

EXC/20/10/832

November 26, 2020

The Honourable David B. Orsborn  
Committee Chair  
Access to Information and Protection of  
Privacy Act Statutory Review 2020  
3<sup>rd</sup> Floor, Beothuck Building  
20 Crosbie Place  
St. John's, NL A1B 3Y8

Dear Mr. Orsborn:

I am replying to your September 29, 2020, correspondence requesting input on the five-year review of the **Access to Information and Protection of Privacy Act, 2015 (ATIPPA)**. In accordance with your direction, the Department of Education (Department) requested input from: the senior management team and departmental staff involved in the processing of requests; the Provincial Information and Library Resources Board (PILRB), the Teacher Certification Committee; and the Teacher Certification Review Board. The Department did not solicit input from the Teacher Certification Board of Appeals as it is not currently appointed and is inactive. I note that PILRB has had very few requests under **ATIPPA**, and has advised they have not identified any issues or concerns.

The Department appreciates the purpose of the legislation to facilitate democracy. Our comments are from the perspective of finding administrative efficiencies to better achieve that purpose while respecting the access to information and protection of privacy rights to the fullest extent. Our comments concern the following areas:

**On-Line Requests** – The On-line Request System currently accounts for the vast majority of the Department's requests. It permits the public to submit a request to the Department in an efficient manner. However, the drop-down menu to select the public body to whom the request is directed is limited to Government Departments. The list does not include many other public bodies subject to **ATIPPA**. As a result, many requests actually intended for the Newfoundland and Labrador English School District and/or the Conseil scolaire francophone provincial de Terre-Neuve-et-Labrador are submitted to the Department. This results in an additional administrative burden for those who are processing requests within Departments as it takes time to investigate the request and route it to the appropriate public body. Accordingly, the review of **ATIPPA** could note the preceding and recommend suitable revisions to the On-Line Request System.

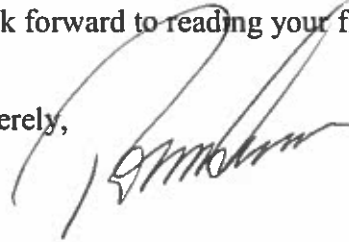
**Application Fee** – There is currently no application fee. The absence of an application fee may encourage access requests to the fullest extent possible. However, most provinces have an application fee, and it is felt that even a modest application fee would help reduce the number of frivolous requests without compromising a request that is consistent with the purpose of ATIPPA. However, an application fee should not apply to requests to correct personal information.

**Timeline for Transfer** – Currently, a public body has to transfer a request within five days of its receipt. The process requires conducting an internal search to identify potential responsive records prior to a transfer. The search sometimes involves the need for OCIO approval to conduct a multi-mailbox which can take several days. Consideration should be given to extending the time to complete a transfer.

**Timeline to Apply for Disregard** – As with the case with completing a transfer to another public body, it is difficult to complete internal processes needed prior to applying to the Office of the Information and Privacy Commissioner for a disregard within the current five day deadline. Consideration should also be given to extending the timeline to disregard a request.

I thank you for the opportunity to provide comments to consider in your ongoing review of ATIPPA. I wish you all the best in your review and I look forward to reading your final report.

Sincerely,



**HONOURABLE TOM OSBORNE, MHA**  
Minister of Education  
District of Waterford Valley

cc: Gary Nofall, ATIPP Coordinator