

ATIPPAReview

From: Chris Dalton [REDACTED]
Sent: Saturday, August 8, 2026 1:10 PM
To: ATIPPAReview
Subject: Section 21 Retention and Proactive Disclosure of Municipal Records
Categories: Submission

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ATIPP Statutory Review Committee 2025,

I am writing to express my support for retaining Section 21 of the Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015), and to recommend that the Committee adopt a legislated proactive disclosure framework that aligns with federal and provincial best practices while remaining achievable for municipalities of all sizes.

Section 21 - Disregarding of ATIPP Requests

Section 21 remains an essential safeguard within Newfoundland and Labrador's access-to-information system. By requiring public bodies to obtain approval from the Information and Privacy Commissioner before disregarding an access request, the Act ensures that discretion is exercised fairly, consistently, and with independent oversight. Without this safeguard, municipalities could disregard requests involving records that are repetitive, burdensome, or potentially revealing of administrative errors—such as procurement files, financial oversight records, internal communications, or documentation showing inconsistent application of policy. Commissioner oversight is the strongest protection against misuse of disregard powers and is fundamental to maintaining public trust.

Proactive Disclosure of Municipal Records

Across Canada, governments have increasingly recognized that proactive disclosure is a necessary complement to traditional access-to-information systems. The federal Access to Information Act now includes Part 2 – Proactive Publication, which mandates routine disclosure of briefing materials, travel and hospitality expenses, contracts above defined thresholds, and other administrative records. Provinces such as British Columbia, Alberta, Ontario, and Nova Scotia have implemented similar proactive-disclosure requirements, demonstrating that structured publication of routine records reduces administrative burden, improves transparency, and ensures that commonly requested information is available without formal access requests.

Newfoundland and Labrador should adopt a proactive disclosure model that reflects these national standards while accounting for the realities faced by smaller municipalities. Many towns operate with limited staff and administrative capacity, and a one-size-fits-all mandate would be impractical. A tiered

or phased approach—consistent with practices in other jurisdictions—would allow all municipalities to participate meaningfully in proactive transparency.

A balanced and scalable proactive disclosure framework could include:

Core records required for all municipalities:

- Council meeting agendas and minutes (with attachments)
- Policies, bylaws, and administrative manuals
- Budgets and audited financial statements
- Completed ATIPPA responses (with personal information removed)

Additional records required for medium and larger municipalities, or phased in over time:

- Contracts above a defined threshold, similar to federal proactive publication rules
- Procurement results, bid evaluations, and contract amendments
- Travel and hospitality expenses for council and senior management, consistent with federal and provincial practice
- Briefing notes for major decisions, as required in federal and BC frameworks
- Delegated authority decisions (permits, variances, enforcement actions)
- Complaint statistics and performance indicators
- Development applications, zoning maps, and planning documents
- Senior management salaries and union agreements, consistent with public-sector disclosure norms in other provinces

This approach mirrors federal and provincial models while ensuring that smaller municipalities are not overburdened. Larger municipalities—those with greater administrative resources—would meet a broader set of obligations, aligning Newfoundland and Labrador with national best practices. If a municipality has a website, proactive disclosure records should be published online. If a municipality does not have a website, proactive records should be available in the town's office during normal business hours.

Retaining section 21 and adopting a flexible, capacity-sensitive proactive disclosure regime would modernize ATIPPA, 2015, strengthen accountability, and bring Newfoundland and Labrador in line with the transparency standards now common across Canada.

Thank you for considering these recommendations as part of the 2025 statutory review and I look forward to the final report being published online for access to the citizens of the province.

Sincerely, Chris