



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER

NEWFOUNDLAND AND LABRADOR

Annual Report 2022-2023



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER
NEWFOUNDLAND AND LABRADOR

September 29, 2023

The Honourable Derek Bennett
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 section 9 of the *Transparency and Accountability Act*, 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, 2022 to March 31, 2023.

As Commissioner, I am accountable for the results reported herein and for any variances from the objectives outlined in the 2020-2023 Activity Plan.

Yours truly,

Michael Harvey
Information and Privacy Commissioner

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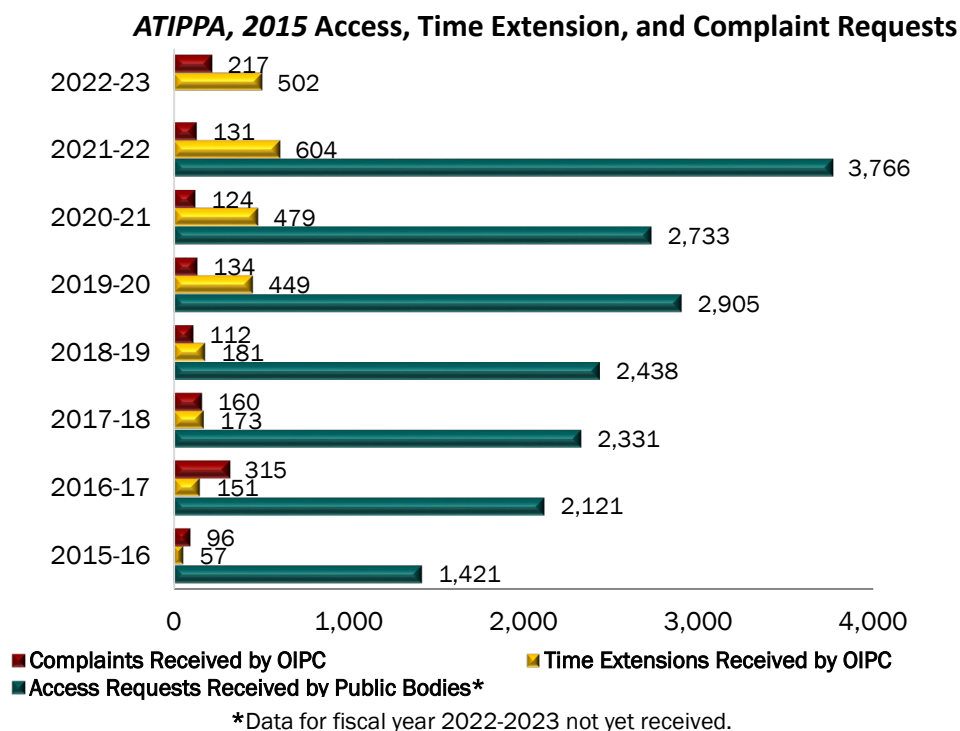
COMMISSIONER'S MESSAGE

The 2020-2023 reporting period is the final year of the 2020-2023 Activity Planning Cycle. This three-year period has been a very challenging one for public administration in this province, across Canada and internationally as it was characterized by the disruption of the COVID-19 global pandemic. This disruption has largely passed – COVID-19 is still circulating but the World Health Organization and national and provincial authorities have declared that the pandemic and the health emergency have ended. However, the pandemic was not just disruptive but transformative and we continue to deal with its aftermath. For OIPC, while 2022-2023 was a productive year in many respects, and a notable year in many other respects, the primary narrative that emerges is a regulator responding to enduring transformation. This is true for both the access to information and protection of privacy sides of our mandate. While OIPC has responded well during this transformative period and positioned ourselves for effective oversight for the changed access and privacy landscape, there are both opportunities and threats to our oversight function that have emerged that will be critical for our ongoing success.

Pressure on Access to Information Oversight

As noted in the 2021-2022 Annual Report, access to information requests were showing signs of surging. The provincial government's Access to Information and Protection of Privacy Office, which tracks access to information requests, has just released data from 2021-2022 which confirms this. Access requests in that year were 38 percent greater than in 2020-2021. We do not yet have data that show if that year was an aberration and if the number of requests

has returned to normal, but we do have some indications, which are the number of extension requests and the number of complaints to date in 2022-2023.



As noted last year, the number of requests from public bodies to OIPC to approve extensions to the timelines for responding to access requests spiked by more than 20 percent between 2020-2021 and 2021-2022. Considering that the number of requests was up so substantially, this is understandable. During the current reporting period, the number of extension requests returned to a level comparable to the previous two fiscal years. However, it must be noted that those two years (2019-2020 and 2020-2021) included the first two years of the pandemic and the January 2020 snowstorm, both of which saw province-wide disruptions and blanket extensions, and thus were considerably higher than the pre-2020 norm. It is likely that, with some notable exceptions to be discussed below, the capacity to respond to access requests across public bodies that was under so much stress during 2021-2022 has largely been recovered, leading to a decrease in extension requests; however, the return to pre-pandemic levels does not seem to be in the cards and this is likely because the overall level of access requests is now higher than it was prior to the pandemic.

A second proxy measure for the overall level of access requests, and an important measure in its own right for the operations of this Office, is the number of complaints received by this Office. In the current reporting period, the number of complaints spiked considerably. In 2022-2023, we received 217 complaints, approximately 66 percent greater than the previous year. This was the most complaints that we had received since the year that immediately followed the coming into force of *ATIPPA, 2015*. It must be noted that this figure is somewhat inflated: there were a number of municipalities that received multiple requests from the same applicant as the result of a dispute and another municipality that received numerous complaints from individuals affected by one particular incident. This is not dissimilar to 2016-2017 when the number of complaints was inflated by the very high number of third party complaints related to physician billing and public sector salary access requests. Nevertheless, even controlling for exceptional circumstances in each of these two years, the complaint level was higher than normal.

It is difficult to know exactly what may be driving this increased rate of complaints, particularly without validated data about access request numbers. However, we feel that a reasonable hypothesis is that the complaint level corresponds to a sustained increase in the overall number of access requests.

We expect that the primary explanation behind both an increased rate of access requests and an increased rate of complaints is likely an increased awareness of the access to information system.

If true, this is, in general, a positive thing. The access request rate is an indication of an engaged public. While the number of complaints, which is dominated by individuals rather than the media, opposition or other types, may in part be an indication of dissatisfaction with the responses that individuals get from public bodies, it may also be an indication of the awareness and efficacy of the oversight function. It must be noted that the majority of our complaints continue to be resolved by informal resolution. In 2022-2023, there were a number of specific instances with municipalities that resulted in a large number of files being closed by a single report because of “deemed refusals” by the public body (discussed further below). Also, there were a number of other matters resulting in Commissioner’s Reports that,

in different circumstances, might have been resolved informally, related to an ongoing legal dispute between OIPC and the provincial government regarding how public bodies must meet their burden of proof related to the legal advice exception. But, even including these exceptional matters, the bulk of files (60 percent) were still closed informally.

In last year's Annual Report, we also expressed considerable concern about the number of "deemed refusal" complaints that we were receiving. Under *ATIPPA, 2015* when a public body does not respond to the applicant within the legislated timeframe, or within an extended timeframe approved by OIPC, it is deemed to be a refusal of the request and the applicant has a right to complain to this Office or to make an application to the court for access to the records. The number of deemed refusal complaints received by OIPC in 2021-2022 (16) was three times higher than in the next highest previous year. While the number of such complaints is not a direct measure of how often public bodies were late in responding to access requests, we took it, in the absence of available data, for an indicator of that. The ATIPP Office has now released such data, which reveals that indeed the rate of compliance with legislated timelines fell from 96 percent in 2020-2021 to 88 percent in 2021-2022. However, it must be noted that the bulk of access requests that did not meet the timelines were from one department, the Department of Health and Community Services. In 2020-2021, that department missed the timelines on 150 of the 332 requests it received, more than all other departments combined and over 45 percent of such instances across all public bodies. It must be noted that this Department was under extraordinary pressure in that year, dealing with the pandemic, significant turnover and vacancies in its access to information function and, like public bodies across the board, dealing with an increase in access requests approximately one third greater than the previous year.

OIPC statistics show that, in the present year, the number of deemed refusal complaints is dramatically higher at 59. This represents a rate that is more than triple again the increase from the previous year. However, as discussed further below, it seems that just as with 2020-2021, the explanation is specific to a small number of public bodies. A number of these complaints were related to deemed refusals from the Department of Health and Community Services from the 2021-2022 year. These resulted in Reports A-2023-004 and A-2023-010. It now seems, though, that the Department has taken significant steps to address its access

to information processing problems. A large number of other deemed refusal complaints involve a small number of municipalities (Port-au-Port East A-2023-018, Pouch Cove A-2023-009, and Musgrave Harbour A-2023-001) in entirely separate instances where the municipalities were in disputes with specific individuals and did not respond at all to multiple access requests.

Overall, while the data is still incomplete and in some instances uneven, the picture that is revealed is one of an access to information system that is being heavily and increasingly used, particularly by individual citizens, and requires additional resources, but is generally working with respect to government departments, agencies, educational and health care bodies, commissions and most municipalities. However, as discussed further below, we are concerned about the emergence of a worsening systemic problem with municipalities struggling with the ability to respond to access to information requests.

A Transformed Landscape for Privacy Protection

Newfoundland and Labrador, like the rest of Canada, and the world, is in the midst of a profound transformation – the Information Revolution. This transformation involves the exponential increase in the number of aspects of life that have an online, digital component of some form or another. As it relates to our mandate, the extent to which public bodies and custodians have been collecting and using personal information and personal health information has continued to increase during the period covered by the 2020-2023 planning period, continuing a trend from well before.

During this reporting period, one aspect of the digitization of public services that attracted considerable attention provincially and nationally was the exploration of what is sometimes referred to as “digital credentials”, i.e. some particular means to verify identity or some other individual characteristic (e.g. age). This term is sometimes used synonymously with “digital identity” while the latter term is sometimes used to refer to a single means for an individual to verify their identity for access to a suite of public services. In this province, OIPC has been consulted, at a very preliminary stage, by the Department of Digital Government and Services NL on a digital credential initiative. There are similar initiatives at varying stages of maturity across the country and, following discussion at their annual meeting in St. John’s in

September 2022, Privacy Commissioners issued a joint declaration on the right to privacy and transparency in the digital identity ecosystem.

Another particular trend that accelerated during this reporting period was the move towards greater collection and use of personal health information. While this trend, too, pre-dated the planning period, the pandemic sharply accelerated the shift to the virtual provision of health care and the digitization of health information. The Office and I have given considerable attention to matters related to health privacy. A significant element of this work has been of national scope. As discussed in greater detail below, I have continued to participate as a member of the Expert Advisory Group on a pan-Canadian Health Data Strategy and as co-chair of the Canada Health Infoway Privacy Forum. Federal/Provincial/Territorial (FPT) Privacy Commissioners discussed health information privacy at their 2022 annual meeting and issued a joint statement on securing public trust in digital health care.

A third aspect of privacy that has accelerated during the 2020-2023 planning period with significant implications for the Office during the 2022-2023 reporting period has been cyber security. As discussed in greater detail below, throughout the reporting period OIPC investigated the 2021 cyber attack on the Newfoundland and Labrador health care system. This attack may have been the most significant attack on the public sector in Canadian history and affected the personal information and/or personal health information of the vast majority of the province's population.

This was the first such investigation that the Office had undertaken but the increasing threat suggests that it will certainly not be the last. Increased capacity in understanding cyber security will be required to respond to this oversight need.

Access and Privacy Protection under Review

Considering the above-noted trends, there is little question that the post-pandemic landscape both for access to information and privacy will be transformed. It is important to consider, in response, whether the legislative foundations for access and privacy rights and their oversight are sound. During the reporting period, there were developments on a number of fronts.

For access to information, Newfoundland and Labrador is well situated. *ATIPPA, 2015* is generally regarded as one of the best access to information statutes in Canada and, indeed, the world. It was subject to statutory review in 2020 and its report was provided to the Minister responsible for Access to Information and Protection of Privacy in June 2021. While there were some officials-level discussions during the reporting period between the provincial government and OIPC about the government's response to this Report, no amendments have been introduced. OIPC looks forward to developments on this in 2023-2024. OIPC continues to advocate that, while there may be some scope for minor adjustments to the access to information regime to enhance its operation, the core operation of the system and the independence of OIPC oversight must be maintained. We also continue to advocate for advancements in privacy protection to respond to the evolving privacy landscape, particularly with respect to technological developments like artificial intelligence.

Even though *ATIPPA, 2015* is recognized as one of the best of its kind, one significant gap for access to information remains. The 2014 Statutory Review of *ATIPPA* that led to *ATIPPA, 2015* recommended that a legislative duty to document be introduced through an amendment to the *Management of Information Act (MOIA)*. The Review Committee recommended that this legislative imperative be subject to OIPC oversight. While the government of the day accepted all recommendations of that review, this particular recommendation has never been implemented. It is a critical component of access to information because, while OIPC can provide oversight of citizens' access rights to information contained in records of public bodies, there is nothing that we can do when governments do not adequately document their decisions and thus important records simply do not exist. During the reporting period, the provincial government finally introduced amendments to *MOIA* (Bill 22) but OIPC had significant concerns with it and, when discussions between the government and OIPC failed to address those concerns, we were compelled to express them publicly. Bill 22 was not voted upon at second reading and remains on the order paper.

With respect to the *Personal Health Information Act (PHIA)*, as discussed further below, the second statutory review commenced during the reporting period and OIPC engaged with the consultants conducting the review on a number of occasions. *PHIA* has not been amended substantially since coming into force in 2011, with its first scheduled statutory review

(resulting in a report with recommendations in 2017) not leading to amendments. There were matters raised during that review, primarily related to aspects of custodianship and the purely ombuds nature of OIPC oversight under that Act, that still need to be addressed. New concerns that have emerged include the need to strengthen privacy protections to respond to the changing digital landscape. The consultants' report is expected during the 2023-2024 reporting period and we look forward to discussing its recommendations with the Department.

A final development that may have implications for the legislative and institutional foundations for access and privacy that commenced during the reporting period was the Review of Statutory Offices announced in December 2022. The provincial government announced that this review, to be led by the Honourable Robert Fowler, would examine all of the statutory officers with the exception of the Auditor General. While this review did not commence its work prior to the conclusion of the reporting period, it is expected to commence its work early in 2023-2024 and provide a report later that year.

Summary of OIPC Activities

	2022-2023	2021-2022	2020-2021	2019-2020
<i>Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015)</i>				
Access Complaints Received	217	131	124	134
Privacy Complaints Received	36	42	39	41
Special Investigation Complaints Received	0	0	0	2
Time Extension Applications Received	502	604	479*	449**
Applications to Disregard Received	57	70	45	162
Breach Notifications Received	190	207	215	214
<i>Personal Health Information Act (PHIA)</i>				
Access Complaints Received	7	3	1	8
Privacy Complaints Received	20	21	14	17
Breach Notifications Received	26	33	35	20
<i>Advocacy and Compliance</i>				
Guidance Documents***	3	7	2	3
Speaking Engagements/Presentations	9	10	3	19
Audit	1	0	1	0

*218 during COVID-19 Shutdown and 261 Normal Requests.

**110 during the State of Emergency; 100 during COVID-19 shutdown; and 239 Normal Requests.

***Includes originals and revisions.

Conclusion

As is clear from the above, and will be further illustrated in greater detail below, the 2020-2023 planning period, and the 2022-2023 reporting period in particular, are crucial times for access and privacy in Newfoundland and Labrador, and how OIPC provides oversight of the access and privacy rights of the citizens of the province. Life after the pandemic will be substantially different from life before. OIPC has responded to change, positioned itself well to respond to the changes that will come, and looks forward with optimism that the future will be characterized by enhanced access and privacy rights for Newfoundlanders and Labradorians.

ABOUT THE OFFICE

OVERVIEW

In delivering its mandate, the Office of the Information and Privacy Commissioner (OIPC) provides the following lines of business:

- Advocacy and Compliance; and
- Investigations.

OIPC oversees compliance with and protects and promotes rights and obligations established under *ATIPPA, 2015* and *PHIA*.

Number of Employees

OIPC has a staff complement of 14 permanent positions (57% female, 43% male).

Physical Location

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

Budget

The 2022-2023 budget for OIPC was \$1,521,100. Details of revenues and expenditures can be found on page 18 of this Report.

An annual listing of all employees who receive total compensation of more than \$100,000 a year can be found on OIPC's website at <http://www.oipc.nl.ca/compensation>. This listing is published in accordance with the *Public Sector Compensation Transparency Act*.

MANDATE

The Information and Privacy Commissioner of Newfoundland and Labrador is an independent officer of the House of Assembly (HOA).

OIPC is responsible for oversight of the province's two access and privacy laws.

Access to Information and Protection of Privacy Act, 2015

ATIPPA, 2015 applies to more than 400 public bodies, including government departments, agencies, boards, commissions, crown corporations, public educational bodies, regional health authorities, and municipalities.

ATIPPA, 2015 gives people the right to access records in the custody or under the control of a public body, subject to specific and limited exceptions. The Act also gives people a right to access their own personal information held by public bodies and to request correction of their personal information. *ATIPPA, 2015* protects individuals' privacy by setting out requirements for public bodies regarding the collection, use, storage, and disclosure of personal information.

Personal Health Information Act

PHIA applies to thousands of custodians, including all health care authorities in the province, all health care providers, health care professionals, and other custodians of personal health information. *PHIA* applies to public and private custodians.

PHIA establishes rules regarding how personal health information may be collected, used and disclosed by custodians. *PHIA* protects individuals' privacy, as well as giving individuals a right to access their own personal health information and to request correction of their health information.

