



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER

NEWFOUNDLAND AND LABRADOR

Annual
Report
2018
–
2019

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OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER

NEWFOUNDLAND AND LABRADOR

June 3, 2020

The Honourable Scott Reid
Speaker of the House of Assembly
Newfoundland and Labrador

I am pleased to submit to you the Annual Report for the Office of the Information and Privacy Commissioner in accordance with section 105 of the *Access to Information and Protection of Privacy Act, 2015* and section 82 of the *Personal Health Information Act*. This Report covers the period from April 1, 2018 to March 31, 2019.

Yours truly,

Michael Harvey
Information and Privacy Commissioner

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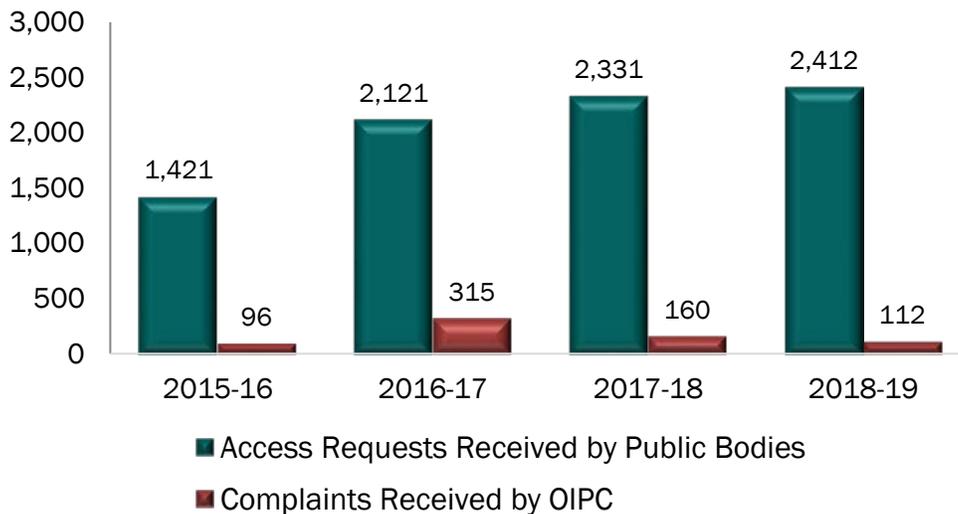
Commissioner's Message

2018-2019 was an important and productive year for the Office of the Information and Privacy Commissioner for Newfoundland and Labrador. I was fortunate and honoured to be appointed as the new Information and Privacy Commissioner on August 5, 2019. Donovan Molloy, Q.C. was Commissioner during almost the entirety of the reporting period, with Victoria Woodworth-Lynas appointed in an acting capacity with just days left in the fiscal year. While I take full accountability for the work reported on within this document, I write this message reflecting upon the work that was done prior to my appointment and looking forward to the future of the Office and the access and privacy landscape provincially, nationally and internationally in the months and years to come. With respect to the access to information aspects of our work, fiscal year 2018-2019 represents a stabilization after a period of change, adaptation and learning. On the other hand, and particularly with respect to privacy and health information, the year saw important developments that foreshadowed the next wave of change that is already affecting the access and privacy landscape.

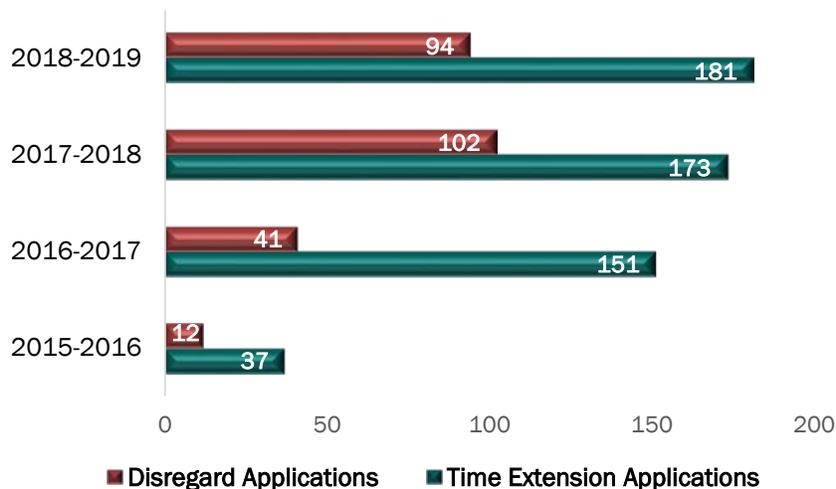
2018-2019: Normalization of Access; Increasing Awareness of Privacy

Fiscal year 2018-2019 was the third full year for the Office of Information and Privacy Commissioner under the landmark [Access to Information and Protection of Privacy Act, 2015 \(ATIPPA, 2015\)](#). This year saw a high volume of work for the Office and for access and privacy officials across Newfoundland and Labrador's public bodies, but also a normalization of this work. According to data provided by the Department of Justice and Public Safety, the total number of access requests rose only minimally, by less than 4 percent, between 2017-2018

and 2018-2019. This can be compared to a surge in access requests of 170 percent from 2014-2015 to 2016-2017, which is the time period from the last full year before the current Act came into force and the first full year of it being in force. These numbers suggest that we are now firmly within a new steady state of operations – citizens have discovered the access rights that they have under *ATIPPA, 2015* and are using them. It also suggests, however, that the initial surge did not merely reflect curiosity about these statutory rights; *ATIPPA, 2015* has become part of the landscape of this province. Another data trend, giving further support to the notion of normalization, is that the number of complaints being received by this Office is actually declining. In the past year, the number of access complaints has declined by 30 percent, contributing to a two-year decline of 64 percent. This suggests that public bodies have continued to improve their compliance with the access to information provisions of the Act to the satisfaction of applicants. This is testament to the efforts of the public bodies themselves, as well as the training and outreach efforts of both this Office and the Department of Justice and Public Safety’s ATIPP Office.

