breaches and to find efficiencies in processing access requests.

Finally, we devoted significant effort to compiling information and preparing submissions for the *PHIA* review committee. We look forward to working with other stakeholders to identify and advocate for government's adoption of the committee's recommendations, particularly those that will further enhance the ability to safeguard the privacy of personal health information.

***The ATIPPA, 2015
is a resounding
success in terms
of providing the
public with more
timely access to
information at little
or no cost to them.***

Appendix “A”

**Timelines (business days) for Access Complaints for the 2016-2017 Reporting Period
under the Access to Information and Protection of Privacy Act, 2015**

Public Body	Means of Resolution	Review Started	Days for Informal Resolution	Formal Review Started	Days for Formal Review	Date Complaint Resolved	Report Number	Total Days
Service NL	Informal	2016-12-06	1			2016-12-07		1
NALCOR	Informal	2017-01-09	1			2017-01-10		1
Department of Health and Community Services	Informal	2016-06-20	3			2016-06-23		3
Department of Health and Community Services	Informal	2016-06-20	3			2016-06-23		3
Town of Portugal Cove-St. Philip's	Informal	2016-11-28	3			2016-12-01		3
Department of Health and Community Services	Informal	2016-06-17	4			2016-06-23		4
Department of Health and Community Services	Informal	2016-06-16	5			2016-06-23		5
Department of Health and Community Services	Informal	2016-06-16	5			2016-06-23		5
Office of the Chief Electoral Office	Informal	2016-05-30	7			2016-06-08		7
Department of Health and Community Services	Informal	2016-06-14	7			2016-06-23		7
Department of Health and Community Services	Informal	2016-06-14	7			2016-06-23		7
Town of Harbour Grace	Informal	2016-11-23	7			2016-12-02		7
Department of Advanced Education and Skills	Informal	2016-08-09	8			2016-08-19		8
Department of Health and Community Services	Informal	2016-06-10	9			2016-06-23		9
Central Health	Informal	2017-03-03	9			2017-03-16		9
Department of Health and Community Services	Informal	2016-06-09	10			2016-06-23		10
Department of Health and Community Services	Informal	2016-06-09	10			2016-06-23		10
Department of Health and Community Services	Informal	2016-06-09	10			2016-06-23		10
Department of Health and Community Services	Informal	2016-06-09	10			2016-06-23		10
Department of Health and Community Services	Informal	2016-06-09	10			2016-06-23		10
Department of Health and Community Services	Informal	2016-06-09	10			2016-06-23		10
Department of Health and Community Services	Informal	2016-06-07	12			2016-06-23		12
Department of Health and Community Services	Informal	2016-06-07	12			2016-06-23		12
Town of Stephenville	Informal	2016-06-23	12			2016-07-12		12
Department of Justice and Public Safety	Informal	2016-08-05	12			2016-08-23		12
Department of Health and Community Services	Informal	2016-06-06	13			2016-06-23		13