Commissioner's Powers and Duties

Under *ATIPPA, 2015*, the Commissioner has significant powers and duties, including:

- investigating a decision, act, or failure to act of a public body that relates to an access request or a request to correct personal information;
- investigating privacy complaints and initiating privacy investigations;
- making recommendations to ensure compliance with the Act and Regulations;
- informing the public about and facilitating public understanding of *ATIPPA, 2015*;
- receiving comments from the public about the administration of *ATIPPA, 2015*;
- commenting on the information and privacy implications of proposed legislation and programs;

- 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 fulfil the duty to assist applicants;
- making recommendations to public bodies or the minister responsible for *ATIPPA, 2015* about the administration of the Act;
- conducting audits and reporting findings of public bodies' performance of duties and obligations under *ATIPPA, 2015*;
- reviewing and commenting on Privacy Impact Assessments (PIAs), as required to be completed by government departments developing new programs and services;
- researching access and privacy developments and advancements in technology related to access and privacy;
- making special reports to the House of Assembly related to subjects within the scope of function and duties of the OIPC; and
- filing orders with the Court to compel compliance by public bodies with the Commissioner's recommendations, as provided for under *ATIPPA, 2015*.

The Commissioner's powers and duties under *PHIA* differ somewhat. The powers and duties of the Commissioner under *PHIA* include:

- reviewing a complaint regarding a custodian's refusal of a request for access to or correction of personal health information;
- reviewing a complaint regarding a custodian's contravention or potential contravention of the Act or Regulations with respect to personal health information;
- making recommendations to ensure compliance with *PHIA*;
- informing the public about *PHIA*;
- 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 legislative schemes or programs or practices of custodians;
- commenting on the implications for the confidentiality of personal health information, of using or disclosing personal health information for record linkage, or using

information technology in the collection, storage, use or transfer of personal health information; and

- consulting with any person with experience or expertise in any matter related to the purposes of *PHIA*.

LINES OF BUSINESS

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

Advocacy and Compliance

Under *ATIPPA, 2015*, a number of new or expanded roles were prescribed for OIPC. In order to fulfil this new and expanded mandate as efficiently and effectively as possible, it was determined that this role be made a separate and distinct line of business. This line of business incorporates the following parts of OIPC's mandate.

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

ATIPPA, 2015 prescribes two specific mandates in relation to education – for public bodies, as well as for the general public. *PHIA* also mandates that the Commissioner inform the public about the *Act*. New guidance material is continually under development, with priority being given to issues that appear to be the most challenging for the public as well as public bodies and custodians.

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, OIPC 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 the Office. Additionally, all reports issued by the Commissioner under *ATIPPA, 2015* and *PHIA* are published on OIPC's website. OIPC also uses its Twitter account to broaden public awareness of privacy and access to information issues.

OIPC is very much engaged in education and training for public bodies. In this regard, OIPC continues to issue newsletters and to offer presentations to various audiences, including

groups of Access and Privacy Coordinators and senior leadership within public bodies. OIPC has also developed a wide variety of guidance documents to assist public bodies in interpreting *ATIPPA, 2015*. These are sent to Access and Privacy Coordinators by email, discussed in presentations, summarized in the newsletter, and posted on OIPC's website.

OIPC, in cooperation with several stakeholders, also produces a biennial Access, Privacy, Security, and Information Management Conference. Originally scheduled for April 2020 but postponed due to the pandemic, the most recent conference was presented entirely online in April 2022.

2) Audit

An important feature of *ATIPPA, 2015* is OIPC's audit function, which provides 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 *ATIPPA, 2015*. To accomplish this, in-house expertise has been developed based largely on intensive study of experiences from other jurisdictions, in particular, British Columbia.

3) Privacy Impact Assessment (PIA) Review

This is another important feature of *ATIPPA, 2015*. Specific circumstances are prescribed in *ATIPPA, 2015* for when 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 indicating that a full PIA is not required, in conjunction with the development of programs or services. If the PIA involves a common or integrated program or service, the privacy assessment must be shared with OIPC for review and comment. Public bodies sometimes request that 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 *ATIPPA, 2015*. Information about PIA expectations is available on OIPC's website.

4) Privacy Breach Reporting

Yet another role prescribed by *ATIPPA, 2015* is a requirement for public bodies to report all privacy breaches to OIPC. This requirement provides important information to OIPC about privacy compliance issues and it helps OIPC to identify emerging or repeating patterns in privacy breach incidents. OIPC is thus able to ensure timely topics for

presentations, newsletters, and new guidance documents. If a concerning pattern is noticed in such reports, direct follow-up with the public body occurs to offer assistance, targeted training, and to learn more about root causes.

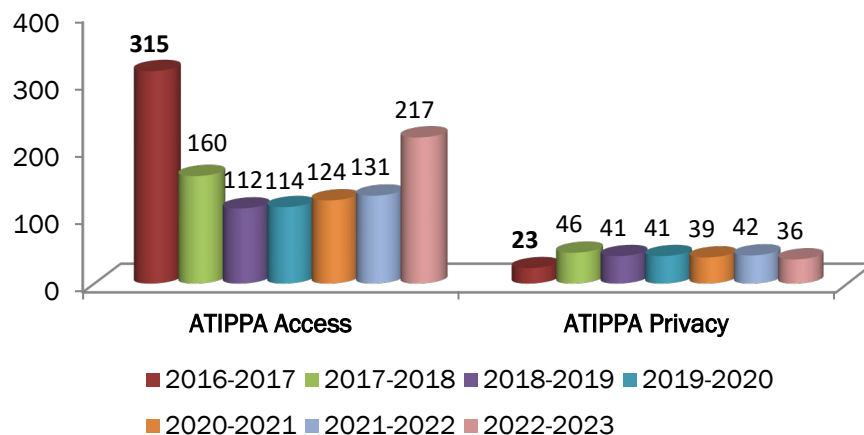
Investigations

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

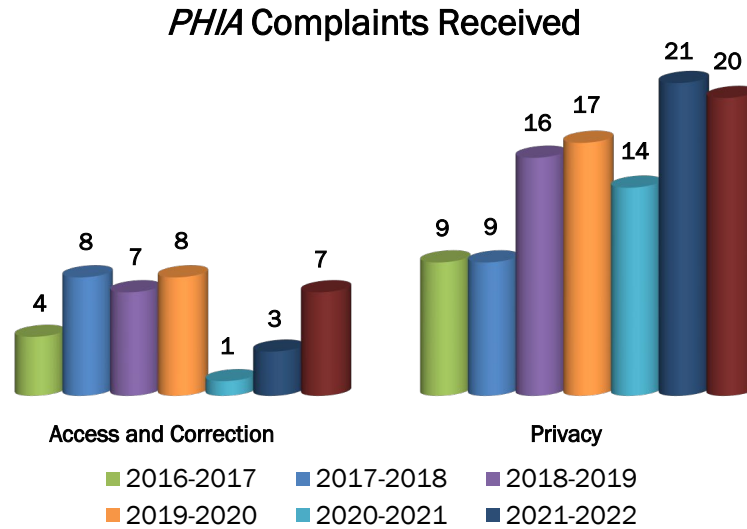
- complaints from access to information applicants relating to a decision, act or failure to act by the head of a public body in response to an access to information request;
- complaints from access to information applicants about a cost estimate for an access request or a refusal to grant a waiver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

The Commissioner may also initiate, on his or her own motion, an investigation relating to the collection, use or disclosure of personal information by a public body.

ATIPPA, 2015 Complaints Received



Under *PHIA*, OIPC 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. OIPC also investigates 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.



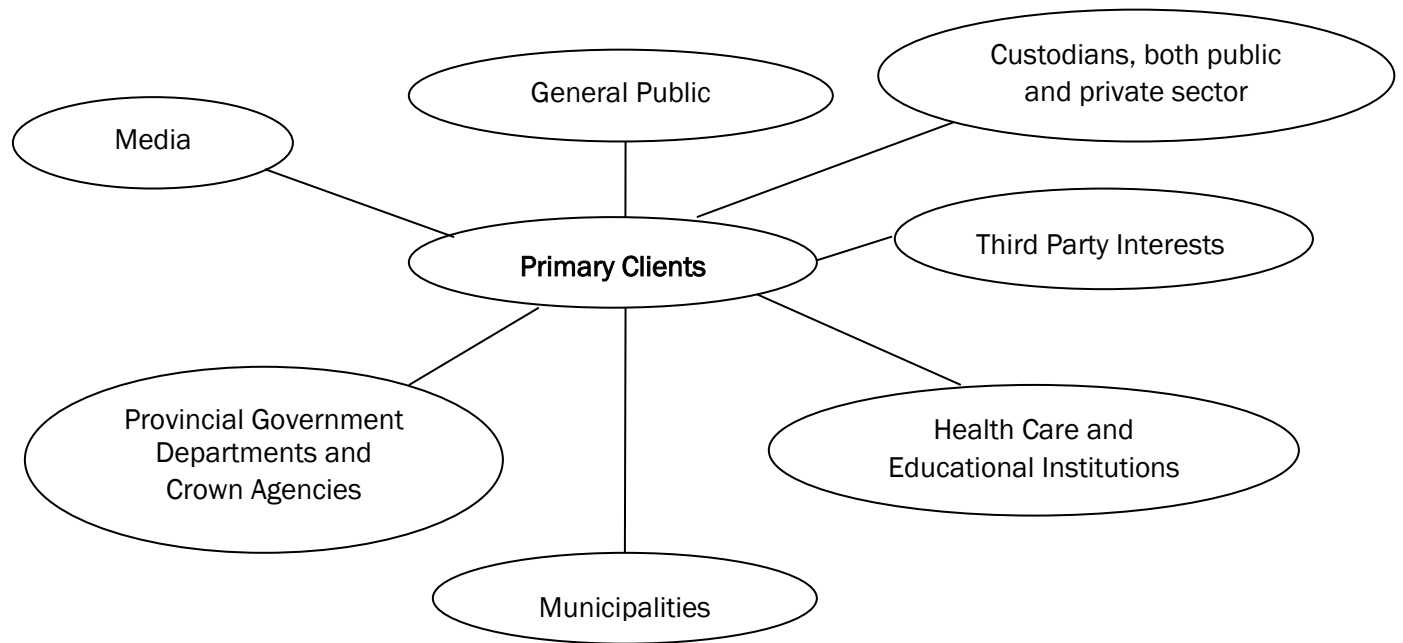
VALUES

OIPC safeguards its role as an independent supporter and advocate for the access to information and protection of privacy rights of the citizens of the province. Every effort is taken to ensure integrity so that we are trusted by those we serve, as well as by public bodies and custodians who are bound by the laws we oversee. The following actions flow from these values and they continue to guide OIPC moving forward.

Value	Action Statements
Independence	The conduct of investigations shall be independent of any conflict of interest or other inappropriate influences.
Integrity	Every effort will be made to provide timely, accurate, impartial, and unbiased advice and recommendations and to treat information in our trust with the proper level of confidentiality.
Judgment	Professional knowledge and judgment will be exercised in interpreting policies, practices, and procedures to ensure compliance with <i>ATIPPA, 2015</i> and <i>PHIA</i> .
Respect	The ideas and opinions of others will be listened to and considered and staff of OIPC will work collaboratively with one another to achieve results.

PRIMARY CLIENTS

OIPC defines its primary clients as the people of the province and the entities whose activities we oversee, as well as any others who are granted rights or bear responsibilities under *ATIPPA, 2015* and *PHIA*. These clients are made up of several groups, including:

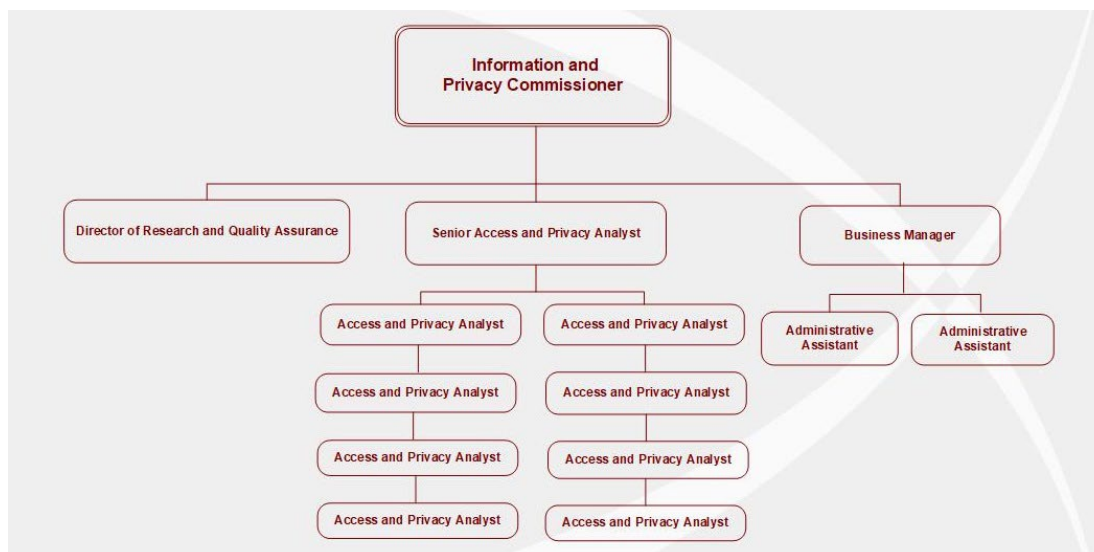


VISION

Our vision is one where the explicit requirements as well as the values and philosophy underpinning *ATIPPA, 2015* and *PHIA* are upheld through the legislative oversight efforts of this Office, with the goal that all public bodies and custodians subject to these laws operate at the highest level of compliance reasonably possible.

ORGANIZATIONAL STRUCTURE

Following is an organizational chart for OIPC.



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, 2023 (unaudited).

	Actual \$	Estimates Amended \$	Original \$
6.1.01. Office of the Information and Privacy Commissioner			
01. Salaries	1,140,571	1,155,500	1,161,200
02. Employee Benefits	2,952	4,500	4,500
03. Transportation & Communications	21,540	23,300	32,800
04. Supplies	7,095	7,100	6,700
05. Professional Services	106,138	175,000	175,000
06. Purchased Services	151,110	151,200	142,400
07. Property, Furnishings & Equipment	<u>7,974</u>	<u>8,000</u>	<u>2,000</u>
	<u>1,437,380</u>	<u>1,524,600</u>	<u>1,524,600</u>
02. Revenue - Provincial	<u>(17,653)</u>	<u>(3,500)</u>	<u>(3,500)</u>
Total: Office of the Information and Privacy Commissioner	<u>1,419,727</u>	<u>1,521,100</u>	<u>1,521,100</u>

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

STATISTICS

Statistical breakdown for the 2022-2023 reporting period can be found on our website, www.oipc.nl.ca/statistics. Highlights are provided below.

ATIPPA, 2015 Access

In this past year, OIPC experienced a significant increase in the number of active access to information complaints¹ pursuant to *ATIPPA, 2015* compared to numbers from 2021-2022. OIPC has a legislated time limit of 65 business days from the date a complaint is received to resolve the matter informally or produce a Commissioner's Report, a requirement that continues to be met. In most cases where Reports are issued, this is done prior to day 65, however complaints are typically resolved informally even sooner than that.

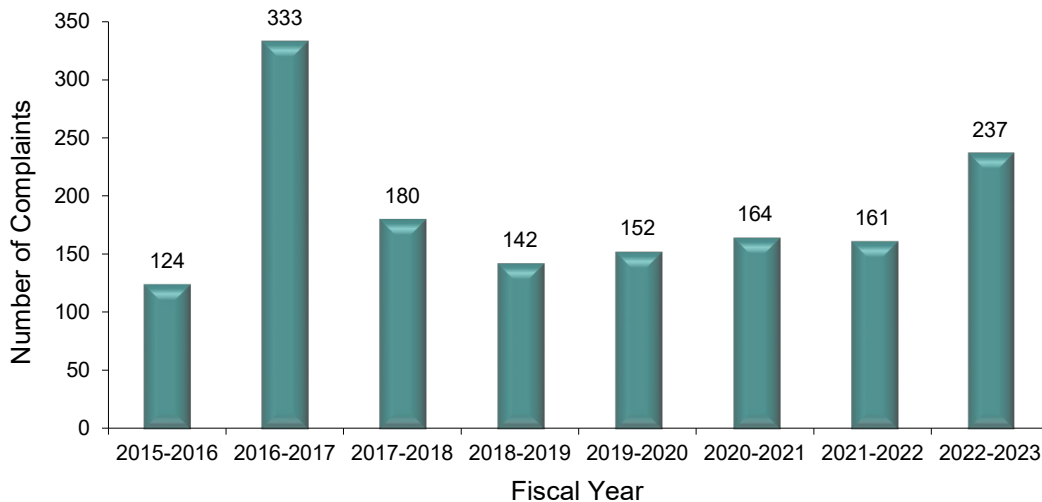


Figure 1: Total Active *ATIPPA, 2015* Access Complaints

Of the 237 active access complaints (217 new complaints and 20 carried forward from the previous reporting period), 126 were resolved through informal resolution and 63 were concluded with a Commissioner's Report. The remaining 48 files were either resolved by other means or carried over to the 2023-2024 fiscal year.

¹ Includes complaints received this year as well as carried over from last year.

ATIPPA, 2015 Privacy

Privacy breach complaints continue to present a significant challenge for OIPC, and the current number of active privacy complaint files represents little movement over a five-year period. These investigations are often complex and time consuming. They can involve site visits and on rare occasions the engagement of technical experts. OIPC staff continue to build their expertise in privacy investigations in order to meet this challenge through professional development opportunities and knowledge sharing. Privacy complaints can also lead to offence prosecutions, in which case the files are held open while the matter is before the Courts, a process which can take years in some cases.