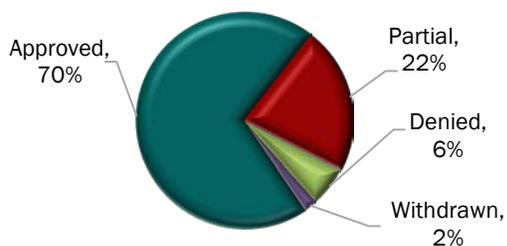


While the number of access requests appears to have stabilized and the number of complaints is on the decline, this Report suggests that there is still work to be done. There is little question that many public bodies continue to struggle with the volume of requests and the resources that they have dedicated to deal with them. Anecdotally, we also understand that there is a high level of turnover among ATIPP Coordinators. This may contribute to issues highlighted in the body of this Report. The number of disregard and time extension applications from public bodies has continued to rise.

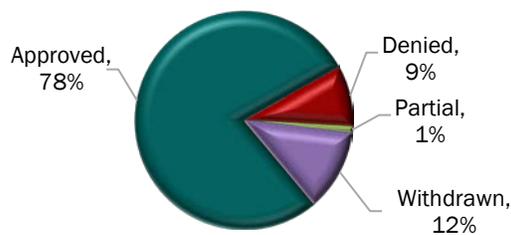


Notably, we partially or fully approved 79 percent of disregard requests and 92 percent of time extension requests. Also, and positively, there was only 1 complaint regarding “deemed refusals” wherein the public body did not reply to the access application. However, my predecessor released four separate reports relating to non-compliance with statutory timelines by public bodies. Public bodies must make sure that they have adequate resources, policies and procedures in place to respond to the statutory requirements of *ATIPPA, 2015*.

OIPC Response to *ATIPPA, 2015* Time Extension Requests

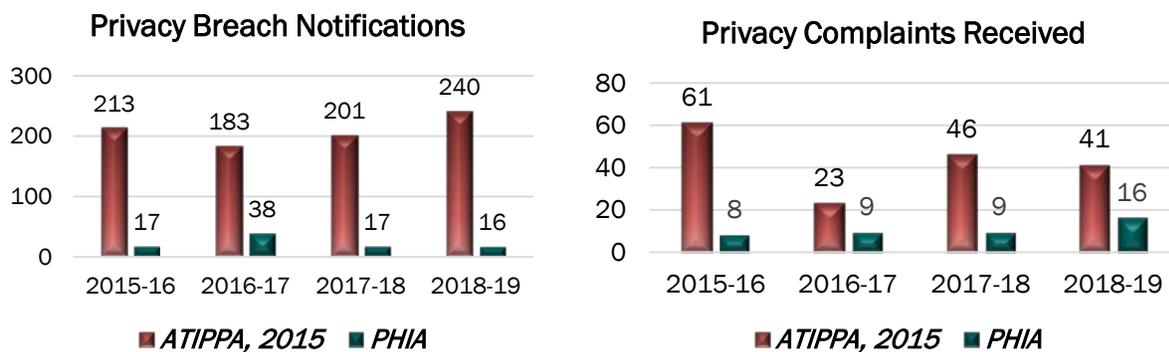


OIPC Response to *ATIPPA, 2015* Disregard Requests



As it relates to matters of access to information, the story that arises from this year’s Report is one of normalization, however a different story emerges as it relates to privacy. 2018-2019 can be marked as a year in which privacy awareness increased but perhaps not at the rate at which privacy concerns accelerated. On a positive note, we were pleased to be consulted at an early stage in the development of the *Intimate Images Protection Act* and, as described below, were pleased that government incorporated our suggestions. We also developed and issued Privacy Management Program (PMP) Guidelines and organized training, to the

considerable interest of a number of public bodies. Much of the education and training that was offered in 2018-2019, including a significant part of the agenda for the Access, Privacy, Security and Information Management (APSIM) Conference, was focused on privacy. There is little doubt that privacy awareness continues to increase in our society. Perhaps because of increased awareness, the number of privacy breach notifications to our Office (under *ATIPPA, 2015* and the [Personal Health Information Act \(PHIA\)](#) combined) climbed somewhat in the past year, increasing by 17 percent. While breach notifications climbed, the total number of complaints that were made, under both statutes, was stable year-to-year.



Collection and Use of Personal Information by Public Bodies

However, we have concerns that while privacy awareness may be increasing, the accelerating pace of technological change and the increasing ability and desire of private companies and public bodies alike to collect and analyze personal information is fundamentally changing our society. Multinational companies, such as Google, Facebook and Amazon, and an increasing number of smaller companies, have discovered the ease of collecting information about digitally connected individuals and the immense value that such data has in informing analytics to predict our behavior. These companies, which are known primarily by the services they provide to individuals (online search, social media platform, and online retail, respectively for these three examples) are now primarily data companies if you consider what has now become their primary business models: they collect data and sell it, and/or analytical products derived from it, to third parties. What is more, increasingly these and other companies have discovered that it is possible to do more than just use this data to predict behavior, but also to *shape* it, by using these platforms to carefully curate the information that is provided back to individuals, nudging us towards certain types of behaviour. The extent to which now our

