

Town of Happy Valley-Goose Bay

I am providing these comments from a municipal perspective and from my own experience administering ATIPP as part of my role. ATIPP is an important responsibility, and I fully recognize the need for public bodies to be open, accountable and careful in how personal information is handled. At the same time, working with the legislation on a day-to-day basis has also highlighted some areas where the process can be difficult to manage in a municipal setting.

In most of municipality, ATIPP is often not a stand-alone position.. When a request is straightforward, the process is generally manageable. The challenge comes when requests are large, complex, involve several departments, or when multiple requests are being dealt with at the same time.

A large request can involve much more than simply locating a file. It can require searches across different departments and email accounts, discussions with staff, review of a significant number of records, consideration of privacy issues, severing, and sometimes third-party consultation. All of this has to happen while the employees involved continue with their regular responsibilities. My comments below are therefore not intended to limit access to information. Rather, they are based on what I have seen in practice and are intended to identify areas where the legislation could be made more workable for municipalities.

1. Timelines and extensions

For a straightforward request, the existing timeline can work. The challenge is when a request involves several departments, large number of records, email searches or complicated severing. Records are not always held in one place, request may involve Finance, Public Works, Planning, W&S, Engineering, Administration, Recreation or Enforcement. The ATIPP Coordinator may have to contact several employees, and those employees still have to carry out their regular duties while searching for and reviewing records. The legislation should provide a little more flexibility in situations where a request is genuinely large or complex.

Extensions should be able to consider things such as the number of records, the number of departments involved, the complexity of severing, third-party consultation and the number of other active requests being processed.

2. Fees and non-personal requests

The current fee structure should also be reviewed. The largest cost associated with an ATIPP request is often not photocopying or printing. It is staff time, as it involve many hours of searching, reviewing records, removing duplicates, consulting with departments and determining what information needs to be severed. There should be some form of reasonable application or processing fee for larger organizational requests, including requests from media

organizations, businesses, political parties, associations and other institutions. I also think the legislation should allow the overall volume and frequency of requests to be considered where one requester is submitting a high number of requests that require significant staff resources.

3. Training and support for municipalities

More training would also be very helpful. Basic ATIPP training is useful but regularly deal with situations that are much more complicated than a normal access request. Some of the areas where additional practical training would be valuable include:

- privacy breaches;
- records management;
- complex severing;
- employee and personnel information;
- large electronic searches;
- difficult extension requests;
- disregard applications;
- handling requests involving many emails or departments; and
- Privacy (Most important) -Privacy is another area where municipalities need additional support. Municipalities are using more electronic systems, cloud-based software and online services than ever before. This creates new questions around how personal information is stored, accessed and protected.

4. Records management

A significant amount of time can be spent simply trying to determine where records are located. Depending on the request, records may be held in shared drives, individual email accounts, paper files or different municipal systems. Better provincial guidance for municipalities around records retention, email management, electronic filing, document naming and disposal schedules would make the ATIPP process much more efficient.

Thank you for the opportunity to provide input into the review.