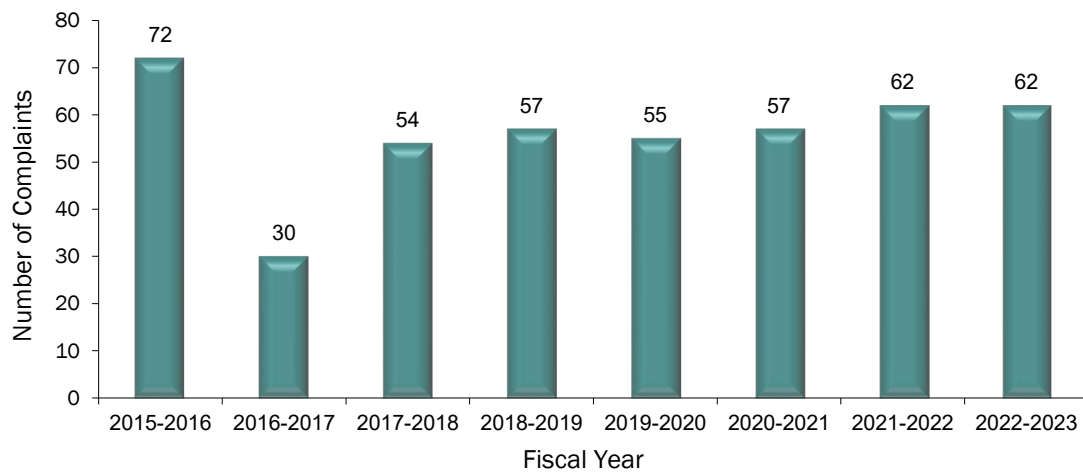


Figure 2: Total Active *ATIPPA, 2015* Privacy Complaints

Of the 62 active privacy investigations (36 new complaints and 26 carried forward from the previous reporting period), 32 were resolved through informal resolution. The remaining 30 files were either resolved by other means or carried over to the 2023-2024 fiscal year.

PHIA Access/Corrections

Complaints under *PHIA* related to access or corrections amount to a relatively small part of the investigative workload of OIPC. In 2022-2023, there was a slight increase in the number of active complaint files. In addition to the complaints received this year, OIPC continues 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. The information and

advice provided typically results in the correct application of *PHIA*, thereby reducing the likelihood of complaints.

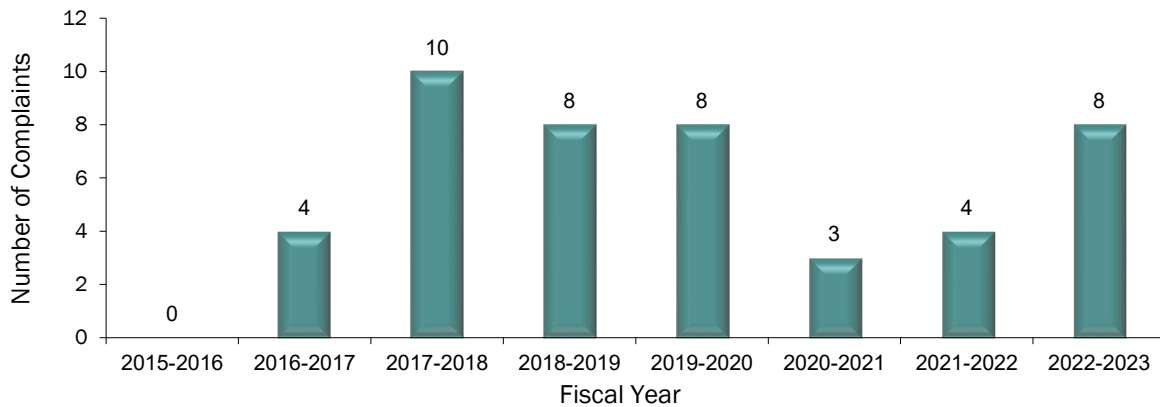


Figure 3: Total Active *PHIA* Access/Corrections Complaints

This Office received seven access/correction complaints. In addition, there was one access/correction complaint carried over from the previous year for a total of eight active access/correction complaints.

Of the eight access/correction complaints, six were closed and two were carried over to the 2023-2024 fiscal year.

***PHIA* Privacy**

As with *ATIPPA*, 2015 privacy investigations, *PHIA* privacy investigations are often very complex and technical. Many investigations require an understanding of electronic health records systems. The number of active complaints in 2022-2023 has seen a slight increase.

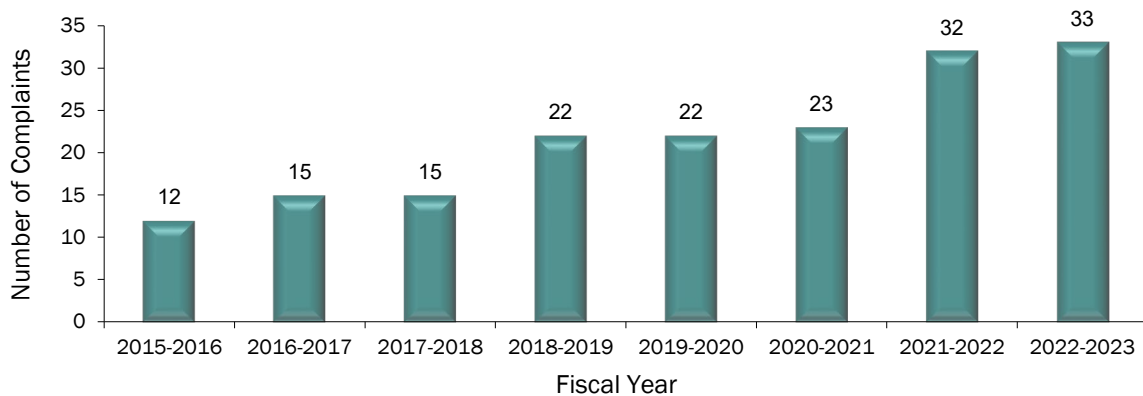


Figure 4: Total Active *PHIA* Privacy Complaints

This Office received 20 privacy complaints under *PHIA*. In addition, there were 13 privacy complaints carried over from the previous year for a total of 33 active privacy complaints for this reporting period.

Of the 33 active privacy complaints, 13 were closed and 20 were carried over to the 2023-2024 fiscal year.

HIGHLIGHTS OF THE YEAR

STATUTORY REVIEW OF *ATIPPA, 2015*

The 2020 Statutory Review of *ATIPPA, 2015* was completed by Chair the Honourable David Orsborn in the previous reporting period when he recommended 102 statutory amendments, proposed 23 administrative measures and added 13 suggestions in a Report to the Minister of Justice and Public Safety. As of the conclusion of this reporting period, his Report remains with the Minister of Justice and Public Safety where we understand his officials are studying the recommendations.

STATUTORY REVIEW OF *PHIA*

Section 91 of the *Personal Health Information Act* requires that, after not more than five years after the coming into force of the *Act* and every five years thereafter, the minister shall refer it to a committee for the purpose of undertaking a comprehensive review of its provisions and operations. The first such review was initiated in 2016 and issued its Report in 2017, though no amendments were brought forward as a result. In December 2021, the Minister of Health and Community Services did advise the Commissioner that a review would be launched. This review was initiated in the present reporting period. On February 8, 2023, the Department of Health and Community Services announced that INQ Consulting/INQ Law had been appointed to assist the provincial government in this review. OIPC met with INQ twice during the reporting period as it began its work, and commenced preparation of a written submission. INQ is expected to provide its report to the Minister of Health and Community Services in the 2023-2024 reporting period.

CYBER ATTACK

In April 2022, the Commissioner launched an investigation into six entities (Department of Health and Community Services, Newfoundland and Labrador Centre for Health Information, Eastern Health, Central Health, Western Health and Labrador-Grenfell Health) as it relates to privacy breaches reported to our Office under both *PHIA and ATIPPA, 2015* in April 2022. In March 2023, the Commissioner made a decision to delegate his authority to conduct and conclude this investigation to Sean Murray, Director of Research and Quality Assurance, in accordance with section 103 of *ATIPPA, 2015* and section 80 of *PHIA*. To date, in the course

of this investigation our Office has sought, received and reviewed substantial submissions. Presently, the investigation is awaiting responses to a series of our questions put to the entities which are expected by mid-April 2023. It is anticipated that this investigation will be in a position to be concluded with a Report issued by the end of May 2023.

COLLABORATION WITH OTHER JURISDICTIONS

Federal/Provincial/Territorial (FPT) Information and Privacy Commissioners/Ombudspersons

As noted in the 2021-2022 Annual Report, Commissioner Harvey assumed the Chair of the Federal-Provincial-Territorial (FPT) Information and Privacy Commissioners/Ombudspersons table in the previous reporting period. He continued to chair this table into the present reporting period, culminating in the hosting of the 2022 annual meeting of the FPT Information and Privacy Commissioners/Ombudspersons in St. John's in September 2022.

Chairing the FPT table involved convening and chairing monthly video-conference meetings of Commissioners/Ombudspersons, which generally involved guest speakers on matters of common interest and concern, and preparations for the Annual Meeting.

The Annual Meeting included sessions on: cyber security; employee privacy; challenges to, innovation in, and experiences with access to information; the use of privacy invasive technologies by law enforcement; biometric data collection regulations; digital identification; and domestic enforcement of access and privacy legislation. Commissioners/Ombudspersons also shared updates on legislative developments in their jurisdictions. At the conference, Commissioners also agreed to issue joint statements on [Securing Public Trust in Digital Healthcare](#) and [The Right to Privacy and Transparency in the Canadian Digital Identity Ecosystem](#). Following the meeting, the Chair of the FPT table passed to Quebec, which will be hosting the 2023 Annual Meeting in October 2023. Commissioner Harvey continued to attend monthly videoconference meetings of Commissioners/Ombudspersons throughout the remainder of the reporting period.

Securing Public Trust in Digital Health Care

Commissioners' attention was drawn to the privacy implications of digital health care because, in recent years, new technologies have emerged that involve the collection of much more personal health information. This trend was accelerated during the COVID-19 pandemic because of the imperative to expand virtual care. These trends offer substantial improvements in the quality, equity and efficiency of health care delivery and will undoubtedly continue in the years to come. However, in an increasingly data rich environment there will inevitably be privacy and security risks. To trust in their health care system, Canadians must be assured that appropriate steps are being taken to mitigate these risks. Commissioners therefore made a series of recommendations to governments and health care providers to modernize their health information systems and legislative frameworks. For their part, Commissioners committed to collaborate with stakeholders in the sector, and engaging with the public, about technological change in digital health communications.

The Right to Privacy and Transparency in the Canadian Digital Identity Ecosystem

With so many services being offered online which are increasingly interconnected, it is more important than ever that there be a means to verify identity that is reliable, secure and respects privacy. Attention to the development of such a “digital identity ecosystem” is a global trend to enable individuals, businesses and devices to securely and efficiently connect with one another, confirm the identity of individuals, and carry out transactions online and in person with a high degree of efficiency and confidence.

Commissioners therefore made a series of recommendations to governments and relevant stakeholders to ensure that rights to privacy and transparency are fully respected throughout the design, operation and ongoing evolution of a digital identity ecosystem in Canada. The joint resolution includes a non-exhaustive list of conditions and properties, including ecosystem properties, individual rights and remedies, and governance and oversight, that should be integrated with a legislative framework applicable to the creation and management of digital identities.

Global Privacy Assembly

OIPC is a member authority of the Global Privacy Assembly (GPA), previously known as the International Conference of Data Protection and Privacy Commissioners. This year, Commissioner Harvey attended the annual meeting of the GPA in Istanbul, Turkey. The open session of the conference included sessions on emerging technologies and the privacy rights of vulnerable people. In the closed sessions, member authorities adopted [three resolutions](#), regarding: the GPA's Roadmap and Timeline; international capacity building for improved cyber security regulation; and principles and expectations for the appropriate use of facial recognition technology. OIPC co-sponsored the latter resolution, which established principles for the use of this technology, including that entities using this technology should:

- have a lawful basis for doing so;
- comply with the principles of reasonableness, necessity and proportionality in its use;
- assess and protect the implications of the technology for human rights;
- be transparent and accountable in its use;
- and comply with other basic data protection principles.

This resolution echoes previous resolutions that OIPC has entered into with Canadian jurisdictions.

Throughout the reporting period, continuing from the previous reporting period, Commissioner Harvey had participated in the Digital Protection and Other Rights and Freedoms Working Group. During the reporting period, this working group worked on promotional materials that member authorities could use to advocate and educate on the notion of privacy as a human right and a proposal for a GPA Award to recognize global leaders advancing a rights-based approach to privacy.

Expert Advisory Group on a pan-Canadian Health Data Strategy

Throughout much of the 2020-2023 planning period, Commissioner Harvey served on the federally appointed Expert Advisory Group on a pan-Canadian Health Data Strategy. This group submitted its third and final report during the reporting period in May 2022. This Report,

entitled “Toward a world class health data system” included numerous recommendations that would move Canadian health systems towards learning health systems, able to collect, share and use data to ever-improve the quality and safety of health systems. One recommendation was that Canadian governments adopt a Health Data Charter, which would establish rights and responsibilities related to health data. These person-centric principles included both the principles that individuals should have greater access to their own health information and that, as more of this information is collected and shared by and with legally authorized users, privacy must be maintained. This Report informed federal-provincial-territorial negotiations regarding intergovernmental health transfers during the reporting period and continuing into 2023-2024. While the Expert Advisory Group finished its work with its May 2022 Report, the members of the group, including Commissioner Harvey, have continued to be consulted by Health Canada from time to time on related matters and this is expected to be ongoing.

Canada Health Infoway

Commissioner Harvey continued to co-chair Canada Health Infoway’s Privacy Forum, a body created by Canada Health Infoway including representatives of Privacy Commissioners/Ombudspersons offices, provincial/territorial ministries of health, health authorities, and e-health organizations. The purpose of the Privacy Forum is to discuss the privacy implication of Canada Health Infoway initiatives as well as to discuss matters related to privacy of health information in the context of the increasing digitization of the health system and expansion of virtual care. The Privacy Forum met in-person in Montreal on the margins of Infoway’s Partnership Conference in November 2022. Among topics discussed was the privacy implications of the path forward for enhanced data sharing envisioned by the federal government as part of new Federal/Provincial/Territorial agreements on health funding. Commissioners will continue to work with Canada Health Infoway, other federal departments and pan-Canadian Health Organizations, and others, as these initiatives take shape in 2023-2024 and years to come.

REPORT ON PERFORMANCE

Issue 1: Oversight

OIPC is accountable for a number of oversight activities, including requests for extensions and disregards, informal resolution of complaints, formal resolution of complaints, own motion investigations and audits.

OIPC conducts investigations under both *ATIPPA, 2015* and *PHIA*. Individuals are able to file a complaint with OIPC if they are not satisfied with the response to an access or correction request, if they have been the victim of a privacy breach or if they have concerns regarding compliance with the privacy provisions of either *Act*. Investigations are also conducted when the Commissioner is considering using the offense provision of the *Act* or launches an own motion investigation or audit into a specific matter.

When *ATIPPA, 2015* came into force on June 1, 2015, following a comprehensive review process, legislated timelines were identified for a number of activities, including OIPC investigations. The *Act* provides three days for the Commissioner to decide to approve or reject an application to disregard a request (section 21) or an application for an extension (section 23). Investigations involving an access or correction request must be completed within 65 business days (section 46) and privacy complaints must be completed in a time that is as expeditious as possible (section 74). To assist in meeting these timelines, OIPC developed and published guidelines for public bodies to better ensure the timelines and expectations are documented.

The second five-year statutory review of *ATIPPA, 2015* is currently underway and it is possible that any amendments will be passed and proclaimed into force during the period covered by this Activity Plan.

PHIA also contains timelines for investigations. The Commissioner's review of complaints involving access or correction requests, or complaints involving allegations of breaches of the *Act* or Regulations, must be completed within 120 days of receipt (section 72). As *PHIA* has already been subject to its first five-year statutory review, it is possible that amendments resulting from that review could impact timelines. While the [final report](#) was presented to the Department of Health and Community Services by the Chair of the Review Committee, Dr. David Morgan, in 2017, proposed amendments have yet to be announced. It is possible that any amendments will be passed and proclaimed into force during the period covered by this Activity Plan.

If amendments are proclaimed, it is expected that there will be significant demands on the resources of OIPC to work collaboratively with the Department as well as other major stakeholders to ensure that the necessary resources are updated or developed to reflect the changes. This will include developing and updating guidance materials, manuals, online training, etc. Any such activities flowing from the legislative review will be in addition to normal legislative oversight activities, which currently place significant demands on the Office.

Objective 3: By March 31, 2023 the Office of the Information and Privacy Commissioner will have continued work to improve oversight activities to support compliance with *ATIPPA, 2015* and *PHIA*.

Planned for 2022-2023	Actual Performance for 2022-2023
Will have developed resources to address gaps stemming from examination of breach reporting forms.	Some preliminary work was completed, but due to the magnitude of the cyber attack investigation resources were redirected to support that investigation.
Will have developed new guidance on specific sections of both <i>ATIPPA, 2015</i> and <i>PHIA</i> .	<p>Due to the resource demands of the cyber attack investigation, no new full guidance pieces were developed for <i>ATIPPA, 2015</i>, however, two existing pieces were updated. Guidelines for Public Interest Override was updated as decisions from the Supreme Court of Newfoundland and Labrador affected the analysis of the burden of proof. Anonymity of Applicants was also updated as new questions of anonymity were raised, such as when responding to a Commissioner’s report and in Court proceedings.</p> <p>One new <i>PHIA</i> guidance document was produced, <i>PHIA Toolkit for Small Custodians</i>. The remaining <i>PHIA</i> guidance documents have remained the same as OIPC continues to wait for changes to <i>PHIA</i> based on the statutory review.</p>
Will have developed guidance and training for small custodians.	<i>PHIA Toolkit for Small Custodians</i> was developed and distributed to custodians. This guidance is intended to help small custodians, such as individual health care professionals/practitioners and private long term care facilities, understand and comply with their obligations under <i>PHIA</i> . This toolkit provides a template to help custodian’s develop and/or evaluate compliance with <i>PHIA</i> and, if used correctly and completed in sufficient detail, can serve as a basis for privacy and access policies and procedures.
Will have developed privacy guidance and training aimed at youth in schools.	Some preliminary work and planning was begun with the goal to identify ways to enhance digital privacy rights, education and protections for child and youth as students within the education system. It has been determined that this may become a broader and possibly multi-year project.

