



**Government of the Northwest Territories Response to Committee  
Report 3-20(1): Report on the Review of the 2022-2023 Annual  
Report of the Northwest Territories Information and Privacy Commissioner**

## Background

The Northwest Territories *Access to Information and Protection of Privacy Act* (the “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 ATIPP Act, the Information and Privacy Commissioner is an independent officer appointed for a five-year term. The ATIPP Act requires the Information and Privacy Commissioner to file an annual report on his activities.

The Standing Committee on Government Operations (the “Standing Committee”) conducted a review of the Information and Privacy Commissioner’s 2022-2023 annual report. The Standing Committee’s report summarizing its review was tabled in the Legislative Assembly on June 6, 2024. It contained seven recommendations, including a recommendation to respond to the report within 120 days. The Government of the Northwest Territories (GNWT) thanks the Standing Committee for its recommendations and works to ensure that access to information and the protection of privacy is an integral part of all government services.

The following is the GNWT response to the recommendations contained in Committee Report 3-20(1): *Report on the Review of the 2022-2023 Annual Report of the Northwest Territories Information and Privacy Commissioner*.

## Recommendation 1

“The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide a timeframe for implementing the Information and Privacy Commissioner’s three recommendations related to the *Access to Information and Protection of Privacy Act*.”

### *GNWT Response:*

The Information and Privacy Commissioner’s three recommendations related to the ATIPP Act and the GNWT’s response regarding timeframes for implementing these recommendations are as follows:

- ATIPP Act Recommendation 1

“The Legislative Assembly should consider amending the ATIPPA to allow a public body to extend the time once for the period required to complete third-party consultation without

authorization by the IPC. For subsequent extensions, public bodies should continue to seek authorization from the IPC.”

*GNWT Response:*

Section 74(1) of the ATIPP Act requires that the Act be reviewed within 18 months after the commencement of the 20<sup>th</sup> Legislative Assembly, which falls in June 2025. As part of the upcoming scheduled review, the GNWT will examine potential amendments to the ATIPP Act to allow a public body to extend the time once for the period required to complete a third-party consultation without authorization by the Commissioner.

- ATIPP Act Recommendation 2

“The public bodies should review their legal obligations to respond to access to information requests and evaluate their capacity to provide responses within the legislated time periods. They should also ensure, either collectively or individually, that the APO is appropriately resourced so that it can reliably assist public bodies to respond to access to information requests within the legal time periods and to comply with the relevant procedural requirements.”

*GNWT Response:*

The centralized Access and Privacy Office (APO) enables the GNWT to better coordinate and standardize responses to access to information requests and Information and Privacy Commissioner reviews. The APO makes every effort to respond to requests for access in a timely manner. Requests have increasingly grown in complexity and volume, requiring more time for assessment and sometimes creating challenges in meeting legislated timelines.

The GNWT is committed to making information held by government accessible by working to meet legislative timelines under the ATIPP Act. Additional staff have been added within the APO and business processes have been improved to support the centralized processing of access requests. Most recently, the 2024-2025 Business Plan approved by Members of the Legislative Assembly extended the two full-time positions within the APO until March 2026, which had been due to expire in March 2024. Currently, all five APO full-time positions are staffed and an additional Information and Privacy Analyst has been added for fiscal year 2024-2025 by pooling internal resources with departments contributing equally.

- ATIPP Act Recommendation 3

“The Legislative Assembly should consider amending the *Access to Information and Protection of Privacy Act* to expressly state the Information and Privacy Commissioner has discretion to extend the time required to complete a review. Such an amendment should include a requirement to give notice of an extension to all parties.”

*GNWT Response:*

Section 74(1) of the ATIPP Act requires that the Act be reviewed within 18 months after the commencement of the 20<sup>th</sup> Legislative Assembly, which falls in June 2025. As part of the upcoming scheduled review, the GNWT will examine potential amendments to the ATIPP Act to provide the Information and Privacy Commissioner with the discretion to extend the time required to complete a review of any decision, act or failure to act in relation to an access refusal.

Recommendation 2

“The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide the date by when all information and documents identified in the Proactive Disclosure Directive will be released and updated.”

