

**GNWT RESPONSE TO COMMITTEE REPORT 1-17(3)
ON THE REVIEW OF THE 2010-2011 ANNUAL REPORT OF THE INFORMATION
AND PRIVACY COMMISSIONER OF THE NORTHWEST TERRITORIES**

The NWT *Access to Information and Protection of Privacy Act* (“the Act” or “ATIPP Act”) became law in 1996. It was created to promote access to information that the government creates and receives, and to protect individual privacy rights related to that information.

Under the Act, the Information and Privacy Commissioner is an independent officer appointed for a five-year term. The Act requires the Commissioner to file an annual report on her activities. The Commissioner may include in her report recommendations for amending the legislation to improve the Act’s efficiency and effectiveness.

The Standing Committee on Government Operations (the “Standing Committee”) conducted a review of the Information and Privacy Commissioner’s 2010-2011 annual report. The report summarizing their review was tabled in the Legislative Assembly on May 31, 2012. It included five recommendations.

The following is the Government of the NWT (GNWT) response to the recommendations contained in the “*Committee Report 1-17(3) on the Review of the 2010-2011 Annual Report of the Information and Privacy Commissioner of the Northwest Territories*”.

Recommendation One

The Standing Committee on Government Operations recommends that the GNWT implement access and privacy legislation for municipalities in consultation with stakeholders and bring forward a bill during the first two years of this Assembly. (Committee Report 1-17(3); page 3)

GNWT Response

The GNWT recognizes this is an outstanding recommendation and acknowledges the importance of the issue identified by the Information and Privacy Commissioner and the Standing Committee on Government Operations.

Municipal and Government Affairs (MACA) and Justice have met with representatives of the NWT Association of Communities and the Local Government Administrators of the NWT, and have established a working group that will review how all NWT municipalities may be brought under existing access and privacy legislation.

The working group (lead by MACA) will be tasked with developing a discussion paper for stakeholders to assess ATIPP and records administration requirements, training and financial implications that were previously identified as impediments to moving forward on this initiative. Following this assessment, the working group will also identify the

implementation and administration costs associated with implementing access and privacy legislation for all NWT municipalities. The GNWT recognizes the importance of advancing this work during the life of the 17th Assembly and will provide findings to the Standing Committee once this work with the NWT Association of Communities and Local Government Administrators of the NWT has concluded.

Recommendation Two

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories complete work on the new Health Information Act, taking into account consultation with the Information and Privacy Commissioner and the principle of patient control over patient information, and bring forward a bill within the first two years of this Legislative Assembly. (Committee Report 1-17(3); page 4)

GNWT Response

The GNWT recognizes the need for health specific privacy legislation and anticipates the bill for the proposed *Health Information Act* will be introduced during the 2013/2014 fiscal year. The proposed Act will recognize a core group of health care providers who will be able to share information with each other to provide better treatment and service to clients. The Act also provides specific rules regarding the collection, use and disclosure of personal health information that health care providers must follow in order to ensure that clients' privacy is properly protected. Other privacy protections include the requirement for security safeguards to be in place to protect against unauthorized access, use or disclosure of personal health information held by health care providers subject to the Act. The proposed Act will provide clients with a process that will allow them to access their own records or request a correction to their records, similar in structure to the NWT *ATIPP Act*.

In developing the new Act, the Department of Health and Social Services (HSS) consulted with a range of stakeholders, including the Information and Privacy Commissioner, the NWT Medical Association, the Registered Nurses Association of the NWT and the NWT Pharmacy Association. Consultations have also taken place with HSS Authorities and the Department of Justice. The introduction of the bill will be dependent in part on ensuring adequate time for further consultations with key stakeholders, which is anticipated for winter 2012-13.

Recommendation Three

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories undertake a comprehensive review of the Access to Information and Protection of Privacy Act and the role and powers of the Information and Privacy Commissioner, and bring forward a bill during the first two years of this Assembly. (Committee Report 1-17(3); page 5)

GNWT Response

The GNWT supports the Standing Committee's recommendation to undertake a comprehensive review of the *ATIPP Act*, including an examination of the role and powers of the Information and Privacy Commissioner. Justice will develop a review framework in 2013-14, with the goal of completing the review before the end of the 17th Assembly.

The GNWT Access and Privacy Office has identified this review and other privacy initiatives in the Department's 2013-14 Business Plan. Completion of the review is dependent on the availability of resources and timing considerations. This work and other actions in response to past commitments (as identified in the progress report in Attachment 1) will be the focus of the GNWT Access and Privacy Office during the 17th Assembly.

Recommendation Four

The SCOGO recommends the Department of ECE develop curriculum for grades one to twelve regarding the protection of privacy in the online environment, in consultation with the Information and Privacy Commissioner, for implementation in the fall of 2014/15. (Committee Report 1-17(3); page 6)

GNWT Response

The GNWT recognizes the importance of educating students and teachers regarding both the risks and the benefits that can be gained through responsible online activities.

As tabled in the February 2011 GNWT response, Education, Culture and Employment (ECE) committed to develop and implement a curriculum to educate students regarding the use of information and communication technology in 2012.

ECE has completed the new *Literacy with Information and Communication* curriculum. The overall goal of the curriculum is to educate teachers and students to be critical and creative in their use of information and communication technologies. This curriculum encompasses each of the four grade divisions, which covers Kindergarten to Grade 12 and includes comprehensive online tutorials where students will learn about the safe development of personal profiles, and the benefits and hazards of using and creating online information. Also included in the new curriculum are resources for parents to assist their education about online safety and positive use. All NWT teachers will have access to the curriculum in hard copy in August 2012 and online this fall.

However, as the GNWT indicated in the February 2011 response, it is important to recognize that this recommendation reflects a broader public interest regarding safe online activities that is not regulated by the *Access to Information and Protection of Privacy Act*.

Recommendation Five

The Standing Committee on Government Operations recommends the Government of the Northwest Territories provide a progress report and implementation plan for the Committee's recommendations concerning Access to Information and Protection of Privacy presented in the House between 2008 and May-June 2012, before the fall 2012 Session of the Legislative Assembly. (Committee Report 1-17(3); page 6)

GNWT Response

In September 2012, the GNWT provided Standing Committee with a progress report as requested (Attachment 1). The GNWT recognizes that there is still work to be completed on a number of recommendations and acknowledges the importance of moving forward on these commitments.