

September 24, 2026

Keri-Lynn Power, LLB (Hons), LLM
Committee Chair
ATIPPAReview@gov.nl.ca

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

Dear Ms. Power,

Thank you for the opportunity to provide input into the statutory review of the Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015). The Newfoundland and Labrador Housing Corporation (NLHC) supports the purposes of the Act, including facilitating access to records in the custody or control of public bodies, increasing transparency and accountability, and protecting personal privacy.

Based on NLHC's operational experience administering access requests under ATIPPA, 2015, we respectfully submit the following recommendations for consideration.

1. Clarify the Scope of Access Requests

The Act should more clearly state that an access request is a request for an existing record in the custody or control of a public body, and is not intended to require a public body to answer questions, provide explanations, offer opinions, conduct analysis, or create a new record. While the Access to Information Policy and Procedures Manual provides guidance that public bodies are not required to answer questions or create new records, the Act itself does not explicitly address this issue. This can create confusion for applicants and result in significant time being spent interpreting and responding to submissions that are not, in substance, requests for access to records.

2. Introduce a Request Screening and Clarification Process

Public bodies should have clearer authority to seek clarification from an applicant where necessary to determine the scope of an access request and identify responsive records with reasonable effort. A formal clarification process would assist both applicants and public bodies by ensuring requests are sufficiently specific before processing begins, supporting the duty to assist, and reducing disputes about the interpretation of requests.

3. Limit the Number of Active Requests Filed by an Individual

The Act currently places no express limit on the number of concurrent access requests an applicant may submit to a public body. In some cases, a small number of applicants may submit numerous active requests simultaneously, creating significant administrative burdens for public bodies and diverting resources from program delivery.

NLHC recommends considering a limit on the number of active access requests that may be maintained by a single applicant with the same public body at one time, while preserving discretion to proceed where there is a compelling public interest or other appropriate justification.

4. Reintroduce a Modest Application Fee for High-Volume Requesters

The removal of application fees has improved accessibility; however, it has also contributed to increased request volumes in some circumstances. NLHC recommends considering a modest application fee, such as \$5, after six access requests submitted by an individual applicant within a calendar year and after twelve access requests submitted by a media organization within a calendar year. Such an approach would preserve accessibility for most applicants while discouraging excessive or repetitive use of the system. Waiver authority should remain available where appropriate.

5. Address the Use of Artificial Intelligence in Access Requests

Advances in artificial intelligence have created new challenges and opportunities for the access to information regime. NLHC recommends that ATIPPA, 2015 or its regulations provide guidance on AI-assisted or AI-generated access requests, including consideration of word or character limits to help ensure requests are sufficiently specific and capable of being processed with reasonable effort.

6. Modernize the Definition of Business Days for ATIPP Timelines

NLHC recommends that the definition of business day and related statutory time limits under ATIPPA, 2015 recognize all holidays observed by public bodies. Specifically, consideration should be given to including:

- St. Patrick's Day (where observed);
- St. George's Day (where observed);
- Orangeman's Day (where observed); and
- June Holiday (where observed).

This change would better align statutory time limits with operational realities and staffing availability across the province.

7. Improve Consistency Between Oversight Bodies

Public bodies benefit from predictable and consistent interpretation of the Act. NLHC recommends increased collaboration and guidance development between the Office of the Information and Privacy Commissioner (OIPC) and the ATIPP Office to promote consistent interpretation of legislative provisions and administrative practices. Differences in interpretation can create uncertainty for public bodies, applicants, and practitioners, resulting in unnecessary complaints, disputes, and inefficiencies.

8. Create a Standard Redaction Code for Non-Responsive Information

Public bodies routinely sever or withhold information that is not responsive to the access request because it falls outside the scope of the request. Although identifying non-responsive information is a common administrative practice, the Act does not provide a specific exception to access or redaction code for that purpose. NLHC recommends creating a specific statutory or regulatory basis, notation, or redaction code for non-responsive information to improve transparency and consistency across public bodies. In conclusion, NLHC supports a modernized access to information and protection of privacy framework that continues to promote openness and accountability while recognizing the operational realities faced by public bodies. The recommendations outlined above are intended to improve administrative efficiency, provide greater clarity for applicants and public bodies, enhance consistency in decision-making, and better support coordinators and staff responsible for administering ATIPPA, 2015. NLHC appreciates the opportunity to contribute to the statutory review process and would be pleased to provide any additional information that may assist the Committee in its work.

Sincerely,



MIKE TIZZARD

Chief Executive Officer (A)