

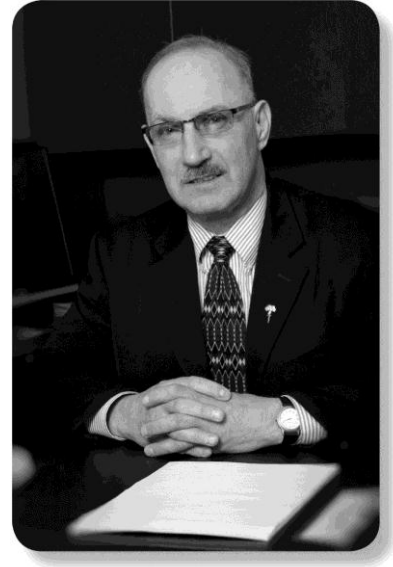


OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER
NEWFOUNDLAND AND LABRADOR

Annual Performance Report

2013-2014

www.oipc.nl.ca
1.877.729.6309



September 22, 2014

Message from the Information and Privacy Commissioner

In fulfilling its commitment to being accountable to the citizens of Newfoundland and Labrador, Government introduced the *Transparency and Accountability Act*. This *Act* provides the legislative framework for strengthening accountability of government entities through multi-year performance-based plans and annual performance reports that are presented to the House of Assembly.

I am pleased to present the Office of the Information and Privacy Commissioner's Annual Performance Report for 2013-2014.

As Commissioner, I am accountable for the results reported in the 2011-2014 Business Plan.

A handwritten signature in black ink, reading "E. P. Ring". The signature is written in a cursive style and is positioned above a long, thin horizontal line that extends to the right.

Edward P. Ring
Information and Privacy Commissioner

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OVERVIEW

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

- Investigations;
- Public Education;
- Oversight.

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

Number of Employees

The Office has a staff complement of twelve permanent positions (67% female, 33% male).

Physical Location

The OIPC is located at 34 Pippy Place, St. John's, Newfoundland.

Budget

The original 2013-2014 budget for the Office of the Information and Privacy Commissioner was 1,230,900. The Financial Statement found on page 21 of this Report shows the actual financial expenditures for the Office of the Information and Privacy Commissioner.

01 Salaries	991,400
02. Employee Benefits	4,500
03. Transportation & Communications	32,200
04. Supplies	10,300
05. Professional Services	40,000
06. Purchased Services	151,500
07. Property, Furnishings & Equipment	<u>1,000</u>
Total	<u>1,230,900</u>

MANDATE

The mandate of the OIPC is derived from the provisions of the *Access to Information and Protection of Privacy Act (ATIPPA)* and the *Personal Health Information Act (PHIA)* and includes:

Under ATIPPA:

- giving the public a right of access to records;
- giving individuals a right of access to and a right to request correction of personal information about themselves;
- preventing the unauthorized collection, use or disclosure of personal information by public bodies;
- providing for an independent review of decisions made by public bodies under the *ATIPPA*;
- reviewing 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 complaints about an extension of time for responding to a request or a fee required under the *Act*;
- making recommendations to ensure compliance with the *Act* and regulations;
- informing the public about the *Act*;
- receiving comments from the public about the administration of the *Act*;
- 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 adequately assist an applicant;
- making recommendations to public bodies or the minister responsible for this *Act* about the administration of the *Act*.

Under PHIA:

- review a decision, act or failure to act of a custodian that relates to an access request for personal health information or a request for correction of personal health information;

- review complaints where an individual believes on reasonable grounds that a custodian has contravened or is about to contravene a provision of this *Act* or the regulations in respect to his or her personal health information or the personal health information of another;
- make recommendations to be in compliance with the *Act*;
- inform the public about the *PHIA*;
- receive comments from the public about matters concerning the confidentiality of personal health information or access to that information;
- comment on the implications for access to or confidentiality of personal health information of proposed legislation schemes or programs or practices of custodians;
- comment on the implications for the confidentiality of personal health information of using or disclosing personal health information for records linkage or using information technology in the collection, storage, use or transfer of personal health information.

January 17, 2014 was the ninth anniversary of the proclamation of the *ATIPPA* (with the exception of the Privacy Provisions). The Privacy Provisions were proclaimed into force on January 16, 2008. In the first several years following proclamation, the initial priority for the Office was to build an awareness of access to information principles and best practices both within government institutions and within the larger public body sector. Internal capacity building was also a priority as it related to familiarization and knowledge building associated with the legislation, Commissioners rulings and precedent set in other jurisdictions across the country. Additionally, there was and still is a requirement to balance staff resources and demands in maintaining currency with advances in information management and technology as well as our requirement to educate and inform the public regarding the role and mandate of the OIPC as well as the legislation.