Public Body	Means of Resolution	Review Started	Days for Informal Resolution	Formal Review Started	Days for Formal Review	Date Complaint Resolved	Report Number	Total Days
Department of Advanced Education and Skills	Informal	2016-07-12	13			2016-07-29		13
Central Health	Informal	2016-11-16	14			2016-12-06		14
Department of Health and Community Services	Informal	2016-06-02	15			2016-06-23		15
Department of Health and Community Services	Informal	2016-06-01	16			2016-06-23		16
Memorial University	Informal	2016-06-15	16			2016-07-08		16
NALCOR	Informal	2016-11-15	16			2016-12-07		16
Town of Bay Bulls	Informal	2016-06-16	17			2016-07-12		17
Town of Bay Bulls	Informal	2016-06-16	17			2016-07-12		17
Department of Municipal and Intergovernmental Affairs	Informal	2017-02-01	17			2017-02-24		17
Department of Finance	Informal	2016-06-13	20			2016-07-12		20
Town of Stephenville	Informal	2016-06-23	22			2016-07-26		22
The Rooms	Informal	2016-07-15	22			2016-08-16		22
Department of Municipal and Intergovernmental Affairs	Informal	2016-06-24	23			2016-07-28		23
NALCOR	Informal	2016-08-29	23			2016-09-30		23
Department of Fisheries and Aquaculture	Informal	2017-01-03	23			2017-02-03		23
Department of Transportation and Works	Informal	2016-10-11	24			2016-11-15		24
Newfoundland and Labrador English School District	Informal	2016-10-20	24			2016-11-24		24
Department of Natural Resources	Informal	2017-01-30	25			2017-03-06		25
Memorial University	Informal	2016-06-01	26			2016-07-07		26
Royal Newfoundland Constabulary	Informal	2016-07-07	26			2016-08-12		26
Municipal Assessment Agency	Informal	2016-10-03	26			2016-11-08		26
Newfoundland and Labrador English School District	Informal	2017-01-05	26			2017-02-10		26
Eastern Health	Informal	2016-09-13	27			2016-10-20		27
Town of Conception Bay South	Informal	2016-12-01	27			2017-01-11		27
City of Mount Pearl	Informal	2017-02-01	27			2017-03-10		27
Department of Justice and Public Safety	Informal	2017-02-16	27			2017-03-27		27
Department of Business, Tourism, Culture and Rural Development	Informal	2016-04-22	28			2016-06-02		28

Public Body	Means of Resolution	Review Started	Days for Informal Resolution	Formal Review Started	Days for Formal Review	Date Complaint Resolved	Report Number	Total Days
Department of Fisheries and Aquaculture	Informal	2016-06-24	28			2016-08-04		28
City of St. John's	Informal	2016-07-05	28			2016-08-12		28
Town of Terrenceville	Informal	2016-07-22	28			2016-08-31		28
Town of Portugal Cove-St. Philip's	Informal	2016-11-28	28			2017-01-09		28
Department of Municipal and Intergovernmental Affairs	Informal	2016-04-19	29			2016-05-31		29
Eastern Health	Informal	2016-09-09	29			2016-10-20		29
Town of Portugal Cove-St. Philip's	Informal	2017-01-23	29			2017-03-03		29
Town of Portugal Cove-St. Philip's	Informal	2016-05-26	30			2016-07-08		30
Department of Justice and Public Safety	Informal	2016-06-14	30			2016-07-27		30
Stephenville Gardens Commission	Informal	2016-07-22	30			2016-09-02		30
Royal Newfoundland Constabulary	Informal	2016-11-02	30			2016-12-14		30
Executive Council	Informal	2016-12-14	30			2017-01-27		30
Department of Natural Resources	Informal	2017-01-23	30			2017-03-06		30
Newfoundland and Labrador English School District	Informal	2016-03-23	30			2016-05-06		30
NALCOR	Informal	2016-05-27	31			2016-07-12		31
Town of Bay Bulls	Informal	2016-06-24	31			2016-08-09		31
Department of Natural Resources	Informal	2016-09-20	31			2016-11-02		31
Royal Newfoundland Constabulary	Informal	2016-10-03	31			2016-11-15		31
Service NL	Informal	2016-11-10	31			2016-12-23		31
Royal Newfoundland Constabulary	Informal	2017-02-10	31			2017-03-27		31
Department of Environment and Conservation	Informal	2016-10-07	32			2016-11-23		32
Department of Finance	Informal	2016-12-14	32			2017-01-31		32
Eastern Health	Informal	2016-04-08	33			2016-05-26		33
Department of Natural Resources	Informal	2016-08-25	33			2016-10-12		33
Town of Portugal Cove-St. Philip's	Informal	2016-05-18	35			2016-07-08		35
Town of Portugal Cove-St. Philip's	Informal	2016-05-18	35			2016-07-08		35
Town of Portugal Cove-St. Philip's	Informal	2016-05-18	35			2016-07-08		35
Department of Natural Resources	Informal	2016-08-09	36			2016-09-29		36

