



P. O. Box 130, #271 Main Highway, Victoria, NL A0A 4G0
596-3783 (O) / 596-5020 (F)
General Email Address: townofvictoria@nf.aibn.com
Website: [townofvictoria.ca/our evergreen valley](http://townofvictoria.ca/our-evergreen-valley)

ATIPPA Statutory Review Committee 2025
Keri-Lynn Power, LLB (Hons), LLM
Committee Chair
Sept 21, 2026

Re: Statutory Review of The Access to Information and Protection of Privacy Act, 2015,

On behalf of the Council and citizens of the Town of Victoria, Newfoundland and Labrador, I, Mayor Sharon Penney, am pleased to provide the following comments for consideration as part of the review of the *Access to Information and Protection of Privacy Act, 2015* (ATIPPA).

The Town of Victoria is a small inland municipality located on the northeast coast of the Avalon Peninsula, with a population of approximately 1,650 residents. We believe our recent experience provides a valuable municipal perspective on the practical administration of ATIPPA in a small-town setting.

Over the past four years, the Town has experienced a significant increase in ATIPPA requests. Town staff have reported that more than **2,200 staff hours** have been devoted to processing ATIPPA requests since 2022. This represents a substantial allocation of municipal resources and has highlighted several areas where we believe the legislation and regulations could be improved.

1. Informal Resolution Before a Formal ATIPPA Request

The Town believes that an informal information-seeking process should be encouraged before a formal ATIPPA request is submitted.

Where appropriate, an applicant should first be encouraged to contact the public body to determine whether the requested information can be provided without invoking the formal ATIPPA process. If the public body is unable to provide the information, refuses access, or does not respond within a reasonable period, the applicant could then proceed with a formal ATIPPA request.

This approach could reduce unnecessary formal requests and administrative workload while continuing to preserve an applicant's statutory right of access.

2. Confirmation of Email Addresses

The Town recommends that both the applicant and the public body confirm the email address to which official ATIPPA correspondence and records are to be sent.

This would reduce the risk of records being inadvertently disclosed to an incorrect recipient and would also help prevent delays caused by correspondence being sent to an incorrect or inactive email address.

3. Staff Time and Cost Recovery

The amount of staff time required to locate, review, prepare and redact records can vary significantly depending on the age, volume and location of the records.

Older records may be stored off-site or in less accessible locations and may require extensive manual searching. Records are also frequently organized chronologically rather than by subject matter, requiring staff to conduct detailed, document-by-document searches.

The Town believes that the current cost-recovery structure does not adequately reflect the actual municipal cost associated with extensive searches.

We recommend that, where a search exceeds the legislated threshold for no-cost searching, the applicable fee structure be reviewed to better reflect the **actual cost of staff resources required to locate, retrieve, review and prepare records**, subject to appropriate safeguards and oversight.

4. Multiple Requests by the Same Applicant

The Town recommends consideration of a revised fee structure that recognizes the cumulative administrative burden created by multiple requests from the same applicant.

Rather than applying the free-search threshold separately to every request, consideration should be given to establishing a cumulative threshold for requests made by the same applicant within a defined period, such as a calendar year.

The Town believes this would provide a more reasonable reflection of the total administrative resources required to process multiple requests while maintaining the applicant's right of access.

5. Number of Concurrent Requests

The Town recommends consideration of a reasonable limit on the number of active ATIPPA requests that one applicant may have before a public body at any one time.

We suggest that **two active requests** could be considered as a reasonable starting point, with flexibility where circumstances warrant.

In a small municipality with limited administrative staff, numerous concurrent requests can create significant backlogs and divert staff resources from essential day-to-day municipal operations.

Any such provision should include appropriate safeguards to ensure that legitimate and urgent requests are not unnecessarily restricted.

6. Statutory Timeframes

The Town believes the current statutory timelines can be particularly challenging for small municipalities with limited administrative resources.

In a small municipality, ATIPPA work can quickly become the priority over other essential municipal responsibilities. The work involved extends beyond locating records and may include correspondence, consultation, research, review, redaction, preparation of records and completion of required forms.

We recommend that the statutory timelines be reviewed and expanded where appropriate, particularly for complex or extensive requests.

The Town also recommends reviewing the timeframe within which a public body may seek to have a request refused, disregarded or otherwise addressed on the basis of its scope, complexity or administrative burden. The current timeframe can be difficult for small municipalities, particularly where there is only one full-time or part-time employee responsible for ATIPPA administration.

7. Repeated or Substantially Similar Requests

The Town has experienced situations in which multiple requests seek identical or substantially similar records or involve extensive searches for historical documentation.

The town's ATIPP Coordinator and Head of the Public Body has discussed this issue with the ATIPP Division of the Department of Municipal and Community Affairs. Through these discussions, it seems consideration should be given to establishing **five years as a reasonable search period for historical records**, except where circumstances warrant a longer search.

The Town recommends that consideration be given to establishing a five-year period as a reasonable standard or cap for searches of historical records, with appropriate exceptions where the requested information is of a significant personal nature, where the applicant can demonstrate substantial hardship or a legitimate need for records beyond five years, or where the information is necessary to address a significant public health, safety or other public-interest concern.

Such an approach would provide public bodies with a reasonable and consistent framework for managing extensive historical searches while preserving access to information where there is a demonstrated need for records extending beyond the proposed five-year period.

The Town recommends that the legislation provide clearer guidance concerning **repeated, duplicative or substantially similar requests**, including circumstances in which a public body has already conducted a reasonable and comprehensive search and provided all responsive records within its custody or control.

Any such provision should preserve the applicant's statutory right of access while providing public bodies with reasonable mechanisms to address repetitive or unnecessarily burdensome searches.

8. Form 8 – Time Extensions

The Town recommends a review of **Form 8** and the process for requesting time extensions.

Our experience has demonstrated that complex requests may require more than one extension. The current form and process do not appear to adequately accommodate circumstances in which multiple extensions may be necessary because of the volume, age or complexity of the records involved.

We recommend that the form and related procedures be revised to provide greater flexibility while maintaining appropriate oversight of extensions.

9. Independent Review of Repeated or Duplicative Requests

The Town recommends that consideration be given to establishing an independent process, potentially through the Office of the Information and Privacy Commissioner or another appropriate independent body, to address repeated, duplicative or substantially similar requests that create an exceptional administrative burden for a public body.

Clear guidelines should establish when a public body has fulfilled its obligation to conduct a reasonable and comprehensive search and provide all responsive records within its custody or control.

Where an applicant disputes the completeness or accuracy of the information provided and requests that additional searches be conducted, the applicant should be required to identify, with reasonable specificity, the additional records believed to exist and provide the basis for requesting a further search.

This would provide a reasonable process for resolving situations where an applicant believes that additional records should exist, without requiring a public body to repeatedly conduct extensive searches of the same records based solely on a general assertion that the information provided is incomplete or inaccurate.

Where permitted by legislation and subject to appropriate safeguards, the costs associated with exceptional additional searches should be recoverable from the applicant.

Conclusion

The Town of Victoria fully recognizes and supports the importance of transparency, accountability and the public's right of access to information held by public bodies.

Our comments are intended to highlight the practical challenges that ATIPPA administration can create for a small municipality with limited staff and resources. We respectfully request that the review consider mechanisms that preserve the public's right of access while also ensuring that the administrative requirements placed upon small public bodies are reasonable, sustainable and proportionate.

We appreciate the opportunity to provide this municipal perspective and thank the ATIPP Office for considering the Town of Victoria's submission as part of the statutory review.

Respectfully submitted,

Mayor Sharon Penney

Town of Victoria

Newfoundland and Labrador