



**Government of the Northwest Territories Response to Committee  
Report 10-20(1): Report on the Review of the 2023-2024 Annual  
Report of the Northwest Territories Information and Privacy Commissioner**

Background

The Northwest Territories *Access to Information and Protection of Privacy Act* (the “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. Under the ATIPP Act, the Information and Privacy Commissioner is an independent officer appointed for a five-year term. The ATIPP Act requires the Information and Privacy Commissioner to file an annual report on his activities.

The Standing Committee on Government Operations (the “Standing Committee”) conducted a review of the Information and Privacy Commissioner’s 2023-2024 annual report. The Standing Committee’s report summarizing its review was tabled in the Legislative Assembly on October 22, 2024. It included eight recommendations, including a recommendation to respond to the report within 120 days. The Government of the Northwest Territories (GNWT) thanks the Standing Committee for its recommendations and works to ensure that access to information and the protection of privacy is an integral part of all government services.

The following is the GNWT response to the recommendations contained in Committee Report 10-20(1): *Report on the Review of the 2023-2024 Annual Report of the Northwest Territories Information and Privacy Commissioner*.

Recommendation 1

“The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide a timeframe for implementing the Information and Privacy Commissioner’s two recommendations related to the *Access to Information and Protection of Privacy Act*.”

- ATIPP Act Recommendation 1

“That the government should consider amending ATIPPA to allow a public body to extend the time once for the period required to complete third-party consultation without authorization by the Commissioner. For subsequent extensions, public bodies should continue to seek authorization from the Commissioner.”

*GNWT Response:*

The ATIPP Act is scheduled to be reviewed by June 2025 as required under section 74(1) of that Act. This is to ensure that the Act is functioning as intended and to identify any potential areas for amendment, including whether to allow a public body to extend the time once for the period required to complete a third-party consultation without authorization by the Commissioner. The ensuing report from the review of the ATIPPA will be tabled in the Legislative Assembly.

- ATIPP Act Recommendation 2

“That public bodies should review their legal obligations to respond to access to information requests and assess their capacity to provide timely responses within the legislated time periods. They should collectively or individually ensure that the Access and Privacy Office (APO) is adequately resourced to assist public bodies in consistently meeting legal time frames and complying with the associated procedural requirements.”

*GNWT Response:*

A centralized Access and Privacy Office enables the GNWT to better coordinate and standardize responses to access to information requests and Information and Privacy Commissioner reviews. The centralized office processes access to information requests for all government departments and Housing NWT and, together with departments, strives to respond to requests for access in a timely manner. Given the quantity and complexity of requests being received, requests require more time in assessment and sometimes create challenges in meeting legislated timelines.

The GNWT is committed to making information held by government accessible by working to meet legislative timelines under the ATIPP Act. Two dedicated full-time positions within the APO, which were due to expire in March 2024, have been extended to March 2026. These positions were created to support the centralized processing of access requests. Currently, four of five full-time APO positions are staffed. The Department is working to staff the vacant position, as well as an additional Information and Privacy Analyst position that has been added for 2025-2026 by pooling internal resources, with departments contributing equally.

Recommendation 2

“The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide the date by which all information and documents identified in the Proactive Disclosure Directive will be released and updated.”

*GNWT Response:*

The Proactive Disclosure Directive was established in 2023 to support transparency and accountability through open government information, and to meet the requirements of both section 72(1) of the ATIPP Act and the GNWT's *Open Government Policy 11.54*. The Directive contains an appendix that lists the types of information and documents to be proactively disclosed under three categories: Ministerial Activities; Publications & Appointments; and Contracting & Human Resources.

The Directive provides authority for the Open Government Steering Committee to develop processes and guidance for the identification, assessment, prioritization, and release of information. Information and documents are consistently published online, as described on the GNWT Open Information Webpage. Because disclosure of information is an ongoing practice there is no date by which it will be complete; GNWT departments continue to regularly publish all the types of information and documentation identified in the appendix to ensure ongoing disclosure of any information that fits within the directive.

In addition to the current disclosure, there is also an ongoing project, internally called OneGov, that will better integrate GNWT websites and make the types of information and documents listed under publications and appointments easier to access. As part of this project, web publishing processes will be reviewed and revised if required.