Public Body	Means of Resolution	Review Started	Days for Informal Resolution	Formal Review Started	Days for Formal Review	Date Complaint Resolved	Report Number	Total Days
Western Health	Informal	2016-12-29	36			2017-02-20		36
Royal Newfoundland Constabulary	Informal	2017-02-08	36			2017-03-30		36
City of St. John's	Informal	2016-10-28	30	2016-12-12	7	2016-12-21		37
Office of the Chief Electoral Office	Informal	2016-09-06	38			2016-10-28		38
Department of Advanced Education and Skills	Informal	2016-06-02	40			2016-07-29		40
Town of Branch	Informal	2016-10-06	40			2016-12-02		40
Town of Portugal Cove-St. Philip's	Informal	2016-11-08	40			2017-01-05		40
Department of Transportation and Works	Informal	2016-07-29	42			2016-09-28		42
Department of Health and Community Services	Informal	2016-05-03	43			2016-07-05		43
Town of Lewisporte	Informal	2016-02-24	43			2016-04-27		43
Royal Newfoundland Constabulary	Informal	2016-07-06	44			2016-09-07		44
Department of Transportation and Works	Informal	2016-10-14	44			2016-12-16		44
Department of Municipal and Intergovernmental Affairs	Informal	2016-05-10	47			2016-07-18		47
Town of Portugal Cove-St. Philip's	Informal	2016-09-21	49			2016-11-30		49
Town of Portugal Cove-St. Philip's	Informal	2016-04-27	50			2016-07-08		50
Eastern Health	Informal	2016-05-27	50			2016-08-01		50
Department of Municipal and Intergovernmental Affairs	Informal	2016-06-13	50			2016-08-23		50
Town of Portugal Cove-St. Philip's	Informal	2016-09-20	50			2016-11-30		50
Department of Natural Resources	Informal	2016-07-21	51			2016-10-03		51
Department of Municipal and Intergovernmental Affairs	Informal	2016-05-02	54			2016-07-19		54
Department of Municipal and Intergovernmental Affairs	Informal	2016-04-27	56			2016-07-18		56
City of Mount Pearl	Informal	2016-05-20	57			2016-08-11		57
City of Mount Pearl	Informal	2016-05-20	57			2016-08-11		57
City of Mount Pearl	Informal	2016-05-20	57			2016-08-11		57
City of Mount Pearl	Informal	2016-05-20	57			2016-08-11		57
Department of Finance	Informal	2016-04-20	61			2016-07-18		61
NALCOR	Informal	2016-06-20	63			2016-09-19		63
Department of Municipal and Intergovernmental Affairs	Informal	2016-11-29	41	2017-01-27	22	2017-02-28		63

