



File# ITI-22-23-G-015

SENT VIA EMAIL: [Kevin OReilly@ntassembly.ca](mailto:Kevin.OReilly@ntassembly.ca)

October 19, 2022

Mr. Kevin O'Reilly
MLA Frame Lake
PO BOX 1320
Yellowknife, NT X1A 2L9

Dear Mr. O'Reilly:

Request for Access to General Information

Your request for access to general information held by the Department of Industry, Tourism and Investment (ITI) was received by the GNWT Access and Privacy Office on April 28, 2022. You have specifically requested:

"Any options papers prepared for or by the Department of Industry, Tourism and Investment made available to any stakeholders and the Technical Working Group on the Mineral Resources Act regulations and implementation since July 1, 2021

This request for information was processed under the *Access to Information and Protection of Privacy Act* (the *Act*).

ITI has decided to grant you partial access to the records requested. Portions of the records requested contain information that is excepted from disclosure under the *Act*. Attached is a sections guideline listing to better explain the specific sections of the *Act* that were applied.

All policy options papers are subject to the collaborative development process under the legislative development protocol with Intergovernmental Council (IGC). All documents shared with IGC are done in confidence. These documents are used to discuss ITI's analysis and obtain IGC understanding on the issue, as well as initiate discussion on whether there are any concerns with the approach to regulations. The documents are not shared with anyone else as they are not final and can change significantly prior to drafting regulations. A summary of the analysis is provided via presentations to targeted stakeholders (i.e. industry) but not the full options papers. These will be presented to the public once ITI understands the concerns of the IGC and targeted stakeholders.

Under section 28 of the *Act*, you may ask the Information and Privacy Commissioner to review our decision to deny access to portions of the information you requested. You have 20 business days from the date of this notice to request a review by writing the Information and Privacy Commissioner at:

Mr. Andrew Fox
Information and Privacy Commissioner
PO BOX 382
YELLOWKNIFE NT X1A 2N3
Email: admin@oipc-nt.ca

If you wish to request a review on the matter of the decision to deny access to portions of the information requested, please provide the Information and Privacy Commissioner with the following information:

1. A copy of this letter and all attachments.
2. A copy of your original request for information that you sent to the Department of Industry, Tourism and Investment; and
3. The reason why you are requesting a review.

If you have any questions about this letter, please write or call Ms. Danielle Webb, Senior Information and Privacy Specialist at Danielle_Webb@gov.nt.ca or call me at (867) 767-9256 extension 82102.

Sincerely,



Pamela Strand
Deputy Minister
Department of Industry, Tourism and Investment

Attachments

Application of Exceptions under the *Access to Information and Protection of Privacy Act*

Section 14 - Advice to Officials

Section **14(1)** provides that a public body may refuse to disclose information if the disclosure could reasonably be expected to reveal information such as:

- *Advice, proposals, recommendations, analyses or policy options developed by or for a public body or a member of the Executive Council (section **14(1)(a)**);*
- *Information, including the proposed plans, policies or projects of a public body, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision (section **14(1)(g)**).*

Section 14(1)(a) is a discretionary exception intended to maintain candor in the giving of advice, recommendations and related analytical alternatives for potential courses of action.

Section 14(1)(g) provides protection for all policy and project planning in public bodies where disclosure of the information could lead to premature disclosure of a policy or budgetary decision.

This exception was applied to the policy options and accompanying analysis, as well as recommendations by the IGC and draft policy intentions language. In looking at the application of this exception we undertook the following analysis:

- **Does the information requested qualify as an exception under the Act?**
 - *Yes. The information reveals the concise development of the advantages and disadvantages of particular courses of action and recommendations by the IGC and is intended to assist Department of ITI officials in developing policy.*
- **If the information fits the exception, then would disclosure of the information reasonably be expected to reveal the particular class of information involved?**
 - *Yes. On review of the analysis, policy options, recommendations and policy planning information we believe disclosure of information that was advisory in nature, would damage the internal decision making process.*
- **Should the Department exercise its discretion to disclose or not disclose the requested records?**
 - *In review of this matter, we determined that the information must be withheld in order to ensure the decision making process is protected.*