PHIA was proclaimed into force on April 1, 2011. It was anticipated that there would be an immediate and significant amount of work for our Office as a result of the proclamation. This was not the case, although *PHIA* has resulted in a significant workload, the increase was gradual and proportionate over the first two years of operation, however, the *PHIA* related workload has increased in this reporting period. Considerable effort has been expended during the past year in developing investigative methodology and internal procedures to address the oversight requirements of *PHIA* by our Office. The involvement of our Office from the early stages of *PHIA* development, as a member of the Implementation Steering Committee, several working groups and other advisory functions has been of significant assistance to the Office in addressing many of the initial issues and

concerns since proclamation. Additionally, the very strong and positive working relationships developed between the OIPC, Department of Health and Community Services officials and the four Regional Health Authorities has also contributed to this Office's ability to deal efficiently and effectively with *PHIA* issues, such as complaints and breaches.

This Office values its role as an independent support and arbitrator for the citizens of the Province. Every effort is taken to ensure our integrity such that we are trusted to represent citizens in their dealings with public bodies and custodians. The character of the Office is promoted and represented through the following five core values:

1. Independence

Each individual will conduct investigations independent of any influence.

2. Integrity

Each individual will ensure the provision of accurate, unbiased advice and recommendations.

3. Confidentiality

Each individual will exercise absolute confidentiality in accordance with the *ATIPPA* and *PHIA*.

4. Judgment

Each individual will use their professional knowledge and judgment in interpreting policies, practices and procedures to ensure compliance with the *ATIPPA* and the *PHIA*.

5. Respect

Each individual listens to and consider the ideas and opinions of others and works collaboratively to achieve results.

LINES OF BUSINESS

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

Investigations

The Office reviews decisions, acts or failures to act by heads of public bodies with respect to access to information requests, including decisions to extend the timeframe to respond to access requests.

We will also investigate the appropriateness of fees charged for access to information. The Office will also review the failure or refusal by a head of a public body to correct personal information that is in its control. Additionally, the Office will conduct investigations based on complaints from citizens relating to the collection, use or disclosure of personal information by a public body.

The Office will also review a decision, act or failure to act of a custodian that relates to an access request for personal health information or a request for correction of personal health information. We will also investigate complaints where an individual believes that a custodian has contravened or is about to contravene a provision of *PHIA* or the regulation in respect to his or her personal health information or the personal health information of another.

Public Education

The Office ensures that members of the public are aware of their rights to access information and how they can exercise those rights. As appropriate, the Office informs the public about these rights through public commentary and education/awareness programs aimed at explaining the administration and operation of the *ATIPPA*, the *PHIA* and our Office. Additionally, all requests for review and complaints under *ATIPPA* and *PHIA* that result in a formal report are published on the OIPC website and available to the public.

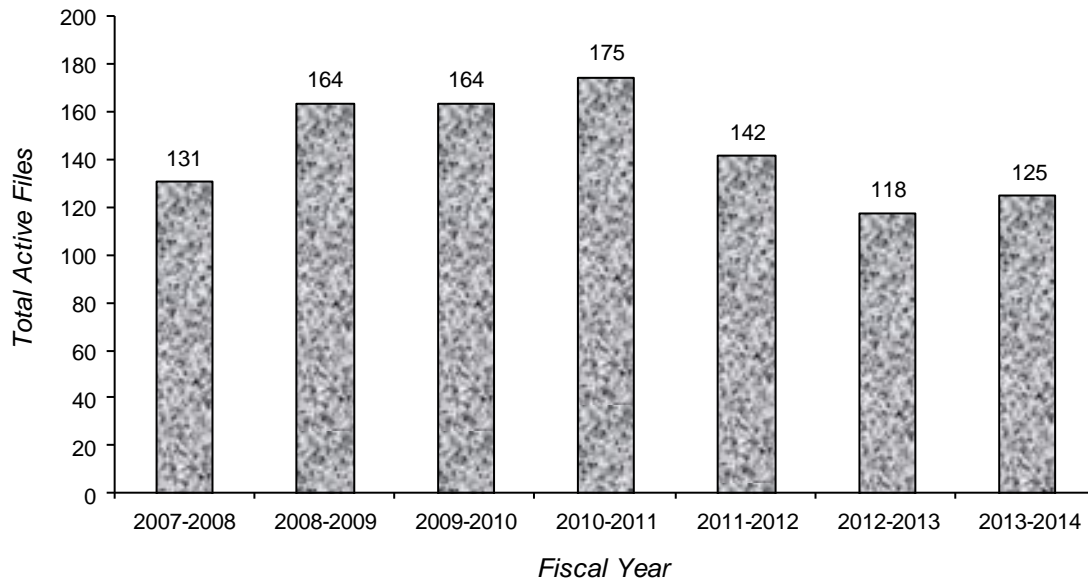
Oversight

The Office acts as an oversight body and is entitled to comment on the implications for access to information and protection of privacy of proposed legislative schemes or programs of public bodies and custodians.