Public Body	Means of Resolution	Review Started	Days for Informal Resolution	Formal Review Started	Days for Formal Review	Date Complaint Resolved	Report Number	Total Days
Central Health	Report	2016-04-19	19	2016-05-16	27	2016-06-23	A-2016-012	46
Central Health	Report	2016-04-19	19	2016-05-16	27	2016-06-23	A-2016-012	46
Central Health	Report	2016-04-19	19	2016-05-16	27	2016-06-23	A-2016-012	46
Department of Finance	Report	2016-12-02	40	2017-01-31	6	2017-02-08	A-2017-004	46
Eastern Health	Report	2016-04-18	20	2016-05-16	27	2016-06-23	A-2016-011	47
Eastern Health	Report	2016-04-18	20	2016-05-16	27	2016-06-23	A-2016-011	47
Eastern Health	Report	2016-04-18	20	2016-05-16	27	2016-06-23	A-2016-011	47
Eastern Health	Report	2016-04-18	20	2016-05-16	27	2016-06-23	A-2016-011	47
Eastern Health	Report	2016-04-18	20	2016-05-16	27	2016-06-23	A-2016-011	47
Central Health	Report	2016-04-18	20	2016-05-16	27	2016-06-23	A-2016-012	47
Central Health	Report	2016-04-18	20	2016-05-16	27	2016-06-23	A-2016-012	47
Central Health	Report	2016-04-18	20	2016-05-16	27	2016-06-23	A-2016-012	47
Central Health	Report	2016-04-18	20	2016-05-16	27	2016-06-23	A-2016-012	47
Central Health	Report	2016-04-18	20	2016-05-16	27	2016-06-23	A-2016-012	47
Central Health	Report	2016-04-18	20	2016-05-16	27	2016-06-23	A-2016-012	47
Eastern Health	Report	2016-04-15	21	2016-05-16	27	2016-06-23	A-2016-011	48
Eastern Health	Report	2016-04-15	21	2016-05-16	27	2016-06-23	A-2016-011	48
Eastern Health	Report	2016-04-15	21	2016-05-16	27	2016-06-23	A-2016-011	48
Eastern Health	Report	2016-04-15	21	2016-05-16	27	2016-06-23	A-2016-011	48
Eastern Health	Report	2016-04-15	21	2016-05-16	27	2016-06-23	A-2016-011	48
Central Health	Report	2016-04-15	21	2016-05-16	27	2016-06-23	A-2016-011	48
Central Health	Report	2016-04-15	21	2016-05-16	27	2016-06-23	A-2016-012	48
Western Health	Report	2016-04-15	21	2016-05-16	27	2016-06-23	A-2016-013	48
Eastern Health	Report	2016-04-14	22	2016-05-16	27	2016-06-23	A-2016-011	49
Labrador-Grenfell Health	Report	2016-04-14	22	2016-05-16	27	2016-06-23	A-2016-014	49
Labrador-Grenfell Health	Report	2016-04-14	22	2016-05-16	27	2016-06-23	A-2016-014	49
Labrador-Grenfell Health	Report	2016-04-14	22	2016-05-16	27	2016-06-23	A-2016-014	49
Central Health	Report	2016-04-14	22	2016-05-16	27	2016-06-23	A-2016-012	49