Recommendation 3

“The Standing Committee on Government Operations recommends that the Government of the Northwest Territories review and update the Proactive Disclosure Directive to maximize the release of information. Furthermore, Committee requests a date by which this review will be completed.”

*GNWT Response:*

There is an increased expectation that public bodies disclose information with openness and transparency. The GNWT works to ensure personal and sensitive information is appropriately protected and recognizes the public is better served and informed when the principles of routine disclosure and active dissemination are utilized appropriately.

As noted in Committee's report, the Proactive Disclosure Directive was implemented in July of 2023, following an extensive review of the categories of information and documents that could be disclosed in accordance with the ATIPP Act and the *Open Government Policy*. The GNWT will continue to review and consider categories of other information or documentation that could be proactively disclosed on an ongoing basis.

Recommendation 4

“The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide:

1. A Directive on Open Government to maximize the release of government information and data of business value to support transparency, accountability, and citizen engagement.
2. Departmental Open Government Implementation Plans that outline departmental direction, strategies, and initiatives undertaken to meet the requirements of the Open Government Policy.
3. Inventories of all data and information resources of business value held by each department with determinations of eligibility and priority, and the plan for effective release.
4. Periodic progress reports.

If these directives and guidelines do not yet exist, Committee requests a date by when these directives and guidelines will be created and implemented.”

*GNWT Response:*

In addition to the Open Government Policy, the GNWT has several directives, processes, and guidelines to support the release of government information and data, organized around Open Data, Open Information and Open Dialogue:

1. The [Open Data Directive](#) outlines the roles and responsibilities of departments and agencies on how to implement the open data program in their organizations.
2. The [Proactive Disclosure Directive](#) (related to Open Information) outlines the roles and responsibilities of departments and agencies to proactively disclose categories of information and documentation, including but not limited to, Ministerial Activities, Publications and Appointments, and Contracting and Human Resources information.
3. The [Public Engagement Employee Guide](#), [Have Your Say website](#) and Public Engagement Communication Guidelines (related to Open Dialogue) provide guidance and support to departments when conducting public engagement.

As indicated in the Open Government Policy, individual Ministers and Deputy Ministers are responsible for and are currently taking action to implement the policy within their respective departments. The Open Government Steering Committee will continue to monitor implementation of the Open Government Policy, and will review, revise and/or develop directives, processes, and guidelines to guide and support the work of GNWT departments to implement the Open Government Policy at the departmental level. Progress on the implementation of the Open Government Policy through Open Data, Open Information and Open Dialogue are reflected in the datasets and information posted online and the public engagement activities undertaken by the GNWT and can be reviewed at any time by the public. Updates on any specific issues or questions can be provided to Committee upon request.

Recommendation 5

“The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide to Committee and publish all evaluation worksheets/reports from public engagement evaluation since the Public Engagement Employee Guide was released in July 2022.”

*GNWT Response:*

Public Engagement results, post-engagement reporting, and What We Heard reports are published on the GNWT's [Have Your Say website](#). While the Public Engagement Employee Guide provides useful tools and guidance on how to plan, execute and evaluate good public engagements, the worksheets and templates are used voluntarily by departments and their partners when they find them useful, and their use is not tracked. Additionally, many programs may choose to evaluate public engagement efforts as part of overall program evaluations rather than focusing solely on the public engagement work. At this point in time, departments are responsible for individually releasing their publications and reports under the Proactive Disclosure Directive.

### Recommendation 6

“The Standing Committee on Government Operations recommends that the Government of the Northwest Territories work with the Northwest Territories Health and Social Services Authority to amend their Privacy Breach Policy to better align with the *Health Information Act*'s intent.”

*GNWT Response:*

The GNWT accepts this recommendation. The Department of Health and Social Services (DHSS) will engage with the Northwest Territories Health and Social Services Authority. DHSS continues with implementation of the *Health Information Act* (HIA) and issued an updated Ministerial Directive 04-2023 in April 2023 to add two new policies (Recording Device Policy and Withdrawing Consent Policy). This ensure consistent privacy standards, as well as policies and procedures are in place for the DHSS and the three Health and Social Services Authorities (HSSAs).

### Recommendation 7

“The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide a timeframe for implementing the Information and Privacy Commissioner's seven recommendations related to the *Health Information Act*.”