OTHER KEY STATISTICS

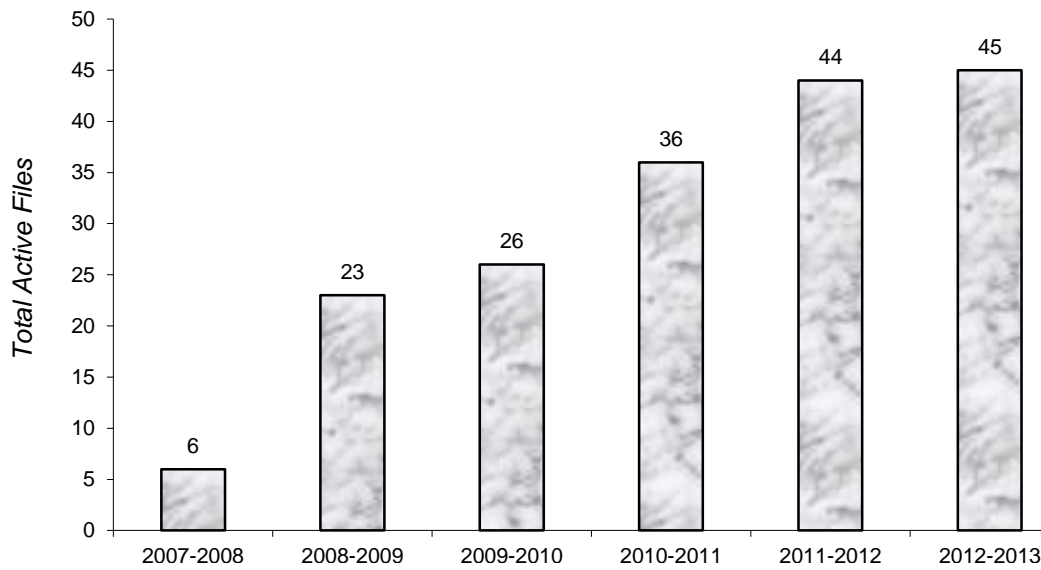
ATIPPA Access

The complexity of access requests for review, time extension and fee complaint reviews seems to be increasing resulting in more investigative time required and longer periods needed to conclude the investigation and produce reports. This situation has occurred due to requesters becoming more familiar with the legislation, along with an increased sophistication in using the *Act* and improved skills in wording requests for information to public bodies.



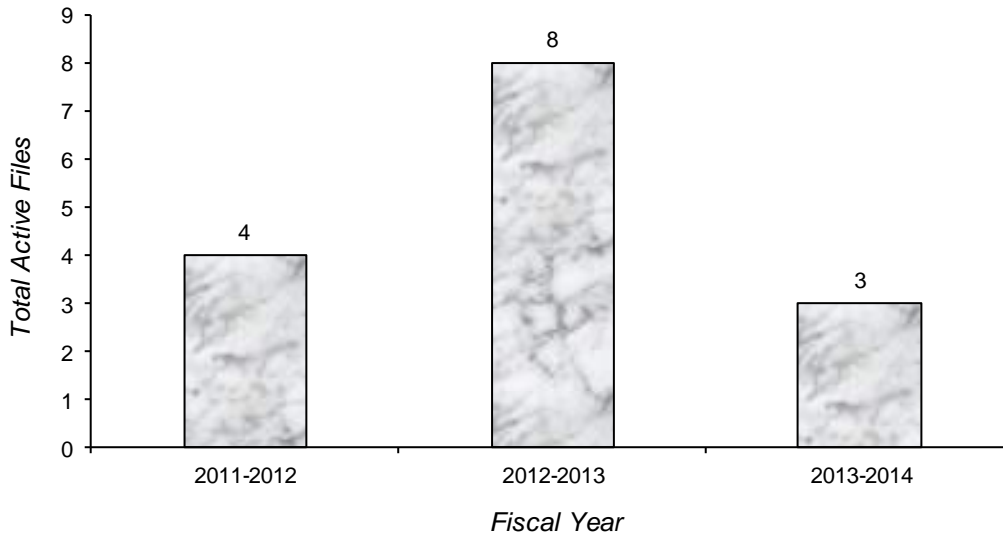
ATIPPA Privacy

Privacy breach complaints have presented a significant challenge for the Office since Part IV of the *ATIPPA* (privacy provisions) was proclaimed into force in January 2008. Privacy breach investigations tend to be complex and time consuming, requiring significant periods of time to conduct and conclude. These investigations routinely require site visits on a number of occasions and the engagement of technical experts.



