



ADMINISTRATION OF THE NORTHWEST TERRITORIES
ACCESS TO INFORMATION AND PROTECTION OF
PRIVACY ACT

ANNUAL REPORT 2023-2024

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1.0 Overview

The *Administration of the Northwest Territories Access to Information and Protection of Privacy Act Annual Report 2023-2024* (the “Annual Report”) provides statistical information pertaining to all access to information requests received by the Government of the Northwest Territories (the “GNWT”) departments and other public bodies designated under the *Access to Information and Protection of Privacy Act Regulations* (the “ATIPP Regulations”) between April 1, 2023 and March 31, 2024.

This Report includes information on measurables such as the volume of access requests received, the time taken to process requests, and other factors associated with the administration of the *Access to Information and Protection of Privacy Act* (the “ATIPP Act”). All data reported on closed requests includes requests received in previous fiscal years that were closed in 2023-2024.

1.1 Legislative Framework for Reporting

Section 75 of the ATIPP Act requires every public body subject to the ATIPP Act to report to the Minister of Justice within 60- business days after the end of the fiscal year:

- The number of requests made pursuant to the ATIPP Act received by the public body in the fiscal year;
- The time taken to process the requests;
- The number of requests that were denied, and the exceptions that were relied upon to justify the denial;
- The amount of fees collected;
- The justification relied on for any extension of time; and
- The number of privacy impact assessments conducted in the fiscal year.

The Minister of Justice must then table an annual report containing this information in the Legislative Assembly within 60 business days after receiving the information or during the next sitting of the Legislative Assembly (if the Legislative Assembly is not sitting on the expiry of the 60 business days after the Minister receives the information).

1.2 The Access to Information and Protection of Privacy Act

The ATIPP Act, which came into force in 1996, plays a critical role in maintaining government accountability and protecting the public's personal information.

The ATIPP Act:

- Gives individuals the right to request access to information held by GNWT departments and public bodies designated under the ATIPP Regulations;
- Gives individuals the right to access and correct their personal information that is held by GNWT departments and public bodies designated under the ATIPP Regulations;
- Specifies the limited exceptions to the right of access;
- Sets out when a GNWT department or other public body may collect, use, and disclose personal information; and
- Provides for an independent review of decisions made under the ATIPP Act.

As per section 74, the ATIPP Act must be reviewed by the Minister within 18 months after the commencement of the Twentieth Legislative Assembly. This review will occur by the summer of 2025. The Minister will table a report on the results of the review in the Legislative Assembly.

1.3 Services of the GNWT Access and Privacy Office

The GNWT Access and Privacy Office (the "APO") provides support to the Minister of Justice in all aspects of the implementation and administration of the ATIPP Act across government. This includes responsibility for government-wide support and leadership in assisting departments and other public bodies in complying with the ATIPP Act.

Since 2021, GNWT access and privacy services have been centralized in the APO. The APO is responsible for:

- Processing access to information requests and responds to reviews by the Information and Privacy Commissioner for all government departments and Housing NWT, while continuing to provide advice and assistance to the other 21 public bodies subject to the ATIPP Act.

- Developing resources and guidelines related to managing privacy breaches, conducting privacy impact assessments, and establishing personal information sharing agreements.
- Developing, coordinating and ensuring the delivery of access to information and protection of privacy training for employees of the GNWT, Housing NWT and other public bodies to ensure they have the level of knowledge required to meet program responsibilities under the ATIPP Act.

It is important to note that although the APO processes all access to information requests for GNWT departments and Housing NWT, final decision-making related to those requests and reviews remains with those public bodies.

