



16th Legislative Assembly of the Northwest Territories

Standing Committee on Government Operations

Report on the Review of the
2008-2009 Annual Report of the
Information and Privacy Commissioner
of the Northwest Territories

Chair: Mr. Kevin Menicoche

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November 1, 2010

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Government Operations is pleased to provide its Report on the Review of the Report of the 2008-2009 Annual Report of the Information and Privacy Commissioner of the Northwest Territories and commends it to the House.



Kevin Menicoche, MLA
Chairperson

**STANDING COMMITTEE ON
GOVERNMENT OPERATIONS**

**REPORT ON THE REVIEW OF THE
2008-2009 ANNUAL REPORT OF THE
INFORMATION AND PRIVACY COMMISSIONER
OF THE NORTHWEST TERRITORIES**

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STANDING COMMITTEE ON GOVERNMENT OPERATIONS

REPORT ON THE REVIEW OF THE 2008-2009 ANNUAL REPORT OF THE INFORMATION AND PRIVACY COMMISSIONER OF THE NORTHWEST TERRITORIES

INTRODUCTION

The Standing Committee on Government Operations (SCOGO) reviewed the 2008-2009 Annual Report of the Information and Privacy Commissioner at its meeting on May 19, 2010. The Committee would like to thank Ms. Elaine Keenan Bengts for her report and for her appearance before the Committee.

The Information and Privacy Commissioner (IPC) is an independent officer of the Legislative Assembly. Her primary role is to review and make recommendations on public bodies' decisions related to the Northwest Territories' *Access to Information and Protection of Privacy Act (ATIPP)*. *ATIPP* requires that public bodies demonstrate their accountability by making information accessible to the public while at the same time protecting the privacy of individuals. In her address to the Committee, Ms. Keenan Bengts noted that balancing these two objectives can be challenging.

SCOGO is pleased to bring forward the following recommendations that were raised by the IPC in her annual report.

RECOMMENDATIONS

In order to address contemporary records management issues, other Canadian jurisdictions have recently completed reviews of their legislation. NWT *ATIPP* legislation was developed more than thirteen years ago, and legislators could not anticipate the technological advances that have subsequently occurred. Electronic communication is now the norm, and electronic records are often the primary method of recordkeeping. Given these changes, other Canadian jurisdictions have seen fit to review their legislation, and the IPC recommends that the NWT follow suit.

Recommendation 1

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories place a full review of the *Access to Information and Protection of Privacy Act* on its legislative agenda.

Ms. Keenan Bengts advocates the concept of "Privacy by Design". This means that privacy should be considered and addressed when an organization is being created, and built into systems and business practices.

Recommendation 2

The Standing Committee on Government Operations recommends that when a reorganization, amalgamation or formation of any public body is planned, matters concerning privacy issues should be considered and addressed at the organizational design stage.

Since 1999, the IPC has recommended that the NWT enact legislation that would make municipalities subject to access and privacy legislation, as they are in all but four Canadian jurisdictions. In response, the Department of Justice and the Department of Municipal and Community Affairs (MACA) developed a range of options, and held preliminary discussions with the NWT Association of Communities and local government administrators. MACA committed to developing a discussion paper for stakeholders and the general public in the next two years. The Yukon Territory is also presently considering municipal privacy legislation.

Recommendation 3

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories enact legislation that would make municipalities subject to access and privacy legislation, would define accountability levels, and would create practical rules regarding the gathering, use and disclosure of personal information about individuals by municipalities.

As in previous reports, the IPC urged the GNWT to give more attention to the good management of electronic records, particularly when it comes to ensuring that e-mail records are preserved and accessible.

A recent breach of confidentiality relating to the faxing of confidential medical records to an incorrect address leads the Committee to caution the Department regarding fax policies and procedures. The Committee emphasizes the

importance of good management, review of processes, and extreme caution when it comes to transmittal of confidential health records.

Recommendation 4

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories ensure that:

- **the same good records management practices that are applied to paper records are applied to e-mail communications; and**
- **employees receive formal training and informal coaching on managing electronic records.**

The IPC observes that though many children and youth communicate regularly on the Internet, they may not be aware of the risks associated with their online activities. Ms. Keenan Bengts believes the GNWT could help to protect children from risks associated with the Internet by providing teachers with appropriate curriculum material.

Recommendation 5

The Standing Committee on Government Operations recommends that the GNWT give consideration:

- **to educating elementary and secondary students about the risks associated with online activities; and**
- **to providing specific information in school curricula about these risks and the precautions that should be taken in order for youth to reduce them.**

CONCLUSION

Elaine Keenan Bengts has been the Information and Privacy Commissioner for more than ten years and has brought forward many recommendations that have contributed to improvements in access to information and privacy. The Committee commends her efforts and her perseverance and looks forward to receiving her 2009-2010 annual report.