

Standing Committee on  
Government Operations



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# Report on Bill 37: An Act to Amend the Information and Protection of Privacy Act

19<sup>th</sup> Northwest Territories Legislative Assembly

Chair: Mr. Rylund Johnson

**MEMBERS OF THE STANDING COMMITTEE ON  
GOVERNMENT OPERATIONS**

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**STANDING COMMITTEE ON GOVERNMENT OPERATIONS**

**REPORT ON BILL 37: AN ACT TO AMEND THE INFORMATION AND  
PROTECTION OF PRIVACY ACT**

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## STANDING COMMITTEE ON GOVERNMENT OPERATIONS

### REPORT ON BILL 37: AN ACT TO AMEND THE INFORMATION AND PROTECTION OF PRIVACY ACT

#### INTRODUCTION

Bill 37: *An Act to Amend the Access to Information and Protection of Privacy Act* (“the *Act*”), received second reading on November 25, 2021, and was referred to the Standing Committee on Government Operations (“the Committee”) for review.

Bill 37 would amend the *Act* to clarify certain provisions and enhance compliance with legislated timelines. Specifically, Bill 37:

- Amends the definition of “business days” to exclude mandatory leave days;
- Clarifies the elements of the Information and Privacy Commissioner’s (IPC) response on completing a privacy review; and
- Removes the term “agency” and “agencies” from the definition of “common or integrated program or service”.

#### PUBLIC FEEDBACK

Committee published a notice seeking public feedback on Bill 37 and received no responses.

#### COMMITTEE REVIEW

On December 6, 2021, the Committee met *in camera* to examine Bill 37 for the first time. During this review, the Committee was concerned with the proposed definition for “business days”. Originally, clause 2 of Bill 37 proposed:

Section 2 [of the *Act*] is amended by repealing the definition [of] “business day” [...] and adding the following definition[]:

“business day” means a day other than a Saturday, a Sunday, a holiday or any day on which the Information and Privacy Commissioner, and other persons employed in the public service, are on mandatory leave; (*jour ouvrable*)

While the Committee agreed with the intent of this change, the Committee was concerned that the proposed wording was confusing. The amendment intended to ensure that Government of the Northwest Territories (GNWT) mandatory leave days are not counted as business days when applying timelines under the *Act* – specifically, the five (5) mandatory leave days many GNWT employees take in December and January of each year.

However, the Bill's reference to "other persons employed in the public service" was problematic because there are GNWT employees who may take their mandatory leave at any time of the year. The Committee was concerned that the proposed definition of "business days" would not necessarily be restricted to the five (5) days taken by many GNWT employees in December and January and was apt to lead to confusion.

The Committee was further concerned that the proposed definition could be confusing because the Information and Privacy Commissioner is not a member of the public service.

The Committee corresponded with the Government House Leader regarding its concerns. The correspondence ultimately led to a motion to amend clause 2 of Bill 37. That motion read:

That clause 2 of Bill 37 be amended by striking out the proposed definition "business day" and substituting the following:

"business day" means any day except

(a) a Saturday,

(b) a Sunday

(c) a holiday, or

(d) Any day between December 19 and January 5 on which the majority of persons employed in the Office of the Information and Privacy Commissioner are on mandatory leave; (*jour ouvrable*)

Committee was satisfied that the motion resolved its concerns. Therefore, the Committee agreed to and passed the motion, with the concurrence of the Minister of Justice, during its public hearing and clause by clause review on March 7, 2022.

## CONCLUSION

The Committee reports Bill 37: An Act to Amend the Information and Protection of Privacy Act, as amended, to the Legislative Assembly as ready for consideration in Committee of the Whole.

The Committee acknowledges and appreciates the commitment of the Minister of Justice, his officials, and the Law Clerk to engage with the Committee to resolve wording issues in the legislation.