

Access to Information – Disregarding requests

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Background – ATIPPA Timeline

2005

ATIPPA

ATIPPA comes into force (with privacy provisions coming into force in 2008)



2012

ATIPPA Amendments

ATIPPA amendments come into force following first statutory review (June 2012)



2015

ATIPPA, 2015

Second statutory review is complete and ATIPPA is replaced with ATIPPA, 2015 (June 1, 2015)

■ Background – ATIPPA, 2015

Access and privacy legislation is based on two fundamental rights of people in contemporary democratic society:

- The right to access information held by governments and other public bodies, including information about oneself, subject only to certain specified exceptions; and
- The right to privacy for personal information collected, used and disclosed by public bodies

■ Background – ATIPPA, 2015

The Act

- Gives the public a right of access to records
- Gives an individual a right of access to, and correction of, their own personal information
- Contains limited exceptions to access
- Prevents unauthorized collection, use and disclosure of personal information
- Provides for an oversight agency (the Office of the Information and Privacy Commissioner)

What's the Difference?

ATIPP Office



OIPC



ATIPP Office



Education & Training
ATIPP Coordinators
Core government employees
Government Executive
Communities of Practice



Policies & Procedures
Access to Information
Protection of Privacy
Municipal Guidelines



Advice & Guidance
Serves as helpdesk
Answer questions
Support on ATIPP requests



Privacy Breaches
Develop breach protocol
Assist in responding to breach
Receive breach reports



Privacy Assessments
Assess privacy impacts
Develop templates/guidance



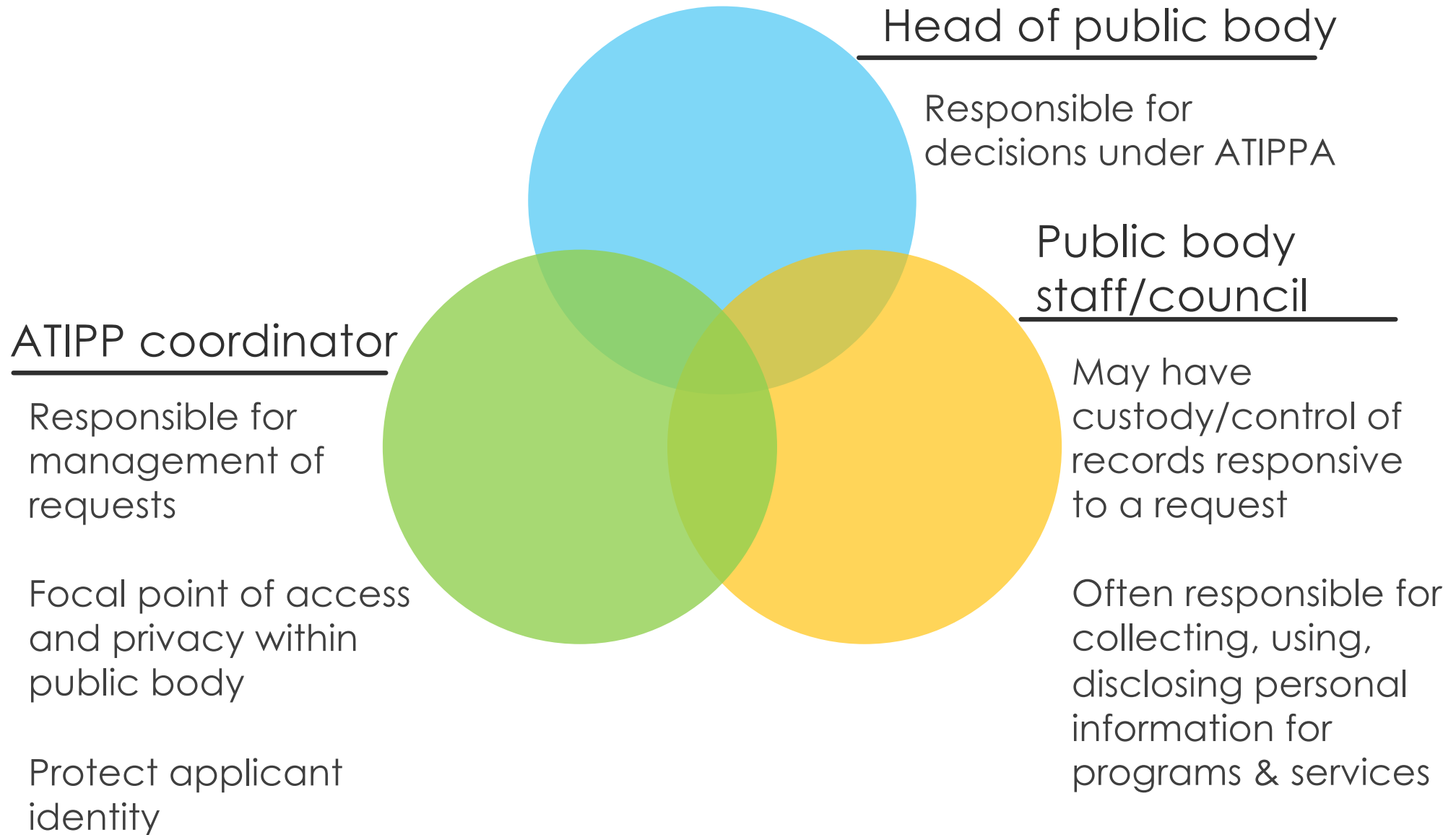
Statistical Reporting
Collect, maintain, compile and
release statistics on requests