Discussion of Results

Both *ATIPPA, 2015* and *PHIA* establish oversight powers for OIPC and many of these powers have associated timelines that must be achieved. OIPC continues to examine its oversight

activities and identify areas for improvement, including assessing the tools and resources available for Coordinators to assist with compliance with the legislation. In addition to updating two *ATIPPA, 2015* guidance pieces, OIPC also produced and distributed an in depth guide for custodians, *PHIA* Toolkit for Small Custodians. Further, OIPC remains poised to develop new guidance and update existing guidance if the government acts on the current or previous *PHIA* review as well as the *2020 ATIPPA, 2015* review.

Issue 2: Outreach

Both *ATIPPA, 2015* and *PHIA* contain an explicit mandate to inform the public about each statute. It is important for residents to understand their rights under both Acts and OIPC takes its responsibilities to educate the public about *ATIPPA, 2015* and *PHIA* very seriously. Significant resources and effort have been invested by OIPC to ensure, to the extent possible, that the people of the province receive appropriate, necessary and timely information on *ATIPPA, 2015* and *PHIA*, and these efforts will be built upon during the period of this Activity Plan. While efforts to date have been solid, it is clear that these efforts need greater coordination and emphasis in order to fulfil the mandate of developing and delivering an educational program.

ATIPPA, 2015 also gives OIPC a clear mandate to educate public bodies about the Act and to become an advocate for access and privacy. Since proclamation of *ATIPPA, 2015*, significant efforts have been made to engage with public bodies and to make every effort to try to ensure that they have the knowledge and skills necessary to comply with the law. As the second five-year statutory review of *ATIPPA, 2015* is currently underway, it is possible that amendments will be made during this three-year Activity Plan. OIPC will be ready to modify any existing resources and, if necessary, develop new resources to ensure public bodies are aware of any new or modified obligations.

PHIA was proclaimed into force on April 1, 2011 and has undergone its first five-year statutory review. There are thousands of custodians subject to this legislation, in both the public and private sectors. It is possible that the Department of Health and Community Services will act on recommendations stemming from the review and make amendments to *PHIA* during this three-year Activity Plan. OIPC will be ready to modify any existing resources and, if necessary, develop new resources to ensure custodians are aware of any new or modified obligations.

Objective 3: By March 31, 2023 the Office of the Information and Privacy Commissioner will have enhanced the resources available under both the *ATIPPA, 2015* and *PHIA*.

Planned for 2022-2023	Actual Results for 2022-2023
Will have started planning for the next Access, Privacy, Security and Information Management (APSIM) conference to be held in 2023.	Due to resources being redirected to the cyber security investigation, the decision was made to move the APSIM conference to 2024 therefore no planning was initiated during this reporting period.

<p>Will have reviewed and updated OIPC's website.</p>	<p>While much progress has been made, work continues on updating the website. That work is now at an advanced stage, so it is anticipated that it will be completed in the next reporting period with the launch of the new website.</p>
<p>Will have conducted outreach with a focus on small custodians and citizens' privacy rights.</p>	<p><i>PHIA</i> Toolkit for Small Custodians was developed and distributed to custodians. This guidance is intended to help small custodians, such as individual health care professionals/practitioners and private long-term care facilities, understand and comply with their obligations under <i>PHIA</i>. This toolkit provides a template to help custodians develop and/or evaluate compliance with <i>PHIA</i> and if used correctly and completed in sufficient detail, it can serve as a basis for privacy and access policies and procedures.</p> <p>To help celebrate Data Privacy Day, OIPC released a new video explaining privacy rights under Newfoundland and Labrador law. This video was released on OIPC's website and was available for deaf, hearing-impaired and visually-impaired individuals.</p>

Discussion of Results

OIPC continues to work on identifying and prioritizing resources and guidance that would benefit the public, as well as public bodies and custodians. The review of the website is intended to make it more user friendly and allow the public, public bodies and custodians easier access to guidance pieces, resources, and information about the legislation. The APSIM conference is beneficial in bringing public bodies, custodians, information management, and information security professionals, and other interested individuals together to learn and discuss access and privacy issues and will help highlight and focus attention on different topics of interest.

OIPC continues its outreach, using Zoom to reach a wider audience for presentations. OIPC will continue efforts to ensure accessibility of our Office and resource material.

Issue 3: Modernizing the Work

The calendar year 2020 presented challenges that continued into 2021; the City of St. John's and other municipalities across the province declared States of Emergency in January after an exceptional snowstorm. In March the Minister of Health and Community Services declared COVID-19 a public health emergency under the *Public Health Protection and Promotion Act*. Both events affected custodians and public bodies, as well as the usual operations of OIPC. As the public health emergency continues, many public bodies and custodians have adjusted to alternate service delivery solutions, including virtual.

This new reality has changed how OIPC engages with stakeholders, from public bodies and custodians to the public. It has also necessitated change in internal processes, as OIPC has tried to ensure continuity of service through remote working when needed. These events emphasize the need for OIPC to be flexible and to be able to quickly adapt to a changing operating environment. With this in mind, OIPC intends to examine its service delivery and internal processes to ensure that oversight activities and stakeholder engagement continue as required under *ATIPPA, 2015* and *PHIA*.

Objective 3: By March 31, 2023 the Office of the Information and Privacy Commissioner will have completed priority work to modernize the workplace to allow service delivery remotely.

Planned for 2022–2023	Actual Results for 2022-2023
Will have determined options for increasing video content on the website.	OIPC produced video content for Right to Know Week 2022 and Data Privacy Day 2023. In an effort to ensure all individuals could access these videos, OIPC, with the assistance of a sign language interpreter, developed the videos for deaf, hearing-impaired, and visually-impaired individuals.
Will have reviewed policies and resources to ensure they are adequate to support a hybrid work environment.	A review of existing policies with respect to providing service delivery remotely led to the development of two new procedures, Conference Calling and Dealing with Inquiries. OIPC’s existing Working from Home Policy continues to allow the delivery of services remotely.
Will have examined virtual training opportunities.	OIPC staff have attended virtual training opportunities over the course of this reporting period and OIPC has delivered virtual training as well. The use of virtual technology has enabled OIPC to provide more opportunities for training.

Discussion of Results

OIPC is continually working on adapting and improving service delivery. With the new video content being accessible to deaf, hearing-impaired and visually-impaired individuals, OIPC hopes to reach more individuals with messaging about access to information and privacy for Newfoundland and Labrador. OIPC staff have continued with the hybrid working model, with a mix of remote and in-office work. To assist in providing consistency to internal processes whether working in the office or from home, a new Conference Calling Procedure and Dealing with Inquiries Procedure were developed. Virtual training has been a valuable resource for OIPC staff attending conferences and for OIPC staff delivering training.

ADVOCACY AND COMPLIANCE DIVISION

AUDIT

In January 2023, OIPC published the completed Audit of Access Controls of the Royal Newfoundland Constabulary (RNC). The purpose was to audit the electronic access controls, acceptable use, and staff training on the electronic systems to which the RNC has access. The objectives of the audit were to:

- examine access to personal information in various databases held or accessed by RNC staff;
- examine training provided to staff regarding acceptable use of access privileges;
- review the extent to which RNC policies and practices reflect legislative requirements;
- identify any risk factors in the protection of personal information; and
- make recommendations to strengthen RNC policy and practice.

At the conclusion of the audit, OIPC made 12 recommendations. These recommendations were:

Recommendation #1

The RNC develop a personal information inventory that meets the requirements established in OIPC's Privacy Management Program guidance. Specifically, an inventory should include a description of the following:

- the types of personal information and/or personal health information the organization holds (ex: names, home addresses and contact information of clients);
- the sensitivity of the information;
- where the personal information and/or personal health information is held, both within the organization (ex: paper files in staff offices and electronic information in a database) and where it is held by third parties (including service providers);
- the purposes for which the information is collected, used and disclosed and how each piece of information collected contributes to the purposes; and
- the details of the retention schedule and any requirements for secure destruction.

Recommendation #2

The RNC conduct its own audit of systems documentation, identify risks and assess if there are gaps that need to be addressed.

Recommendation #3

The RNC update the agreement with the RCMP's B Division leveraging the improvements made in the most recent agreement with the RCMP's Canadian Firearms Program, to include safeguards such as the requirement to report unauthorized uses and disclosures.

Recommendation #4

The RNC ensure that all OCIO standards that are followed are documented, along with an assessment to determine if those standards are reasonable for the system and information contained within.

Recommendation #5

The RNC review the Service Level Agreement (signed in 2008) that governs the services provided by the OCIO to the RNC and sign once updated to the satisfaction of both parties.

Recommendation #6

In general, the RNC's controls to detect and prevent inappropriate employee access and use of personal information are limited by the lack of an automated tool to identify and flag potentially inappropriate accesses. OIPC recommends that RNC investigate automated auditing to determine if there is a product that would address current gaps.

Recommendation #7

The RNC conduct a comprehensive privacy assessment on the ICAN system; this assessment should comply with the review expectations established in OIPC's PPIA/PIA Review Criteria. This guidance outlines critical content for privacy assessments, as well as considerations for when a full PIA is recommended. Given the volume of information contained within the ICAN system, the fact that at least some would be considered sensitive by individuals, the high number of individuals with access, documented snooping incidents, the fact that some information may be collected indirectly either from other individuals or systems, and the

increasing number of cyber attacks occurring internationally, OIPC has concluded that a full PIA is required.

Recommendation #8

The RNC attach an appendix to the CCTV Privacy Impact Report with an update on the recommendations made in 2010.

Recommendation #9

The RNC modify existing policies or create new policies that:

- clearly states that RNC is a public body subject to *ATIPPA, 2015*; and
- establishes when a privacy assessment be conducted, including clear guidelines on when a PPIA will trigger a full PIA.

Recommendation #10

Policies and Orders be reviewed to ensure they reflect at minimum the legislative definition of breach in section 64(4) of *ATIPPA, 2015*:

64(4) Where the head of a public body reasonably believes that there has been a breach involving the unauthorized collection, use or disclosure of personal information, the head shall inform the commissioner of the breach.

Recommendation #11

The RNC develop a training and awareness program. The program should focus on policies and procedures (new and reminders), systems (why users have access to individual system), privacy basics like the definition of “personal information”, the RNC auditing program, implications of unauthorized access and disclosure, proper use of personal information, the “need to know” principle and privacy versus confidentiality. The program should also establish the frequency of training; OIPC recommends at least every two years, however is open to hear RNC’s need assessment on the frequency.

Recommendation #12

Expand the ICAN training to include why staff have access to ICAN, acceptable uses of the systems and uses that would be considered inappropriate and possibly breaches.

With respect to recommendation #7, the RNC advised that it was in the process of hiring a dedicated resource for the purpose of administering *ATIPPA, 2015* and once that position was in place the RNC would review the recommendation again. With respect to recommendation #11, the RNC advised that it routinely distributes messaging regarding privacy through email and is working to develop a more formal process for providing employees with timely information and reminders. The RNC agreed with all remaining recommendations.

OIPC PRIVACY MANAGEMENT PROGRAM

OIPC continued its internal training series in support of its Privacy Management Program (PMP). Sessions were generally held every six weeks and addressed a variety of topics. A session was held on information protection education and how to develop a flexible privacy education program. Discussion included common mistakes, education program challenges, common gaps and practical tips. Another session was on accountable entities with a focus on privacy management programs, privacy impact assessments and audits. Other sessions included a review of the *Personal Health Information Act* and professional development opportunities and training.

PRIVACY IMPACT ASSESSMENT REVIEW

While provincial government departments are required to submit PIAs under section 72 of *ATIPPA, 2015*, OIPC is also happy to receive courtesy copies of PIAs for feedback.

EDUCATION, OUTREACH AND TRAINING

ATIPPA, 2015 specifically empowers OIPC to inform public bodies of their responsibilities and duties under the legislation. Access and Privacy Analysts for OIPC also make presentations to interested groups within the province about *ATIPPA, 2015*, *PHIA*, the Commissioner's Office, and other matters related to access and privacy.

Presentations		
Date	Audience	Topic
March 14, 2023	College of Registered Nurses of Newfoundland and Labrador	General presentation on <i>PHIA</i>
March 20, 2023	MUN Philosophy Class	Artificial Intelligence
March 9, 2023	College of the North Atlantic Information Management Class	OIPC Investigative Process
November 4, 2022	Canadian Bar Association's Access and Privacy Summit	Participation by Commissioner Harvey on a Regulator's Panel on matters relevant to access to information and privacy in Canada
October 2022	Newfoundland and Labrador Centre for Health Information	General presentation on <i>PHIA</i>
October 5, 2022	Interview with College of the North Atlantic IM Program Head for use in class	Duty to Document presented by Commissioner Harvey
May 26, 2022	International Association of Privacy Professional's annual Canadian Privacy Summit	Participation by Commissioner Harvey on a panel with other Commissioners, addressing a wide range of current privacy topics
April 6, 2022	University of Waterloo - Centre for International Governance Innovation virtual conference "Toward a World Class Health Data System"	Commissioner Harvey was a panelist on the subject of Governance and Interoperability
April 1, 2022	College of the North Atlantic Information Technology program students	OIPC and <i>ATIPPA</i> , 2015 Overview

APSIM Conference

The virtual Access, Privacy, Security and Information Management (APSIM) conference was held from April 26–28, 2022. APSIM is a conference that brings together members of the Newfoundland and Labrador access, privacy, information security, and information management communities to promote collaboration and build awareness of the overlap and interplay between these various disciplines. The APSIM conference is a free conference and

while aimed at the Access, Privacy, Security and Information Management professions it is open to the public. The subtheme for the APSIM 2022 conference was PIVOT – Privacy, Innovation, Virtual, Operations, Technology. The last few years have added numerous challenges to the areas of access, privacy, security, and information management. Because of these challenges, adaptability and flexibility has become an invaluable skill.

Conference attendees were offered two days of sessions and one day of workshops by presenters from across the country. A variety of sessions were offered on topics including enterprise security programs, privacy assessments, privacy management programs, duty to document, handling access requests for beginners, privacy tips and tricks, privacy in the health sector, and an education and careers panel.

Conference highlights included keynote addresses from Carole Piovesan and David Goodis, both with INQ Law and Greg Simmonds who is with the Canadian Centre for Cyber Security. The workshops were delivered by Lori Collins from the College of the North Atlantic (topic: Creating IM Policies for Beginners) and Heather White, who is with the Public Service Commission (topic: Difficult Communication Dynamics, Mental Health and Dealing with Difficult Content).

APSIM was presented in partnership with Memorial University and its conference services through the Signal Hill Campus. This conference is built by key stakeholders working collaboratively, pooling resources and ensuring quality of content. In particular, OIPC would like to thank Memorial University, Eastern Health, College of the North Atlantic, Professional Municipal Administrators, the City of Mount Pearl, and the Government of Newfoundland and Labrador (especially its ATIPP Office) for their contributions to the planning of the conference.

Outreach Initiatives

We have continued with our newsletters; issuing four editions each of Safeguard (our *PHIA* newsletter) and Above Board (our *ATIPPA, 2015* newsletter). These are a valuable means of communicating with stakeholders, particularly about issues related to statutory processes as

well as access to information and privacy topics related to personal information and personal health information.

Beyond those projects mentioned above, OIPC has participated in a number of other activities and events designed to provide education, awareness, and insight relating to *ATIPPA, 2015* and *PHIA*. These include the following:

1. ongoing ad hoc communications with all regional health authorities about access and privacy matters;
2. staff attendance at a number of privacy and access to information conferences including Annual Vancouver International Privacy & Security Summit; the FPT National Investigator's Conference; Access, Privacy, Security and Information Management (APSIM) Conference; and IAPP sessions;
3. continuing education for analysts in alternative dispute resolution;
4. regular meetings with Federal/Provincial/Territorial Information and Privacy Commissioners/Ombudspersons about matters of joint interest;
5. participated in and developed activities for Right to Know Week and Data Privacy Day;
6. continued website update project; additional projects relating to online presence, including video development; and
7. development and drafting of guidance pieces to assist with interpretation of *PHIA* and *ATIPPA, 2015*.

GUIDANCE DOCUMENTS

Our guidance documents are designed to provide public bodies, custodians, and the general public, where appropriate, with a comprehensive analysis of issues and topics that are of interest or concern. These tools assist coordinators and custodians as they respond to requests, provide advice and make decisions. The guidance documents also aid citizens in understanding their right of access to information and the protection of their personal information.

OIPC issued a significant guidance piece focusing on custodians and updated two outdated guidance pieces regarding the public interest override and anonymity of applicants.

OIPC issued new guidance, *PHIA Toolkit for Small Custodians*, which is intended to help small custodians, such as individual health care professionals/practitioners and private long term care facilities, understand and comply with their obligations under *PHIA*. The purpose of *PHIA* is to establish strong and effective mechanisms to protect personal health information (PHI), establish rules for the collection, use, disclosure, security, and management of PHI, and provide individuals with the right to access their PHI or request the correction of PHI. This toolkit provides a template to help custodian's develop and/or evaluate compliance with *PHIA* and if used correctly and completed in sufficient detail, it can serve as a basis for privacy and access policies and procedures.

OIPC updated its Guidelines for Public Interest Override, as there were decisions from the Supreme Court of Newfoundland and Labrador affecting the analysis of the burden of proof.

OIPC also updated its guidance piece on Anonymity of Applicants. The original Anonymity of Applicants guidance piece discussed the disclosure of the applicant's identity during the access request process, anonymity during consultations and anonymity following an access request. However, we found other areas where questions of anonymity were raised such as when responding to a Commissioner's Report and in Court proceedings.

LEGISLATIVE CONSULTATIONS

Pursuant to section 112(1) of *ATIPPA, 2015*, ministers are required to consult with OIPC on all proposed bills that "could have implications for access to information or protection of privacy". The Commissioner is then required to provide advice to the minister on such implications per section 112(2). The Commissioner is then authorized, per section 112(3), to comment publicly on the access or privacy implications, once it has been made public. Beyond that requirement, OIPC will review any draft legislation – bills or draft Regulations - if requested, as it can be difficult to identify potential implications for access to information or protection of privacy. When in doubt, we encourage consultation.