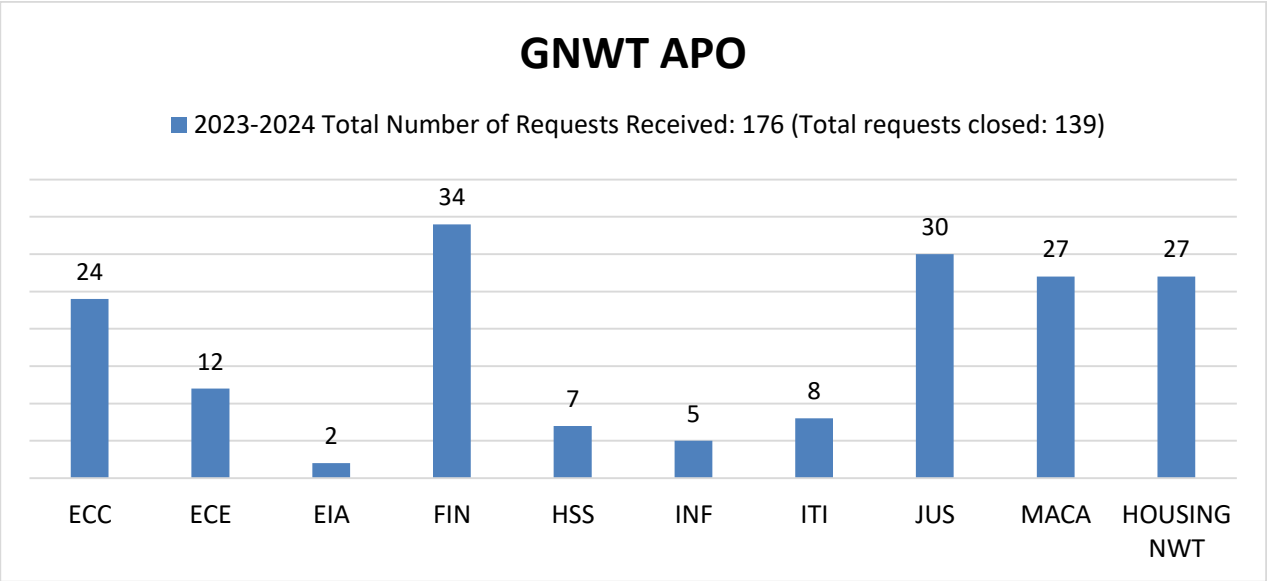
In-person training is available for dedicated privacy coordinators, which consists of an orientation and general introduction to the ATIPP Act. In 2023-2024, the APO updated the online general awareness course for all GNWT employees to expand their understanding of the ATIPP Act. This online training is also accessible to the public free of charge on the Department of Justice website.

2.0 Statistics on 2023-2024 Access Requests

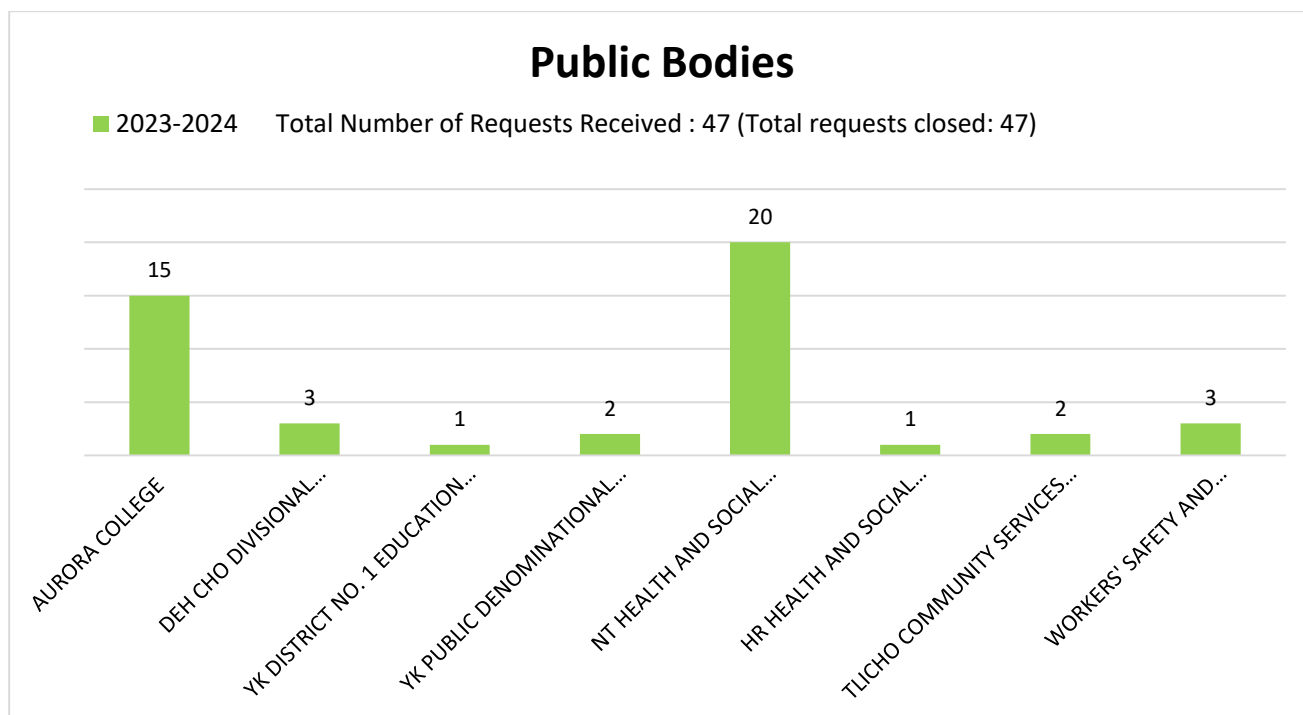
2.1 Number of Access Requests

Graph 1 - Number of access requests received by the GNWT APO in 2023-2024 (Includes 9 GNWT departments and Housing NWT)

In 2023-2024, a total of 176 new requests for access to information were received.