*GNWT Response:*

The Proactive Disclosure Directive has been established to support transparency and accountability through open government information, and to meet the requirements of both section 72(1) of the ATIPP Act and the GNWT’s *Open Government Policy 11.54*. The Directive contains an appendix that lists the types of information and documents to be proactively disclosed under three categories: Ministerial Activities; Publications & Appointments; and Contracting & Human Resources. Currently, all of the types of information and documentation identified in the appendix are published online as they are produced.

The Directive provides authority for the Open Government Steering Committee to develop processes and guidance for the identification, assessment, prioritization, and release of information. Information and documents are consistently published online, as described on the [GNWT Open Information Webpage](#). There is also an ongoing project, internally called OneGov, led by the Department of Executive and Indigenous Affairs that will better integrate GNWT websites and make publications and appointments easier to access. The contract for the project was awarded on July 3, 2024, and processes and guidance for proactive disclosure will be revised in coordination with this project and shared with departments and agencies.

Recommendation 3

“The Standing Committee on Government Operations recommends that the Government of the Northwest Territories review and update the Proactive Disclosure Directive to maximize the release of information.

Areas of consideration at the least should include:

1. Recipients of grants and contributions
2. Summaries of briefing notes received by ministers and deputy heads
3. Material prepared for incoming ministers and deputy heads on duties and functions
4. Public body internal process and procedure documents.

Furthermore, Committee requests a date by when this review will be completed.”

*GNWT Response:*

The GNWT recognizes the public is better served and better informed when the principles of routine disclosure and active dissemination are applied appropriately. There is an increased expectation that public bodies disclose information with openness and transparency, while still ensuring personal and sensitive information is appropriately protected.

As noted in Committee’s report, the Proactive Disclosure Directive was implemented in July of 2023, following an extensive review of the categories of information and documents that could be disclosed in accordance with the Act and the *Open Government Policy*. The GNWT will continue to review and consider categories of other information or documentation that could be proactively disclosed on an ongoing basis, including Committee’s suggestions.

Recommendation 4

“The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide:

1. A Directive on Open Government to maximize the release of government information and data of business value to support transparency, accountability, and citizen engagement.
2. Departmental Open Government Implementation Plans that outline departmental direction, strategies, and initiatives undertaken to meet the requirements of the Open Government Policy.
3. Inventories of all data and information resources of business value held by each department with determinations of eligibility and priority, and the plan for effective release.
4. Periodic progress reports.

If these directives and guidelines do not yet exist, Committee requests a date by when these directives and guidelines will be created and implemented.”

*GNWT Response:*

The GNWT has developed an Open Data Directive which outlines the roles and responsibilities of departments and agencies on how to implement the open data program in their organizations. The Directive was recently published on the Department of Finance’s website. As the work to advance the OneGov project is underway, processes and guidance for proactive disclosure will be revised in coordination with this project. Periodic updates on the progress of the OneGov project will be provided to the Committee. The project is expected to be completed between November 2025 and March 2026.

## Recommendation 5

“The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide to Committee, and publish, all evaluation worksheets/reports from public engagement evaluation since the Public Engagement Employee Guide was released in July 2022.”

### *GNWT Response:*

Public Engagement results, post-engagement reporting, and What We Heard reports are published on the GNWT’s “Have Your Say” website. While the Public Engagement Employee Guide provides useful tools and guidance on how to plan and execute good public engagements, the worksheets and templates are only used by departments and their partners when they find them useful. Additionally, many programs may choose to evaluate public engagement efforts as part of overall program evaluations rather than focusing solely on the public engagement work. At this point in time, departments are responsible for individually releasing their audits and evaluation reports under the Proactive Disclosure Directive.

## Recommendation 6

“The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide a timeframe for implementing the Information and Privacy Commissioner’s seven recommendations related to the *Health Information Act*.”

### *GNWT Response:*

The Information and Privacy Commissioner’s seven recommendations related to the *Health Information Act* (HIA) and the GNWT’s response regarding timeframes for implementing these recommendations are as follows:

- HIA Recommendation 1

“That the Department of Health and Social Services should consider implementing a policy, or the Legislative Assembly should consider amending the *Health Information Act*, to require health information custodians to report to the Commissioner regarding the implementation of accepted recommendations.”