The following is a list of bills and regulations that OIPC received for consultation this year:

<i>Access to Information and Protection of Privacy Act, 2015 Amendment</i>
<i>Aquaculture Act</i>
<i>Provincial Health Authority Regulations</i>
<i>Essential Ambulance Services Act</i>
<i>Mortgage Brokerages and Brokers Act</i>
<i>Petroleum Products Act and Regulations</i>
<i>Provincial Health Authority Act</i>
<i>Management of Information Act (Amendment) and House of Assembly Accountability, Integrity and Administration Act (Amendment)</i>
<i>Workplace Health and Safety Compensation Act, 2022</i>

Of these bills, we determined that a few warranted commentary.

Access to Information and Protection of Privacy Act, 2015 (Amendment)

This was an amendment to add the Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System to Schedule B of *ATIPPA, 2015*. When an inquiry is launched under the *Public Inquiries Act*, it has been the practice of government since *ATIPPA, 2015* came into force to add the Inquiry to Schedule B. That Schedule contains a list of bodies excluded from the definition of a public body.

As one of their core purposes, a public inquiry is intended to study an issue in a public way, and through hearings and a final report, to ensure transparency around the subject of the inquiry. It has been the position of this Office in the past that a public inquiry must be able to carry out its work without the distraction of responding to access requests for exhibits, analysis, submissions, etc. Typically, we will simply seek a commitment from government that the records of the Inquiry will be given to a public body (usually the Department of Justice and Public Safety) upon its conclusion, and we received such a commitment in the case of this Inquiry.

Provincial Health Authority Act

On Friday, October 28, 2022, a senior official at OIPC received a call from a senior official at the Department of Health and Community Services. It was our understanding that this call was intended to be a “heads up” on a section 112 consultation about a draft bill for a new

Provincial Health Authority Act. A few elements of the bill were disclosed at a high level during the call, but it was confirmed that a draft bill was not available for our review at that time.

As of Monday, October 31, 2022, the Department advised that it was prepared to discuss the bill further, but did not provide a copy of it for our review. On Wednesday, November 2, 2022, the Department reiterated its offer to discuss the bill, however it had not as of that point, provided anything of substance to us about the bill to allow us to review, research, and be prepared to give our advice on the bill. Up until this point, since *ATIPPA, 2015* came into force, the standard practice had been for the sponsoring Department to provide the draft bill in advance of it being tabled in the House so that the specific wording of each provision could be reviewed and understood within the context of the other provisions in the bill and its overall purpose. This is consistent with the modern approach to statutory interpretation that has been confirmed by the Supreme Court of Canada.

On the same day, we learned that the bill had already been tabled in the House for second reading. Commissioner Harvey therefore wrote the Minister responsible for the bill to advise of our next steps:

As we have not had the opportunity to provide feedback to the Department per section 112.(1), we must now, per section 112.(3), provide our feedback directly to all parties and independent members so that our analysis may inform debate on the legislation in the House. Given the timelines of the legislative session, we will be forced to do this in a highly expedited manner, which obviously precludes careful analysis and consideration. We will be compelled to highlight the lack of compliance with ATIPPA, 2015 in this process to explain that the level of consideration anticipated by that Act could not be provided.

As the bill was already at second reading, we were able to obtain it from the House of Assembly website. We gave it the highly expedited review indicated in our letter to the Minister. Within a matter of a couple of hours of reviewing the bill for the first time, the Commissioner issued a letter to the House Leaders of the three political parties, copied to the Speaker. In summary these concerns were:

- The terms “learning health system” and “social determinants of health” appeared in a number of instances, defined in such a way that made it clear that there would be

some implications for personal health information, but without clarity on what those implications would be. The Commissioner is familiar with these terms, which are commonly used in health administration and generally accepted to be central to the reform of health systems nationally and internationally. However they are broad ideas; their inclusion in legislation without specific definitions raises the prospect that they could potentially be used as the legal basis for all manner of collections, uses and disclosures of personal health information in a way that we do not yet understand.

- The bill would provide for the creation of new organizations: a health quality council and a number of regional councils. There were a number of things about these bodies, their relationship to the Department and the nascent Provincial Health Authority, and their status under *ATIPPA, 2015* and *PHIA* that were not clear in the bill.

As a result of the Commissioner’s comments, substantial further debate occurred in the House, and a number of amendments were made: the terms “social determinants of health” and “learning health system” were removed from the bill for further study and an all-party committee was struck to consider matters related to the health quality council. There were subsequent discussions between OIPC and the Department regarding the Regulations associated with the *Provincial Health Authority Act*.

Management of Information Act (Amendment) and House of Assembly Accountability, Integrity and Administration Act (Amendment)

This bill was intended to introduce a statutory Duty to Document to all public bodies covered by the *Management of Information Act (MOIA)*, with special provisions applicable to those entities that fall under the legislative branch. Duty to Document would essentially require that significant decisions of public bodies be documented. *ATIPPA, 2015* is concerned with access to records, however if records of important decisions are never created, then the Act’s purposes of transparency and accountability cannot be fulfilled. This concept has been recognized by Information and Privacy Commissioners/Ombudspersons across Canada, who in 2016 issued a joint resolution calling for a legislated Duty to Document in each jurisdiction. The 2015 Statutory Review Committee of *ATIPPA*, led by former Premier Clyde Wells, which produced *ATIPPA, 2015* also recommended that *MOIA* be amended to include a legislated Duty to Document, subject to independent oversight by OIPC. This recommendation was

echoed by the Muskrat Falls Inquiry - which was concerned that a number of important decisions related to that project were not properly documented - and the 2020 Statutory Review of *ATIPPA, 2015*.

OIPC was initially consulted several years prior to the introduction of this bill about Government's plan to introduce a statutory Duty to Document, and from those early consultations in 2019-2020, OIPC identified concerns that the proposed plan would see cabinet records exempt from the Duty to Document given that section 5.4 of *MOIA* exempts cabinet records from the scope of the *Act* - and thus it would seem, also from the Duty to Document, and furthermore we expressed concerns about the absence of independent oversight.

When government consulted us on this draft bill we found that the same issues were present, as well as the additional issue that the language of the bill did not actually establish a statutory Duty to Document. Rather, the purported Duty provides the Chief Information Officer, who is a Deputy Minister level official reporting to the Minister responsible for *MOIA*, with the discretionary authority to issue a Duty to Document directive. We noted that nothing in the bill actually requires such a directive to be issued. Further, there is nothing to require certain elements to be included in a directive, and nothing to prevent a directive from being withdrawn at a later date. Essentially, the Duty to Document hinges on the discretion of a person occupying a position that is not independent of government, with no entity prescribed to provide independent oversight.

OIPC expressed those views directly to the Minister responsible in a letter dated October 14, 2022, and offered to meet to discuss them. The Minister thanked us for our input in a letter dated March 14, 2023, the day after the bill received first reading, but did not address any of our points. Subsequent to that, the bill was tabled in the House. Due to the importance of this bill to the Commissioner's mandate, and per the Commissioner's authority under section 112(3) of *ATIPPA, 2015*, a news release was issued by this Office on March 22, 2023, outlining the Commissioner's concerns regarding the bill, so as to ensure that the relevant issues were brought to the attention of Members of the House who were debating the bill, as

well as the general public. The Minister subsequently indicated that, despite cabinet records being excluded from *MOIA* per section 5.4 that the Duty to Document provisions of *MOIA* do indeed apply to cabinet records, however other concerns with the bill were not addressed during debate in the House. Ultimately the Order Paper indicated that the bill has now been adjourned, meaning that no vote was held in the House.

Commentary

The above noted episodes with Bill 20 and Bill 22 were the only two instances since *ATIPPA, 2015* came into force where the Commissioner has spoken publicly about bills before the House of Assembly under the authority of section 112. In the roughly eight years since that bill became law, departments have consulted OIPC on bills that may have implications for access or privacy, per subsection 112(1), and we have responded confidentially per the obligation upon us imposed by subsection 112(2). Sometimes departments take our advice and sometimes they do not. The Act certainly does not require the government to take our advice and of course the government makes its own priorities, has its own access and privacy expertise, and sometimes we do not agree. But until this year the Commissioner has never felt compelled to use the authority under section 112(3) to speak out publicly about a bill. Nevertheless, this is an important topic.

The 2014 Statutory Review Committee noted that the Commissioner of the day did not comment strongly when, in 2012, amendments were introduced to *ATIPPA* which amounted to a substantial reduction in the right of access (the infamous Bill 29 amendments) and specifically developed this section of the Act to provide for the Commissioner to engage on bills with implications for access and privacy before they are enacted so that these opinions can be considered as the bill is before the legislature.

The episodes with Bill 20 and Bill 22 highlight key features of how this process can work well, and otherwise. The episode with Bill 20 demonstrates that, even with a bill where it seems to the department that the privacy and access implications are minimal, consultation with OIPC can highlight implications that have not been considered. During this episode, it was clear that the Department was of the view that the implications were minimal because the bill simply involved merging pre-existing legislation (the *Regional Health Authorities Act* and the *Centre for Health Information Act*). But, section 112 recognizes that sometimes OIPC sees

things that departments do not. Had the process worked properly, we would have been able to provide our advice confidentially to the Department and it would have had the choice whether to accept it or not. Had this step happened, it is likely that we would not have spoken out publicly. We accept that it was an oversight that we were not provided with Bill 20 in advance of its introduction.

Bill 22 is a slightly different example: we were provided with multiple versions of the bill in advance of its introduction and provided our advice. It is regrettable that the Minister chose not to take our advice but ultimately that was her prerogative. We felt obliged to also offer that advice to the legislature due to the centrality of the matter to our mandate, and the fact that it is one of the recommendations of both the 2014 Statutory Review Committee of *ATIPPA* and the Muskrat Falls Inquiry that have yet to be completed. Ultimately the legislature chose not to advance the bill in that form. While this generated heated debate in the House, it simply meant the process was operating as it was designed to do.

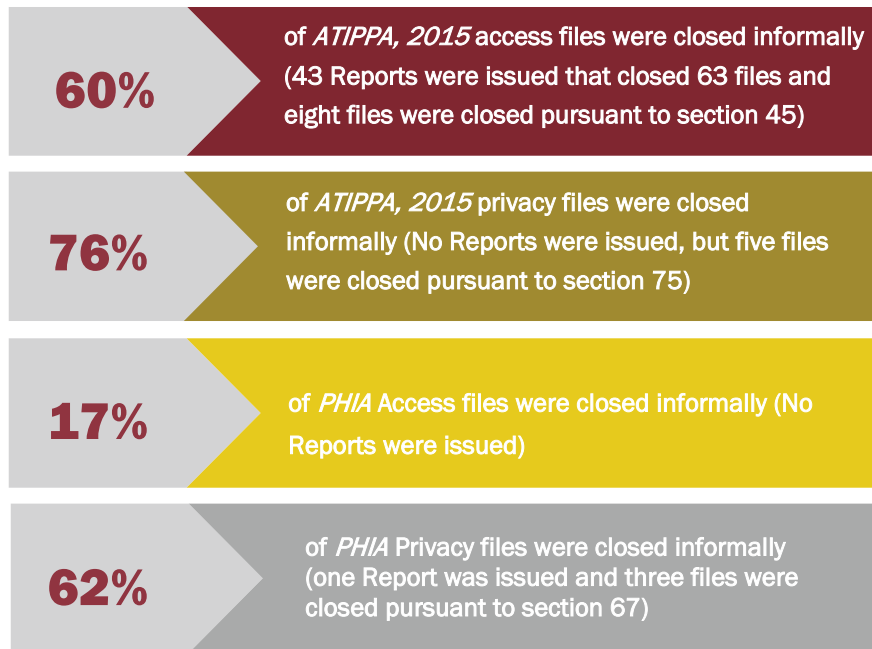
There was one more development during the reporting period, however, that leaves OIPC concerned that this process may be disrupted in the future. On March 13, 2023, the Minister responsible for *ATIPPA, 2015* wrote to the Commissioner advising him that departments would no longer be providing draft bills to OIPC as part of the consultation required by section 112(1) but instead that a minister “may” provide the wording of particular provisions of draft legislations where they could have implications for access and privacy. OIPC disagrees with this interpretation of section 112 – both in that the form of consultation described by the Minister adequately meets the obligations placed on a minister in section 112(1) and that such consultation would allow the Commissioner to meet his mandatory obligations under section 112(2). Moreover, incomplete consultation in the form contemplated would degrade the quality of the Commissioner’s advice, whether confidentially to the Department as provided for by section 112(2) or to the legislature and public as provided for by section 112(3). OIPC will engage with the Minister in the coming year regarding this matter and consider its options of how to proceed given this development.

INVESTIGATIONS DIVISION

INFORMAL RESOLUTIONS

When possible and appropriate to do so, OIPC Access and Privacy Analysts attempt to resolve complaints made under *ATIPPA, 2015* and *PHIA* informally. Informal resolutions to access complaints make take many forms.

- A public body interpreted a request as excluding correspondence it had received from the complainant. The public body agreed such correspondence was responsive to the request and that providing the complainant's own correspondence back to them would demonstrate that a full search had been conducted and all responsive records provided. The complainant thereafter agreed to resolve the complaint informally.
- A public body withheld information under section 30. During OIPC's investigation, the public body provided the records to this Office and the Access and Privacy Analyst determined that the records were indeed subject to solicitor-client privilege. Having received this second opinion from our Office, the complainant was prepared to resolve the file informally.
- A complainant had requested audio recordings of telephone calls from a public body. *ATIPPA, 2015* applies to all records of information in any form and audio recordings are records subject to disclosure. However, the recordings contained significant personal information and personal health information of third parties and access was originally refused on that basis. Between editing recordings to remove personal information or providing appropriately redacted transcripts, the public body was able to provide the requested information.
- A public body had taken the position that records requested by the complainant were in the custody or control of a third party contractor. During OIPC's investigation, the public body agreed to contact the third party and some information was made available by the third party.



With respect to privacy complaints under both *ATIPPA, 2015* and *PHIA*, informal resolution is also an objective in the course of this Office’s investigations. Privacy complaints are more likely to be resolved informally where a public body or custodian is able to acknowledge the privacy breach and can demonstrate to this Office as well as to the complainant that it has established appropriate policies and practices to avoid similar privacy breaches in the future. An agreement by the public body or custodian to receive privacy training from this Office or the ATIPP Office may also help resolve a complainant’s concerns. Both *ATIPPA, 2015* and *PHIA* provide for reporting of privacy breaches to this Office and filing a privacy breach report (in the event that the breach had not been previously reported) to ensure the breach is properly documented can be a first step towards an informal resolution.

Where *ATIPPA, 2015*, *PHIA*, or another statute authorizes the collection, use, or disclosure of personal information or personal health information, an explanation from the public body or custodian of its authorization, and the necessity for the collection, use or disclosure, of personal information or personal health information can help resolve a complaint informally.

REPORTS

In 2022-2023, this Office issued 43 reports that closed 63 access investigation files and no privacy reports under *ATIPPA, 2015*; and no access reports and one privacy report under *PHIA*.

Section 13 – Reasonable Search

The duty to assist at section 13 of *ATIPPA, 2015* consists of three elements: reasonable efforts to assist an applicant, responding to a request in a timely manner, and conducting a reasonable search for responsive records. A reasonable search is one in which an employee, experienced in the subject matter, expends a reasonable effort to locate records which are reasonable related to the request. The standard is reasonableness and it is not a standard of perfection. OIPC continues to receive numerous complaints alleging that a public body did not conduct a reasonable search.

A-2022-022 – Town of Bauline

The Town Manager, who is also the ATIPP Coordinator, conducted a search for responsive records. In the course of our Office's investigation, a second employee of the Town conducted a further search. The Commissioner concluded that a reasonable search was conducted by senior staff knowledgeable about the subject matter of the request and this Office had no recommendations for the Town.

A-2022-024 – Legal Appointments Board

The Legal Appointments Board is a volunteer board under the Department of Justice and Public Safety consisting of members of the legal profession who make recommendations regarding King's Counsel appointments. The search for records was conducted by the chair of the board, a lawyer in private practice who is not an employee of the Department and the Department's ATIPP Coordinator did not have access to their records. The ATIPP Coordinator was unable to provide an account of the steps taken to search for records and the Commissioner was unable to conclude that the Board had conducted a reasonable search.

A-2022-030 – Department of Industry, Energy and Technology

The Department of Industry, Energy and Technology's response to an access request for records related to a wind farm project appeared, to the Complainant, to lack significant

documents. The Complainant raised, in particular, a lack of notes from meetings and an application by the proponents of the wind farm project. The Commissioner concluded that the Department had not satisfied this Office that a reasonable search had been conducted and specifically directed the Department to search paper files, handwritten notes, and black books of elected officials and staff.

Section 30 – Legal Advice

Section 30 is a discretionary exception to access which allows a public body to withhold information which is subject to solicitor-client privilege.

As noted in our 2021-2022 Annual Report, a decision of the Supreme Court of Newfoundland and Labrador on March 31, 2022, held that the language at section 97(1)(d) of *ATIPPA, 2015* was not sufficiently clear to require public bodies to disclose to this Office records over which they have claimed solicitor-client privilege. Following this decision, our Office addressed several complaints in 2022-2023 regarding the application of section 30, including several where public bodies declined to disclose records for our review.

A-2022-010 – Department of Justice and Public Safety

The Department of Justice and Public Safety withheld many records responsive to a request about the province's mandatory vaccination policy pursuant to section 30 and other exceptions to access. Records which the Department claimed were subject to solicitor-client privilege were not provided to this Office for review, pursuant to the March 31, 2022, decision of the Supreme Court of Newfoundland and Labrador. Where records were provided, the Commissioner was able to conclude that exceptions, including section 27 (cabinet confidences) and section 29 (policy advice or recommendations) did apply. However, there was insufficient information to conclude that the Department had met its burden under section 43 of establishing that section 30 applied and recommended the release of those records.

