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Sent: Wednesday, September 30, 2026 7:12 PM
To: ATIPPAReview
Subject: Statutory Review of the Access to Information and Protection of Privacy Act, 2015 (In Response to Public Body Submissions)

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Dear Members of the Statutory Review Committee,

I am writing to provide feedback as a taxpayer in response to the statutory review of the *Access to Information and Protection of Privacy Act, 2015* (ATIPPA, 2015). As a firm believer in the fundamental principles of openness, accountability, and transparency in public bodies, I wish to address proposals submitted by municipal and corporate public bodies—such as those advocating for statutory amendments that would restrict applicant rights, reintroduce application fees, limit concurrent active requests, restrict request length, and curtail post-disclosure civic oversight.

Public body administrators hold exclusive custody and control over public records and maintain the sole administrative authority to redact information prior to release. Administering access requests and maintaining public accountability are core duties inherent to public administration, supported by public funding and compensation. While public bodies may cite percentage increases in request volumes—where an increase from two to eight requests annually is characterized as a significant surge—a handful of requests over the course of a full working year does not represent an unmanageable burden, nor does it justify weakening fundamental statutory rights.

I urge the Committee to consider the following key points when evaluating requests to restrict public access:

1. Proactive Disclosure is the True Remedy for Administrative Strain

Submissions from public bodies often point to the high volume of search, review, and redaction hours required to fulfill information requests. However, this burden is largely self-inflicted by a reliance on reactive disclosure.

When public bodies routinely publish core operational records—detailed line-item accounts payable, financial reconciliations, corporate credit card statements, policy registers, and executive expense claims—in open, searchable online formats, formal ATIPP requests naturally decline. The solution to request volume is routine, proactive open governance, not administrative gates.

2. Cumulative Fee Caps, Reintroduced Fees, and Request Limits Chill Oversight

Proposals to apply annual cumulative fee caps, reintroduce application fees after an arbitrary number of submissions, or limit the number of concurrent active requests from a single applicant present severe risks to public oversight:

- **Reintroduced Application Fees & Cumulative Allowances:** Proposals to charge fees after a set threshold (e.g., \$5 after six requests) or cap free search hours penalize engaged taxpayers who perform consistent oversight. It effectively creates a financial barrier to public accountability.
- **Limits on Concurrent Active Requests:** Arbitrary limits on active requests create a counterproductive incentive for public bodies. An administration could delay processing an active request in order to block an applicant from submitting time-sensitive inquiries on upcoming votes, tenders, or public hearings.

3. Reject Word/Character Limits and Restrictions Framed Around "AI"

Submissions suggesting character limits or special restrictions to curb "AI-assisted" requests undermine the quality of access applications and run contrary to broader provincial policy.

The Government of Newfoundland and Labrador actively promotes the province as a welcoming jurisdiction for artificial intelligence innovation, digital infrastructure, and technology development. Furthermore, public bodies themselves utilize modern digital tools internally to streamline administrative workflows. It is inconsistent for public administration to embrace technological tools while seeking statutory restrictions or character limits on taxpayers who leverage those same tools to research, structure, and articulate precise access requests.

Precise, well-scoped requests often require detailed language—including specific ledger accounts, dates, policy references, and keywords—to help staff locate exact records efficiently. Capping request length penalizes applicants who take the time to draft targeted queries, forcing them into broader submissions that increase administrative workload.

4. Review and Severing Time Must Remain Non-Chargeable

The argument that fees should cover review, redaction, and preparation hours misinterprets the purpose of access legislation. The time staff spend reviewing documents reflects internal administrative processes to determine what information to withhold under legal exceptions.

Charging applicants for the time a public body spends redacting its own internal records incentivizes excessive severing and broad exemption claims, shifting the financial cost of compliance onto the person exercising a statutory right.

5. Mandatory Audit Trails and Verifiable Proof of Hours Spent

Submissions from public bodies frequently cite generalized estimates for hours spent processing requests (e.g., claiming dozens of hours spent reviewing records). Under current practices, applicants have no mechanism to verify whether these estimates accurately reflect actual work performed or standard administrative overhead.

To ensure administrative fairness and prevent the inflation of fee estimates or extension requests:

- **Itemized Time Tracking:** Public bodies claiming administrative burden or issuing fee estimates should be statutorily required to maintain detailed, contemporaneous search logs.
- **Granular Functional Breakdown:** Hours must be itemized by employee level, department, and task category (e.g., electronic query vs. paper file retrieval vs. management review).

- **Burden of Proof on the Public Body:** Public bodies should not be permitted to rely on generalized assertions of staff hardship to delay releases or justify fees. Requiring verifiable, auditable proof ensures transparency and prevents administrative estimates from serving as an informal barrier to access.

6. Oppose Subjective "Non-Responsive" Redaction Codes

Proposals to create a statutory redaction code for "non-responsive" information risk creating an unnecessary loophole. Granting authority to redact information without applying a specific statutory exception under ATIPPA 2015 allows public bodies to remove contextual information, surrounding discussion, or related administrative notes. Mandatory redactions must remain strictly limited to the explicit exceptions defined in the Act.

7. Post-Disclosure Civic Feedback is Democratic Engagement, Not an Administrative Trap

Public body submissions highlight the time required to read follow-up correspondence, policy critiques, or financial observations provided by applicants following a record release.

Requesting records is the foundation for civic participation. Pointing out financial discrepancies, administrative gaps, or drafting improved policy frameworks based on disclosed public records is a form of constructive civic engagement. While ATIPPA does not legally obligate staff to debate policy in post-disclosure emails, dismissing citizen feedback as an administrative burden undermines democratic governance. Furthermore, addressing inquiries transparently when records are provided eliminates the need for repeated follow-up requests.

8. Municipal Capacity Requires Provincial Support, Not Rights Restrictions

While administrative workloads exist across public bodies, the remedy for capacity limits should be provincial administrative support, shared regional access coordinators, modernized digital record-keeping tools, and standardized open-data platforms. Restricting the public's right to know under ATIPPA 2015 to accommodate administrative convenience sets a concerning precedent for transparency across Newfoundland and Labrador.

Conclusion

ATIPPA 2015 was enacted to ensure government openness, accountability, and public participation. I strongly encourage the Committee to reject proposals that introduce cumulative fee barriers, application fees, request limits, character caps, or chargeable redaction hours. Instead, the Committee should focus on strengthening proactive disclosure mandates, establishing auditable time-tracking standards, and providing public bodies with the digital tools necessary to fulfill their statutory duty to disclose.

Thank you for your time and consideration of this submission.

Sincerely,

Chris