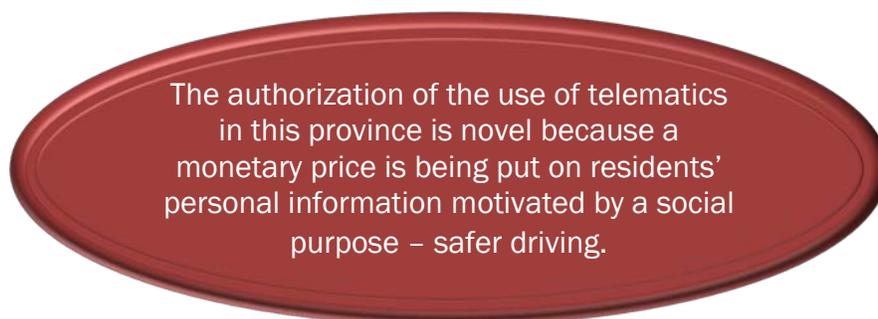
lives are so digitally connected means that companies can collect much more data than ever before, more powerfully analyze it, and more continuously provide us with feedback to shape our behavior. The insidious, pervasive and exponentially growing nature of this phenomenon is transforming our society faster than any comparable phenomenon since the Industrial Revolution.

While of general interest to privacy professionals such as those who work in this Office, the regulation of private sector companies as it relates to privacy is outside of the jurisdiction of the Information and Privacy Commissioner for Newfoundland and Labrador and rests with Canada's Privacy Commissioner under the federal *Privacy Act* and the *Personal Information Protection and Electronic Documents Act*. However, increasingly public bodies are also operating in similar ways as the private companies noted above. They are discovering, first, that emerging digital technologies provide ways for them to provide goods and services in more efficient and effective ways. Consider a very simple example: online driver licence renewal is less labour and capital intensive than requiring people to line up at specific physical locations, have their photographs taken on film cameras, and having multiple paper records created. The digital product created, including using modern facial recognition technology, is more powerful for a variety of reasons, not least of which is law enforcement. Moreover, increasingly citizens expect this type of service to be provided online where it is more convenient for most of them (at least the ones with online access and computer literacy). The amount of personal information collected by the government, and what it can do with it, is greater than the previous paper-based process but most citizens are either willing to trade off this more privacy invasive approach for the convenience or they don't have the time or resources to adequately assess whether such a tradeoff is in their interests. Perhaps they may even feel swept up in the march of technology and are therefore powerless to question it.

ATIPPA, 2015 sets parameters for the collection, use and disclosure of personal information by public bodies and includes the principle that the use of it by a public body shall be limited to the minimum amount of information necessary to accomplish the purpose for it to be used; however, this can be subject to quite broad interpretation by those who wish to advance new uses.

Looking to the year ahead, one service that may become available to residents of this province, recently enabled by provincial changes to legislation and regulations, is the new

ability for insurance companies to provide discounts to automobile insurance customers on the basis of “usage based technology”, also known as “telematics”. Insurers would provide their clients with technology that would track their driving behavior. The notion is that if this data reveals that the consumer is a safe driver, then they can qualify for an ongoing discount and therefore telematics will create incentives for people to drive more carefully. Providing differential insurance rates on the basis of past behavior (driving records) demographics (age, gender) or other positive behaviours (installing anti-theft technology or using winter tires) is not novel, though there has been controversy from a human rights perspective on certain elements. Telematics, however, is novel in that it raises the potential that a consumer would qualify for a discount by providing ongoing data to be collected about their present behavior. Certain metrics (average speed and braking distances) are obvious indicators of driver safety, but these cannot be understood without also understanding where the individual is driving (on the highway, in urban or rural areas) and when (during the day or at night). The implication is that quite a lot of data will be collected about driver behaviour. The provision of discounts to customers for initially agreeing to provide this data and then to reward drivers for preferential behaviours can be understood as a form of positive discrimination and a tradeoff for accepting an invasion of privacy. As authorized by provincial legislation and subject to regulation through the Public Utilities Board, allowing this is a form of public policy and the social value is the incentive for safer driving. However, we must also understand that the logical corollary is that there will be *negative* discrimination against those who choose not to surrender their personal information to avail of these discounts and may ultimately pay higher prices than otherwise for their automobile insurance.



We have become accustomed to these kind of tradeoffs in our relationships with private companies over the past two decades of the Information Age, but are our public bodies also going to take advantage of our apparent increasing comfort with trading our personal

information in order to also shape our behaviour? The temptation to do so will certainly grow as the provincial government and its agencies, boards and commissions collect more data about us as it offers more services electronically, in large part through its Digital by Design strategy. Moreover, as with the above-cited example, often these initiatives are undertaken with significant private sector involvement, either through the public regulation of private enterprise (as is with telematics) or through a public-private partnership. Governments around the world have also been discussing ways to let the private sector have access to its data stores for their commercial purposes, in the hopes that these commercial purposes will have positive economic effects and potentially the goods and services that these companies will provide will also be beneficial.

