



Town of Harbour Grace
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October 9, 2026

Access to Information and Protection of Privacy
Statutory Review Committee 2025
2nd Floor, Beothuck Building
20 Crosbie Place
St. John's, NL
A1B 3Y8

Attention: Keri-Lynn Power

RE: Access to Information and Protection of Privacy Act Statutory Review 2025

Thank you for the opportunity to address the challenges that smaller municipalities face when responding to requests for information. My comments are based on the challenges I have encountered as Town Clerk while responding to requests and managing the other responsibilities that come with working in a municipal office.

I fully recognize and support the importance of transparency, accountability, and the public's right to access information. However, I believe there needs to be greater consideration of the challenges small municipalities face in meeting the requirements of the legislation with limited staff, time, and resources.

Most municipalities do not have a dedicated department or staff members to respond to ATIPP requests. The responsibility for processing requests often falls to the Town Clerk or another administrative employee who is already responsible for other aspects of municipal operations.

In addition to updating by-laws, policies, and procedures to comply with the new TLSDA, Council meetings, financial administration, government reporting, and responding to residents must all continue while ATIPP requests are being processed.

One of the biggest challenges is that the number of requests received does not necessarily reflect the amount of work involved. One of the four requests received by our Town this year resulted in thousands of pages of responsive records, requiring extensive searches through emails, correspondence, and municipal files. This request alone took approximately 200 hours to complete. By the time that the search revealed the volume of responsive records, the five-day deadline to apply for a disregard had expired. I believe this deadline should be extended to allow for a relatively complete search to be conducted.

When multiple requests are received within a short period, the workload can become overwhelming. Each request has its own deadline, and the same detailed process must be followed for every request which takes staff away from their regular responsibilities. While extensions can be granted, there is no guarantee that they will be granted and work must continue while waiting for the response.

Locating responsive records is only the first step, documents must be carefully reviewed to determine what information can be released and what must be protected under the legislation. Often this requires a line-by-line review of the records located, particularly where records contain personal information, confidential communications, or information relating to third parties. Redacting records is a time-consuming process that requires careful judgment. Staff must balance the applicant's right of access with the responsibility to protect information that should not be disclosed.

Through ATIPP training, I have noticed that applying exemptions and determining appropriate redactions is not always a black-and-white process. Individuals can reasonably interpret the same information differently, and there can be differing opinions even among those working within the ATIPP system. If individuals with specialized knowledge and experience can have different interpretations, it is reasonable to expect that municipal staff, who do not deal exclusively with ATIPP legislation, will encounter uncertainty. While the training offered and ATIPP staff have been extremely helpful, reviewing and redacting creates additional pressure to staff who are expected to make decisions within strict deadlines, often without access to legal or privacy specialists. The municipal staff must make decisions that involve their own judgment and interpretation of legislation to review the responsive material.

While I understand the need for legislated response timelines, the current requirements do not reflect the limited capacity of many municipal offices. Municipalities with only a few administrative employees cannot reasonably be expected to process requests at the same pace as a larger public body with dedicated staff. This is challenging when requests involve substantial volumes of records or when several requests are being processed at the same time.

Another concern is the time it can take to receive guidance or clarification. I realize that most governmental departments have policies concerning response time but when working with a ten-day deadline that may have been received at the end of a business day and then up to three business days to receive a reply, ten days is down to six. Municipalities rely on this assistance to seek help about disclosure or the interpretation of the legislation. However, while waiting for assistance the legislated deadline continues to approach.

I appreciate that the supporting departments also face workload and resource pressures, but this has a direct impact on municipalities trying to meet the assigned deadline. I would suggest that consideration be given allowing timelines to be paused or reasonably extended when a municipality is awaiting necessary guidance.

The time required to complete ATIPP requests can significantly disrupt the regular operation of municipalities. When staff are spending days, weeks, or even months searching for records, reviewing documents, and applying redactions, other municipal responsibilities are inevitably affected. Council business, financial reporting, projects, and services to residents must still be managed, by the same individuals responsible for processing the requests. This creates pressure on staff and can delay other important work. There is also a financial cost, as the staff time devoted to these requests is ultimately paid for by municipal taxpayers. The challenge is not a lack of willingness to comply with the legislation, but rather the practical reality of trying to meet multiple obligations with limited resources.

I respectfully ask the Committee to consider the following as part of this review:

- Greater flexibility in response timelines based on the volume and complexity of records, the staffing capacity of the municipality, and a longer initial response time. In my experience, twenty days is not enough time to respond.
- Consideration of the workload created by multiple or overlapping ATIPP requests and OIPC complaints.
- A process that allows timelines to be paused or extended when municipalities are awaiting necessary guidance from the OIPC or ATIPP offices.
- More frequent in-depth training and guidance on redactions, including practical examples relevant to municipal records, and more guidance to help resolve issues with repeat applicants.
- A more practical approach to broad or extensive requests, and review of the five-day deadline for disregard requests.
- Greater consideration of the administrative and financial impact of ATIPP requests on smaller municipalities.

As a Town Clerk, I want to emphasize that these concerns are not about avoiding transparency or limiting the public's right to information, but to ensure that the legislation is practical and manageable for municipalities of all sizes. I understand the importance of meeting legislative obligations; however, I also understand firsthand the challenges of balancing these requirements with the daily responsibilities of staff to run a municipal office. I think all municipalities want to do things properly, to protect personal information, provide access to records, and meet deadlines. However, when requests involve significant volumes of information, complex redactions, and difficult to achieve deadlines, meeting all of these expectations becomes increasingly difficult.

Thank you for the opportunity to share my experience and concerns.

Sincerely,

Nancy Pike

Town Clerk

Town of Harbour Grace