

Access to Information and Protection of Privacy Act

Review and Update for
MNL



April 2015

Agenda

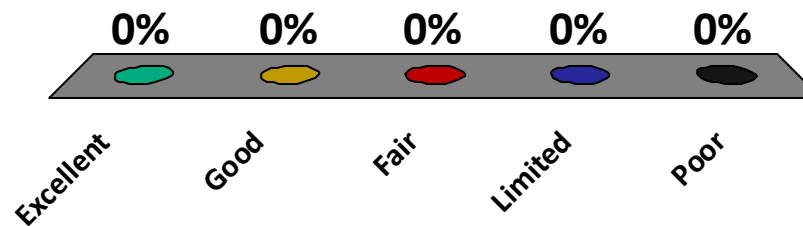
1. Opening Questions and Introduction
2. Disclosure of Public Documents
3. Access to Information Requests
4. Privacy
5. The Office of the Information and Privacy
Commissioner
6. Information Management
7. Plan for Municipalities and Final Questions

1. Overview and Opening Questions

- Electronic keypad polling

I feel that my current knowledge of ATIPP legislation is

1. Excellent
2. Good
3. Fair
4. Limited
5. Poor



1. Introduction

- *Access to Information and Protection of Privacy Act (ATIPPA)*
- Municipalities are required to:
 - Complete access to information requests
 - Protect privacy
- Appeals to Office of the Information and Privacy Commissioner

1. Introduction – ATIPPA Review

- Review of ATIPPA
- Public hearings in summer 2014; final Report released in March 2015
- Chapter 8 focuses on municipalities
- The report is available at: ope.gov.nl.ca/publications/index.html

1. Introduction – Recommendations for Municipalities

Transparency

“all [citizens] must have the fullest possible information of all the factors a municipal council will take into account in making decisions. That requires full disclosure”

“it is possible to strike a better balance in the Newfoundland and Labrador context, between the need to protect personal information and the goal of open and accountable government”

1. Introduction – Recommendations for Municipalities

Educational Support for Municipalities

- Help Desk at ATIPP Office
- Courses
- Thorough and adapted training
- Guide for Municipalities

ATIPP to Apply to Municipal Entities

2. Disclosure of Public Documents

Under the *Municipalities Act, 1999* the following 'public documents' must be available at town office:

- Adopted minutes
- Opened public tenders
- Contracts
- Assessment rolls
- Financial statements
- Orders
- Regulations
- Auditor's reports
- Permits
- Municipal plans
- Adopted budgets
- Tabled documents

2. Disclosure of Public Documents

- Do not require an ATIPP Request for public documents
- Public documents should be readily available at town office

2. Disclosure of Public Documents

- Report recommends Disclosure Standard in *Municipalities Act, 1999*
- Disclosure Standard to prevail over ATIPPA

2. Disclosure of Public Documents

- Municipal Working Group made up of MNL, OIPC, Government and Municipalities
- Municipal Working Group will develop disclosure standard.

3. Access to Information Requests

- Not required for public documents
- Municipalities must appoint an ATIPP Coordinator
- Coordinator gathers documents, determines if information should be withheld, and responds to request.

3. Access to Information Requests – Role of the ATIPP Coordinator

- Councillors and other staff should not interfere with ATIPP Coordinator. Coordinator may consult with others for advice on a matter or assistance in obtaining records
- Identity of applicant should remain anonymous until the final response
- Duty to assist

3. Access to Information Requests – Fees

- Fee changes already in place
- No fees for submitting an Access to Information Request
- Can charge
 - \$25/hour for locating records after 10 hours
 - May charge costs or reproducing record
 - Costs of shipping a record

3. Access to Information Requests – Timelines

- Timelines will be reduced to 20 business days
- Advisory response by day 10
- Must seek approval from OIPC to extend
- When ATIPP Coordinator asks you for records, provide them as soon as possible

3. Access to Information Requests – Exceptions to Access

- The ATIPPA describes the types of information that may be withheld when responding to an ATIPP Request. These are called exceptions
- Some exceptions are mandatory and some are discretionary.
- If you need help interpreting the exceptions, please contact the ATIPP Office

3. Access to Information Requests – Exceptions to Access

- Mandatory exceptions include:
 - Personal information (‘unreasonable invasion of privacy’)
 - Information harmful to a third party’s business interests
 - Information from a workplace investigation

3. Access to Information Requests – Exceptions to Access

- Examples of discretionary exceptions include:
 - Municipal confidences
 - Policy Advice
 - Legal Advice
 - Law Enforcement