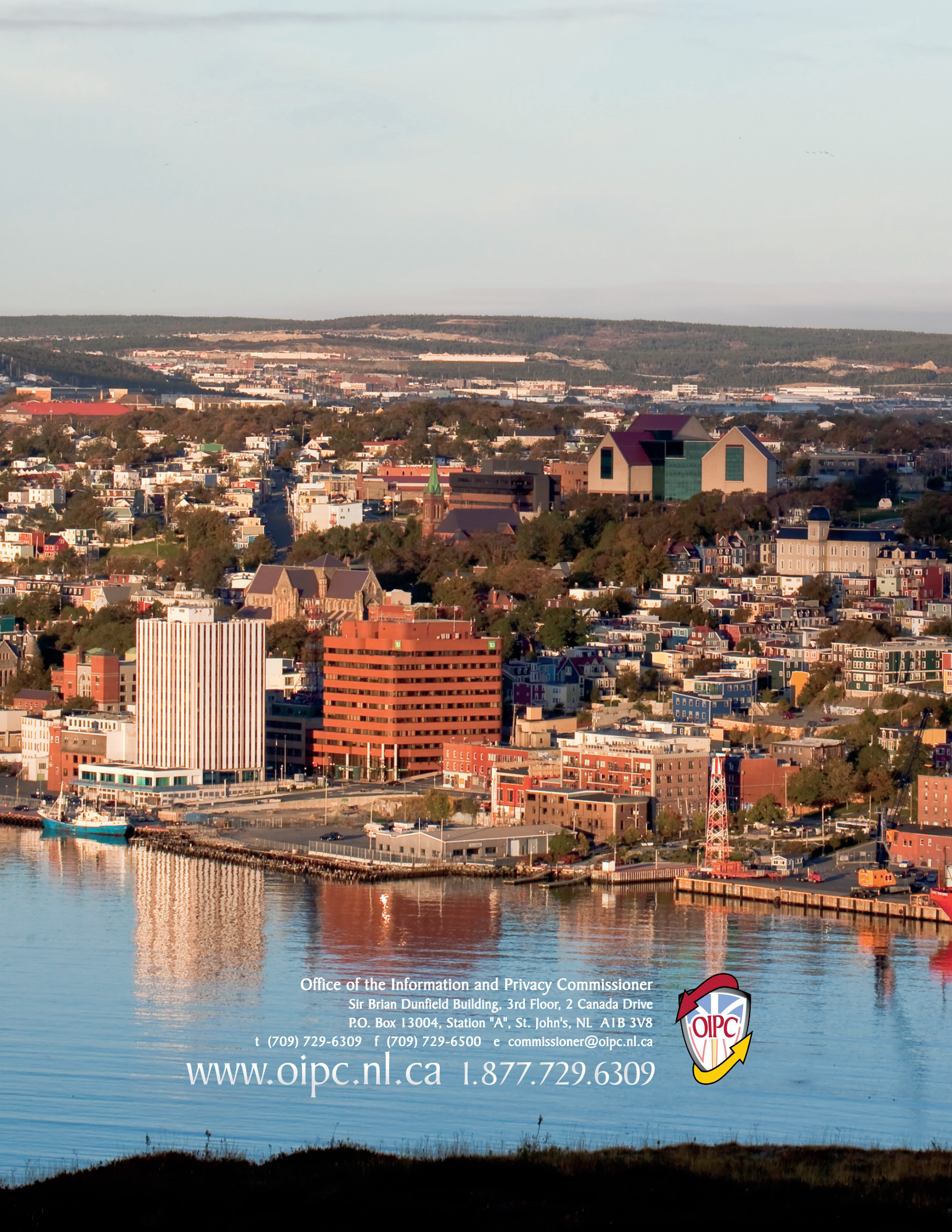
Public Body	Means of Resolution	Review Started	Days for Informal Resolution	Formal Review Started	Days for Formal Review	Date Complaint Resolved	Report Number	Total Days
Central Health	Report	2016-04-14	22	2016-05-16	27	2016-06-23	A-2016-012	49
Central Health	Report	2016-04-14	22	2016-05-16	27	2016-06-23	A-2016-012	49
Central Health	Report	2016-04-14	22	2016-05-16	27	2016-06-23	A-2016-012	49
Central Health	Report	2016-04-14	22	2016-05-16	27	2016-06-23	A-2016-012	49
Eastern Health	Report	2016-04-13	23	2016-05-16	27	2016-06-23	A-2016-011	50
Eastern Health	Report	2016-04-13	23	2016-05-16	27	2016-06-23	A-2016-011	50
Eastern Health	Report	2016-04-13	23	2016-05-16	27	2016-06-23	A-2016-011	50
Eastern Health	Report	2016-04-13	23	2016-05-16	27	2016-06-23	A-2016-011	50
Central Health	Report	2016-04-13	23	2016-05-16	27	2016-06-23	A-2016-012	50
Central Health	Report	2016-04-13	23	2016-05-16	27	2016-06-23	A-2016-012	50
Central Health	Report	2016-04-13	23	2016-05-16	27	2016-06-23	A-2016-012	50
Central Health	Report	2016-04-13	23	2016-05-16	27	2016-06-23	A-2016-012	50
Eastern Health	Report	2016-04-12	24	2016-05-16	27	2016-06-23	A-2016-011	51
Eastern Health	Report	2016-04-12	24	2016-05-16	27	2016-06-23	A-2016-011	51
Labrador-Grenfell Health	Report	2016-04-12	24	2016-05-16	27	2016-06-23	A-2016-014	51
Labrador-Grenfell Health	Report	2016-04-12	24	2016-05-16	27	2016-06-23	A-2016-014	51
Labrador-Grenfell Health	Report	2016-04-12	24	2016-05-16	27	2016-06-23	A-2016-014	51
Labrador-Grenfell Health	Report	2016-04-12	24	2016-05-16	27	2016-06-23	A-2016-014	51
Central Health	Report	2016-04-12	24	2016-05-16	27	2016-06-23	A-2016-012	51
Western Health	Report	2016-10-04	32	2016-11-17	19	2016-12-14	A-2016-029	51
Eastern Health	Report	2016-04-11	25	2016-05-16	27	2016-06-23	A-2016-011	52
Eastern Health	Report	2016-04-11	25	2016-05-16	27	2016-06-23	A-2016-011	52
Eastern Health	Report	2016-04-11	25	2016-05-16	27	2016-06-23	A-2016-011	52
Eastern Health	Report	2016-04-11	25	2016-05-16	27	2016-06-23	A-2016-011	52
Labrador-Grenfell Health	Report	2016-04-11	25	2016-05-16	27	2016-06-23	A-2016-014	52
Central Health	Report	2016-04-11	25	2016-05-16	27	2016-06-23	A-2016-012	52
Western Health	Report	2016-04-11	25	2016-05-16	27	2016-06-23	A-2016-013	52
Western Health	Report	2016-04-11	25	2016-05-16	27	2016-06-23	A-2016-013	52

