



ACCESS AND PRIVACY GUIDE

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NOTE:

The request forms and the Access and Privacy Contacts list (directory) are now located on the Department of Justice website online here: <https://www.justice.gov.nt.ca/en/access-to-information-held-by-public-bodies/page/4/>.



INTRODUCTION

In 1996, the Legislative Assembly of the Northwest Territories passed the ***Access to Information and Protection of Privacy Act (the Act)***. The *Act* shows the government's commitment to open, accessible, and accountable government.

The *Act* gives individuals a legal right to request access to information held by Northwest Territories public bodies. Information may only be withheld if it falls under one of the limited and specific exceptions set out in the *Act*.

The *Act* also provides for the correction and protection of personal information collected, used, and disclosed by public bodies. It gives the individual to whom the information relates to, the right to access and correct this information. It also sets the conditions for when a public body may collect, use, and disclose personal information.

The *Act* complements other ways of obtaining government information. It is intended to be used as a last resort and does not limit or replace existing procedures for accessing government information or records.

The Regulations list the public bodies covered by the *Act* and the Directory provides the contact information for their Access and Privacy Coordinator contacts. These help individuals know where they should go, write, or call to make enquiries about information held by public bodies covered by the *Act*.

A copy of the *Act* and Regulations are available on the Department of Justice website online here at <https://www.justice.gov.nt.ca/en/access-to-information-held-by-public-bodies/page/4/>.

ACCESS AND PRIVACY TERMS

Access and Privacy Coordinator/Contacts – The Department of Justice Access and Privacy Office processes requests for all GNWT Departments and for the Housing NWT. For other public bodies, each has an Access and Privacy Coordinator or contact person. That person's role is to answer questions and help you identify the records you wish to access. They can be contacted in person, by email, mail, or by telephone.

Public Body - The *Act* refers to government entities as public bodies. They include Northwest Territories government departments, agencies, boards, commissions, corporations, and offices. A complete definition of public body is given in section 2 of the Regulations, and a listing of all NWT Public Bodies is provided in Schedule A of the Regulations, which are located online at the link above.



Record - Under the *Act*, a record is defined as a record of information in any form and includes information that is written, photographed, recorded, or stored in any manner, but does not include a computer program or other mechanism that produces records.

Third Party - Any individual, group of individuals or company other than the applicant or a public body is considered a third party. When a request for information includes information that affects the personal or business interests of a third party, those interests must be considered before the information can be released.

HOW TO MAKE A REQUEST FOR INFORMATION

Often, it is not necessary to apply under the *Act* to obtain information. The Government of the Northwest Territories discloses information on a routine basis. Contact the appropriate coordinator or contact to ask if the information you want can be released under routine disclosure procedures.

For information that is not normally available from a public body, a request can be made under the *Act*. A request must be made in writing. The request can be made using the form provided or by writing a letter to the public body. If you are writing a letter, please indicate that you are making the request under the *Act*. You can request a copy of the form from any of the Access and Privacy Coordinator /Contacts. The forms and the Access and Privacy Contacts list are available on the Department of Justice website online [here](#).

How to request access to Information held by public bodies

- Consult the Access and Privacy Directory online (at the link above), to determine the public body to which your access request should be directed.
- Identify the information that you want to access. Be as specific as possible. If you are not sure what records you want to access, contact the Access and Privacy Coordinator/Contact of the appropriate public body for assistance.
- Provide your name, address, and a telephone number, or email address where the Coordinator can contact you with any questions about the request.
- Sign the request form or letter.
- Send the completed request form or letter to the Access and Privacy Office or the Coordinator of the public body most likely to have the information. The email and mailing addresses are given in the Access and Privacy Contacts available on the website online at [Access and Privacy Contacts](#).

If you are not sure that you have the right public body, call the Coordinator/ Contact, and check first. If you send the request to the wrong public body, they will have to transfer the request to the public body that has the records, resulting in a delay.



Public bodies must respond to your request within 30 days of receiving it if they can. In some cases, they may need more time to process your request and will advise you of when the response will be provided.