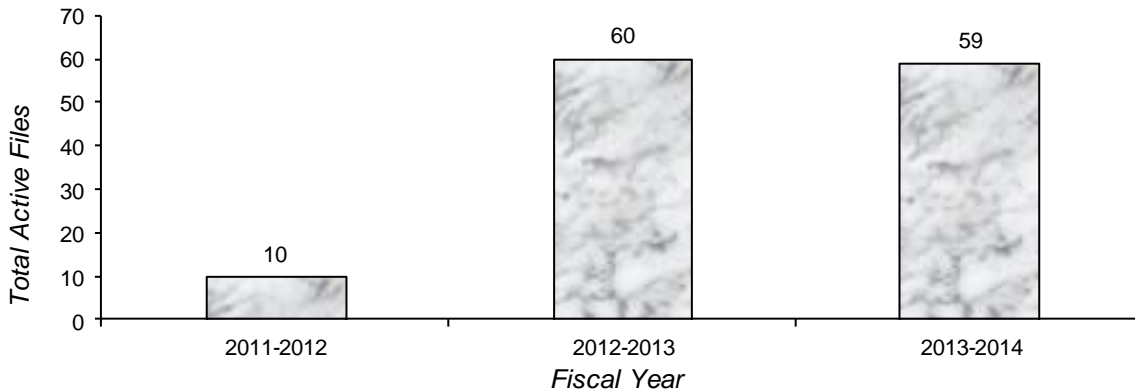
PHIA Access/Corrections Complaints

As stated earlier, the amount of work generated since the proclamation of *PHIA* has been gradual and manageable to date. The Office expects that the demand will increase over time as the legislation matures and public awareness is heightened.



PHIA Privacy Complaints

As indicated earlier in this Report, the amount of work generated since the proclamation of *PHIA* has been gradual and manageable. The Office expects that the demand will increase over time as the legislation matures and public awareness is heightened. It is worthy to note that these kinds of investigations are, on most occasions, very complicated and technical to a large degree which has resulted in some files carried by the analysts conducting these investigations, being transferred to other staff in the Office in order to facilitate site visits, training and technical expert consultation. This has, on occasion resulted in delay in concluding some investigations and publishing the resulting report.



HIGHLIGHTS AND ACCOMPLISHMENTS

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

1. Continued and ongoing consultation with the Office of Public Engagement.
2. Annual meeting/telephone conference with all Regional Health Authorities.
3. Staff member attended the International Access and Privacy Professionals Symposium.
4. A number of OIPC staff (investigators) attended and made presentations to the National Investigators Conference hosted by the Privacy Commissioner of Canada.
5. Reviewed and consulted on the updated Access to Information Policy and Procedures Manual prepared by the ATIPP Office with the Office of Public Engagement.
6. Consultation/meeting with the Office of the Child and Youth Advocate.
7. Participated in a number of meetings with the Health Information Privacy Advisory Committee.
8. Attended court on a number of occasions resulting from a former Eastern Health employee prosecution under the offence section of the *Personal Health Information Act*.
9. Organized and participated in a number of Right to Know Week (RTK) activities.
10. Participated in several ATIPP Coordinating Office Community of Practice round table discussions.
11. Participated in several International Access and Privacy Professionals (IAPP) knowledge net events sponsored by Memorial University.
12. Commissioner attended the annual Federal/Provincial and Territorial Information and Privacy Commissioners' Conference.
13. Several investigators attended the Western Canadian Access and Privacy Conference.
14. Presented and participated as a panel member for the Municipal Administrators Conference.
15. An OIPC staff member presented at the Western Health Annual General Meeting.
16. Made a number of presentations throughout the reporting period to groups of students, teachers and parents on "Social Media Privacy and Risks" at various schools throughout the Province.

17. Consultations with senior officials of the College of the North Atlantic by officials from the OIPC.
18. OIPC co-hosted the Newfoundland and Labrador Access and Privacy Conference, run by Verney Conference Management.
19. Attended a special digital Health Information event with Mr. Richard Alvarez, President and Chief Executive Officer of Canada Healthy Infoway.
20. Meeting/consultation with officials and staff of Newfoundland and Labrador Centre for Health Information.
21. Prepared and presented information recognizing Data Privacy Day.
22. Consultations with Newfoundland and Labrador Teachers' Association (NLTA) to pursue joint outreach opportunities for students in the Province.
23. OIPC staff development day in support of recently announced legislative review for the *ATIPPA*.

VISION

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

REPORT ON PERFORMANCE

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

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

Measure: Improved capacity and effectiveness of the Office to provide service and support decisions.