Graph 2 - Number of access requests received by public bodies in the 2023-2024 fiscal year (public bodies not shown received 0 requests*)



*Statistics were not received from Commission scolaire francophone, Territoires du Nord-Ouest or the Surface Rights Board.

In this report, the data provided on requests received is limited to requests received between April 1, 2023 and March 31, 2024. Data on requests that were closed includes requests that were received in previous fiscal years but were closed during the 2023-24 fiscal year. In total, 76 requests were carried over from previous fiscal years.

2.2 Access Request Type

There are two types of access requests for records that can be made under the ATIPP Act:

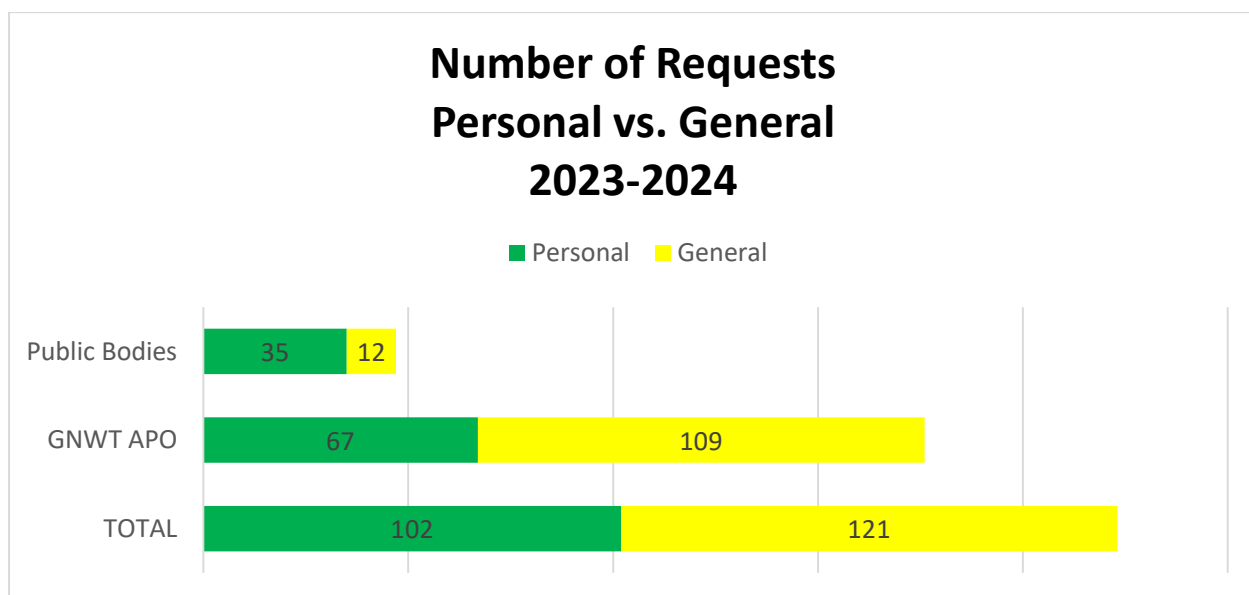
- General requests – are those where information requested does not pertain to the person making the request. General requests commonly include information pertaining to contracts, programs and services, or decisions made by a department or other public body subject to the ATIPP Act.
- Personal requests – are those where an individual (or their representative) is requesting access to their personal information that is held by a department or other public body subject to the ATIPP Act.