Public Body	Means of Resolution	Review Started	Days for Informal Resolution	Formal Review Started	Days for Formal Review	Date Complaint Resolved	Report Number	Total Days
Eastern Health	Report	2016-04-06	28	2016-05-16	27	2016-06-23	A-2016-011	55
Eastern Health	Report	2016-04-06	28	2016-05-16	27	2016-06-23	A-2016-011	55
Eastern Health	Report	2016-04-06	28	2016-05-16	27	2016-06-23	A-2016-011	55
Eastern Health	Report	2016-04-06	28	2016-05-16	27	2016-06-23	A-2016-011	55
Eastern Health	Report	2016-04-06	28	2016-05-16	27	2016-06-23	A-2016-011	55
Eastern Health	Report	2016-04-06	28	2016-05-16	27	2016-06-23	A-2016-011	55
Eastern Health	Report	2016-04-06	28	2016-05-16	27	2016-06-23	A-2016-011	55
Labrador-Grenfell Health	Report	2016-04-06	28	2016-05-16	27	2016-06-23	A-2016-014	55
Labrador-Grenfell Health	Report	2016-04-06	28	2016-05-16	27	2016-06-23	A-2016-014	55
Labrador-Grenfell Health	Report	2016-04-06	28	2016-05-16	27	2016-06-23	A-2016-014	55
Central Health	Report	2016-04-06	28	2016-05-16	27	2016-06-23	A-2016-012	55
Eastern Health	Report	2016-11-23	30	2017-01-06	25	2017-02-10	A-2017-008	55
Eastern Health	Report	2016-11-23	30	2017-01-06	25	2017-02-10	A-2017-007	55
NALCOR	Report	2016-01-08	27	2016-02-16	28	2016-03-28	A-2016-003	55
Eastern Health	Report	2016-04-05	29	2016-05-16	27	2016-06-23	A-2016-011	56
Eastern Health	Report	2016-04-05	29	2016-05-16	27	2016-06-23	A-2016-011	56
Eastern Health	Report	2016-04-05	29	2016-05-16	27	2016-06-23	A-2016-011	56
Eastern Health	Report	2016-04-05	29	2016-05-16	27	2016-06-23	A-2016-011	56
Eastern Health	Report	2016-04-05	29	2016-05-16	27	2016-06-23	A-2016-011	56
Labrador-Grenfell Health	Report	2016-04-05	29	2016-05-16	27	2016-06-23	A-2016-014	56
Labrador-Grenfell Health	Report	2016-04-05	29	2016-05-16	27	2016-06-23	A-2016-014	56
Labrador-Grenfell Health	Report	2016-04-05	29	2016-05-16	27	2016-06-23	A-2016-014	56
Central Health	Report	2016-04-05	29	2016-05-16	27	2016-06-23	A-2016-012	56
Western Health	Report	2016-04-05	29	2016-05-16	27	2016-06-23	A-2016-013	56
Newfoundland and Labrador English School District	Report	2016-04-05	29	2016-05-16	27	2016-06-23	A-2016-015	56
Eastern Health	Report	2016-04-04	30	2016-05-16	27	2016-06-23	A-2016-011	57
Labrador-Grenfell Health	Report	2016-04-04	30	2016-05-16	27	2016-06-23	A-2016-014	57
Central Health	Report	2016-11-16	24	2016-12-23	33	2017-02-10	A-2017-006	57