Indicators
Reduced timeframes to conduct access reviews, increased number of informal resolutions and published review reports and recommendations.
Increased awareness initiatives
Developed ability to deal with privacy complaints and personal health information breach complaints.
Improved investigative methodology and continued with the development and production of a comprehensive policy and procedures manual to guide the work of the Office as it relates to <i>ATIPPA</i> and developed investigative methodologies to cater to <i>PHIA</i> issues.
Researched and developed comprehensive policies and procedures to guide the work of the Office as it relates to the <i>PHIA</i> .
Identified all governing bodies, colleges, boards and/or associations for the major custodian groups under <i>PHIA</i> .
Conducted liaison/consultation and education meetings with the governing bodies/associations.
Enhanced and updated the OIPC website as <i>PHIA</i> issues develop and mature.
Enhanced and/or introduced follow-up for 2011 ATIPP public body survey.

Issue 1: *Personal Health Information Act*

PHIA was proclaimed into force on April 1, 2011. The resulting workload was initially lower than anticipated; however, this has significantly increased during the 2013-2014 reporting period, mainly due to the increase in privacy complaints and the highly technical nature of some of the required investigations. As indicated earlier, the *PHIA* policy and procedures manual did not progress as we had hoped due to the loss of resources. During this period, due to the conduct and finalizing of two significant *PHIA* privacy breach investigations (Eastern Health and Western Health) and subsequent prosecution procedures (which are still before the courts), the Office ~~has~~ developed an investigative/prosecution template that will be followed during future *PHIA* privacy breach investigations. Work continued on the policy and procedures manual, however, at a reduced level of effort dictated by the ongoing day to day review and investigation requirements, as well as the legislated timelines directed in both *ATIPPA* and *PHIA*.

Goal: By March 31, 2014, the Office of the Information and Privacy Commissioner will have assessed the magnitude of the *PHIA* workload requirements and will have developed internal processes to deal with the requirements to provide services.

Measure: Assessed the magnitude of the *PHIA* workload requirements and will have begun development of internal processes to deal with the requirements to provide services.

<i>Planned</i>	<i>Actual Results</i>
Developed increased capacity of the Office.	Over the 2011-2014 planning period considerable progress has been made in developing increased capacity. The jurisdictional scan conducted to facilitate the production of our policy and procedures manual and to develop procedures was very well done. The appointed lead for this initiative compiled all relevant information, held a number of in-house policy development meetings and produced a draft of the <i>PHIA</i> policy and procedures manual. Work continued on the development of the Manual, however the loss of resources impacted our ability to progress in this area. Additionally, other significant events during this period required priority changes and have interfered, in a large way, with the accomplishment of our goals such as legislative changes to the <i>Access to Information and Protection of Privacy</i> Act; the conduct of a number of highly technical and time consuming investigations; and initiation of two investigations and prosecutions under <i>PHIA</i> .
Developed a <i>PHIA</i> policies and procedures manual.	We are pleased with the quality of the draft manual that we have developed and continue to refine as events and circumstances surrounding <i>PHIA</i> issues occur. As resources become available and the circumstances described in the developed increased capacity section above stabilize, it is our intention to conclude work on the manual and publish the document.
Developed processes for monitoring <i>PHIA</i> related activity.	Good progress has been made in this area. The work conducted by this Office in our ongoing efforts to interact and engage with the governing bodies for the major custodian groups under <i>PHIA</i> has achieved the desired effect - open, frank and reasonably frequent communications. Additionally, the introduction of our annual meeting with the privacy officials from the four Regional Health Authorities has resulted in an accurate and up-to-date synopsis of all <i>PHIA</i> related activity in these organizations. We are very pleased with the progress made in this area; however, there is still a great deal of work to be done as it relates to the thousands of smaller, standalone custodians under <i>PHIA</i> .

	<p>To make it easy for individuals to file a complaint with the OIPC, we created and posted to our website an investigation of complaint form and a privacy complaint form. Also, a privacy breach incident form was created for use by custodians for ease of reporting breaches to the OIPC.</p> <p>Processes were also established for tracking investigations to ensure legislative time lines were met.</p>
Resolved both <i>ATIPPA</i> and <i>PHIA</i> requests for review and complaints to the extent possible, by informal resolution.	Our Office continues to strive for improvement in this area. The Office has consistently achieved on average a 75-80% informal resolution rate with access requests and complaints to our Office. We are pleased with these results which compare favorably with other Commissioner's offices across Canada.

Objective 3: By March 31, 2014 the Office of the Information and Privacy Commissioner will have completed and published its *PHIA* policy and procedures manual.

Measure: Completed and published *PHIA* policy and procedures manual.

