



**Government of the Northwest Territories Response to Committee Report 5-19(2):
Report of the Information and Privacy Commissioner of the Northwest Territories**

Background

The Standing Committee on Government Operations (the “Standing Committee”) conducted a review of the Information and Privacy Commissioner’s 2018-2019 annual report. The report summarizing their review was tabled in the Legislative Assembly on October 27, 2020. It included 5 recommendations.

The following is the Government of the Northwest Territories (GNWT) response to the recommendations contained in *Committee Report 5-19(2), “Report on the Review of the 2018-2019 Annual Report of the Information and Privacy Commissioner of the Northwest Territories”*.

Recommendation 1

The Standing Committee on Government Operations recommends that the GNWT provide an update on the work being done to bring into force the amended sections of the *Access to Information and Protection of Privacy Act (ATIPP Act)*, including a schedule indicating when the changes will take effect.

GNWT Response

The GNWT remains committed to bringing the amended sections of the *ATIPP Act* into effect, targeting July 2021 except for the provisions regarding municipalities. Training and communications activities prior to implementation are planned to begin in March 2021.

With regard to municipalities, the Department of Municipal and Community Affairs (MACA) is working with the Department of Justice (DOJ) to develop an implementation plan to support community governments becoming bound by the *ATIPP Act*. A working group was established in 2019 which includes representation from the Board of Directors for both the NWT Association of Communities and the Local Government Administrators of the NWT. Within the composition of the working group, there are representatives from both large and small community governments to ensure a range of perspectives.

It took some time for the first meeting of the working group to take place due to other community government priorities. Despite COVID-19, the Access to Information and Protection of Privacy (ATIPP) working group was able to hold their first meeting on April 28, 2020. MACA is conducting research to inform the next meeting of the working group and to advance the work of creating an implementation plan. MACA and DOJ are currently planning a follow up meeting early in 2021 to continue this work. The priority for this meeting will be to establish a project charter to determine the scope of work required.



Recommendation 2

The Standing Committee on Government Operations recommends that the GNWT investigate and explore options for centralizing the management and administration of ATIPP on behalf of GNWT departments. The Standing Committee further recommends that Government share the results of this review for Committee input.

GNWT Response

Initial funding related to the implementation of a centralized ATIPP unit for the GNWT was provided to DOJ to ensure that there was consistency across government for the processing of access to information requests under the *ATIPP Act*, and also ensure that there was sufficient capacity and expertise to process those requests efficiently and effectively. Through this model, the GNWT Access and Privacy Office, housed within DOJ, will process all access to information requests for GNWT departments and the NWT Housing Corporation, however, ultimate decision-making authority will remain with those public bodies. The remainder of public bodies will be able to access advice, training, and assistance from the Access and Privacy Office. The GNWT Access and Privacy Office began a phased implementation of this centralized model specific to processing access to information requests in November 2020 and anticipates that it will be fully operational by March 2021.

DOJ is confident that this centralized model will improve the quality and timeliness of responses to the Information and Privacy Commissioner and create a centre of expertise for administering the *ATIPP Act*. The Access and Privacy Office is also developing training around privacy breach responses and Privacy Impact Assessments to ensure a consistent approach across the GNWT. The Access and Privacy Office is further tracking a range of metrics around ATIPP requests to meet reporting requirements under the amended *ATIPP Act* and to facilitate further analysis related to centralizing the overall management and administration of the *ATIPP Act* going forward (i.e. not just specific to processing access to information requests). The GNWT intends to have this analysis completed by the Fall of 2022 as part of the 2023-2024 Business Planning Process.

Recommendation Three

The Standing Committee on Government Operations recommends that the GNWT update the Committee on work to develop a standard approach to including “access by design” principles into the design of communications, programs, policies, and legislation. Committee requests details on how the GNWT will formalize and share the standard approach with GNWT staff.



GNWT Response

The GNWT supports the Access by Design principle noted by Standing Committee and recognizes the public is better served and better informed when the principals of routine disclosure and active dissemination are applied appropriately. The GNWT further recognizes that there is an increased expectation that public bodies will disclose information with openness and transparency while still ensuring personal and sensitive information is appropriately protected.

As part of the amendments to the *ATIPP Act*, the GNWT will be required to establish which records in its custody and control that do not contain personal information will be made publicly available without requiring an ATIPP request. As routine disclosure will be a statutory requirement under the amendments, the Access and Privacy Office will be asking public bodies to conduct a comprehensive review of their records to establish categories of records that can be routinely disclosed and proactively make these available to the public. This comprehensive review will be tied to the overall GNWT-wide implementation of the amendments to the *ATIPP Act* in 2021.

Recommendation 4

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories develop and implement a plan for ending the use of fax machines in the health and social services sector.

GNWT Response

The GNWT supports the Standing Committee's recommendation on this matter. Health and Social Services (HSS) has been reducing the use of faxing across the NWT over the past decade through investments in territory-wide clinical information systems. These information systems have enabled digitization of clinical records and eliminated the need to fax between practitioners across the NWT who use the same information systems.

Outside of these information systems existing, the use of fax machines continues to be deeply engrained in the day-to-day flow of transmitting information across the health sector, including GNWT organizations, non-government organizations, retail (e.g. pharmacies), business partners, and other jurisdictional partners. In some cases, legislation and regulations require signatures; electronic documents must be printed signed and faxed as part of the workflow. With that said, the Department of Health and Social Services is preparing a plan to better understand the current use of faxing across the NWT HSS system and to continue the work toward further reducing faxing.