A-2022-011 – Office of Women and Gender Equality

The Office of Women and Gender Equality withheld records relating to an employment issue from the Applicant pursuant to section 30. These records were not provided to this Office for our review. The Office of Women and Gender Equality offered only a statement from an

unidentified Department of Justice and Public Safety solicitor asserting that the exception applied to the withheld records. The Commissioner concluded that the Office of Women and Gender Equality had not met the burden of proof and recommended disclosure.

A-2022-019 – Office of Women and Gender Equality

In response to another access request, the Office of Women and Gender Equality also withheld records pursuant to section 30. In its submissions to this Office, the Office of Women and Gender Equality provided some further context as the role of legal counsel in providing advice, but did not provide the records or an affidavit from the solicitor. Without sufficient details, the Commissioner found that the Office of Women and Gender Equality had not met its burden of proof. The Commissioner also commented on how the inability to review records over which solicitor-client privilege has been claimed creates gaps in OIPC's oversight role that extend to the public interest override at section 9.

A-2022-020 – Newfoundland and Labrador Centre for Health Information

The Newfoundland and Labrador Centre for Health Information withheld records related to the 2021 cyber attack pursuant to section 30, and other exceptions to access. In response to our investigation, the Centre provided this Office with a detailed description of the records over which it was claiming solicitor-client privilege. This description included the type of records, parties involved, dates, and brief descriptions of the contents. These details came in the form of a sworn affidavit. The Commissioner concluded that, in this instance, the public body had provided sufficient evidence to discharge the burden of proof and recommended that the Centre continue to withhold the records.

Section 16 – Deemed Refusal

Throughout 2022-2023, our Office received several complaints regarding failures by public bodies to respond to access requests within the 20 business days provided by section 16. Where a public body does not respond within this timeframe (or such longer time that has been approved by the Commissioner under section 23) they are deemed, by section 16(2), to have refused access which gives an applicant a right to file a complaint. We received deemed refusals complaints about both small public bodies and large Government of Newfoundland and Labrador departments.

A-2022-013 – Department of Environment and Climate Change

The Department failed to respond to two separate access to information requests within the time provided by the Act. The Commissioner found that the Department's sharing of ATIPP staffing resources with another department on a long-term basis was partly responsible for its failure to comply with the timelines in the Act and was, further, inconsistent with *ATIPPA, 2015*.

A-2022-023, A-2023-004, and A-2023-010 – Department of Health and Community Services

The COVID-19 pandemic greatly affected the Department of Health and Community Services – the public health emergency made great demands on its resources and also spurred increased public interest in its activities and the response to COVID-19. OIPC received numerous complaints regarding the Department's inability to respond to access to information requests throughout 2022-2023. Across these Reports, OIPC recommended that the Department commit additional staff and resources to meet its obligations under *ATIPPA, 2015*, improve communications with applicants and, when necessary, to utilize the time extension provisions of the Act. Throughout this period, the Department made significant progress in responding to access requests and reducing its backlog of outstanding requests.

A-2023-002 – Department of Justice and Public Safety

The Department of Justice and Public Safety failed to respond to a request for correspondence between several current and past ministers and deputy ministers and a former senior official. The Department did apply for and receive a 33-business day extension, but did not respond by the new, extended, deadline. The Department's failure to respond was due partly to a heightened caseload of access requests from the public and requests for consultations from other public bodies. At the time of the Report, the Department had still not responded and more than 100 business days had elapsed. The Commissioner recommended that the Department assign additional staff and other resources and respond to the Applicant within 15 business days.

Section 97 – Production of Documents

Aside from the above-noted issue with accessing records over which solicitor-client privilege has been claimed, *ATIPPA, 2015* provides OIPC with significant powers for obtaining public body records in order to carry out its oversight role. However, in a handful of reports in 2022-

2023, we have had to comment on our authority to demand the production of records from public bodies.

A-2022-014 – Department of Finance

Multiple Applicants had requested copies of the Rothschild & Co. review of the Government of Newfoundland’s assets. The Department withheld this Report pursuant to, among other exceptions to access, section 27 (cabinet confidences). When notified by OIPC of an access complaint, the Department declined to provide a copy of the Report, instead requiring OIPC staff to attend at the Department’s offices to view a copy there. Under section 97(5)(a), such a restriction on OIPC’s access to public body records only applies to a record subject to solicitor-client privilege or litigation privilege. While cabinet records are highly confidential, and section 27 is a mandatory exception to access, there is no provision for refusing to provide these records to OIPC. In the course of this investigation, the Department agreed to provide the Report and the Commissioner was able to conclude that it was a cabinet confidence and the Department was required to continue to withhold it.

A-2023-003 – Department of Health and Community Services

The complainant had requested records related to adverse patient safety incidents. The Department concluded that any records were not responsive or were excluded from *ATIPPA, 2015* by the *Patient Safety Act*. The Department therefore declined to provide OIPC with records responsive to the request. Section 97(2) further provides that the Commissioner has the powers, privileges and immunities conferred under the *Public Inquiries Act, 2006* and pursuant to those powers, a summons was issued to the Department. The Department later provided this Office with responsive records in compliance with section 97.

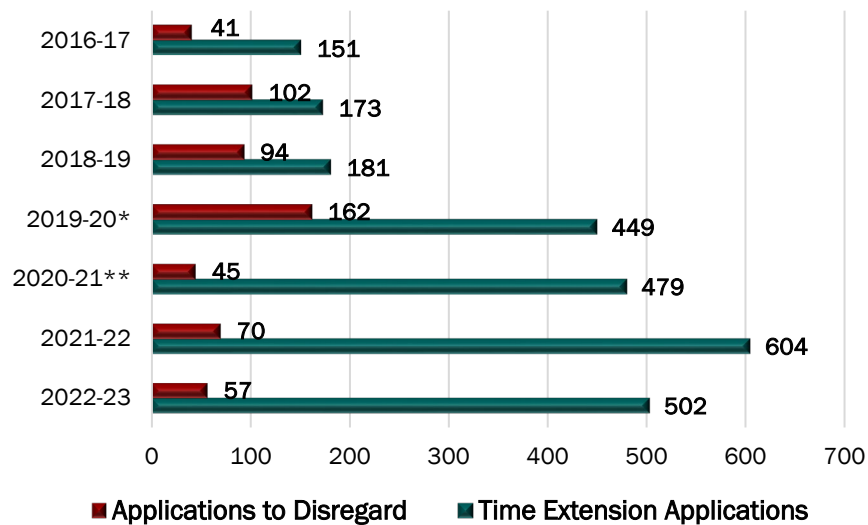
TIME EXTENSIONS AND APPLICATIONS TO DISREGARD

ATIPPA, 2015 provides for public bodies to apply to this Office for approval of an extension of time to respond to an access to information request or approval to disregard an access to information request. As highlighted in the “Reports” section of this Annual Report, OIPC has received an increasing number of deemed refusal complaints. Public bodies which find themselves answering complex and large access to information requests should consider the time extension provisions of *ATIPPA, 2015*.

In 2022-2023, public bodies made 502 applications for extensions of time for 357 unique access to information requests (where appropriate, this Office will consider multiple applications for the same access to information request). Also in this year, public bodies made 57 applications for approval to disregard access to information requests.

Of the 502 time extension applications, 440 (87.6%) were approved, 48 (9.6%) partially approved, eight (1.6%) denied, and the remaining six (1.2%) were withdrawn by the public body. In total, across 496 applications (discounting those that were withdrawn), this Office approved 90.4% of additional time requested by public bodies (8,755 days approved out of 9,681 days requested).

With respect to disregard applications, as approval to disregard a request leads to a complete abrogation of an applicant’s right to access information, a higher threshold applies. Of the 57 disregard applications, 16 (28.1%) were approved, one (1.8%) partially approved, 35 (61.4%) denied, and the remaining five (8.8%) were withdrawn by the public body.



*2019-20 Time Extension Applications -110 during the State of Emergency; 100 during COVID-19 lockdown; and 239 Normal Requests

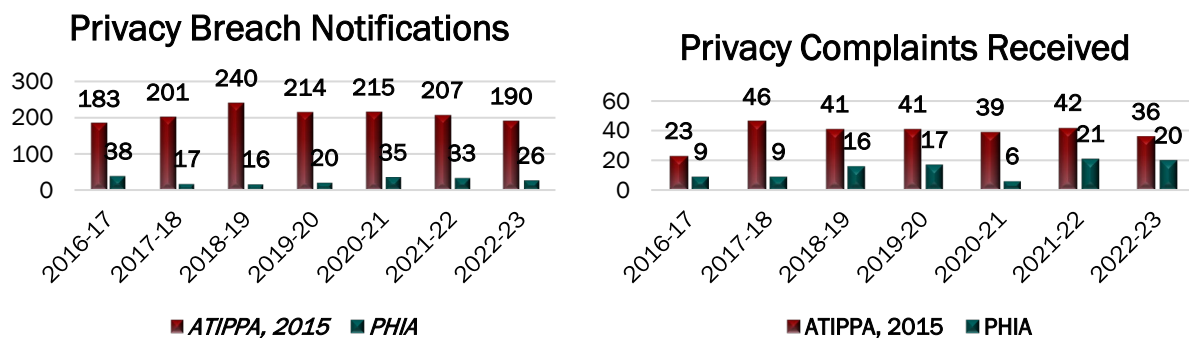
**2020-21 Time Extension Applications - 218 during COVID-19 lockdown and 261 Normal Requests.

BREACH REPORTING

Under both *ATIPPA, 2015* and *PHIA*, public bodies and custodians are required to maintain the security of personal information and personal health information in their custody or

control. Further, *ATIPPA, 2015* and *PHIA* require public bodies and custodians to notify OIPC in the event that personal information or personal health information has been improperly accessed, disclosed, stolen, lost, or disposed of.

In 2022-2023, public bodies reported 190 breaches to this Office under *ATIPPA, 2015*. In the same period, custodians reported 26 breaches under *PHIA*. These figures represent modest decreases from the 207 breaches reported under *ATIPPA, 2015* and 33 breaches reported under *PHIA* in 2021-2022.



Of the breaches reported to this Office under *ATIPPA, 2015*, the majority (56.8%) continue to involve personal information being sent to the wrong person through email. This is followed by personal information being sent to the wrong addressee through the mail (16.3%).

While rare, intentional privacy breaches – where an individual (usually an employee of the public body or custodian) has willfully collected, used, or disclosed personal information or personal health information – are of particular concern to this Office. In 2022-2023, public bodies and custodians reported eight such breaches.

The breach reporting provisions of *ATIPPA, 2015* and *PHIA* provide OIPC with an opportunity to engage with public bodies and custodians to provide guidance on containing and mitigating privacy breaches. In addition to reporting privacy breaches to OIPC, both *ATIPPA, 2015* and *PHIA* also provide for public bodies and custodians to notify those individuals affected by a privacy breach.

Under *ATIPPA, 2015* and *PHIA*, OIPC may respond to a privacy breach with its own investigation. OIPC publishes aggregate data regarding breaches reported by public bodies in our quarterly *ATIPPA, 2015* newsletter, Above Board.

COURT MATTERS

Offence Prosecutions

On June 10, 2021, the Commissioner laid an information charging an employee of Central Health with an offence under section 88 of *PHIA* for unlawfully accessing the personal health information of another person. The accused entered a guilty plea and the matter concluded May 24, 2022, with the Provincial Court of Newfoundland and Labrador ordering an absolute discharge. This is an unreported decision of the Court.

OIPC does not presently have any ongoing prosecutions under *ATIPPA, 2015* or *PHIA*.

Ongoing Court Matters

OIPC v. Department of Justice and Public Safety, Court File No. 2022 01H 0023

This is an appeal of the decision reported on in last year's Annual Report in relation to an application seeking a Court declaration that the Department does not have to comply with the recommendations in OIPC Report A-2019-019. The decision which is under appeal relates to the refusal by the Department to provide records involving a claim of solicitor-client privilege to the Commissioner during the course of an investigation of a refusal to give an applicant access to records. The Commissioner found that the Department did not discharge its burden of proof that the applicant had no right of access to the records because the Department did not provide the records to the Commissioner for review, and failed to provide other sufficient evidence to establish that the exception applied. The Court found that the Act did not require the Department to provide the records to the Commissioner, despite specific provisions having been included in *ATIPPA, 2015* for that purpose, and furthermore it found that the records were subject to solicitor-client privilege. The Commissioner has filed an appeal at the Court of Appeal which had not yet been heard by the conclusion of this reporting period.

Department of Transportation and Infrastructure application for a declaration, Court File No. 2020 01G 6069;

Department of Fisheries, Forestry and Agriculture application for a declaration, Court File No. 2021 01G 0966;

Department of Transportation and Infrastructure application for a declaration, Court File No. 2021 01G 5446;

Office of Women and Gender Equality application for a declaration, Court File No. 2022 01G 2003;

Department of Justice and Public Safety application for a declaration, Court File No. 2022 01G 2004;

Department of Justice and Public Safety application for a declaration, Court File No. 2023 01G 1307;

Treasury Board Secretariat application for a declaration, Court File No. 2023 01G 1416

These matters are all applications seeking a declaration by the Court pursuant to section 50 of *ATIPPA, 2015* that the Public Body does not have to comply with the recommendations in a Commissioner's Report. The complaints that resulted in these Reports involved requests by access to information applicants which were refused by the Public Body on the basis of a claim of solicitor-client privilege. During the course of each of these OIPC investigations, the Public Body refused to provide a copy of the unredacted records to the Commissioner for review, as with the above noted matter. While we are appealing that decision at the Court of Appeal, we are respecting the decision of the lower Court that we do not have the authority to compel such documents. Nevertheless, the onus on the public body to bear the burden of proof per section 43 of the Act remains. How a public body can meet the burden of proof for the solicitor-client exception will vary depending on the facts of each matter. In each of these cases, the Public Bodies did not provide sufficient evidence, or in some cases any evidence at all, to discharge their burden of proof. The Commissioner therefore recommended disclosure of the responsive records. No court date has yet been set for these matters, in light of the fact that the Commissioner has filed an appeal of a decision noted above (*OIPC v. Department of Justice and Public Safety*) by the Supreme Court Trial Division which found that the Commissioner cannot compel public bodies to provide records to the Commissioner for review during a complaint investigation where there is a claim of solicitor-client privilege by the public body. The matter is expected to be heard by the Court of Appeal in the upcoming reporting period.

Oleynik v. Memorial University, Various Court Files

The Applicant and Memorial University currently have a number of matters before the court relating to decisions by Memorial in response to his access to information requests. The Applicant, Memorial University and OIPC were participating in a Court-mandated case management process at the conclusion of this reporting period, and these matters were on hold pending the outcome of a vexatious litigant application by Memorial University involving the Complainant, which has not yet been heard.

Treasury Board Secretariat application for a declaration, Court File No. 2022 01G 0149

This is an application seeking a declaration by the Court pursuant to section 50 of *ATIPPA, 2015* that Treasury Board Secretariat (TBS) need not comply with the Commissioner's recommendations in Report A-2021-049. The complaint that resulted in that Report related to TBS's decision to withhold information from the Applicant citing sections 30(1)(a), 31(1)(a), and 31(1)(l). The Applicant had been seeking information regarding a workplace investigation of which they were the subject/respondent. The Commissioner found that TBS had not discharged its burden of proof regarding the exceptions to access it cited to withhold specific information in the responsive record, listed by page number in the Report. No court date has yet been set.

Braya Renewable Fuels and NARL Logistics Limited Partnership v. Department of Industry, Energy, and Technology, Court File No. 2022 01G 1628

This is an appeal by two Third Party companies of a decision by the Department of Industry, Energy, and Technology to comply with recommendations in Commissioner's Report A-2022-006 to release the majority of information within a memorandum of understanding. The appeal objects to the release of the information, arguing that the information in question is required to be withheld from the Applicant in accordance with section 39 of *ATIPPA, 2015*. A court date has not yet been set.

Mike Higdon v. Eastern Health, Court File No. 2023 01G 0201

This is an appeal in relation to Commissioner's Report A-2022-031 in which the Applicant requested a copy of the contract between a Third Party and Eastern Health for the management of support services. The Complainant also asked for the amounts paid to the Third Party and its affiliates for the last five years pursuant to current and past contracts.

Eastern Health had withheld some responsive information, citing sections 35(1)(b) and 39(1). The Commissioner recommended, and Eastern Health agreed, to release the remaining information withheld under section 39(1) but to continue withholding some information withheld under section 35(1)(b). The Applicant was of the view that all of the information should be released, filing an appeal after receiving Eastern Health's decision to follow the Commissioner's recommendation. A court date has not yet been set.

City of St. John's application for a declaration, Court File No. 2023 01G 1322

Commissioner's Report A-2023-012 related to a request for access to financial statements for St. John's Sports and Entertainment Ltd. from the City of St. John's. The 2021 statement included information on the aggregate amount paid out by St. John's Sports and Entertainment Ltd. to settle workplace disputes, as well as information pertaining to the settlement of another legal matter. The City objected to the release of this information, citing sections 30(1)(a), 30(2), 35(1)(b), and 35(1)(g) of *ATIPPA, 2015*. The City also asserted settlement privilege. The Commissioner found, pursuant to section 43(3), that the City did not meet the burden of proof for any of the exceptions to disclosure it cited. Further, the Commissioner held that settlement privilege is not recognized as an exception to disclosure under *ATIPPA, 2015*. The Commissioner recommended the City release the information, however the City declined to do so and filed this application for a declaration that it need not follow the Commissioner's recommendation. No date has yet been set for a hearing.

Court Decisions

Beverage Industry Association v. Her Majesty in Right of Newfoundland and Labrador as represented by the Minister of Finance, Court File No. 2018 01G 6000

This began as an originating application for an injunction pursuant to Rule 22 and/or section 105 of the *Judicature Act*. It relates to an otherwise concluded court matter (*Atlantic Lottery Corporation v. Her Majesty The Queen (Minister of Finance)*, Court File No. 2017 01G 2004). The Beverage Industry Association (BIA) was not notified as a Third Party in that case and sought standing to oppose the release of records as ordered by the Court in that matter.