This Office is not opposed to these kind of initiatives, in principle. We cannot deny that services are often provided more efficiently, conveniently and effectively online and that the data generated be used in numerous socially beneficial ways. We would also not deny the potential economic benefits of increased commercial activity in this area. However, we are increasingly concerned that there has not been a sufficiently broad public conversation about the collection, use and disclosure of our personal information by public bodies and, in particular, the use of this data to persuade or nudge us toward certain behaviours. It is concern enough if this data is used in direct relation to the public good or service for which it was collected, such as to improve it. But if the data is used for purposes, even socially beneficial purposes, beyond which it was originally collected, then great care must be taken. We are concerned that, because Newfoundlanders and Labradorians, like all Canadians and indeed people around the world, have become increasingly inured to these practices by modern commerce, people too easily consent to the use of their information. Because public bodies operate with the force of law behind them, our citizens often have little choice but to comply: a person doesn't *have* to get a drivers licence from Motor Vehicle Registration, so long as they don't want to drive. This monopoly of public service provision and power grounded in law requires a greater standard of care from our public bodies when it comes to programs and services that may be privacy invasive.

In the months to come, as this Office is consulted on various new bills, draft regulations, policies and programs being developed by government departments and other public bodies,

we will continue to encourage the social value of each initiative to be carefully balanced against elements that may be privacy invasive. Moreover, we will encourage each department or public body advancing such an initiative to engage the public on the privacy implications but, more broadly, for the provincial government to take a leadership role with other interested parties in the province, this Office among them, in stimulating a provincial discussion of this subject, in its aggregate. It is very difficult if not impossible to put the genie back in the bottle, so it is in everyone's interest to engage the public in a genuine dialogue to consider the present and future social impacts of new technologies before they are adopted.

A Changing Landscape for the Collection, Disclosure and Use of Personal Health Information

Continuing to reflect on 2018-2019 and looking forward to the year ahead, another broad category of topics on which this Office has been consulted has been the treatment of personal health information. The Statutory Review of *PHIA* that was launched by the Department of Health and Community Services in 2016 continued through 2018–2019, and discussions, including with this Office, are ongoing. This review is being undertaken in the context of the provincial government's e-Health transition, under which responsibility for information management and technology is being shifted from the regional health authorities to the Newfoundland and Labrador Centre for Health Information (NLCHI). The *PHIA* Review presents an opportunity to address the roles and responsibilities that these public bodies, and others such as Memorial University, have as custodians of personal health information. We also believe that it is also an opportunity to bring *PHIA* in parallel with *ATIPPA, 2015* with respect to the oversight role of this Office, including such elements as a broader mandatory breach reporting requirement; added audit and own-motion investigation provisions; and the hybrid order-making/ombudsman role that is a unique and very beneficial aspect of *ATIPPA, 2015*.

Another topic related to health information that we expect will continue to arise in the coming months relates to the increasing interest in genetic/genomic research. Newfoundland and Labrador has a unique population, predominantly descended from a small number of people (approximately 10,000) who came here at a specific point of time (late eighteenth and early nineteenth centuries) from specific places (Southeastern Ireland and Southwestern England). Our population is also notable for the significant number of diseases with a genetic basis. The

consequence is that our genotypical information held alongside the information that our health system has about our health status and outcomes, i.e. our phenotypical information, makes this a very rich place for genetic and genomic research, both from an academic and a commercial perspective.

The OIPC is not opposed in principle to this research being done for clinical, academic or even indeed commercial purposes; however, genetic/genomic research is complex from an ethical and privacy perspective for a number of reasons. With respect to ethics, because the science in this area is still so new, current clinicians and researchers may foresee one or more uses in the short or medium term, but often can only just imagine its long term potential. And the potential is immensely powerful because it has the power to transform human beings at their most fundamental level. Increasingly, when genetic/genomic information is being sought from research subjects, often in the context of clinical care, they are being asked to consent to their genomic data being used in the future for research projects not yet conceived, without follow up. This “broad consent” model is controversial and research ethics boards and custodians have struggled with its application. Privacy considerations related to genetic/genomic information are also complex, primarily related to the approach that is often taken to using personal health information for research – its de-identification. De-identification of personal health information is often held to make it “safe” for research use – transforming it from personal health information to simple “health information”; however, the increasing availability of information about individuals combined with enhancements to computer processing power have meant that barriers to re-identification are falling rapidly.

When it relates to the very complex, specific and unique information of an individual’s genome, increasingly the academic literature suggests that it cannot be de-identified (c.f., Dankar, Ptitsyn and Dankar, Human Genomics, 2018 April 10).

Finally, there are fundamental questions of ownership and benefit related to genomic data. For example, my genome is, no doubt, my personal health information, but unlike other forms of information, my genome also reveals a considerable amount of information about my parents, each of whom contributed 50 percent, and about my children, of whose genomes

mine has contributed 50 percent. While with other forms of personal health information I might be able to speak unambiguously about my ownership rights, I am less able to do so about this particular type – in other words, there is an intergenerational aspect of the ownership of genomic information. In the context of a founder population, this concept may be applied to the society as a whole. Note that a consequence of our genetic architecture is the high prevalence of congenital diseases, the treatment of which and collection of data about is a highly expensive taxpayer-funded enterprise. Therefore, there is an argument that the residents of the province, through the provincial government, should bear some form of ownership stake in the phenotypical information. At the very least, the provincial government, its regional health authorities, NLCHI and indeed all *PHIA* custodians should be quite conservative in the custodial role that it takes towards this very valuable information.

The OIPC's 2017-2018 Annual Report highlighted then-Commissioner Molloy's concern that "the significant income potential associated with genetic research and our government's own financial investment in this research may lead to decisions that fail to recognize legitimate privacy concerns and other considerations". In a positive move, NLCHI has proceeded to announce and implement a "DataLab". NLCHI has conceived this to be an environment where different types of parties, including clinicians, decision-makers, academic researchers and even private businesses, not to mention individuals themselves, can access health information for legitimate and approved purposes in a safe environment.