OIPC

- Receives privacy breach reports from public bodies
- Investigates access to information and protection of privacy issues
- Audits public bodies for access and privacy compliance
- Reviews privacy impact assessments of common or integrated programs or services

Role of Individuals



Role of ATIPP Coordinator

- Responsible for management of requests made under the Act
- Focal point of access to information and protection of privacy within the public body
- No official other than the ATIPP coordinator should be involved in the request unless they are consulted for advice in connection with the matter or giving assistance in obtaining records
- Protecting the identity of applicants throughout request process
- Most commonly the Town Clerk or Manager in a municipality.

■ Head of Public Body

- The head of the public body is responsible for decisions under the Act
- The head designates an ATIPP coordinator to carry out day-to-day administration of the Act
- Ideally, the most senior employee (non-elected official) in a town.

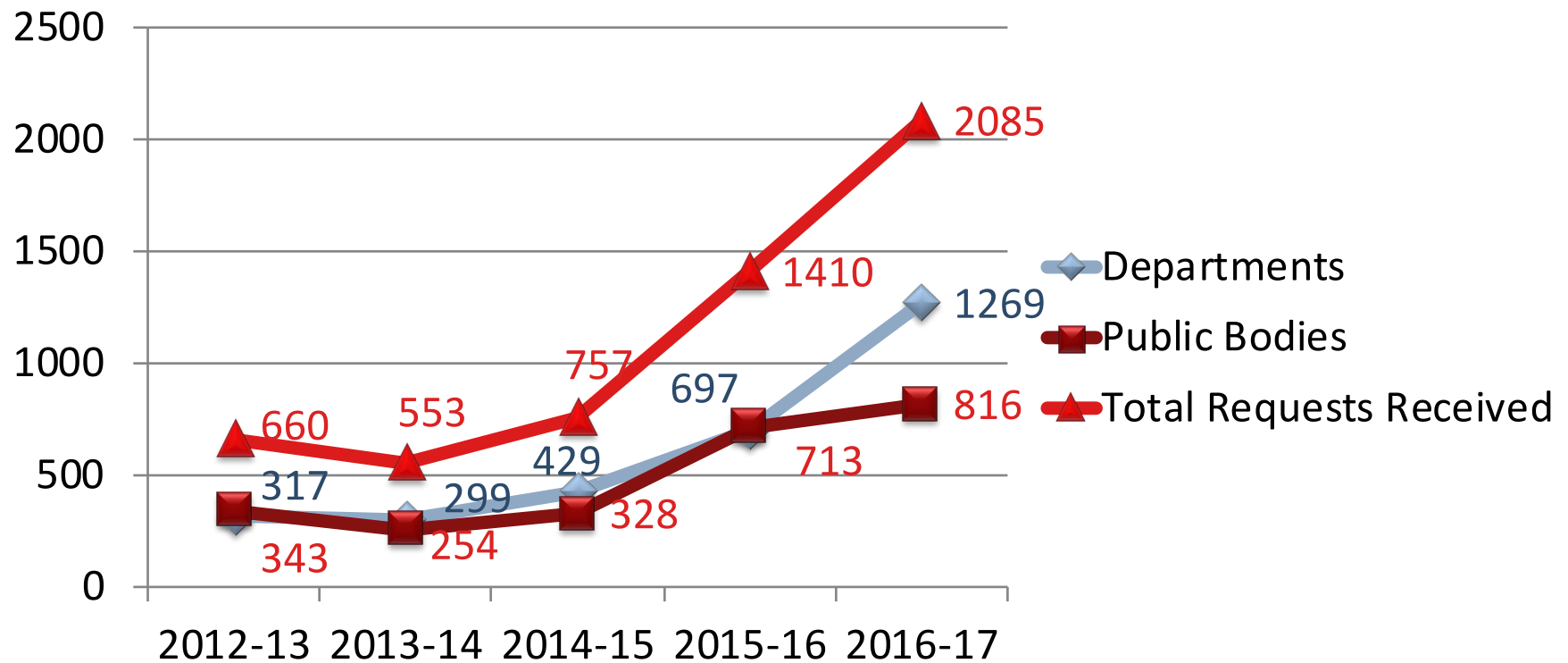
■ Making Things go Smoother: A Checklist

- Does your ATIPP Coordinator have ATIPP Coordinator training from the ATIPP Office?
- Have all staff and council completed at least privacy training?
- Does the municipality have an information management policy, and are records easily accessible and well organized?
- Are public documents easily accessible and ready to provide upon request?



