



**GOVERNMENT OF THE NORTHWEST TERRITORIES RESPONSE TO COMMITTEE REPORT 16-18(3): REPORT ON THE REVIEW OF BILL 29: AN ACT TO AMEND THE ACCESS TO INFORMATION AND PROTECTION OF PRIVACY ACT**

The NWT *Access to Information and Protection of Privacy Act* (“the Act” or “ATIPP Act”) became law in 1996. It was created to promote access to information that the government creates and receives, and to protect individual privacy rights related to that information.

Bill 29, *An Act to Amend the Access to Information and Protection of Privacy Act*, was introduced in the Legislative Assembly in October 2018. The Bill received assent in the Legislative Assembly on June 6, 2019.

The Standing Committee on Government Operations (the “Standing Committee”) presented Committee Report 16-18(3): *Report on the Review of Bill 29: An Act to Amend the Access to Information and Protection of Privacy Act* in the Legislative Assembly on May 28, 2019. The report includes two recommendations.

The following is the Government of the Northwest Territories (GNWT) response to the recommendations contained in the Committee Report 16-18(3).

**Recommendation One**

**The Standing Committee on Government Operations recommends that the Department of Municipal and Community Affairs, working with the Department of Justice, develop a detailed and costed plan to guide the implementation of ATIPP for municipalities.**

**Additionally, the Standing Committee recommends that the plan identify:**

- i. time lines for the inclusion of different categories of municipalities in the ATIPP Regulations;**
- ii. the resources needed by each municipal government to comply with ATIPP, to ensure adequate funding for initial implementation and ongoing operational requirements; along with**
- iii. any other significant considerations as determined through consultation on development of the plan.**

**The Standing Committee further recommends that, before being finalized, the plan be provided in draft so that input may be obtained from: the appropriate Standing Committee; the NWT Association of Communities; and the Local Government Administrators of the Northwest Territories.**

**GNWT Response**

*The GNWT agrees with Standing Committee's recommendation. The Departments of Municipal and Community Affairs and the Department of Justice have developed a draft terms of reference that will jointly establish a working group which includes representatives from the Northwest Territories Association of Communities (NWTAC) and the Local Government Administrators of the Northwest Territories (LGANT).*

*The terms of reference for the working group has been shared with the NWTAC and LGANT and work is anticipated to advance in the fall of 2019 and be finalized by spring 2020.*

*The working group will be tasked with the development of a realistic and measured implementation plan that will address the training needs and resource requirement of community governments; timelines for the inclusion of community governments under the staged approach; and any resources or other considerations identified by the working group.*

**Recommendation Two**

**The Standing Committee on Government Operations recommends that the Minister of Justice propose, for approval by the Commissioner in Executive Council, amending the *Access to Information and Protection of Privacy Regulations* to include Housing Associations incorporated under the *Societies Act* and Housing Authorities incorporated under section 45 of the *NWT Housing Corporation Act*, as public bodies under the *Access to Information and Protection of Privacy Act*.**

**GNWT Response**

*The GNWT agrees with Standing Committee that the NWT Housing Authorities incorporated under the NWT Housing Corporation be identified in the *Access to Information and Protection of Privacy Regulations*. The Department of Justice commits to including the Housing Authorities identified under the NWT Housing Corporation Regulations as part of its implementation of the revised ATIPP Act.*

*However, further consideration is required regarding the status of whether NWT Housing Associations should fall under the Access to Information and Protection of Privacy Regulations. The NWT Housing Corporation will be undertaking consultations with NWT Housing Associations on this issue in the fall of 2019. The consultations will review the question on whether the current screening criteria used in the ATIPP regulations to determine whether an agency, board, commission, corporation, officer or other body should be designated as a "public body" should apply to NWT Housing Associations.*

*The current criteria are based on the following two questions:*

- 1. Does the entity provide services to the public? And if so,*
- 2. Is the entity already covered as per the "government institution" definition which includes "a department or ministry of the GNWT"?*