NLCHI states that the DataLab is being constructed with privacy in mind at the outset and throughout, allowing these parties to have access without taking the record-level data into their custody.

The OIPC is cautiously optimistic that this approach, if undertaken correctly, can help provide access to the powerful body of personal health information that we have here in this province and facilitate research with positive outcomes, while meeting the highest standards for privacy and ethics. We will continue to engage with NLCHI as they further develop their DataLab. However, we remain concerned that work remains to be done by the provincial government to ensure that the legislative framework for this work is appropriate: NLCHI's legislated objects must be appropriate for the operation of the DataLab; consideration should

be given to providing a solid legal authority for the conclusion of benefits agreements related to genomic/genetic information, and a decision is needed to determine which public body should be responsible for concluding such agreements; provincial legislation to prevent discrimination on the basis of genetic information should be considered, particularly in light of the constitutional challenge that has been brought against the federal legislation on this topic; and *PHIA* should be carefully examined to determine if special reference is required to the special nature of genetic/genomic information.

MANDATE

The Information and Privacy Commissioner of Newfoundland and Labrador is an independent officer of the House of Assembly.

The Office of the Information and Privacy Commissioner (OIPC) is responsible for oversight of the province's two access and privacy laws.

Access to Information and Protection of Privacy Act, 2015

The *Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015)* applies to more than 400 public bodies, including government departments, agencies, boards, commissions, crown corporations, public educational bodies, regional health authorities and municipalities.

ATIPPA, 2015 gives people the right to access records in the custody or under the control of a public body, subject to specific and limited exceptions. The Act also gives people a right to access their own personal information held by public bodies and to request corrections to their personal information. *ATIPPA, 2015* protects individuals' privacy by setting out requirements for public bodies around their collection, use, storage and disclosure of personal information.

Personal Health Information Act

The *Personal Health Information Act (PHIA)* applies to thousands of custodians, including all health care authorities in the province, all health care providers, health care professionals, and other custodians of personal health information. *PHIA* applies to public and private custodians.

PHIA allows custodians to exchange personal health information to provide care. It establishes rules regarding how personal health information is to be handled by regulating how health information may be collected, used and disclosed. *PHIA* protects individuals' privacy as well as giving individuals a right to access their own personal health information as well as request corrections to their health information.

Commissioner's Powers and Duties

Under *ATIPPA, 2015*, the Commissioner has significant powers and duties, including:

- investigating a decision, act or failure to act of a public body that relates to an access request or a request to correct personal information;
- investigating privacy complaints and initiating privacy investigations;
- making recommendations to ensure compliance with the Act and Regulations;
- informing the public about and facilitating public understanding of *ATIPPA, 2015*;
- receiving comments from the public about the administration of *ATIPPA, 2015*;
- commenting on the information and privacy implications of proposed legislation and programs;
- commenting on the implications of record linkages and information technology on the protection of privacy;
- informing the head of a public body about a failure to adequately assist an applicant;
- making recommendations to public bodies or the minister responsible for *ATIPPA, 2015* about the administration of the Act;
- conducting audits and reporting findings of public bodies' performance of duties and obligations under *ATIPPA, 2015*;
- reviewing and commenting on Privacy Impact Assessments (PIAs), as required to be completed by government departments developing new programs and services;
- researching access and privacy developments and advancements in technology related to access and privacy;
- making Special Reports to the House of Assembly related to subjects within the scope of function and duties of the OIPC; and
- filing an order with the Court to compel compliance by public bodies with the Commissioner's recommendations, as provided for under *ATIPPA, 2015*.

The Commissioner's powers and duties under *PHIA* differ somewhat. The powers and duties of the Commissioner under *PHIA* include:

- reviewing a complaint regarding a custodian's refusal of a request for access to or correction of personal health information;
- reviewing a complaint regarding a custodian's contravention or potential contravention of the Act or Regulations with respect to personal health information;
- making recommendations to ensure compliance with *PHIA*;
- informing the public about *PHIA*;
- receiving comments from the public about matters concerning the confidentiality of personal health information or access to that information;
- commenting on the implications for access to or confidentiality of personal health information of proposed legislative schemes or programs or practices of custodians;

- commenting on the implications for the confidentiality of personal health information of using or disclosing personal health information for record linkage, or using information technology in the collection, storage, use or transfer of personal health information; and
- consulting with any person with experience or expertise in any matter related to the purposes of *PHIA*.