Public Body	Means of Resolution	Review Started	Days for Informal Resolution	Formal Review Started	Days for Formal Review	Date Complaint Resolved	Report Number	Total Days
Central Health	Report	2016-11-16	24	2016-12-23	33	2017-02-10	A-2017-006	57
Central Health	Report	2016-11-16	24	2016-12-23	33	2017-02-10	A-2017-006	57
NALCOR	Report	2016-11-14	31	2016-12-27	27	2017-02-03	A-2017-003	58
Department of Natural Resources	Report	2016-09-16	39	2016-11-10	20	2016-12-08	A-2016-028	59
Department of Health and Community Services	Report	2016-09-19	32	2016-11-02	27	2016-12-19	A-2016-030	59
Service NL	Report	2016-09-29	29	2016-11-09	30	2016-12-21	A-2016-031	59
Memorial University	Report	2016-09-30	38	2016-11-23	21	2016-12-22	A-2016-032	59
Department of Business, Tourism, Culture and Rural Development	Report	2016-11-14	31	2016-12-28	29	2017-02-08	A-2017-005	60
Eastern Health	Report	2016-11-16	35	2017-01-06	25	2017-02-10	A-2017-007	60
Office of the Premier	Report	2016-05-31	40	2016-07-27	21	2016-08-25	A-2016-017	61
Department of Natural Resources	Report	2016-09-13	23	2016-10-14	38	2016-12-08	A-2016-027	61
Eastern Health	Report	2016-11-15	36	2017-01-06	25	2017-02-10	A-2017-007	61
Central Health	Report	2016-11-15	28	2016-12-23	33	2017-02-10	A-2017-006	61
Department of Health and Community Services	Report	2016-09-06	52	2016-11-18	10	2016-12-02	A-2016-026	62
Department of Finance	Report	2016-06-27	49	2016-09-06	14	2016-09-26	A-2016-020	63
Central Health	Report	2016-11-10	30	2016-12-23	33	2017-02-10	A-2017-006	63
Central Health	Report	2016-11-10	30	2016-12-23	33	2017-02-10	A-2017-006	63
Central Health	Report	2016-11-10	30	2016-12-23	33	2017-02-10	A-2017-006	63
Central Health	Report	2016-11-10	30	2016-12-23	33	2017-02-10	A-2017-006	63
Central Health	Report	2016-11-10	30	2016-12-23	33	2017-02-10	A-2017-006	63
Department of Natural Resources	Report	2016-03-08	58	2016-06-01	5	2016-06-08	A-2016-006	63
Government Purchasing Agency	Report	2016-04-22	56	2016-07-13	8	2016-07-25	A-2016-016	64
Department of Health and Community Services	Report	2016-06-22	30	2016-08-04	34	2016-09-22	A-2016-019	64
Department of Natural Resources	Report	2016-07-05	31	2016-08-17	33	2016-10-04	A-2016-022	64
NALCOR	Report	2016-07-05	31	2016-08-17	33	2016-10-04	A-2016-021	64
Department of Justice and Public Safety	Report	2016-07-20	22	2016-08-19	42	2016-10-19	A-2016-024	64
City of St. John's	Report	2016-10-14	42	2016-12-14	22	2017-01-17	A-2017-002	64

