

**GOVERNMENT OF THE NORTHWEST TERRITORIES  
 RESPONSE TO MOTION 8-16(6): REVIEW OF THE ACCESS TO INFORMATION  
 AND PROTECTION OF PRIVACY ACT**

**Motion**

***The Legislative Assembly strongly recommends the Government of the Northwest Territories undertake a comprehensive review of the Access to Information and Protection of Privacy Act, including an examination of access to information and privacy legislation in other Canadian jurisdictions and all past recommendations of the Information and Privacy Commissioner, and bring forward a bill during the first two years of the 17<sup>th</sup> Assembly; AND FURTHER, that the Government of the Northwest Territories include mention of the need for a comprehensive review of the Access to Information and Protection of Privacy Act in any transition document or report to the 17<sup>th</sup> Assembly; AND FURTHERMORE, that the Government of the Northwest Territories provide a comprehensive response to this motion within 90 days.***

**Response**

In 1996, the Legislative Assembly of the Northwest Territories (NWT) passed the *Access to Information and Protection of Privacy Act (ATIPP Act)*. It was created to promote access to information that the government creates and receives, and to protect individual privacy rights related to that information. This legislation sets out legal conditions to make public bodies more accountable to the public, and protect the personal information of the public held in the custody or control of the public bodies that fall under the Act.

The Government of the Northwest Territories' (GNWT's) commitment to providing open, accessible and accountable government to the people of the NWT is evidenced by the numerous amendments to the ATIPP legislation, policies, guidelines and training that have taken place since the *Act* came into force. The GNWT acknowledges the interest of the 16<sup>th</sup> Legislative Assembly to move forward on a comprehensive review of the *ATIPP Act* and supports the need for effective review mechanisms. The current review mechanism to address access and privacy issues identified by the Information and Privacy Commissioner is through the Legislative Assembly by means of the Standing Committee's review of the Commissioner's annual reports. This review mechanism has been in place since the late 1990s.

The Minister of Justice is responsible for the administration of the *ATIPP Act* and takes a proactive approach in both (1) promoting access to information created and received by the GNWT, and (2) protecting individual privacy rights related to that information. The executive branch of government has initiated processes and initiatives to improve the GNWT's capacity and performance. In particular, the GNWT Access and Privacy Office within the Department of Justice provides leadership and oversight to all GNWT public bodies on meeting the obligations under the *ATIPP Act*. This work includes

researching, developing and implementing a wide range of policy tools and best practices in addition to amendments to the legislation and regulations.

The activities of the GNWT Access and Privacy Office along the Legislative Assembly's review mechanisms collectively ensure that the *ATIPP Act*, policies and guidelines remain current and relevant. This includes a means to address the emerging trends and technological developments which affect the way government manages, uses and communicates information. Addressing issues through the use of policies and guidelines rather than within the Act allows the GNWT to remain current in a manner that is responsive to the emerging and evolutionary nature of technological developments.

In early 2011, the 16<sup>th</sup> Assembly supported additional resources for the GNWT Access and Privacy Office. This has enabled the office to continue to move forward on a wide range of access and privacy initiatives. Progress on initiatives has regularly been reported in past GNWT responses to Standing Committee reports and the Department of Justice business plans, including the following:

- Development and revision of guidelines and policies regarding electronic records, emails and mobile devices;
- Development of privacy assessment tools and privacy breach protocols;
- Development and implementation of new access and privacy training for employees and GNWT boards; and
- Development of guidelines for the application of specific ATIPP exceptions and guidelines for proactive routine disclosure.

These activities respond to issues identified by Standing Committee.

It is anticipated that further progress will be made during the life of the 17<sup>th</sup> Assembly, but the scope and pace of advancements need to factor in the modest resources available to do this work. At this time, the GNWT Access and Privacy Office has one dedicated position with this GNWT oversight focus and mandate.

The GNWT recognizes that there is still work to be completed on a number of recommendations and acknowledges the importance of the issues identified by Standing Committee. Therefore the GNWT commits to review all past recommendations put forward by Standing Committees and will report on the status of the recommendations to the 17<sup>th</sup> Assembly. The GNWT further commits to include mention of the motion for a comprehensive review of the *ATIPP Act* in transition documents or reports to the 17<sup>th</sup> Assembly. The decision to undertake a comprehensive review of the *Act*, including an examination of access to information and privacy legislation in other Canadian jurisdictions, during the 17<sup>th</sup> Assembly will be dependent on the priorities of the next Assembly. Legislative amendments to the *ATIPP Act* would be determined pending outcomes of the review of past recommendations and the additional analysis of the legislation by the GNWT Access and Privacy Office.