Summary of OIPC Activities

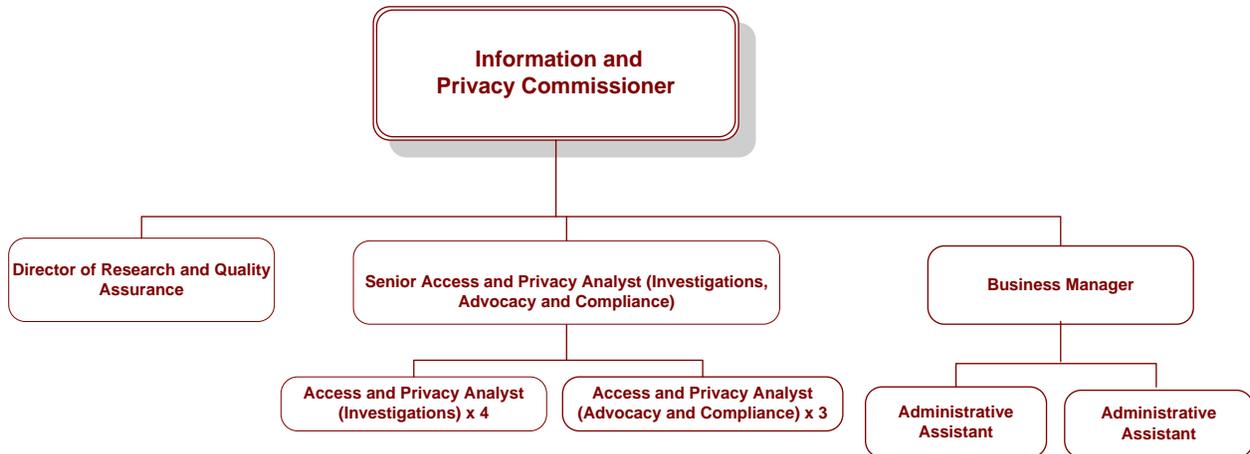
	2016-2017	2017-2018	2018-2019
<i>Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015)</i>			
Access Complaints	315	160	112
Privacy Complaints	23	46	41
Time Extension Applications	151	173*	181
Applications to Disregards	41*	102*	94
Extraordinary Circumstances	24	14	6
Breach Notifications	183	201	240
<i>Personal Health Information Act (PHIA)</i>			
Access Complaints	4	8	7
Privacy Complaints	9	9	16
Breach Notifications	38	17*	16
<i>Advocacy and Compliance</i>			
Guidance Documents**	11	14	8
Speaking Engagements/Presentations	11	32	38
Audit	1	1	1

*Corrected numbers from 2017-2018 Annual Report.

**Includes originals and revisions.

ORGANIZATIONAL STRUCTURE

The Office has a staff complement of 13 permanent positions (77% female, 23% male). Following is an organization chart for the OIPC.



ADVOCACY AND COMPLIANCE DIVISION

Audit

On December 6, 2018, this Office released an audit involving Newfoundland and Labrador English School District's "Use of Video Surveillance in Schools and on School Buses". The Audit Report outlines legislative requirements, presents findings from the audit and discusses key observations and recommendations. This audit is available on our website at the following link: <http://www.oipc.nl.ca/reports/audit>.

The OIPC recommends any public body or custodian using or contemplating using video surveillance to review this audit to familiarize themselves with this Office's expectations and how the legislation applies to collection of personal information using video surveillance.

Work continues on a second audit launched in 2017-2018, this one involving electronic access controls. While consultations regarding the audit started in the fall of 2017, the audit scope was finalized in February 2018.

During 2018-2019, the Office planned and launched an audit examining the timeliness of responses to access requests in one public body after noticing a number of deemed refusals.

Privacy Impact Assessment Review

Section 72 of *ATIPPA, 2015* requires privacy impact work, including a privacy impact assessment (PIA) and/or a preliminary privacy impact assessment (PPIA), to be conducted during the development of a program or service by a department or a branch of the executive government of the province. If it is a common or integrated program or service, the privacy impact work must be shared with the OIPC for review and comment. The OIPC is willing to review and comment on any PPIA or PIA, even if the legislation does not require it.

While legislation does not *require* all public bodies and custodians to conduct a PIA, the OIPC recommends that such assessments be conducted for all new and existing programs and services to better ensure legislative compliance. The OIPC frequently asks for PIAs during privacy investigations and in response to breach reports; when one is not available, it may be recommended as part of the resolution process.

The OIPC welcomes consultations from public bodies and custodians and finds the process to be beneficial for all parties. This is especially true when there is a single privacy resource within an organization, as it is valuable to obtain a second opinion from another subject matter expert. During 2018-2019, custodians and public bodies contacted the OIPC to consult on the privacy impacts of various initiatives, including facial recognition and CCTV, a number of different software systems, and devices equipped with smart technology. Some specific examples include:

- Western regional health authority (WRHA) provided a draft of its PIA on the Provincial Incident Employee Reporting Systems (PIERS) initiative. While this system will contain information on incidents throughout the province, it will be housed at WRHA;
- the Human Resource Secretariat has been consulting with the OIPC on the development of a PIA on the PeopleSoft system; the OIPC anticipates receiving a copy of the PIA in 2019-2020; and
- in spring 2018, the OIPC wrote the Minister responsible for the Office of the Chief Information Officer (OCIO) regarding the Digital by Design Initiative indicating that initiative appeared to meet the criteria of a common or integrated program or service as set out in section 72 of *ATIPPA, 2015*. The OIPC met with a representative in winter 2019 to hear the latest information on the initiative and have requested to be kept up-to-date on plans and progress.

This represents a very small portion of the privacy assessments conducted in the province, as the ATIPP Office reports reviewing 55 privacy assessments during 2018-2019. As we have seen so few, it is difficult to speak of trends, but some comments that are top of mind from this past year include: a misconception over the target audience for a PIA (they are written for the public body or custodian not for this Office), a PPIA that does not recommend a full PIA must document the reasons a full PIA is not required, and, a PIA requires that the mitigation activities listed are implemented by the public body or custodian and that privacy documentation is kept up-to-date.

Privacy Management Programs

The OIPC issued [Privacy Management Program \(PMP\) Guidelines](#) in March 2018. During 2018-2019, the OIPC organized a training workshop to assist public bodies in the development of their own PMPs. Many public bodies reached out to the OIPC with questions regarding PMPs and we offered to meet one-on-one to discuss each PMP, as such programs will be unique to each entity. During interactions with attendees at workshops and consultation calls, the OIPC heard requests to ensure that heads of public bodies were made aware of the importance of a PMP. In response, the Commissioner distributed letters to the heads of most public bodies.