Table 1 - Types of access requests received by the GNWT APO and public bodies

	2023 - 2024	
	Personal	General
ECC	2	22
ECE	8	4
EIA	1	1
FIN	17	17
HSS	1	6
INF	0	5
ITI	2	6
JUS	15	15
MACA	17	10
NWTHC	4	23
TOTAL	67	109

PUBLIC BODIES	2023 - 2024	
	Personal	General
AURORA COLLEGE	15	0
DEH CHO DIVISIONAL EDUCATION COUNCIL	2	1
YK DISTRICT NO. 1 EDUCATION AUTHORITY	0	1
YK PUBLIC DENOMINATIONAL DISTRICT EDUCATION AUTHORITY	2	0
NT HEALTH AND SOCIAL SERVICES AUTHORITY	15	5
HR HEALTH AND SOCIAL SERVICES AUTHORITY	1	0
TLICHO COMMUNITY SERVICES AGENCY	0	2
WORKERS' SAFETY COMPENSATION COMMISSION	0	3
TOTAL	35	12

Graph 3 - Type of access requests received by the GNWT APO and public bodies



General requests made up 54% of the total number of requests received in 2023-24. In past years personal information requests typically outnumbered general requests received, however, a shift has been identified in recent years. The rising proportion of general requests received may reflect greater public awareness and understanding of the public's right under the ATIPP Act to request information held by the government. In 2021, the initial application fee for general information access requests was eliminated, which may also be a factor contributing to the increase in general access requests.

2.3 Fees Charged

Section 5(3) of the ATIPP Act provides authority for a fee to be charged for the processing of access requests. There are two different fee structures set out in the ATIPP Regulations: one for accessing general information under section 11 and the other for accessing personal information under section 12 (detailed in schedule B of the Regulations). However, the head of a department or other public body may excuse an applicant from paying all or part of a fee if, in the opinion of the head, the applicant cannot afford the payment or, for any other reason, it is fair to excuse payment.

Regarding the access requests that were closed in the 2023-2024 fiscal year, there was only one file where a public body charged fees which totaled \$50. As noted previously, amendments to the ATIPP Regulations in 2021 eliminated the initial fee for general information and reduced other fees that could be previously charged for both general and personal information.

2.4 Access Request Processing Times

The ATIPP Act establishes a period of 20 business days from receipt of a request for departments and public bodies to process access to information requests. There are exceptions to this period, such as when a response extension is permitted by section 11(1) or when a further request for extension is granted by the Information and Privacy Commissioner. Therefore, the data below does not necessarily indicate if a request has been processed late or otherwise beyond the legislated period. The data is specific to calendar days and not business days.

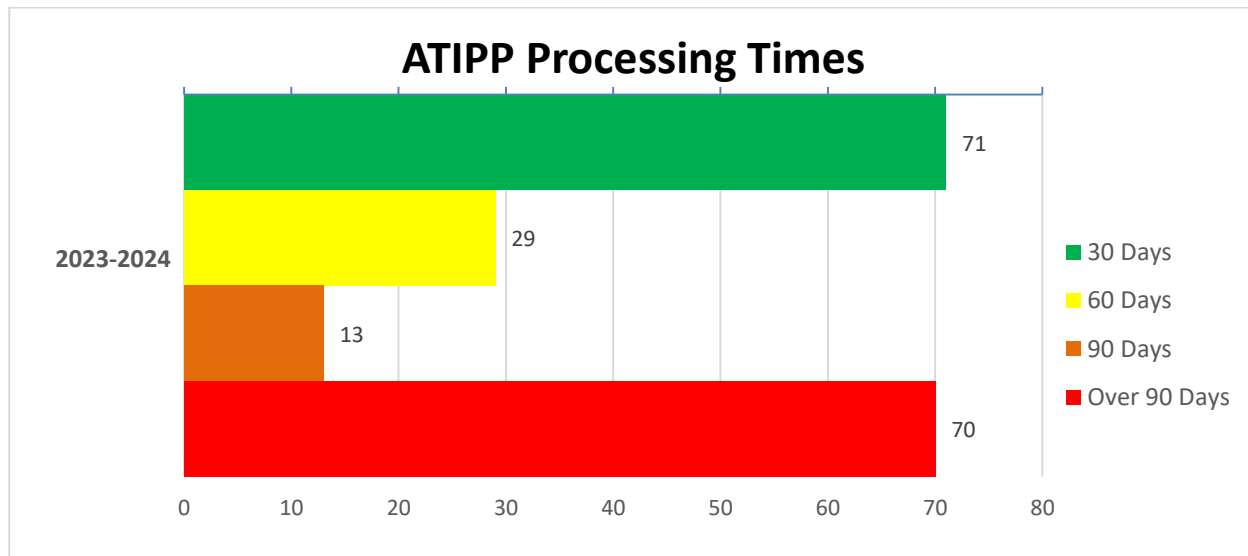
Table 2 - Request processing times by the GNWT APO and public bodies