A decision on the BIA's application was rendered on December 11, 2019, in which the Court ordered that the matter be remitted back to the Commissioner to allow the BIA to make representations and for the Commissioner to prepare a new report. The Commissioner did so, and released Report A-2020-009 which again recommended release of the records. No appeal was filed, and the records were released. The Commissioner was concerned, however, about the lower Court's findings regarding notification of third parties and procedural fairness, so the Commissioner appealed the court's ruling to the Court of Appeal. The Court of Appeal decision overruled the lower Court and confirmed the position of the public body and the Commissioner that the BIA's members did not hold a proprietary interest in the information because it was the sole property of the Atlantic Lottery Corporation, and therefore the notice requirements of section 19 were not triggered. Furthermore, the Court of Appeal also found in favour of the Commissioner on the issue of procedural fairness. It found that the Commissioner had not erred in not inviting representations from the BIA under section 96(1).

Asphalt Product Industries Inc. v. Town of Come By Chance, Court File No. 2021 01G 3621

Asphalt Product Industries Inc. applied to the Town for access to records, including municipal tax agreements it executed with North Atlantic Refining Limited and Newfoundland Transshipment Limited. The Town refused to provide access to the amount of taxes to be paid as well as the years covered under the agreements pursuant to sections 39(2), 39(1)(a)(ii) and 35(1)(g). The requester subsequently filed an appeal directly to the Court in accordance with section 52 of *ATIPPA, 2015*. The Commissioner intervened in the matter, which was heard on May 19, 2022. In its decision released on November 15, 2022, the Court determined that the information sought by Asphalt Product Industries Inc. was to be disclosed by the Town Council because:

- (i) the Court was unable to distinguish what information was “gathered” versus “generated” under section 39(2);
- (ii) the Court found the information did not meet the three-part test required under section 39(1)(a)(i) and,
- (iii) the Court held there was no reasonable expectation of harm to the Town's “financial or economic interests” under section 35(1)(g).

Of significant interest as well, the Court included obiter commentary in which it was indicated that even if the exceptions applied, the Court would have found that they were over-ridden by the public interest provision in section 9(1), which adds to the sparse judicial commentary on that provision in this province, and this may assist the Commissioner and Courts in the future in determining the appropriate threshold for the public interest override.

Town of Lewisporte application for a declaration, Court File No. 2021 01G 3155

An access to information Applicant requested records held by the Town relating to a workplace investigation. The Town denied access to many of the records, including an Investigation Report, citing section 30 (solicitor-client privilege). The Commissioner concluded in Report A-2021-026 that the Investigation Report was not protected by section 30. The Commissioner found that some other records responsive to the request could be withheld while others should be disclosed. The Town complied with the majority of the recommendations but disagreed with the Commissioner regarding disclosure of the Investigation Report, and it therefore filed an application for a declaration in accordance with section 50 of *ATIPPA, 2015* that it need not follow the Commissioner's recommendation to disclose the Investigation Report. The matter was set down for a hearing on May 16, 2022. In a decision released August 17, 2022, the Court found that solicitor-client privilege did not apply to the Investigation Report, however the Court found that some information must be withheld in accordance with section 40.

SYSTEMIC ISSUES

Section 105 of *ATIPPA, 2015* requires the Commissioner, in this Annual Report, to note, among other things:

- persistent failures of public bodies to fulfil the duty to assist applicants, including persistent failures to respond to requests in a timely manner;
- the administration of this Act by public bodies and the Minister responsible for this Act; and
- other matters about access to information and protection of privacy that the commissioner considers appropriate.

Section 113 provides for the Minister responsible for *ATIPPA, 2015* to report to the House of Assembly on systemic and other issues raised by the Commissioner.

This Office does not normally raise systemic issues, but presently finds it necessary to comment on repeat and persistent issues regarding the administration of *ATIPPA, 2015* by municipalities in this province.

The past year has seen numerous complaints to OIPC regarding municipalities, totaling 77 complaints against 21 municipalities (59 access and 18 privacy under *ATIPPA, 2015*). Several municipalities have been the subject of multiple complaints, with one the subject of 24 complaints and another named in 11 complaints.

The issue with municipalities, however, is not the number of complaints. A spike in complaints can happen to any public body when there are contentious matters ongoing or a very active and determined applicant. Our concern is that some municipalities struggle to comply with their basic statutory obligations, in some cases simply ignoring correspondence and emails from this Office during the complaint investigation process. While the ATIPP Office and the Department of Municipal and Provincial Affairs do admirable work in outreach and training, the issue appears to be one of capacity. In many cases, small municipalities only have one person available to perform the duties of coordinator, and that same individual fills many roles, often carrying the entire administrative workload of the Town. Basic information

management practices may be lacking, along with other capacity issues, not to mention elected officials who do not understand or wish to cooperate with the Town's *ATIPPA, 2015* obligations.

Ultimately, the issue with municipalities and *ATIPPA, 2015* is a capacity issue. Simply offering training to Coordinators is not always enough, because municipal officials are challenged to find the time to take the training. Furthermore, a Town may rarely or never receive an ATIPP request, so there appears to be no urgency in being trained, or training already received may become stale, or there has been staff turnover, and then a number of requests may arrive in a short span of time.

The fact remains, however, that municipalities levy taxes and provide services to their citizens. They make decisions that affect what a person can do with their property, whether they can open a business, where they can build a house, whether they are allowed to build a shed or keep farm animals. The list of municipal powers and authorities is extensive, so the transparency and accountability provided by *ATIPPA, 2015* is essential and must be maintained. The question is whether solutions are available to strengthen the necessary capacity in order to improve *ATIPPA, 2015* compliance in the municipal sector. We welcome engagement from government in solving this issue, and we would be happy to bring our ideas to the table as part of that conversation.

Privacy complaints brought to this Office have included complaints about councils discussing personal information at public council meetings and disclosing personal information through tabled documents and in minutes. Communications between municipalities and residents have also been sources of improper disclosures of personal information.

The majority of access complaints involved deemed refusals, as municipalities fail to respond to access requests within the 20 business days set by section 16. In virtually all cases, the intervention of this Office was necessary for complainants to receive a response from the municipality and responses took considerably longer than the 20 business days the *Act* provides. Typically there has also been a failure by the municipality to request from this Office

an extension of the 20 business day deadline as well, even though approval of such requests is granted in the vast majority of cases.

While the ATIPP Office under the Government of Newfoundland and Labrador has a position dedicated to providing support and assistance to municipalities and has provided considerable assistance to these smaller public bodies, it appears that more resources are needed. In almost all cases, persistent failures by municipalities can be attributed to a lack of awareness of *ATIPPA, 2015* and their municipality's obligations, a lack of training for staff, and a lack of resources – staff and time – to handle access to information requests. That being said, we acknowledge the capacity issues inherent in the municipal sector that contribute to these circumstances, which make it difficult to resolve these issues within current municipal structures.

TIP OF THE HAT

We would like to tip our hat to one of our former staff members Rod Hynes. Rod has been working in the access and privacy field for over a decade and has plenty of experience in dealing with challenging situations.

Rod Hynes initially came to OIPC on a secondment from the Office of the Citizens' Representative in 2010, and over his time here he made an important contribution to our work. He worked on or led a variety of projects, making particular contributions in the development of policies and guidance associated with the education sector and the municipal sector.

In 2016, Rod took a nine-month secondment position with Eastern Health as a Regional Manager at the Information, Security and Privacy Office. This was Rod's first time stepping into an ATIPP Coordinator role. Rod garnered valuable experience in managing the release of information under both *PHIA* and *ATIPPA, 2015*.

In 2017, Rod then became the ATIPP Coordinator of the Department of Natural Resources (NR), a Department known for its high number of access requests. Rod continued working in

this Department throughout its expansion and transformation into the Department of Industry, Energy and Technology (IET) in 2020. During Rod's tenure there, NR/IET consistently had one of the highest number of access requests, yet was a public body with one of the lowest complaints filed with our Office. Rod fostered good relationships with applicants and they trusted his judgement in providing them with information as well as applying exceptions to those records. In the seven years that Rod worked there, he processed over 1,000 ATIPP requests.

In 2022, Rod then moved into the role in which he finds himself today. He is now the Municipal Access and Privacy Analyst with the ATIPP Office. In this role, Rod provides municipalities with ATIPP resources, training and trouble shooting. It is clear that Rod has continued to build strong relationships through his work with the hundreds of municipalities in our province. When a town is in "ATIPP trouble", the question of "who are you going to call?" is easily answered – Rod Hynes! Rod is a wealth of access to information knowledge and a beacon of hope to struggling towns throughout Newfoundland and Labrador. In our Office's own experience, upon receiving a complaint that involves a struggling town, in most cases a simple phone call with Rod or having Rod lend his helping hand assists in either successfully narrowing the issues of a complaint or otherwise leads to a successful informal resolution with all parties.

To any towns out there who are struggling with access to information requests, we cannot stress enough, Rod's been through it all, he knows his stuff, he is one of the most approachable people out there, and he is just a phone call away.

The municipalities in this province are in good hands. We tip our hat to you Rod!

CONCLUSION

The work of protecting the access and privacy rights of Newfoundlanders and Labradorians is a challenging role, but one that we at OIPC feel good about carrying out. We know that our work matters, perhaps now more than ever, at a time when in many parts of the world, the very foundations of democracy and modern society seem under threat. When citizens are

confident in their privacy rights, they can also be confident in exercising their other freedoms without fear of repercussion. When citizens are well-informed about the issues affecting them and their families and communities, they can be active participants in the democratic process.

Fortunately, it is not just OIPC staff who safeguard these rights; it is the hundreds, and likely, thousands, of civil servants and others, who work behind the scenes. It is the information management professionals, who make sure information is well lower organized so that it can be easily located to respond to an access request, and who ensure that personal information is kept in the right place so that only those who have a need to access it can do so. It is also the information security professionals, who work to ensure that our information is not stolen by hackers or disclosed in a privacy breach. It is also the access and privacy coordinators who respond to access to information requests, in the vast majority of cases, efficiently and on time. There are many others too, whose work touches on access and privacy, whether they work in policy or administrative roles or in executive. To all of you, we see you, and we acknowledge your work, and the important role you play in protecting the rights of Newfoundlanders and Labradorians.

Appendix A

Timelines (business days) for Access Complaints for the
2022-2023 Reporting Period under the
Access to Information and Protection of Privacy Act, 2015

Public Body	Means of Resolution	Review Started	Days for Informal Review	Formal Review Stared	Days for Formal Review	Date Complaint Resolved	Total Days
Department of Environment and Climate Change	Informal Resolution	2022-08-15	8			2022-08-25	8
Department of Health and Community Services	Informal Resolution	2022-10-11	9			2022-10-24	9
Office of the Premier	Informal Resolution	2022-03-29	11			2022-04-13	11
Town of Pouch Cove	Informal Resolution	2022-09-23	13			2022-10-13	13
Executive Council	Informal Resolution	2022-05-12	14			2022-06-02	14
Department of Municipal and Provincial Affairs	Informal Resolution	2022-10-17	14			2022-11-04	14
Royal Newfoundland Constabulary	Informal Resolution	2023-02-02	15			2023-02-23	15
Town of Victoria	Informal Resolution	2022-05-27	16			2022-06-20	16
Royal Newfoundland Constabulary	Informal Resolution	2022-09-13	18			2022-10-07	18
Royal Newfoundland Constabulary	Informal Resolution	2022-10-04	18			2022-10-31	18
Department of Digital Government and Service NL	Informal Resolution	2022-10-14	19			2022-11-10	19
Department of Fisheries, Forestry and Agriculture	Informal Resolution	2023-03-06	19			2023-03-31	19
Department of Health and Community Services	Informal Resolution	2022-05-13	20			2022-06-13	20
Department of Fisheries, Forestry and Agriculture	Informal Resolution	2022-12-06	20			2023-01-05	20
Town of Torbay	Informal Resolution	2022-06-10	22			2022-07-13	22
Town of Torbay	Informal Resolution	2022-06-10	22			2022-07-13	22
Department of Justice and Public Safety	Informal Resolution	2022-05-12	23			2022-06-15	23
Office of the Premier	Informal Resolution	2022-11-03	23			2022-12-07	23
Memorial University	Informal Resolution	2022-03-09	23			2022-04-11	23
Department of Justice and Public Safety	Informal Resolution	2022-05-06	24			2022-06-10	24
Treasury Board Secretariat	Informal Resolution	2022-11-17	24			2022-12-21	24
Town of Conception Bay South	Informal Resolution	2022-04-29	26			2022-06-07	26
Department of Municipal and Provincial Affairs	Informal Resolution	2022-08-12	28			2022-09-22	28
Royal Newfoundland Constabulary	Informal Resolution	2022-12-20	29			2023-02-01	29
Royal Newfoundland Constabulary	Informal Resolution	2022-12-20	29			2023-02-01	29
Royal Newfoundland Constabulary	Informal Resolution	2022-12-20	29			2023-02-01	29

Public Body	Means of Resolution	Review Started	Days for Informal Review	Formal Review Stared	Days for Formal Review	Date Complaint Resolved	Total Days
Royal Newfoundland Constabulary	Informal Resolution	2022-12-20	29			2023-02-01	29
Department of Health and Community Services	Informal Resolution	2022-03-22	30			2022-05-04	30
Department of Justice and Public Safety	Informal Resolution	2022-09-07	30			2022-10-20	30
Labrador Affairs Secretariat	Informal Resolution	2022-09-29	30			2022-11-14	30
Town of Victoria	Informal Resolution	2022-07-21	30			2022-09-02	30
Town of Port au Port East	Informal Resolution	2022-10-13	30			2022-11-25	30
Town of Port au Port East	Informal Resolution	2022-10-13	30			2022-11-25	30
Newfoundland and Labrador English School District	Informal Resolution	2022-10-12	31			2022-11-25	31
Town of Steady Brook	Informal Resolution	2023-02-13	31			2023-03-28	31
Town of Gambo	Informal Resolution	2022-08-12	31			2022-09-27	31
Office of the Premier	Informal Resolution	2022-08-18	32			2022-10-04	32
Department of Health and Community Services	Informal Resolution	2022-03-15	33			2022-05-02	33
Town of Musgrave Harbour	Informal Resolution	2023-01-13	35			2023-03-03	35
Department of Education	Informal Resolution	2022-08-19	36			2022-10-12	36
Department of Digital Government and Service NL	Informal Resolution	2022-02-14	36			2022-04-05	36
Department of Health and Community Services	Informal Resolution	2022-03-01	37			2022-04-22	37
Department of Justice and Public Safety	Informal Resolution	2022-06-07	37			2022-07-29	37
Town of Bay Roberts	Informal Resolution	2022-05-25	37			2022-07-18	37
City of Corner Brook	Informal Resolution	2022-03-02	38			2022-04-26	38
City of Corner Brook	Informal Resolution	2022-03-02	38			2022-04-26	38
Department of Fisheries, Forestry and Agriculture	Informal Resolution	2022-08-08	39			2022-10-03	39
Royal Newfoundland Constabulary	Informal Resolution	2022-12-22	39			2023-02-17	39
Town of Springdale	Informal Resolution	2022-12-20	40			2023-02-16	40
Town of Springdale	Informal Resolution	2022-12-20	40			2023-02-16	40
Department of Immigration, Population Growth and Skills	Informal Resolution	2022-06-21	37	2022-08-15	4	2022-08-19	41
Memorial University	Informal Resolution	2022-06-30	41			2022-08-30	41
Town of Portugal Cove-St. Philip's	Informal Resolution	2023-01-03	41			2023-03-01	41
Town of Torbay	Informal Resolution	2022-09-15	41			2022-11-15	41

Public Body	Means of Resolution	Review Started	Days for Informal Review	Formal Review Stared	Days for Formal Review	Date Complaint Resolved	Total Days
Town of Torbay	Informal Resolution	2022-09-15	41			2022-11-15	41
Department of Fisheries, Forestry and Agriculture	Informal Resolution	2022-05-16	44			2022-07-19	44
Workplace NL	Informal Resolution	2022-08-12	45			2022-10-18	45
Independent Appointment Commission	Informal Resolution	2022-05-26	45			2022-07-29	45
Department of Tourism, Culture, Arts and Recreation	Informal Resolution	2022-12-15	46			2023-02-21	46
NL Hydro	Informal Resolution	2022-07-27	46			2022-10-03	46
NL Hydro	Informal Resolution	2022-07-27	46			2022-10-03	46
Nalcor Energy	Informal Resolution	2023-01-03	46			2023-03-08	46
Memorial University	Informal Resolution	2022-10-18	46			2022-12-22	46
Town of Port au Port East	Informal Resolution	2022-09-20	46			2022-11-25	46
Department of Environment and Climate Change	Informal Resolution	2022-10-11	47			2022-12-16	47
Town of Port au Port East	Informal Resolution	2022-09-23	48			2022-12-02	48
Town of Port au Port East	Informal Resolution	2022-09-23	48			2022-12-02	48
Town of Port au Port East	Informal Resolution	2022-09-23	48			2022-12-02	48
Office of the High Sheriff	Informal Resolution	2022-12-19	49			2023-02-28	49
Department of Environment and Climate Change	Informal Resolution	2022-11-08	50			2023-01-20	50
Department of Fisheries, Forestry and Agriculture	Informal Resolution	2022-10-24	50			2023-01-05	50
Commissioner of Lobbyists	Informal Resolution	2022-02-15	50			2022-04-27	50
Town of Torbay	Informal Resolution	2022-05-18	50			2022-07-29	50
Town of Come By Chance	Informal Resolution	2022-12-08	50			2023-02-20	50
Department of Fisheries, Forestry and Agriculture	Informal Resolution	2022-11-07	51			2023-01-20	51
Municipal Assessment Agency	Informal Resolution	2022-07-13	51			2022-09-26	51
Town of Bauline	Informal Resolution	2022-06-03	51			2022-08-17	51
Department of Environment and Climate Change	Informal Resolution	2022-08-16	52			2022-10-31	52
Department of Health and Community Services	Informal Resolution	2022-12-14	54			2023-03-02	54
Department of Intergovernmental Affairs Secretariat	Informal Resolution	2022-12-15	54			2023-03-03	54
Royal Newfoundland Constabulary	Informal Resolution	2022-07-15	54			2022-10-03	54
Royal Newfoundland Constabulary	Informal Resolution	2022-12-27	43	2023-02-27	11	2023-03-14	54