- HIA Recommendation 1

“That the Department of Health and Social Services should consider implementing a policy, or the Legislative Assembly should consider amending the *Health Information Act*, to require health information custodians to report to the Commissioner regarding the implementation of accepted recommendations.”

*GNWT Response:*

The GNWT accepts this recommendation. DHSS is currently undertaking the HIA review. This recommendation will be included in the scope of the legislated 10-year review of the HIA. The review report is due in October 2025.

- HIA Recommendation 2

“That Health Information Custodians should continue to reduce or eliminate the use of fax machines to transmit personal health information.”

*GNWT Response:*

The GNWT agrees with this recommendation to reduce or eliminate the use of fax machines to transmit personal health information.

The health and social services system, which includes DHSS and the three HSSAs, has been reducing the use of fax machines across the system over the past decade through investments in territory-wide clinical information systems. These information systems have enabled digitization of clinical records and eliminated the need to fax between practitioners across the NWT who use the same information systems.

Outside of these information systems, the primary use of fax machines continues to be deeply entrenched in the day-to-day flow of transmitting information across the health sector, including GNWT organizations, non-government organizations, retail (e.g. pharmacies), business partners, and other jurisdictional partners. In some cases, legislation and regulations require signatures; electronic documents must be printed, signed, and faxed as part of the workflow.

- HIA Recommendation 3

“That Health Information Custodians should utilize secure electronic transmission measures when transmitting personal health information. Privacy training for employees should include detailed instructions on using secure electronic measures.”

*GNWT Response:*

The GNWT accepts this recommendation. DHSS developed mandatory privacy training in 2017, which is mandatory for all staff in the HSS system. The training includes a module on privacy safeguards to ensure employees understand what and how to use secure electronic measures. The topics covered as a part of the training include, but are not limited to, document password protection, use of secure file transfer, secure print, how to email information securely, and portable devices use.

- HIA Recommendation 4

“That health information custodians should prioritize implementation of, and compliance with, the Mandatory Training Policy and ensure that appropriate privacy training is provided for new employees, returning employees, and for all employees annually.”

*GNWT Response:*

The GNWT accepts this recommendation. DHSS issued an updated Ministerial Directive 04-2023 in April 2023, which ensures consistent privacy standards, policies and procedures are in place for the Department and the HSSAs. The mandatory training policy includes a provision indicating that mandatory training must be completed within three months of the employee's start date (for new employees and for returning employees with no privacy training in the past year) and then annually (for all employees, contractors, volunteers and information managers).

DHSS developed an employee orientation checklist (onboarding and offboarding) in order to ensure that employees understand GNWT and HSS requirements. The checklist serves as a navigation tool listing specific tasks which are required to be completed by the employee within the first day, and then the first 30, 60, and 90 days. It requires completion of the mandatory privacy training within the employee's first week. Some HSSAs adopted a similar orientation checklist.

- HIA Recommendation 5

"That the Legislative Assembly should consider amending section 87 of the *Health Information Act* to require a Health Information Custodian to give notice of a privacy breach within a specific time period. (Pg 19)"

*GNWT Response:*

The GNWT accepts this recommendation. DHSS is currently undertaking the HIA review. This recommendation will be included in the scope of the legislated 10-year review of the HIA. The review report is due in October 2025.

- HIA Recommendation 6

"That Privacy Impact Assessments addressing any new information system or communication technology that involves the collection, use or disclosure of personal health information should be completed and submitted so that there is a reasonable period for review by the Information and Privacy Commissioner and for any comments to be considered by the Health Information Custodian in the planning stages before implementation."

*GNWT Response:*

The GNWT accepts this recommendation. DHSS is currently undertaking the HIA review. This recommendation will be included in the scope of the legislated 10-year review of the HIA. The review report is due in October 2025.

- HIA Recommendation 7

“That the Legislative Assembly should consider amending Section 89 of the *Health Information Act* to include similar provisions regarding Privacy Impact Assessments as mandated in section 42.1 of ATIPP.”

*GNWT Response:*

The GNWT accepts this recommendation. DHSS is currently undertaking the HIA review. This recommendation will be included in the scope of the legislated 10-year review of the HIA. The review report is due in October 2025.

### Recommendation 8

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide a response to the recommendations contained in this report within 120 days.

*GNWT Response:*

The GNWT is pleased to provide this response to the Standing Committee on Government Operations.