A fee will be charged for large requests for information where chargeable costs are more than \$250.00, as prescribed in the Regulations. If fees are required for your request, you will be informed of the estimated cost, and you must advise the public body whether or not you want to proceed with the request within 30 days. For more information about fees, contact the Access and Privacy Office, or the Access and Privacy Coordinator/Contact, or refer to the current fee schedule in Schedule B of the Regulations, which can be found on the Department of Justice website online [here](#).

Normally, you may only request personal information that is about you or an individual for whom you have legal authority to act on their behalf. However, **Section 49** of the *Act* contains a provision allowing researchers to access personal information if it is required for their work. Researchers must present a proposal to the public body showing how the provisions of the *Act* will be met and will be required to sign a Research Agreement with the public body. This agreement is considered a legal and binding document between the researcher and the public body. Contact the appropriate public body for the necessary instructions and forms.

HOW TO REQUEST A CORRECTION OF PERSONAL INFORMATION

Routine changes or corrections to personal information such as a new address or new telephone number do not require a formal request under the *Act*. Simply contact the public body that has the information and provide their office with the change or correction.

If you believe the information which a public body has about you is misleading or incorrect, you can make a request under the *Act* to have it corrected. Even if the public body does not agree to change the information, they must make a note on your file that you have requested the change.

A request for correction of personal information must be made in writing. The request can be made using the form or by writing a letter to the public body. If you are writing a letter, please indicate that you are making the request under the *Act*. Copies of the request for correction of personal information form are available from any Access and Privacy Coordinator/Contact or from the Department of Justice website online [here](#).

How to Request a Correction to Personal Information held by Public Bodies:

- Consult the [Access and Privacy Contacts](#) list to determine the public body to which your request for correction should be directed.



- Identify the information that you believe is wrong and give the correction; be as specific as possible.
- Provide your name, address, and a telephone number, or email address where the Coordinator can contact you with any questions about the request.
- Sign the request form or letter.
- Send the completed request form or letter to Access and Privacy Office or the Coordinator of the public body most likely to have the information. The mailing and email addresses can be found online at [Access and Privacy Contacts](#).

HOW TO REQUEST A REVIEW

The Information and Privacy Commissioner provides an independent review of the decisions made under the *Act*. The Commissioner may review the decision of a public body to not grant access to information, or correct personal information. The Commissioner may also review how a Public Body has collected, used, or disclosed your personal information.

You can request a review using the form online or by writing a letter. The Request for Review form and the Access and Privacy Contacts are available on the Department of Justice website online [here](#). A request for a review must be delivered in writing to the Commissioner within 30 days after the person asking for the review is given notice of the decision of the public body.

You may request a review by the Information and Privacy Commissioner for any of the following reasons:

- the public body denied access to some or all the records requested.
- the public body was unable to locate a record that you believe it has in its custody or control.
- you feel the public body is taking too long to respond to your request.
- you feel that the requested fee is too high.
- you have requested a correction to personal information and it has not been accepted.
- you are a third party and the public body is going to give access to information that affects your interests without your agreement; and/or
- you feel the public body's collection, use or disclosure of your personal information was inappropriate.

Requests for a review **must** include:

- the name of the public body whose decision is to be reviewed.
- the nature of the original request.
- the decision that is to be reviewed.



- your name, address, and telephone number.

Please also provide copies of the original request and the public body's decision, if possible.
Send your request for a review to:

Office of the Information & Privacy Commissioner of the Northwest Territories

PO BOX 382

Yellowknife NT X1A 2N3

Phone: (867) 669-0976; Toll Free: 1-888-521-7088

Email: admin@atipp-nt.ca

If you need assistance in locating government records, call or write the Access and Privacy Coordinator/Contact in any department or public body, or contact:

GNWT Access and Privacy Office

Department of Justice

PO BOX 1320

Yellowknife NT X1A 2L9

Phone: (867) 767-9256 ext. 82477

Email: APO@gov.nt.ca