<i>Planned for 2013-2014</i>	<i>Actual Performance for 2013-2014</i>
Feedback information gathered from previous jurisdictional scan and in-house meetings and discussions to refine existing policies and procedures.	The Office has not been able to progress to the desired level regarding this objective due to unforeseen circumstances and events which have required considerable priority change. In some ways we have made outstanding progress due to the development of our offence investigation and prosecution template. Periodic, almost weekly discussions occur regarding <i>PHIA</i> issues. This information is being captured and when resources allow, will be incorporated into the <i>PHIA</i> policy and procedures manual.
Policy and Procedures manual completed and published.	

Discussion of Results

More work is required in this area to reach the desired goal of a published policy and procedures manual. Due to a significant change in priorities for the Office due to unforeseen events, resources had to be refocused to several significant investigations. These priorities were driven by legislated timelines that could have served to hamper the Office's ability to conduct *PHIA* privacy breach investigations and subsequent prosecution proceedings. The loss of resources during this planning cycle impacted our ability to make progress. This project will be actively pursued once again when resources and circumstances exist.

Issue 2: Public Education

One of the mandates of the OIPC was to raise awareness and educate the general public on the *ATIPPA* and the *PHIA*. This has been an ongoing process for the *ATIPPA* and will be continued during the next planning cycle. Specific initiatives were initiated to achieve our education goal with a number being specifically targeted towards *PHIA* for the general public, custodians and governing bodies of the major custodian groups. This was accomplished through a number of initiatives that included but was not limited to the following: co-hosted a major access and privacy conference, public speaking/presentation engagements, participated in *ATIPPA/PHIA* related panels, conferences, hosted presentations/working groups, ongoing consultations with subject matter experts and engaged stakeholders, press releases, engaged written and TV media releases, newsletter and brochures production.

Goal: By March 31, 2014, the Office of the Information and Privacy Commissioner will have undertaken initiatives to educate and inform the public on the *PHIA* and the role and function of the OIPC and continue our education initiatives on the *ATIPPA*.

Measure: Undertaken initiatives to educate and inform the public.

<i>Planned</i>	<i>Actual Results</i>
<p>Maintained the number and type of presentations/meetings conducted compared to the previous reporting period.</p>	<p>The OIPC has a public awareness and education mandate under both pieces of legislation that it oversees. High priority is placed on this role and extensive effort has been expended to achieve it during this reporting cycle. The numbers of presentations, meetings and consultations conducted during the three years of the cycle have remained consistent averaging around sixty-five events per year. There have been improvements in the number of people that have been reached due to a targeting exercise by our Office to identify specific groups and organizations that were open to have OIPC involvement in their planned scheduled events. These activities and events have produced, on some occasions, very large audiences, focusing on both <i>ATIPPA</i> and <i>PHIA</i>. Several examples of organizations that have been identified and favorably responded to the OIPC request to provide public education through their organization are Municipalities Newfoundland and Labrador, Newfoundland Guild of Dispensing Opticians, and the CBDC Semi-Annual Conference. This initiative has worked very well and although the number of events has not changed substantially, the number of people receiving our information has greatly increased.</p>

<p>Encouraged greater participation at education sessions.</p>	<p>This initiative has resulted in greater public participation as a result of our targeted efforts to participate in planned events by a number of large organizations.</p>
<p>Analyzed feedback received from the general public.</p>	<p>Approximately 50% of the organizations with whom we engaged provided feedback to this Office. The feedback has been consistently positive and has resulted in a number of invitations to participate in similar events sponsored by these large organizations. Additionally, other organizations over the reporting cycle, have invited the OIPC to participate in upcoming, planned events.</p>
<p>Maximized the number of opportunities to participate in various media forums (radio, TV, print media, etc.).</p>	<p>This has been an ongoing activity for the OIPC and every opportunity to provide information of interest to the public is pursued. Opportunities to contribute during the talk show programs have been pursued, as well as guest appearances on CBC Cross Talk and numerous articles on matters of public interest have been published in the various newspapers across the Island and in Labrador. Also, a number of TV news appearances and interviews have been provided by the Commissioner.</p>
<p>Launched initial brochure mail out initiative.</p>	<p>This initiative has proven to be quite successful. The initial brochure mail out was produced in 2011. The Office also produced and mailed out to all public bodies in Newfoundland and Labrador three newsletters in 2011 and 2012, and two publications in 2013. The newsletters now are generally provided electronically but a mail out is still done for the few unconnected communities or communities who request a hard copy be provided.</p>