	2023 - 2024			
GNWT APO	Within 30 days	Within 60 Days	Within 90 Days	Over 90 days
ECC	7	2	0	5
ECE	7	1	2	2
EIA	0	0	0	1
FIN	4	5	1	14
HSS	0	1	0	6
INF	1	1	0	2
ITI	2	1	0	2
JUS	11	1	4	17
MACA	5	2	1	14
NWTHC	5	5	4	3
TOTAL	42	19	12	66

	2023 - 2024			
PUBLIC BODIES	Within 30 days	Within 60 days	Within 90 days	Over 90 days
AURORA COLLEGE	11	2	0	2
DEH CHO DIVISIONAL EDUCATION COUNCIL	3	0	0	0
YK DISTRICT NO. 1 EDUCATION AUTHORITY	0	0	0	1
YK PUBLIC DENOMINATIONAL DISTRICT EDUCATION AUTHORITY	2	0	0	0
NT HEALTH AND SOCIAL SERVICES AUTHORITY*	8	7	1	1
HR HEALTH AND SOCIAL SERVICES AUTHORITY	1	0	0	0
TLICHO COMMUNITY SERVICES AGENCY	2	0	0	0
WORKERS' SAFETY AND COMPENSATION COMMISSION	2	1	0	0
TOTAL	29	10	1	4

*Timeframe not provided for 3 abandoned requests.

Graph 4 - Access request processing times of the GNWT APO and public bodies



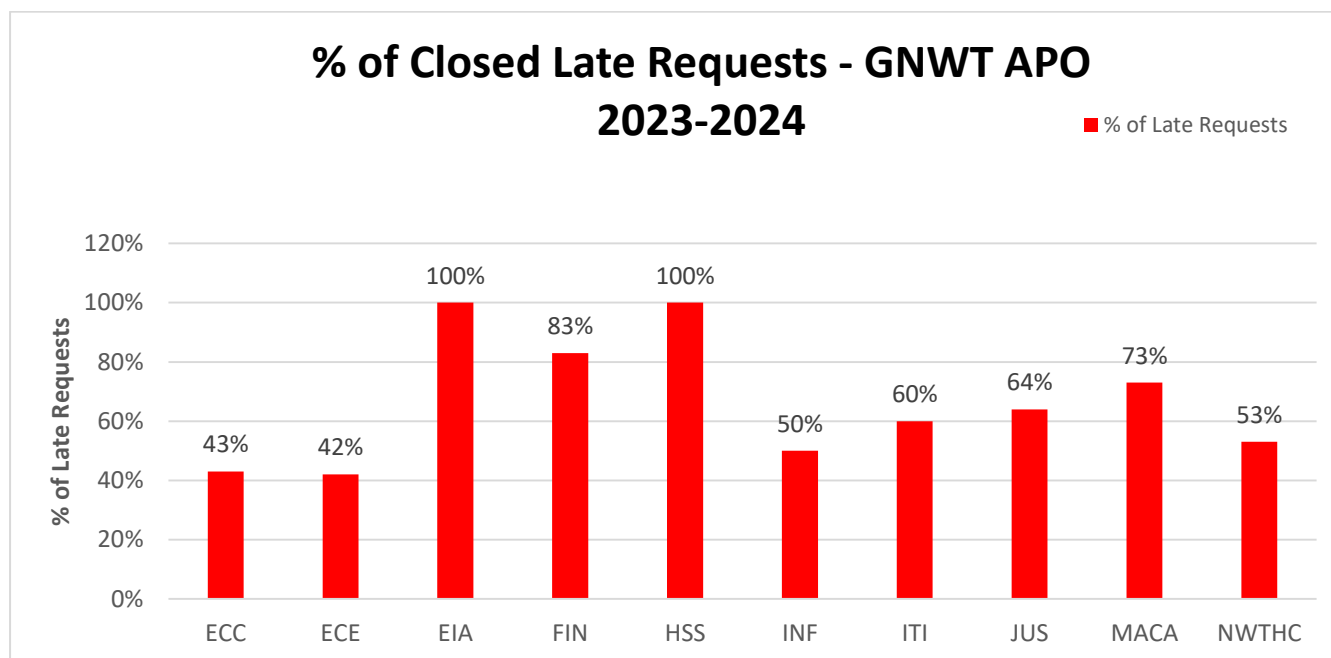
As noted previously, departments and public bodies may ask for a time extension to process an access request under section 11 of the ATIPP Act. These extensions may occur if the request is too vague, if it includes a large volume of records, if consultation with public bodies or a third party is required, or if a third party requests a review by the Information and Privacy Commissioner. Data in relation to time extensions is indicated below. In fiscal year 2023-24, the most frequently claimed reason for requesting a time extension was due to the large volume of records associated with the access requests received under section 11(1)(b) of the ATIPP Act.

