

Making Access Work: Municipal Capacity and the ATIPPA Review

Submission to the Access to Information and Protection of Privacy Act, 2015 Statutory Review Committee

Submitted by Neil Stamp

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September 8, 2026

This submission is made in my individual capacity, drawing on my professional experience as a municipal administrator. My professional affiliation is provided for identification. The views expressed are my own and do not represent an official position of the Town of Witless Bay or its Council.

Thank you for providing municipalities and other public sector organizations across the province the opportunity to provide input and have a voice in the ATIPPA Statutory Review.

Access to information is essential to accountable local government. Residents should be able to understand municipal decisions, examine how public money is spent, and obtain information about matters affecting their communities. Delivering those rights consistently requires people, expertise, tools, and dependable administrative support; resources that do not automatically follow from the obligations the Act creates.

I respectfully ask this review to examine whether small municipalities have the capacity to fulfil the responsibilities placed on them under ATIPPA, 2015. This submission asks the Committee to consider three areas: shared provincial capacity for assessment and processing, funded tools and continuity, and effective safeguards against abusive or unreasonably burdensome requests.

As context, I began my role as Chief Administrative Officer of the Town of Witless Bay on August 3, 2026. At that time, six outstanding ATIPP requests required responses by August 25. The former CAO had also served as the Town's trained ATIPP coordinator. During the transition, the Town was without a coordinator, and no other staff member had received coordinator training. Alongside the CAO, the Town has one administrative employee whose regular responsibilities already constitute a full workload.

I had previously received ATIPP training, which helped me assume these responsibilities. That experience exposed a vulnerability worth the Committee's attention: a municipality's ability to maintain effective access and privacy services should not depend so heavily on the prior training and availability of a single employee.

Six requests may appear modest as a number. In a small municipal office, their impact can be daunting. The effect of these requests depends on the scope of the records, the complexity of the review, the deadlines involved, and the staff available. The work involved locating and assembling records from historical correspondence and municipal files, reviewing them for relevance, duplication, and personal or otherwise protected information, and applying and checking redactions before disclosure. Each step required judgment; an incomplete search can undermine an applicant's right of access, an inappropriate redaction can withhold information that should be disclosed, and an overlooked detail can expose personal or confidential information.

This work took place alongside the ordinary responsibilities of municipal administration; supporting Council, administering finances, responding to residents, and advancing ongoing projects, and was drawn from the same limited pool of staff time. That is an opportunity cost not captured by counting requests. Time devoted to processing records is time unavailable for the planning and organizational work needed to improve services over the longer term.

In conversations with other municipal administrators, including at a recent Professional Municipal Administrators symposium, I have repeatedly heard the same concerns: limited staffing, increasingly complex obligations, and difficulty maintaining specialized expertise within small organizations. These conversations are not a formal survey, but they suggest the issue extends beyond one municipality. Small municipalities are already expected to manage financial administration, infrastructure, planning, procurement, human resources, emergency preparedness, and information security, frequently with several specialized functions resting on the same employee. Adding another statutory obligation does not create the capacity to fulfil it.

There are also costs beyond staff time. Effective document review, secure information handling, and permanent redaction require appropriate software, with licences for backup personnel, training, and technical support creating recurring expense. Municipalities must also determine whether their tools meet their privacy, security, and records-management obligations. Questions about storage location, access controls, retention, and service-provider terms require expertise that a small office may not possess internally. Purchasing software does not, by itself, resolve those questions. It is my opinion that the Province should help municipalities obtain suitable tools and make informed decisions about their use, rather than leaving each public body to independently solve the same technical and administrative problems with substantially different resources.

Training presents a similar challenge. Making training available is only part of the solution. Employees need time to complete it, practical assistance as they develop experience, and qualified backup when they are unavailable. When the only trained coordinator leaves, the requests and deadlines remain, and a successor may inherit responsibility before acquiring the necessary knowledge of the municipality's records. Residents should be able to expect consistent service through departures, vacancies, and transitions, and municipalities need dependable support to provide it.

I also ask the Committee to examine whether existing safeguards adequately address requests that are unduly repetitive, excessively broad, or demonstrably abusive. Municipal administrators have expressed concern that the process can be used in ways that consume scarce resources and interfere with other responsibilities. A difficult or time-consuming request does not, by itself, establish abuse, and residents must remain free to scrutinize municipal decisions, including decisions that officials would prefer not to have questioned. My concern is with objectively demonstrated misuse and the practical ability of small municipalities to respond to it. My own experience, six requests landing on a single trained employee within days of a leadership transition, illustrates the kind of demonstrable operational impact the Committee should be able to weigh, without requiring an applicant to justify their purpose.

Section 21 already allows a public body to seek the Commissioner's approval to disregard certain requests. However, an application must be made within five business days of receiving the request, and that process does not suspend the response period. The review should examine whether this mechanism is practically accessible to small offices, especially where the extent of the burden becomes apparent only after records work begins. (ATIPPA, 2015, section 21)

I believe a provincially supported assessment stage should be available before the substantive processing burden falls to a municipality. One that could clarify scope, identify duplication, evaluate concerns about misuse, and establish what assistance is needed, while preserving applicants' rights and independent oversight.

I respectfully ask the Committee to recommend action in three areas:

1. Establish shared provincial capacity for municipal ATIPP assessment and processing.

In the near term, small municipalities should have dependable access to qualified personnel who can undertake a meaningful share of the work, extending provincial involvement beyond advice to include practical processing assistance. As a longer-term evolution of that capacity, the Province should explore a records-sharing model in which municipalities that consent could make appropriate categories of records securely available to the ATIPP Office for direct, independent processing. Any such model would require clear rules on which records are eligible, robust safeguards for personal, confidential, and privileged information, defined municipal accountability for records that remain in municipal custody, and the same independent oversight that applies elsewhere under this Act.

2. Fund the tools, training, and continuity required to meet access and privacy obligations.

Municipalities need appropriate review and redaction software, practical privacy and security guidance, coordinator training, and qualified backup during vacancies and transitions. These are the necessary components of delivering a responsibility the Province itself established.

3. Make safeguards against abusive or unreasonably burdensome requests effective in practice.

The review should assess whether existing procedures, timelines, and evidentiary requirements allow small municipalities to raise legitimate concerns effectively, accounting for demonstrable operational impacts and cumulative burdens while retaining clear criteria, independent oversight, and protection for legitimate public scrutiny.

The detailed design of these measures should be developed with municipalities, municipal administrators, the provincial ATIPP Office, and the Office of the Information and Privacy Commissioner. The essential outcome is dependable access to expertise and processing capacity that small municipalities cannot reasonably sustain on their own.

This review offers an opportunity to connect the rights established in legislation with the resources needed to deliver them. Stronger municipal capacity would support timely disclosure, consistent decisions, better privacy protection, and continued attention to the other services residents depend upon. Residents should be able to rely on effective access to information regardless of the size of their municipality. Municipal employees should be equipped to provide it. A province-wide right deserves a province-wide commitment to making it work.

Respectfully,



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