3. Access to Information Requests – Public Interest Override

- Some discretionary exceptions do not apply where there is a public interest in disclosure
- OIPC will develop guidance manual and training

4. Privacy – new provisions

- Notifying individuals where releasing information could be an unreasonable invasion of privacy
- Will be able to release “remuneration” which includes salary and benefits of public employees

4. Privacy Breaches

- Includes information lost, stolen, mistakenly disclosed, accidentally sent to the wrong person, etc.
- Contain, Evaluate, Notify, Prevent
- Privacy Breach Protocol available on ATIPP website at www.atipp.gov.nl.ca/info/privacybreach.html
- You can also call our office for assistance

4. Privacy Breaches

- Potential liability and imprisonment for willful contraventions
- Harmful to public trust

4. Privacy Breaches - Reporting

- After June 1, must report all privacy breaches to the OIPC and ATIPP Office
- Privacy Breach reporting form:
www.atipp.gov.nl.ca/forms/index.html

5. Office of the Information and Privacy Commissioner

OIPC Review:

- Applicant may ask the OIPC to review a decision of a public body
- New Timelines
- Responding to recommendations

5. Office of the Information and Privacy Commissioner

- Time Extensions
- Disregarding Requests
- Privacy Breaches

6. Information Management/Duty to Document

- Good information management assists with transparency, access to information requests
- Public bodies should document decisions

7. Plan for Municipalities – Municipal Working Group

- Municipal Working Group will develop:
 - Disclosure Standard
 - Updated Municipal Guide
 - Template policies
- Helpdesk at OPE
 - Toll Free 1-877-895-8891
 - St. John's and Area 709.729.7072

7. Plan for Municipalities – Training

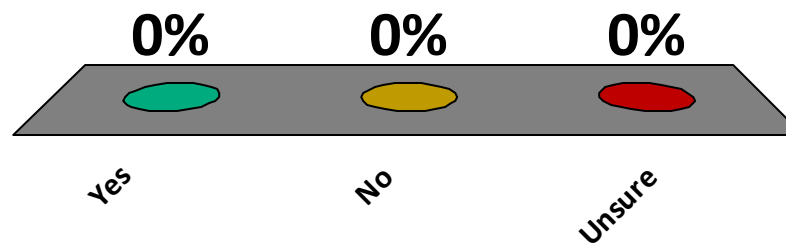
- Phase 1 – Introductory Training
- Phase 2 – Detailed Training
 - Webcast
 - Q&A
- Phase 3 – Thorough and Adapted Training
 - will incorporate disclosure standard
 - Summer/Fall 2015

QUESTIONS?

Final questions for you

I feel that I need additional educational resources to assist my municipality in complying with ATIPPA

1. Yes
2. No
3. Unsure

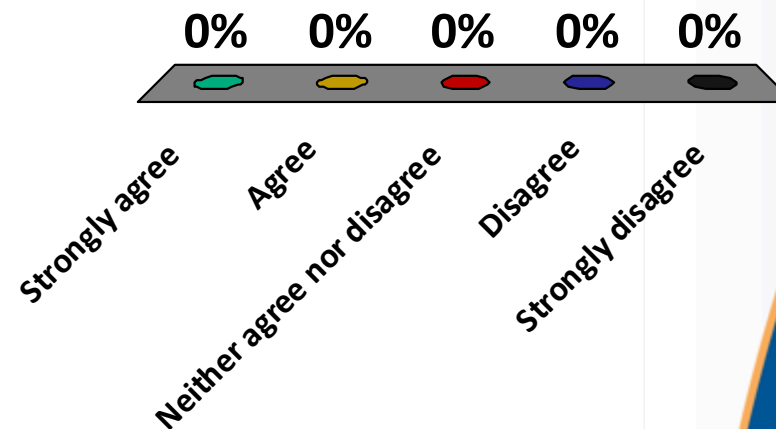


Records that should be made public

1. What records do you feel should be made available to the general public?
2. Are there any specific topics you would like to see addressed in training and/or the Guide for Municipalities?

After this session, my knowledge of ATIPPA has improved

1. Strongly agree
2. Agree
3. Neither agree nor disagree
4. Disagree
5. Strongly disagree



Thank-you!

ATIPP Office

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Newfoundland
Labrador

The logo for Newfoundland and Labrador, featuring a stylized red and green floral emblem above the text "Newfoundland Labrador" in a white serif font.