<p>Objective 3: By March 31, 2014 the Office of the Information and Privacy Commissioner will have continued to accomplish its public education program and will have identified further locations/opportunities/organizations to be targeted for educational purposes.</p>	
<p>Measure: Continued to accomplish its public education program and will have identified further locations/opportunities/organizations to be targeted for educational purposes.</p>	
<p>Planned for 2013-2014</p>	<p>Actual Performance for 2013-2014</p>
<p>Areas/locations identified and targeted.</p>	<p>The majority of our outreach effort has been focused on the greater St. John's metropolitan area due to the large number of public bodies and custodian group governing bodies that are</p>

	located in that area. Approximately sixty-four outreach opportunities occurred in the form of public body briefings, agency and community briefings, school briefings, public body and custodian briefings and conferences. With the help of our quarterly newsletters we are receiving more exposure to rural areas and as a result, receiving invitations to present in schools and other venues in these areas. During this reporting period we also co-sponsored a major access and privacy conference in St. John's.
Briefings/meetings conducted.	The Office participated in approximately sixty-four outreach opportunities during this reporting period. We were pleased that we were able to achieve this level of exposure during a reporting period that presented a number of significant unforecasted and unforeseen developments and challenges for the Office.
Gathered feedback information.	The Office routinely seeks feedback from all engagements and opportunities to interact with the general public, public bodies and custodians. The feedback received is always positive and on a number of occasions useful and helpful suggestions have been offered to either enhance or improve the product we are delivering. The feedback from community groups and schools in particular has been very positive, resulting in invitations to repeat our presentations to students, teachers and staff on an annual basis.
Analyzed feedback received to assist in confirming and improving approach.	

Discussion of Results

The Office is very happy with the results achieved in this reporting year. We will strive to enhance our position and performance in this area as circumstances in the Office change.

Issue 3: Stakeholder Engagement

There are thousands of custodians, private and public, under *PHLA*. The legislative requirements of *PHLA* are onerous and for the smaller custodians would represent a significant challenge. The purpose of the OIPC consultations with the major custodian groups governing bodies and associations was to encourage collaboration and to encourage these organizations to coordinate and assist on behalf of their members a joint effort in meeting some of the legislative requirements. For example, each custodian, small and large, must produce policies and procedures to deal with *PHLA*.

Goal: By March 31, 2014, the Office of the Information and Privacy Commissioner will have researched, identified and implemented processes to engage and consult with all custodian group governing bodies/associations under the *PHIA* and continued its liaison and collaboration with public bodies under the *ATIPPA*.

Measure: Researched, identified and implemented processes to engage and consult with all custodian group governing bodies/associations under the *PHIA* and continued liaison and collaboration with public bodies under the *ATIPPA*.

<i>Planned</i>	<i>Actual Results</i>
Co-hosted a major conference in Newfoundland and Labrador focused primarily on <i>ATIPPA</i> but will contain significant <i>PHIA</i> content.	This initiative has been met with the co-hosting by the OIPC, of a major access and privacy conference in the Province for each of the three years of the reporting cycle.
Identified and met with all custodian group governing bodies/associations under <i>PHIA</i> .	Overall, our Office has identified twenty-nine governing bodies/associations that either represent or govern the activities of the major custodians groups under <i>PHIA</i> . In the first year after <i>PHIA</i> was proclaimed, the OIPC planned to meet with eighteen of the twenty-nine identified organizations. Fourteen of the twenty-nine meetings were held. There was a shortfall once again in the subsequent year where only four of these meeting occurred. This significant shortfall was due to scheduling problems and other operational requirements including some of the issues mentioned earlier in this report due to unforeseen circumstances that required a priority shift and change of focus for the Office.
Met with major custodians under <i>PHIA</i> .	Annual scheduled meetings with the major custodians under <i>PHIA</i> , the four Regional Health Authorities, have been in place for several years. This process is working extremely well and has provided a forum, on a regular basis, for open, frank and comprehensive discussions and debates. Other major custodians have also interacted with the OIPC, however, a number of these have only occurred due to issues arising with the application of the legislation. More work has to be done in this area in the next planning cycle.

<p>Engaged in as many presentations, panels, discussions as possible with custodians.</p>	<p>As was indicated earlier in this report the Office has not met the overall goal it had set for itself in the 2011-14 planning cycle. Our initial estimate of what was reasonable as an achievable objective was a best guess. PHIA was rolled out and proclaimed suddenly with little dedicated time for this Office to conduct appropriate research and have plans in place to move forward once proclamation occurred. Our approach was reactive at the time; however, considerable progress has been made over the past couple of years. Although, there are still a number of custodian groups governing bodies and associations as well as major custodians to meet with, a large number of these have been involved in ongoing dialogue with the OIPC and we intend to continue this during the next planning cycle.</p>
<p>Tracked and analyzed feedback from custodians and major custodian groups and public bodies.</p>	<p>Considerable verbal, electronic and in-person feedback and response to our interactions with both custodians under PHIA and public bodies under ATIPPA, was received. We believe that the key to success in our oversight role is open, frank and frequent dialogue and debate. We encourage this at all times and hi-light its importance whenever the opportunity arises. This kind of feedback is, in many cases, our first real contact with custodians and public bodies so we strive to create an environment of understanding and mutual respect that will encourage more frequent interaction. Over the past planning cycle many of our consultations have evolved into more structured scheduled (semi-annual or annual meetings) like those which are conducted with the Regional Health Authorities.</p>