Increase in Requests:

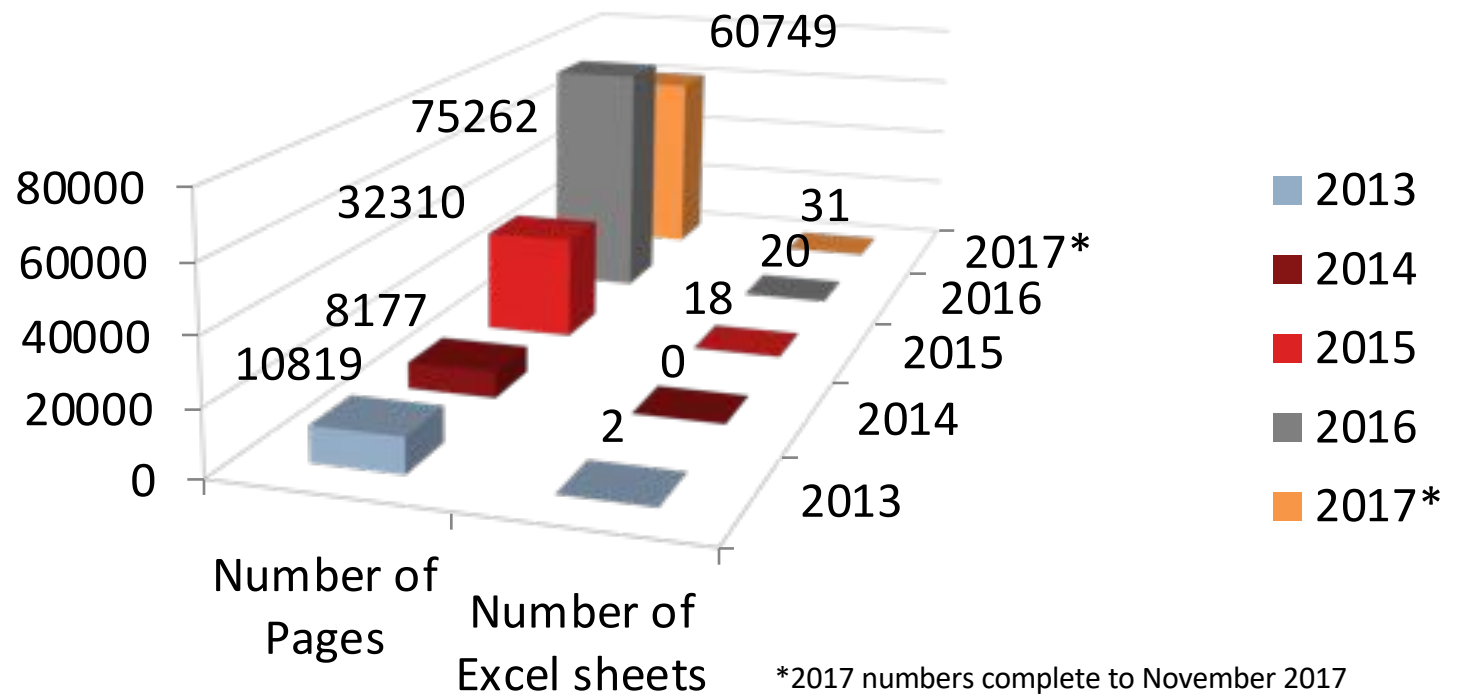
Since 2012, the number of requests received has increased substantially:





Increase in Requests

The number of associated pages has also increased dramatically:



■ Time Limits

- Public bodies must respond without delay and no more than 20 business days
- Failure to meet timelines is deemed a refusal



■ Time Extensions (section 23)

- Must apply to OIPC to extend time for responding to a request
- All extensions require prior OIPC approval
- Requests must be made as soon as possible but not later than 15 business days after receipt

Disregarding Requests

- Public Bodies have the right to request a disregard from the Office of the Information and Privacy Commissioner (OIPC) in certain circumstances.
- A public body must seek approval from the OIPC to disregard within the first 5 business days of an active request.



When can a request be disregarded?

1. Unreasonable interference with the operations of a public body

- What is reasonable will depend on the size of the municipality
- Consider size of requests, number of requests, and whether it interferes with core responsibilities

■ When can a request be disregarded?

2. Information already provided

- Has the same information already been provided?
- Does the applicant have a legitimate reason to ask again (eg. records were destroyed in a fire)

■ When can a request be disregarded?

3. Abuse of right to make a request

- Trivial, frivolous or vexatious
- Unduly repetitive or systematic
- Excessively broad or incomprehensible
- In bad faith

■ Process for disregarding

- Need to apply to OIPC within 5 days of receiving request
- OIPC has 3 days to respond to a request to disregard

Process for disregarding

- When applying, contact the OIPC by email. You may wish to call and discuss it first.
- Your application should include your reasons for requesting a disregard, and relevant information to back up your request
- Ensure you provide enough detail. OIPC has a guidance piece setting out the types of questions they will ask

Final Points

- Please call us 729-7072!
- Listen to your ATIPP Coordinators!
- Organize training for your council!

Resources

- Contact ATIPP Office for Assistance
729-7072
- OIPC Guidance:
www.oipc.ni.ca/pdfs/ApplyingtotheCommissionerforApprovaltoDisregardAccessRequests.pdf



Questions/Discussion