Table 3 - Justifications relied on for a time extension in 2023-2024

	GNWT APO	Public Bodies
Section	Number of Occurrences	
11.(1)(a) the applicant does not give enough detail to enable the public body to identify a requested record;	9	0
11.(1)(b) a large number of records is requested or must be searched to identify the requested record and meeting the time limit would unreasonably interfere with the operations of the public body;	30	4
11.(1)(c) more time is needed to consult with a third party or another public body before the head can decide whether or not the applicant is entitled under this Act to access to a requested record;	8	1
11.(1)(d) a third party asks for a review under subsection 28(2).	0	0
TOTAL	47	5

The GNWT APO tracks requests that are considered late, meaning there was no legislative authority under section 11 of the ATIPP Act to exceed the legislated period for response. In fiscal year 2023-24, 65% of access requests processed on behalf of departments by the GNWT APO that were closed during that year were classified as being late. Requests are growing in complexity, which requires more effort, time, and expert knowledge of the ATIPP Act, as well as a strong records management program.

Graph 5 - Percentage of late responses to access requests closed by the GNWT APO in 2023-2024



2.5 Application of Exceptions

When processing an access to information request, departments and public bodies are required to complete a line-by-line review of all records pertaining to the request. During the line-by-line review, portions of the information may be severed or redacted. This is to ensure that information which falls under the limited mandatory or discretionary exceptions to access set out in sections 13 to 25 of the ATIPP Act is protected. The graph and table below describe the types of exceptions that may be applied and how often each one was used in fiscal year 2023-24. The mandatory exception to access section 23 (*personal privacy of third party*) and the discretionary exception to access section 14 (*advice from officials*) were the two most frequently applied exceptions to the release of information under the ATIPP Act in 2023-24.

Graph 6 - Percentage of exceptions applied by the GNWT APO and public bodies

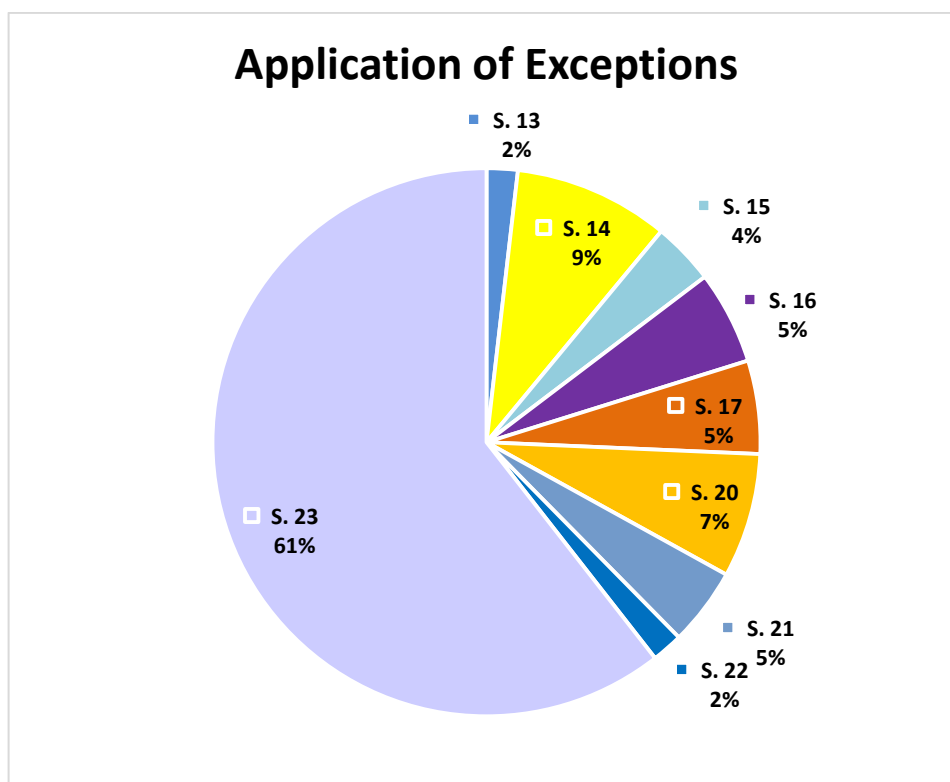


Table 4 - How the GNWT APO and public bodies applied exceptions to access in 2023-24

