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“... the overarching purpose of access to information legislation, then, is to facilitate democracy. It does so in two related ways. It helps ensure first, that citizens have the information required to participate meaningfully in the democratic process, and secondly, that politicians and bureaucrats remain accountable to the citizenry.”
Justice Laforest,
Supreme Court of Canada, *Dagg v. Canada*

ABOVE BOARD

A QUARTERLY NEWSLETTER PUBLISHED BY THE
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This fifth edition of our newsletter marks our first edition that has been distributed almost solely in electronic form; sent by e-mail, as well as posted on our site. This edition offers a summary of a recent OIPC Report, an article about an increasingly prominent issue - Video Surveillance, a look at some OIPC statistics and figures for the 2011-2012 fiscal year, information on Privacy Awareness Week 2012, as well as the regular features (Council Corner, Access and Privacy News, and an updated Resource List).



Commissioner's Report Summary

Report A-2012-005 The Town of Portugal Cove-St. Philip's

In this case, the Applicant requested that the Town provide him with the name of a person who had made an access request of the Town. Personal information is protected under section 30 of the *Access to Information and protection of Privacy Act*. Personal information includes the name of an identified individual. In this case, the Commissioner held that the Town was correct to deny access to the name of a person who had made an earlier access request.

The Town had attempted to obtain the individual's consent to release their name, but that consent was not forthcoming. Therefore, the Commissioner had no recommendations to make to the Town. Filing an access request does not make the requester's name a matter of public knowledge. In order to facilitate the operation of the *Act*, public bodies must protect the names of requesters with the same zeal with which all personal information is protected from release under the *Act*.



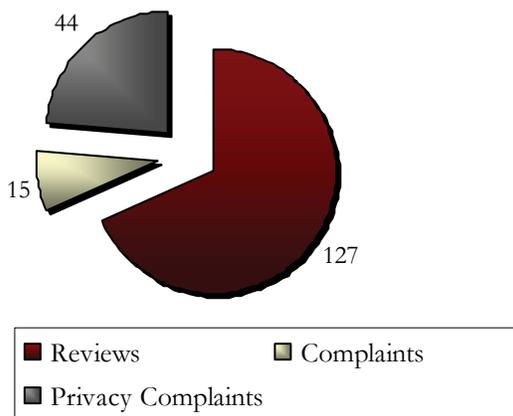
OIPC Stats & Figures/Events & Activities

OIPC Stats and Figures for 2011-2012:

To give an idea of what types of files the OIPC is working on and how these files get handled and resolved, here are some statistics for the 2011-2012 fiscal year. Just over two thirds of the active files handled by our office (127), are Requests for Review filed by Applicants who believe they have not received all of the information to which they are entitled under the ATIPPA. Access Complaints (fee and time extension) and Privacy Complaints make up the remaining one third of files, with 15 Access and 44 Privacy Complaints in total.

Of these 186 files handled by the OIPC in 2011-2012, we had 46 Requests for Review, 1 Access Complaint and 28 Privacy Complaints that were not resolved during the fiscal year and were carried forward into 2012-2013. Of the remaining 111 files, 66 were resolved informally (54 Access and 12 Privacy), and 20 were withdrawn or closed for other reasons. Less than one quarter of the files in 2011-2012 were moved to the Formal Investigation process resulting in a published Commissioner’s Report (22 Access and 3 Privacy).

Active Reviews/Complaints



Outcomes of Reviews/Complaints

	Access	Privacy
Requests Carried Forward	46	0
Complaints Carried Forward	1	28
Report	22	3
Informal Resolution	54	12
Closed Complaint	10	0
Closed General	8	1
Withdrawn	1	0

Privacy Awareness Week is an event to highlight and promote privacy rights and responsibilities



in the community. The OIPC focused its awareness efforts on five distinct areas of concern: youth, mobile devices, video surveillance, internet and health privacy. We did this by creating a list of facts, tips, quizzes, videos and web links to spotlight each topic and help make people more aware of the various concerns associated with these specific privacy areas, as well as open a dialogue about these issues and offer tips and advice on how to better secure personal information. You should have received this information (useful year-round) via regular or electronic mail, but you can also access these items on our website:

<http://www.oipc.nl.ca/privacyawarenessweek.htm>



Resource List

<http://www.justice.gov.nl.ca/just/info/schedule.html> (ATIPPA, Regulations and Fee Schedule)

<http://www.justice.gov.nl.ca/just/department/branches/division/atipp.html> (ATIPP Office)

http://www.justice.gov.nl.ca/just/info/access_policy_and_procedures_manual.pdf (Access Policy and Procedures Manual)

http://www.justice.gov.nl.ca/just/info/privacy_policy_and_procedures_manual.pdf (Privacy Policy and Procedures Manual)

http://www.justice.gov.nl.ca/just/atipp_training/index.html (ATIPP Training)

<http://www.oipc.nl.ca/accessreports.htm> (OIPC Commissioner's Reports on Access to Information)

<http://www.oipc.nl.ca/privacyreports.htm> (OIPC Commissioner's Reports on Privacy)

<http://twitter.com/#!/OIPCNL> (OIPC Twitter)

<http://www.assembly.nl.ca/business/bills/bill1229.htm> (Bill 29 Amendments to ATIPPA)

Access & Privacy News

A call for nominations for this year's **Grace-Pepin Access to Information Award** has been launched.

The Grace-Pepin Award was established by the Office of the Information Commissioner of Canada in collaboration with its provincial and territorial counterparts in an effort to recognize exceptional contributions to the promotion and support of the principles of transparency, accountability, and the public's right to access information held by public institutions.

For more information on the award and how to submit nominees for 2012, please visit:

http://www.righttoknow.ca/en/content/grace_pepin_award_prix.asp

Deadline: July 3rd, 2012

Amendments to the *Access to Information and Protection of Privacy Act* (ATIPPA), known as *Bill 29*, have recently been passed in the House of Assembly and are now in force. All ATIPPA coordinators should familiarize themselves with these additions and changes. The link below allows you to view the amendments to the Act:

<http://www.assembly.nl.ca/business/bills/bill1229.htm>

Hopefully a new consolidated version of the ATIPPA which incorporates the changes from *Bill 29* will be available soon.

Congratulations to Commissioner Ed Ring, who has been reappointed for a further 2-year term as Information & Privacy Commissioner.

Council Corner

All Municipalities are required under the *Access to Information and Protection of Privacy Act* (ATIPPA) to appoint an Access & Privacy Coordinator to ensure that the requirements and obligations of the Municipality, under the legislation, are met. At the time of our survey of coordinators in 2010/2011 it came to our attention that there are still municipalities who have not designated a person in that role. Some of these municipalities have since designated a coordinator, but any remaining municipalities without a designated coordinator should ensure that someone is appointed to this role ASAP.

Municipalities are also the public bodies that see the most turnover in coordinators. Please remember to update both the OIPC and ATIPP Office when a change in coordinator occurs.