Work continues on the development of resources to assist public bodies and custodians developing their own PMPs, with additional workshops and a gap analysis checklist in development.

The OIPC's review of its own privacy management program is ongoing. To date, we have developed a training tracker to document staff training participation, a tool that has been particularly valuable in tracking mandatory training. A Chief Privacy Officer has been identified – the Commissioner - and support for the initiative has been communicated to staff. Work continues on the Personal Information Inventory, with the largest outstanding component being the human resource information of staff.

Education and Training

The OIPC has remained actively engaged in education and training for public bodies and custodians. We have continued to issue our quarterly *ATIPPA, 2015* and *PHIA* newsletters, *Above Board* and *Safeguard*, throughout 2018-2019 and post all Commissioner's Reports to the OIPC website.

The OIPC strives to ensure that members of the public are aware of their rights of access to information and protection of privacy, and how those rights are protected and supported. This fiscal year we developed a number of online tools aimed at assisting the public in interacting with our Office and exercising their rights under *ATIPPA, 2015*. We also continue to use our Twitter account to broaden public awareness of privacy and access to information issues.

We continue to promote our educational initiatives and training opportunities and have seen uptake in our offers to deliver training and presentations along with an enduring positive response from past initiatives resulting in many return and follow-up engagements.

PRESENTATIONS		
Date	Audience	Topic
April 6, 2018	Royal Newfoundland Constabulary Communications Staff	Privacy Breaches
April 18, 2018	Churchill Square Dental	<i>PHIA</i> Overview
April 22, 2018	Royal Newfoundland Constabulary Communications Staff	Privacy Breaches
April 30, 2018	APSIM Workshop	A Day in the Life of a Coordinator
May 1, 2018	APSIM Conference	Privacy Breaches from an IM, Health and Security Perspective
May 1, 2018	APSIM Conference	Fees and Costs Associated with Requests
May 1, 2018	APSIM Conference	Secondary Use of Data for Research Purposes
May 1, 2018	APSIM Conference	Privacy Tools
May 2, 2018	APSIM Conference	Successful IM Programs
May 2, 2018	APSIM Conference	<i>PHIA</i> Review
May 25, 2018	Royal Newfoundland Constabulary Communications Staff	Privacy Breaches
May 28, 2018	Medical Practice Associates	<i>PHIA</i> Privacy Provisions

June 6, 2018	Professional Municipal Administrators Spring Symposium	Roles of the Head of the Public Body and Coordinator and Conflict of Interests
June 11, 2018	City of St. John's	ATIPPA, 2015 Overview
June 12, 2018	City of St. John's	ATIPPA, 2015 Overview
June 18, 2018	Town of Paradise	ATIPPA, 2015 Overview
June 21, 2018	Small Jurisdictions Conference	Collaborations for Nimble Regulators
June 22, 2018	Town of Paradise	ATIPPA, 2015 Overview
July 18, 2018	Chartered Professional Accountants - Small Practice Group	Privacy Overview
September 10, 2018	Student Support Services, Newfoundland and Labrador English School District	Privacy Breaches (Overview)
September 12, 2018	Federal/Provincial/Territorial Commissioners' Conference	
September 18, 2018	Town of CBS Town Council	ATIPPA, 2015 Overview
September 19, 2018	Government Information Management Community of Practice	Privacy Management Program
September 22, 2018	NL Association of Optometrists	PHIA Overview
September 24, 2018	Right to Know Week Public Panel	Strengthening the Right to Know
October 9, 2018	Canadian Institute for Health Information Privacy Symposium	Panel
October 19, 2018	Canadian Bar Association Symposium	Personal Information in Cannabis Transactions
October 24, 2018	City of St. John's	ATIPPA, 2015 Overview
October 29, 2018	OIPC Workshop	New tools on OIPC Website; Anonymity of Applicants; Use of Social Media for Background Checks
October 31, 2018	NL Law Society (Bar Admissions)	Legislative Overview
November 19, 2018	Student Support Services, Newfoundland and Labrador English School District	PHIA Overview
November 23, 2018	City of St. John's	ATIPPA, 2015 Overview

November 26, 2018	Canadian Access and Privacy Association	Social Media Background Checks
November 30, 2018	Department of Children, Seniors and Social Development - Adult Protection	<i>ATIPPA, 2015 Overview</i>
January 30, 2019	Central Health Management	<i>ATIPPA, 2015 Overview</i>
February 5, 2019	NL Liquor Corporation, Managers/Directors	<i>ATIPPA, 2015 Overview</i>
February 21, 2019	Licensed Cannabis Retailers	<i>ATIPPA, 2015 Overview</i>
March 26, 2019	Town of Gander Fire Services	<i>ATIPPA, 2015 Overview</i>

Guidance Documents

Our guidance documents are designed to provide public bodies, custodians and the general public, where appropriate, with a comprehensive, yet straightforward analysis of issues and topics that are of interest or concern. These tools assist public bodies as they make decisions, and hopefully avoid complaints about either the process or the outcome. The guidance documents also aid citizens in understanding their rights of access to information and protection of their personal information.

This year we developed our ATIPP Coordinators Toolkit. This document is designed to be a quick-reference guide to be used by coordinators throughout the process of responding to access to information requests. Its intent is to assist coordinators in building their access to information request skill-sets and proficiency. It was designed to increase efficiency while ensuring coordinators are aware of, and meet the legislative obligations imposed upon their respective public bodies. The document included a flowchart of access timelines; a discussion of exceptions to disclosure; tips for requesting a time extension and applying for approval to disregard an access request; and checklists for handling an access/correction or privacy complaint with the OIPC.