<p>Objective 3: By March 31, 2014, the Office of the Information and Privacy Commissioner will have completed meetings/discussions with most if not all identified custodian group governing bodies and a large number of individual custodians and public bodies.</p> <p>Measure: Completed meetings/discussions with all identified custodian group governing bodies and a large number of individual custodians and public bodies.</p>	
<p>Scheduled/conducted meetings.</p>	<p>It was identified that there were 29 governing bodies/associations that either represent or govern the activities of the major custodian groups under PHIA. In total 18 of the planned</p>

	29 consultations have been conducted, but only 4 during this reporting period. Several factors have contributed to the shortfall including scheduling difficulties and other operational requirements.
Analyzed feedback received.	Based on the discussions and communications with the custodian group that were completed, follow-up consultation continues on an as required basis. Some custodian group governing bodies and/or associations have engaged in continuing discussions leading to having well-grounded and solid policies and procedures in place. This is particularly true for the larger groups. We will strive to improve upon and complete the outstanding consultations as we go forward.

Discussion of Results
As indicated above, circumstances and demands on the Office during this reporting period dictated substantial change of priority and re-allocation of our resources which interfered with the plan outlined in our 2011-2014 Business Plan. Having said that, good progress has been made and we are optimistic that the change of direction that was required by the Office will be rectified as we go forward with our next planning cycle.

OPPORTUNITIES AND CHALLENGES

The Office of the Information and Privacy Commissioner has experienced a very busy, hectic turbulent and productive year during this reporting period. The number of significant and unforeseen challenges have, in many ways, driven the direction of the Office, requiring priorities to change, along with a steep learning curve as the Office addressed the challenges presented by a largely revamped *ATIPPA*, Bill 29. Having said that, the Office has made good progress in its education and outreach mandate. The number of consultations on *ATIPPA* and *PHIA* has increased for this period. Additionally, periodic update meetings have been initiated and continue with the four regional health authorities. We continue to strive to improve on this. Also we have maintained the ability to resolve informally 75-80% of all review, complaint and privacy files. As both *ATIPPA* and *PHIA* matures, more and more public bodies and custodians have sought advice and input from our Office regarding privacy impact assessments and policy development. Although

these activities are time consuming, we are very pleased that both of these groups are pursuing practices that appropriately protect information.

The Office, in many ways, has experienced a year of largely being reactive due to highly technical investigations, offence investigations, several prosecution proceedings, increase in court case activity and the loss of a secondment position.

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

In conclusion, the OIPC will continue to strive to fulfill the various components of its mandate. We continue to strive to create an environment of open communication and dialogue with public bodies and custodians and work in a spirit of cooperation. The very positive and productive relationship that was created last year with the opening of the Office of Public Engagement (OPE) continues to evolve. We also look forward to being a major contributor to the recently announced *ATIPPA* review which is likely to commence in the near future.

This Office is very optimistic that this process will result in Newfoundland and Labrador possessing the strongest access and privacy legislation in the country and we look forward to and are excited to be part of this very important initiative. We look forward to our continued cooperation and consultation with all the stakeholders, with the aim of providing the best possible service to the citizens of the Province as they exercise their rights under the *ATIPPA* and *PHIA*, they deserve no less.

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, 2014 (un-audited).

	<u>Actual</u> \$	<u>Estimates Amended</u> \$	<u>Original</u> \$
OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER			
Current			
6.1.01. Office of the Information and Privacy Commissioner			
01 Salaries	1,003,754	1,009,600	991,400
02. Employee Benefits	3,959	4,500	4,500
03. Transportation & Communications	24,959	32,200	32,200
04. Supplies	13,395	14,200	10,300
05. Professional Services	57,674	57,700	40,000
06. Purchased Services	79,151	126,800	151,500
07. Property, Furnishings & Equipment.	<u>4,060</u>	<u>4,100</u>	<u>1,000</u>
	<u>1,185,656</u>	<u>1,249,100</u>	<u>1,230,900</u>
02. Revenue – Provincial			
Total: Office of the Information and Privacy Commissioner	<u>1,185,656</u>	<u>1,249,100</u>	<u>1,230,900</u>

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