Public Body	Means of Resolution	Review Started	Days for Informal Review	Formal Review Stared	Days for Formal Review	Date Complaint Resolved	Total Days
Department of Justice and Public Safety	Informal Resolution	2022-05-26	55			2022-08-15	55
Town of Pouch Cove	Informal Resolution	2022-10-13	55			2023-01-03	55
Department of Justice and Public Safety	Informal Resolution	2022-12-02	56			2023-02-22	56
City of St. John's	Informal Resolution	2022-07-13	56			2022-10-03	56
Town of Placentia	Informal Resolution	2022-08-22	56			2022-11-11	56
Town of Port au Port East	Informal Resolution	2022-09-06	56			2022-11-25	56
Town of Port au Port East	Informal Resolution	2022-09-06	56			2022-11-25	56
Town of Port au Port East	Informal Resolution	2022-09-06	56			2022-11-25	56
Town of Port au Port East	Informal Resolution	2022-09-06	56			2022-11-25	56
Town of Port au Port East	Informal Resolution	2022-09-13	56			2022-12-02	56
Town of Port au Port East	Informal Resolution	2022-09-13	56			2022-12-02	56
Town of Port au Port East	Informal Resolution	2022-09-13	56			2022-12-02	56
Town of Port au Port East	Informal Resolution	2022-09-13	56			2022-12-02	56
Town of Port au Port East	Informal Resolution	2022-09-13	56			2022-12-02	56
Town of Port au Port East	Informal Resolution	2022-09-13	56			2022-12-02	56
Town of Port au Port East	Informal Resolution	2022-09-13	56			2022-12-02	56
Town of Port au Port East	Informal Resolution	2022-09-13	56			2022-12-02	56
Town of Port au Port East	Informal Resolution	2022-09-13	56			2022-12-02	56
Town of Port au Port East	Informal Resolution	2022-09-13	56			2022-12-02	56
Town of Port au Port East	Informal Resolution	2022-09-13	56			2022-12-02	56
House of Assembly	Informal Resolution	2022-08-31	50	2022-11-14	6	2022-11-22	56
Department of Health and Community Services	Informal Resolution	2022-10-31	57			2023-01-23	57
Department of Health and Community Services	Informal Resolution	2022-10-31	57			2023-01-23	57
Memorial University	Informal Resolution	2022-04-04	51	2022-06-16	6	2022-06-24	57
Town of Witless Bay	Informal Resolution	2022-06-20	58			2022-09-13	58
Office of the Premier	Informal Resolution	2022-08-12	47	2022-10-20	12	2022-11-07	59
Treasury Board Secretariat	Informal Resolution	2022-03-02	60			2022-05-27	60
Town of Port au Port East	Informal Resolution	2022-12-07	60			2023-03-03	60
Town of Port au Port East	Informal Resolution	2022-12-07	60			2023-03-03	60
Town of Port au Port East	Informal Resolution	2022-12-07	60			2023-03-03	60
Town of Port au Port East	Informal Resolution	2022-12-07	60			2023-03-03	60
Town of Port au Port East	Informal Resolution	2022-12-07	60			2023-03-03	60
Town of Port au Port East	Informal Resolution	2022-12-07	60			2023-03-03	60
Department of Health and Community Services	Informal Resolution	2022-09-08	61			2022-12-06	61

Public Body	Means of Resolution	Review Started	Days for Informal Review	Formal Review Stared	Days for Formal Review	Date Complaint Resolved	Total Days
Department of Justice and Public Safety	Informal Resolution	2022-11-28	61			2023-02-23	61
Town of Port au Port East	Informal Resolution	2022-12-07	61			2023-03-06	61
Town of Port au Port East	Informal Resolution	2022-12-07	61			2023-03-06	61
Department of Environment and Climate Change	Informal Resolution	2022-07-26	63			2022-10-26	63
Department of Digital Government and Service NL	Informal Resolution	2022-12-23	63			2023-03-24	63
Department of Fisheries, Forestry and Agriculture	Informal Resolution	2022-08-26	63			2022-11-28	63
Town of Port au Port East	Informal Resolution	2022-12-07	63			2023-03-08	63
Department of Health and Community Services	Informal Resolution	2022-10-31	64			2023-02-01	64
Department of Municipal and Provincial Affairs	Informal Resolution	2022-08-29	64			2022-11-30	64
Town of Port au Port East	Informal Resolution	2022-12-07	65			2023-03-10	65
City of St. John's	Informal Resolution	2022-09-08	65			2022-12-12	65
Department of Environment and Climate Change	Report	2022-06-07	30	2022-07-20	9	2022-08-02	39
Department of Justice and Public Safety	Report	2022-07-07	31	2022-08-22	13	2022-09-09	44
Treasury Board Secretariat	Report	2022-12-21	28	2023-02-01	23	2023-03-06	51
Department of Health and Community Services	Report	2022-04-08	21	2022-05-10	32	2022-06-24	53
Department of Education	Report	2022-06-08	45	2022-08-12	11	2022-08-29	56
Department of Health and Community Services	Report	2022-07-28	50	2022-10-11	8	2022-10-21	58
Office of Women and Gender Equality	Report	2022-06-23	30	2022-08-08	28	2022-09-16	58
Memorial University	Report	2022-06-20	37	2022-08-12	21	2022-09-13	58
Town of Bauline	Report	2022-07-20	36	2022-09-12	22	2022-10-13	58
Office of the Child and Youth Advocate	Report	2022-08-11	31	2022-09-26	27	2022-11-03	58
Eastern Health	Report	2022-09-22	46	2022-11-29	14	2022-12-19	60
Independent Appointment Commission	Report	2022-07-28	56	2022-10-19	4	2022-10-25	60
Town of Flatrock	Report	2023-01-03	60	2023-03-28	0	2023-03-28	60
Department of Finance	Report	2022-05-05	35	2022-06-24	26	2022-08-02	61
Department of Justice and Public Safety	Report	2022-10-31	36	2022-12-21	25	2023-01-27	61
Serious Incident Response Team	Report	2022-09-06	33	2022-10-24	28	2022-12-02	61

Public Body	Means of Resolution	Review Started	Days for Informal Review	Formal Review Stared	Days for Formal Review	Date Complaint Resolved	Total Days
Memorial University	Report	2022-07-13	32	2022-08-29	29	2022-10-11	61
Department of Finance	Report	2022-05-04	36	2022-06-24	26	2022-08-02	62
Department of Health and Community Services	Report	2022-12-05	46	2023-02-09	16	2023-03-03	62
Department of Health and Community Services	Report	2022-12-05	46	2023-02-09	16	2023-03-03	62
Department of Health and Community Services	Report	2022-12-05	46	2023-02-09	16	2023-03-03	62
Department of Environment and Climate Change	Report	2022-05-04	24	2022-06-08	38	2022-08-02	62
Department of Industry, Energy and Technology	Report	2022-02-21	33	2022-04-07	29	2022-05-19	62
Department of Industry, Energy and Technology	Report	2022-02-21	33	2022-04-07	29	2022-05-19	62
City of St. John's	Report	2022-05-06	57	2022-07-28	5	2022-08-05	62
Department of Finance	Report	2022-05-03	37	2022-06-24	26	2022-08-02	63
Department of Health and Community Services	Report	2022-12-02	47	2023-02-09	16	2023-03-03	63
Legal Appointments Board	Report	2022-07-25	54	2022-10-12	9	2022-10-25	63
Newfoundland and Labrador Centre for Health Information	Report	2022-03-16	57	2022-06-07	6	2022-06-15	63
Town of Pouch Cove	Report	2022-11-18	43	2023-01-20	20	2023-02-17	63
Town of Pouch Cove	Report	2022-11-18	43	2023-01-20	20	2023-02-17	63
Town of Pouch Cove	Report	2022-11-18	43	2023-01-20	20	2023-02-17	63
Town of Pouch Cove	Report	2022-11-18	43	2023-01-20	20	2023-02-17	63
Town of Pouch Cove	Report	2022-11-18	43	2023-01-20	20	2023-02-17	63
Town of Pouch Cove	Report	2022-11-18	43	2023-01-20	20	2023-02-17	63
Town of Pouch Cove	Report	2022-11-18	43	2023-01-20	20	2023-02-17	63
Town of Pouch Cove	Report	2022-11-18	43	2023-01-20	20	2023-02-17	63
Town of Pouch Cove	Report	2022-11-18	43	2023-01-20	20	2023-02-17	63
Town of Pouch Cove	Report	2023-01-03	48	2023-03-10	15	2023-03-31	63
Department of Justice and Public Safety	Report	2022-12-20	24	2023-01-25	40	2023-03-22	64
Department of Fisheries, Forestry and Agriculture	Report	2022-09-20	64			2022-12-21	64
Department of Digital Government and Service NL	Report	2022-11-09	62	2023-02-08	2	2023-02-10	64
City of St. John's	Report	2022-02-17	22	2022-03-21	42	2022-05-19	64
Town of Musgrave Harbour	Report	2022-10-24	45	2022-12-28	19	2023-01-25	64
Department of Health and Community Services	Report	2022-10-31	59	2023-01-25	6	2023-02-02	65

Public Body	Means of Resolution	Review Started	Days for Informal Review	Formal Review Stared	Days for Formal Review	Date Complaint Resolved	Total Days
Department of Health and Community Services	Report	2022-10-31	59	2023-01-25	6	2023-02-02	65
Department of Health and Community Services	Report	2022-10-31	59	2023-01-25	6	2023-02-02	65
Department of Health and Community Services	Report	2022-10-31	59	2023-01-25	6	2023-02-02	65
Department of Justice and Public Safety	Report	2022-03-29	37	2022-05-20	28	2022-06-30	65
Department of Justice and Public Safety	Report	2022-03-29	37	2022-05-20	28	2022-06-30	65
Department of Digital Government and Service NL	Report	2022-11-16	62	2023-02-14	3	2023-02-17	65
Department of Environment and Climate Change	Report	2022-08-09	60	2022-11-03	5	2022-11-10	65
Department of Environment and Climate Change	Report	2022-12-19	37	2023-02-10	28	2023-03-22	65
Treasury Board Secretariat	Report	2022-11-03	64	2023-02-06	1	2023-02-07	65
Department of Industry, Energy and Technology	Report	2022-09-12	65			2022-12-14	65
Office of Women and Gender Equality	Report	2022-03-29	36	2022-05-19	29	2022-06-30	65
NL Centre for Health Information	Report	2022-04-26	35	2022-06-15	30	2022-07-28	65
NL Centre for Health Information	Report	2022-06-21	37	2022-08-15	28	2022-09-23	65
Memorial University	Report	2022-08-22	64	2022-11-23	1	2022-11-24	65
City of St. John's	Report	2022-11-15	56	2023-02-03	9	2023-02-16	65
City of St. John's	Report	2022-12-05	35	2023-01-25	30	2023-03-08	65
Office of the Premier	Report	2022-03-11	44	2022-05-13	21	2022-06-14	65
Office of the Premier	Report	2022-03-11	44	2022-05-13	21	2022-06-14	65
Department of Health and Community Services	Report	2022-09-13	50	2022-11-24	45	2023-01-30	95*
Town of Clarenville	Declined to Investigate	2022-03-31	1			2022-04-01	1
Department of Environment and Climate Change	Declined to Investigate	2023-01-18	2			2023-01-20	2
Department of Tourism, Culture, Arts and Recreation	Declined to Investigate	2022-11-30	3			2022-12-05	3
Eastern Health	Formal Investigation not Conducted	2022-07-18	35			2022-09-07	35
Department of Health and Community Services	Formal Investigation not Conducted	2022-12-09	47			2023-02-16	47
Workplace NL	Formal Investigation not Conducted	2022-12-07	49			2023-02-16	49

Public Body	Means of Resolution	Review Started	Days for Informal Review	Formal Review Stared	Days for Formal Review	Date Complaint Resolved	Total Days
Mental Health Care and Treatment Review Board	Formal Investigation not Conducted	2022-12-07	49			2023-02-16	49
Department of Fisheries, Forestry and Agriculture	Formal Investigation not Conducted	2022-09-12	57			2022-12-02	57
Department of Children, Seniors and Social Development	Formal Investigation not Conducted	2022-11-23	59			2023-02-16	59
Department of Education	Formal Investigation not Conducted	2022-11-10	61			2023-02-08	61
Department of Environment and Climate Change	Formal Investigation not Conducted	2022-07-18	63			2022-10-18	63
Department of Children, Seniors and Social Development	No Jurisdiction	2022-05-11	2			2022-05-13	2
Town of Pouch Cove	No Jurisdiction	2022-07-15	3			2022-07-20	3
Town of Twillingate	No Jurisdiction	2022-07-21	4			2022-07-27	4
Department of Children, Seniors and Social Development	No Jurisdiction	2022-10-11	7			2022-10-20	7
Town of Salmon Cove	No Jurisdiction	2022-04-26	36			2022-06-16	36
Department of Health and Community Services	Withdrawn	2022-05-13	2			2022-05-17	2
Western Health	Withdrawn	2022-04-01	2			2022-04-05	2
Department of Justice and Public Safety	Withdrawn	2022-10-06	3			2022-10-12	3
Department of Justice and Public Safety	Withdrawn	2023-02-20	3			2023-02-23	3
Office of the Premier	Withdrawn	2022-09-15	5			2022-09-22	5
Department of Municipal and Provincial Affairs	Withdrawn	2022-04-25	9			2022-05-06	9

*Section 46(2) of *ATIPPA, 2015* allows the Commissioner to apply to the Supreme Court of Newfoundland and Labrador for an order extending the period of time for an investigation. In this investigation, the public body did not provide records to OIPC for review until December 13, 2022, and the Commissioner sought an extension. By order of the Supreme Court of Newfoundland and Labrador, the time period for this investigation was extended by an additional 30 business days.

Appendix B

**Timelines (business days) for Privacy Complaints for the
2022-2023 Reporting Period under the
*Access to Information and Protection of Privacy Act, 2015***

Public Body	Means of Resolution	Review Started	Date Complaint Resolved	Total Days
City of St. John's	Informal Resolution	2022-04-04	2022-04-27	16
Town of Terra Nova	Informal Resolution	2022-04-06	2022-04-29	16
Town of Steady Brook	Informal Resolution	2023-02-13	2023-03-22	27
City of St. John's	Informal Resolution	2022-03-18	2022-04-27	27
City of St. John's	Informal Resolution	2022-03-17	2022-04-27	28
City of St. John's	Informal Resolution	2022-03-16	2022-04-27	29
City of St. John's	Informal Resolution	2022-03-15	2022-04-27	30
Department of Children, Seniors and Social Development	Informal Resolution	2022-09-12	2022-10-26	31
Town of Port au Port East	Informal Resolution	2022-04-11	2022-06-01	35
Department of Municipal and Provincial Affairs	Informal Resolution	2022-04-05	2022-06-03	41
Town of Bay Bulls	Informal Resolution	2022-02-18	2022-04-21	43
Public Service Commission	Informal Resolution	2022-08-03	2022-10-07	45
Treasury Board Secretariat	Informal Resolution	2022-02-21	2022-04-27	46
Public Service Commission	Informal Resolution	2022-11-02	2023-01-11	47
Treasury Board Secretariat	Informal Resolution	2022-03-11	2022-05-27	53
Town of Marystown	Informal Resolution	2022-08-10	2022-10-26	53
Town of Paradise	Informal Resolution	2022-04-11	2022-06-30	56
Town of Port au Port East	Informal Resolution	2022-03-23	2022-06-14	57
Department of Fisheries, Forestry and Agriculture	Informal Resolution	2022-12-28	2023-03-30	65
Public Service Commission	Informal Resolution	2022-10-26	2023-01-30	65
Department of Digital Government and Service NL	Informal Resolution	2022-03-11	2022-06-20	69
Department of Justice and Public Safety	Informal Resolution	2022-10-13	2023-01-27	73
Town of Bay Bulls	Informal Resolution	2022-05-05	2022-08-22	74
Memorial University	Informal Resolution	2022-04-13	2022-08-16	85

Public Body	Means of Resolution	Review Started	Date Complaint Resolved	Total Days
Department of Digital Government and Service NL	Informal Resolution	2021-12-13	2022-04-14	88
Town of Salmon Cove	Informal Resolution	2022-03-04	2022-07-15	92
Western Health	Informal Resolution	2022-02-24	2022-07-29	108
City of St. John's	Informal Resolution	2021-10-25	2022-04-22	128
Department of Transportation and Infrastructure	Informal Resolution	2022-03-11	2022-10-03	141
Town of Musgrave Harbour	Informal Resolution	2022-03-01	2022-11-08	174
Eastern Health	Informal Resolution	2020-09-16	2022-05-11	429
College of the North Atlantic	Informal Resolution	2021-01-15	2022-10-03	441
Town of Port au Port East	Declined to Investigate	2022-04-25	2022-04-27	2
Eastern Health	Declined to Investigate	2021-11-24	2022-06-02	134
Memorial University	Formal Investigation not Conducted	2022-12-22	2023-03-08	52
House of Assembly	Formal Investigation not Conducted	2022-06-10	2022-12-01	119
Office of the Citizens' Representative	Formal Investigation not Conducted	2022-06-08	2022-12-01	121
Commissioner for Legislative Standards	Formal Investigation not Conducted	2021-11-16	2022-06-24	156
Department of Children, Seniors and Social Development	Formal Investigation not Conducted	2021-01-20	2022-04-26	328
Town of Port au Port East	No Jurisdiction	2022-09-06	2022-09-09	3
Arts NL	Withdrawn	2022-08-09	2022-08-15	4
Newfoundland and Labrador English School District	Withdrawn	2021-02-04	2022-10-04	428

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