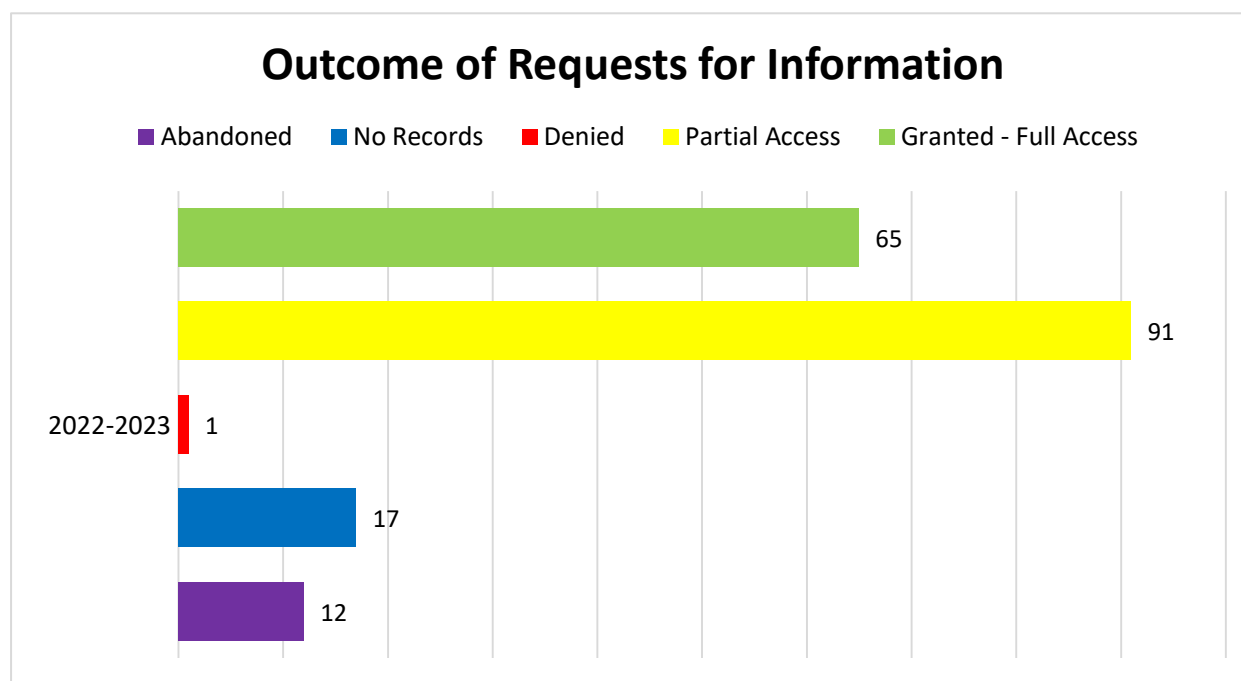
Sections Used		GNWT APO	Public Bodies
		Number of Occurrences	
13	Executive Council Records	2	0
13.1	Municipality Confidences	0	0
14	Disclosure of Advice from Officials	10	0
15	Privileged Information	4	0
16	Disclosure Prejudicial to Intergovernmental Relations	6	0
17	Economic and Other Interests of Public Bodies	3	3
18	Testing Procedures, Tests and Audits	0	0
19	Disclosure Harmful to Conservation	0	0
20	Disclosure Prejudicial to Law Enforcement	8	0
21	Disclosure Harmful to Individual or Public Safety	3	2
22	Confidential Evaluations	2	0
23	Personal Privacy of Third Party	59	7
24	Business Interests of Third Party	0	0
24.1	Disclosure of Labour Relations Information	0	0
24.2	Information for Workplace Investigation	0	0
25	Information Otherwise Available to the Public	0	0
TOTAL		97	12

2.6 Outcomes of Access Requests

An access request under the ATIPP Act is completed once the applicable department or public body has conducted a line-by-line review of all information pertaining to the request, has applied the appropriate exceptions, and has provided the response to the applicant who submitted the request. The application of exceptions can result in different outcomes in terms of what records are disclosed, which are classified as follows:

Granted – Full Access:	a response where all requested records have been released in their entirety, or a response where the records requested were released as a routine disclosure of information.
Partial Access:	a response where some of the identified records are not released and/or where portions of records have been removed as per exceptions set out in the ATIPP Act.
Denied:	a response where records that have been identified as being responsive to the request are not being released at all as per exceptions set out in the ATIPP Act.
No Records:	a response where the public body has found no records in its custody or control that respond to the applicant’s request.
Abandoned:	means that the applicant has chosen to withdraw their request for records or has not pursued the request at some point in the process.