### *GNWT Response:*

The GNWT accepts this recommendation. The Department of Health and Social Services (DHSS) is leading work in preparation for the HIA review. This recommendation will be included in the scope of the legislated 10-year review of HIA. The review report is due in October 2025.

- HIA Recommendation 2

“That the GNWT should review the need for privacy-protective policies and procedures to support a specialized emergency response such as the COVID-19 Coordinating Secretariat and ensure it is equipped to operate within the bounds of the *Health Information Act*.”

*GNWT Response:*

The GNWT accepts this recommendation. DHSS issued an updated Ministerial Directive 04-2023 in April 2023, which ensures consistent privacy standards, policies and procedures are in place for those subject to the HIA.

When an entity (new division or secretariat within Health and Social Services) is established for a short-term timeframe during a specialized emergency response and is subject to the HIA, then the approved privacy standards, policies and procedures issued under MD 04-2023 apply to this entity.

Any new department of the government would need to be added as a health information custodian to which the HIA would apply.

- HIA Recommendation 3

“That Health Information Custodians should continue to reduce or eliminate the use of fax machines to transmit personal health information.”

*GNWT Response:*

The GNWT agrees with this recommendation to reduce the use of fax machines for transmitting personal health information.

The health and social services system, which includes DHSS and the three Health and Social Services Authorities (HSSAs), has been reducing the use of fax machines across the system over the past decade through investments in territory-wide clinical information systems. These information systems have enabled digitization of clinical records and eliminated the need to fax between practitioners across the NWT who use the same information systems.

Outside of these information systems, the primary use of fax machines continues to be deeply entrenched in the day-to-day flow of transmitting information across the health sector, including GNWT organizations, non-government organizations, retail (e.g. pharmacies), business partners, and other jurisdictional partners. In some cases, legislation and regulations require signatures; electronic documents must be printed signed and faxed as part of the workflow.

- HIA Recommendation 4

“That health information custodians should utilize secure electronic transmission measures when transmitting personal health information.”

*GNWT Response:*

The GNWT accepts this recommendation. DHSS agrees that secure transfer is a best practice. This is pursuant to section 86 of the HIA, which requires all custodians to transfer in a secure manner.

DHSS issued an updated Ministerial Directive 04-2023, which ensures consistent privacy standards, policies and procedures are in place for those subject to the HIA. The Electronically Stored and Transferred Information Policy (August 22, 2019) is in place.

The GNWT also provides tools such as Secure File Transfer, password protection and encryption.

- HIA Recommendation 5

“That Health Information Custodians should prioritize implementation of, and compliance with, the Mandatory Training Policy and ensure that appropriate privacy training is provided for new employees, returning employees, and for all employees annually.”

*GNWT Response:*

The GNWT accepts this recommendation. DHSS and HSSA privacy staff continue to raise privacy awareness and provide regular reminders to staff to ensure compliance with the Mandatory Training Policy.

In 2024, DHSS added videos of the general privacy training, in addition to already scheduling in-person training. Employees can now complete the training with the self-paced modules, which is anticipated to help ensure compliance.

The DHSS Chief Health Privacy Officer chairs the HSS Privacy Advisory Committee (the “Committee”). The Committee has been meeting on a bi-monthly basis since 2015, with membership that includes HSS health privacy office staff and each HSSA privacy unit’s staff. A standing item exists for reminding Committee members of the privacy training requirements and to convey updates regarding statistics on completion of the training.

- HIA Recommendation 6

“That Privacy Impact Assessments addressing any new information system or communication technology that involves the collection, use or disclosure of personal health information should be completed and submitted so that there is a reasonable period for review by the

Information and Privacy Commissioner and for any comments to be considered by the Health Information Custodian in the planning stages before implementation.”

*GNWT Response:*

The GNWT agrees in principle with this recommendation. DHSS will include this recommendation within the scope of the HIA 10-year review. The review report is due in October 2025.

- HIA Recommendation 7

“That the government should consider amending section 89 of the *Health Information Act* to include similar provisions regarding Privacy Impact Assessments as mandated in section 42.1 of the ATIPPA.”

*GNWT Response:*

The GNWT agrees to consider amending section 89 of the HIA. DHSS will include this recommendation within the scope of the HIA 10-year review. The review report is due October 2025.