



Access & Privacy – A Day in the Life

Municipalities Newfoundland and Labrador
November 2, 2017



Agenda

Part 1 – Introductions

Part 2- A Day in the Life

Part 3 – Questions and Contacts

Introductions – ATIPP Office

- We provide advice and support by:
 - Answering questions on privacy and access
 - assisting with privacy breaches
 - providing training
 - Guides and handouts, including Guide for Municipalities
- If you get an ATIPP Request or have a questions about privacy, feel free to call us.



Introductions – Office of the Information and Privacy Commissioner

- The OIPC is an independent office of the House of Assembly. The Commissioner may make recommendations that public bodies must follow unless they file an appeal with the courts.
- Duties of the OIPC include:
 - Investigating complaints regarding access to information requests and breaches of privacy.
 - Receiving privacy breach notifications.
 - Processing time extension and disregard requests. Public bodies must respond to an access request within 20 business days.
 - Conducting own motion investigations.
 - education, advocacy, audits, commenting on draft legislation, etc.



About the *ATIPPA*, 2015

The Act balances:

- the right of individuals to access information that held by public bodies (i.e ensuring transparency and accountability); and
- the protection of individual privacy of individuals with respect to personal information about themselves held and used by public bodies.



About the ATIPPA, 2015

- Access to Information
- Exceptions
- Protection of privacy
- Complaint process (OIPC)



What is an ATIPP Request?

- Anyone can make an access to information request (aka ATIPP Request).
- The default position is that all records in the custody or control of a Public Body are accessible unless a specific exception to access applies.
- Records can include emails, letters, faxes, meeting notes, recordings, etc.



What is an ATIPP Request?

- ATIPP Requests are handled by your ATIPP Coordinator (usually your town clerk)
- Records must be provided, or there must be an explanation of why they are not provided.
- Mandatory and discretionary exemptions permit the withholding of information in many different contexts.



Timelines

- Public Body must respond to an access request within 20 business days.
- Approval of all time extensions and disregards must be from the OIPC.
- Commissioner must complete the complaint process, including informal resolution and report issued, within 65 business days.



Privacy

- Municipalities collect a variety of personal information.
- Personal information means information about an identifiable individual.
 - Eg. name, address phone number, social insurance number, opinions etc.



Privacy

- The ATIPP Act, 2015 sets out how personal information can be:
 - Collected
 - Used
 - Disclosed



Role of the ATIPP Coordinator

- Managing access to information requests
- Gathering records
- Protecting the identity of applicants
- Protecting privacy




9:00 a.m.

Your ATIPP Coordinator receives an access request for:

All email correspondence between councillors which mention a building permit at 123 Main Street

She asks you to search your emails for these records. She does not tell you who made the request.



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- Reasonable search (s. 13(1))
 - Anonymity (s.12)



10:00 a.m.

You notice that photos of a recent community event have been added to your community's Facebook page and "like" the post



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- Social Media Guidelines



11:00 a.m.

You search your inbox for emails related to the search. One of the emails contains a paragraph that you don't think should be disclosed. You black it out before giving it to her.



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- Role of Coordinator



2:00 p.m.

You attend a Council meeting. At that meeting, your lawyer is requested to provide a legal opinion on the issuance of a severance payment to a Town employee. Council enters a privileged meeting to hear and discuss the opinion



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- Privileged Meetings
 - Personal Information (ss.2(u) & 40)



3:00 p.m.

You send an email to another councillor discussing concerns you have about a town employee. You accidentally mistype the address and send the email to your sister instead you don't notice until after the email has been sent. You fix the mistake and resend the email



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- Use of Personal Information
 - Privacy Breach



4:00 p.m.

An individual comes to the office asking for:


- the minutes of last month's council meeting, and
- the minutes of a privileged meeting where council discussed who to hire as CAO



5:00 p.m.

You pack some papers in your briefcase and take them home to review. Before arriving home, you stop to pick up groceries for supper. You leave your briefcase in the car. When you return, your car has been broken into and the briefcase has been stolen. Additionally, your work laptop has been stolen. It is encrypted.



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- Privacy Breach
 - Safeguards





Questions?

Resources

ATIPP Office

729-7072; (877) 895-8891 (toll-free)

atippoffice@gov.nl.ca

OIPC

2 Canada Drive, St. John's, NL

729-6309 (t); (877) 729-6309 (toll-free); 729-6500 (f)

commissioner@oipc.nl.ca