Graph 7 - How GNWT departments and public bodies handled the disclosure of records in 2023-2024



3.0 Privacy Compliance and Privacy Impact Assessment Data

Privacy Impact Assessments (PIAs) and privacy audits are key components of an effective privacy framework and ensure programs and services offered by departments and other public bodies meet the requirements of the ATIPP Act. PIAs are required under section 42.1 of the ATIPP Act to be completed during the development of a proposed enactment, system, project, program, or service that involves the collection, use or disclosure of personal information.

The table below illustrates the number of PIAs completed in the 2023-2024 fiscal year. PIAs are the principal tool used in Canada and internationally to ensure that programs and applications are compliant with privacy laws. PIAs are one of the most important tools available to the GNWT for managing privacy risks.

Table 5 - Number of PIAs completed by GNWT departments and public bodies

2023 - 2024	
GNWT Dept	Number of PIAs
ECC	9
ECE	5
EIA	0
FIN	2
HSS	0
INF	4
ITI	2
JUS	3
MACA	6
NWTHC	4
TOTAL	35

2023 - 2024	
Public Body	Number of PIAs
Aurora College	8
Deh Cho Divisional Education Council	1
NT HEALTH AND SOCIAL SERVICES AUTHORITY	5
Workers' Safety and Compensation Commission	1
TOTAL	15

4.0 Information and Privacy Commissioner Reviews

An applicant who is unsatisfied with the response to their access to information request by a GNWT department or a public body designated under the ATIPP Regulations may request that the Northwest Territories Information and Privacy Commissioner review the decision made by the department or public body. This includes, but is not limited to, reviews for denying or limiting access to records, reviews in relation to time extensions, and reviews in relation to fees. These types of reviews are referred to as access reviews.

An individual can also ask the Northwest Territories Information and Privacy Commissioner to complete a review if they feel a department or public body has collected, used, or disclosed their personal information improperly. These types of reviews are referred to as privacy reviews.

The Northwest Territories Information and Privacy Commissioner has both order and recommendation making powers. Information on the Office of the Information and Privacy Commissioner can be found at <https://oipc-nt.ca/>.

To locate reviews completed by the Information and Privacy Commissioner, please visit: <http://www.canlii.org/en/nt/ntipc/>. The Information and Privacy Commissioner also highlights specific reviews and makes privacy and access related recommendations to the Standing Committee on Government Operations in his annual reports, which can be found under the Tabled Documents section of the Northwest Territories Legislative Assembly website at <http://www.assembly.gov.nt.ca/documents-proceedings/taled-documents>.

5.0 ATIPP Resources

- Link to GNWT Department of Justice webpage providing information on the ATIPP Act and ATIPP requests: <https://www.justice.gov.nt.ca/en/access-to-information-held-by-public-bodies/>
- The GNWT [Access and Privacy Guide \(July 2021\).pdf](#) provides useful information for those seeking to submit an access request.
- Contact information for departments and by public body is available at: [Access-and-Privacy-Contacts-Directory-October-2024.pdf](#)
- The Department of Justice Online Access and Privacy Awareness Course can be accessed publicly free of charge.

If you have any questions about this report, please contact:

GNWT Access and Privacy Office, Department of Justice.

Phone: (867)767-9256 extension 82477

Email: APO@gov.nt.ca

Une version française de ce document est disponible.

K'áhshó got'jne xədə k'é hederı Ɂedjhtl'é yerınıwə nı dé dúle.
Dene Kádá

ʔerıhtl'ıs Dēne Sųlıné yatı t'a huts'elkēr xa beyáyatı theɁə Ɂat'e, nuwe ts'ēn yóhtı.
Dēne Sųlıné

Edı gondı dehgáh got'je zhatıé k'éé edatl'éh enahddhə nıde naxets'é edahlı.
Dene Zhatıé

Jii gwandak izhii ginjik vat'atr'ijáhch'uu zhit yinohtan jı', diıts'at ginohkhıı.
Dinjii Zhu' Ginjik

Uvanittuaq ilitchurisukupku Inuvialuktun, ququaqluta.
Inuvialuktun

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Inuktitut

Hapkua titiqqat pijumagupkit Inuinnaqtun, uvaptinnut hivajarlutit.
Inuinnaqtun

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nēhiyawēwin

Tłıchq yatı k'èè. Dı wegodı newq dè, gots'o gonede.
Tłıchq

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