Public Body	Means of Resolution	Review Started	Days for Informal Resolution	Formal Review Started	Days for Formal Review	Date Complaint Resolved	Report Number	Total Days
Department of Health and Community Services	Report	2016-12-08	34	2017-01-27	30	2017-03-10	A-2017-009	64
Central Health	Report	2016-06-10	47	2016-08-17	18	2016-09-13	A-2016-018	65
City of Corner Brook	Report	2016-07-14	53	2016-09-28	12	2016-10-14	A-2016-023	65
City of Corner Brook	Report	2016-07-14	53	2016-09-28	12	2016-10-14	A-2016-023	65
City of Corner Brook	Report	2016-07-14	53	2016-09-28	12	2016-10-14	A-2016-023	65
City of Corner Brook	Report	2016-07-14	53	2016-09-28	12	2016-10-14	A-2016-023	65
Central Health	Report	2016-08-22	31	2016-10-05	34	2016-11-22	A-2016-025	65
Eastern Health	Report	2016-03-08	34	2016-04-27	31	2016-06-10	A-2016-007	65
Eastern Health	Report	2016-03-15	30	2016-04-27	35	2016-06-16	A-2016-008	65
Central Health	Report	2016-03-16	59	2016-06-10	6	2016-06-20	A-2016-009	65
Department of Health and Community Services	Report	2016-03-16	63	2016-06-16	3	2016-06-21	A-2016-010	66
Newfoundland and Labrador English School District	Discontinued	2016-04-14	10			2016-05-11		10
Department of Transportation and Works	Discontinued	2016-06-21	17			2016-07-15		17
Department of Transportation and Works	Discontinued	2016-06-23	26			2016-08-01		26
Newfoundland and Labrador English School District	Discontinued	2016-04-05	27			2016-05-12		27
Newfoundland and Labrador English School District	Discontinued	2016-04-05	28			2016-05-13		28
Eastern Health	Discontinued	2016-04-08	28			2016-05-18		28
Eastern Health	Discontinued	2016-04-08	28			2016-05-18		28
Eastern Health	Discontinued	2016-04-08	28			2016-05-18		28
Newfoundland and Labrador English School District	Discontinued	2016-04-12	28			2016-05-20		28
Newfoundland and Labrador English School District	Discontinued	2016-04-05	33			2016-05-20		33
Government Purchasing Agency	Discontinued	2016-06-27	30	2016-08-09	14	2016-08-29		44
Eastern Health	Discontinued	2016-03-15	29	2016-04-27	16	2016-05-19		45
Government Purchasing Agency	Discontinued	2016-06-10	41	2016-08-09	14	2016-08-29		55
Government Purchasing Agency	Discontinued	2016-05-30	50	2016-08-09	14	2016-08-29		64
Government Purchasing Agency	Discontinued	2016-05-30	50	2016-08-09	14	2016-08-29		64
Department of Justice and Public Safety	Commissioner Refused to Investigate (sections 45 & 75)	2016-06-14	0			2016-06-14		0

Public Body	Means of Resolution	Review Started	Days for Informal Resolution	Formal Review Started	Days for Formal Review	Date Complaint Resolved	Report Number	Total Days
Memorial University	Commissioner Refused to Investigate (sections 45 & 75)	2016-09-26	30			2016-11-07		30
Memorial University	Commissioner Refused to Investigate (sections 45 & 75)	2016-08-19	31			2016-10-04		31
Memorial University	No Jurisdiction	2016-11-07	2			2016-11-09		2
Town of Portugal Cove-St. Philip's	No Jurisdiction	2017-03-14	2			2017-03-16		2
Memorial University	No Jurisdiction	2016-05-10	3			2016-05-13		3
Western Health	No Jurisdiction	2016-10-31	7			2016-11-09		7
College of the North Atlantic	No Jurisdiction	2016-10-20	9			2016-11-02		9



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