GUIDANCE DOCUMENTS	
Title	Date Issued
Business Interests of a Third Party (Section 39) (Revision)	April 17, 2018
The <i>Public Procurement Act</i> and <i>ATIPPA, 2015</i>	April 19, 2018
Designating the Head of a Local Public Body	August 29, 2018
ATIPP Coordinators' Toolkit	September 24, 2018
<i>PHIA</i> Compliance Checklist for Custodians	October 4, 2018
Responding to a Commissioner's Report	October 31, 2018
Transitory Records	November 13, 2018
Protecting Personal Information in Cannabis Purchase Transactions	November 15, 2018

Education and Awareness

Beyond those projects mentioned above, the OIPC has participated in a number of other activities and events designed to provide education, awareness and insight relating to *ATIPPA, 2015* and *PHIA*. These include the following:

1. annual meeting/telephone conference with all regional health authorities;
2. staff attendance at a number of privacy and access to information conferences including the International Access and Privacy Professionals (IAPP) Symposium, the Reboot Privacy and Security Conference, and the University of Alberta's Access and Privacy Conference;
3. consultations with the Office of the Child and Youth Advocate;
4. attendance at the annual Federal/Provincial/Territorial Information and Privacy Commissioners' Conference;
5. regular meetings with the Office of the Chief Information Officer about issues of mutual relevance;
6. meetings and teleconferences related to privacy issues associated with the development of electronic health records, under the auspices of the Canada Health Infoway Privacy Forum;
7. meetings and teleconferences with stakeholders and experts in relation to Open Contracting;

8. review of current access and privacy curricula offerings of private training institutions and the College of the North Atlantic with a view to assisting in enhancing those programs;
9. participated in and created activities for Right to Know Week 2018 and Data Privacy Day 2019; and
10. organized and produced, with the assistance of internal staff and members of an external Steering Committee, the 2018 Access, Privacy, Security and Information Management Conference on April 30 – May 2, 2018.

2018 APSIM Conference: We are Connected – Control–Alt–Delete: Control Data, Use Alternatives, and Delete Risks

The OIPC, along with key stakeholders, Memorial University, NLCHI, the Department of Justice and Public Safety, the Office of the Chief Information Officer, the Department of Health and Community Services, and the College of the North Atlantic, once again delivered an APSIM conference bringing together professionals from all four communities at no cost to participants. This conference allows our common communities to grow, work collaboratively, and build awareness of their overlap and interplay. The ultimate goal is to facilitate our ability to assist each other in managing, protecting and securing information.

The 2018 Conference built upon our past Conferences, fostered the connections between four professional groups, and enhanced our capacity to protect and manage personal information as we enter a future that demands increased privacy and security awareness. The Conference covered topics including Big Data, Cybersecurity, Information Management and much more. We were fortunate to have Nora Young, creator and host of CBC Radio's Spark, deliver our opening keynote address and also to have Travis Barlow and Derrick Westhaver of GoSecure Inc. provide a keynote on the final day of the Conference. The Conference brought together over 25 speakers and over 200 registrants.

We are honored to be able to facilitate this educational opportunity.

Legislative Consultations

Pursuant to section 112 of *ATIPPA, 2015*, ministers are required to consult with the OIPC on all proposed legislation that “could have implications for access to information or protection of privacy”. Beyond that requirement, the OIPC will review any draft legislation if requested, as it is sometimes challenging for drafters to identify potential implications for access to information or protection of privacy.

Over the past year a significant number of bills were referred for consultation, including:

<i>Real Estate Trading Act, 2019</i>
<i>Interpretation Act (Amendment)</i>
<i>Public Service Pensions Act, 2019</i>
<i>Student Financial Assistance Act</i>
<i>Public Bodies Reporting Act</i>
<i>Pension Plan for Teachers Act</i>
<i>Management of Greenhouse Gas Act and Revenue Administration Act (Amendment)</i>
<i>Provision of Emergency Health and Paramedicine Services Act</i>
<i>Oil and Gas Corporation Act</i>
<i>Highway Traffic Act No. 2 (Amendment)</i>
<i>Reporting Requirements of Public Bodies Act</i>
<i>Workplace Health, Safety and Compensation Act (Amendment)</i>
<i>Workplace Health, Safety and Compensation Act No. 2 (Amendment)</i>
<i>Public Sector Compensation Transparency Act (Amendment)</i>
<i>Labour Standards Act (Amendment)</i>
<i>Management of Greenhouse Gas Act (Amendment)</i>
<i>Innovation and Business Investment Corporation Act</i>
<i>Other Post-Employment Benefits Eligibility Modification Act (Amendment)</i>
<i>Salary Restraint and Extinguishment of Severance Pay Act</i>
<i>Highway Traffic Act (Amendment)</i>
<i>Control and Sale of Cannabis Act</i>
<i>Energy Corporation Act (Amendment)</i>
<i>Court Security Act, 2010 (Amendment)</i>
<i>Tenancies of Residential Premises Act</i>
<i>Intimate Images Protection Act</i>
<i>Schools Act, 1997</i>

Our review of bills prior to their being introduced in the House is a critical function to ensure that the important public interests reflected in *ATIPPA, 2015* are fully considered before debate in the legislature.

When bills are referred to the OIPC for comment they are sometimes received just before briefing notes or other materials are due to go to the Cabinet Secretariat. This creates an urgency that has, at times, limited our ability to conduct detailed research and jurisdictional scans, tasks that result in more meaningful and substantial commentary. In other cases we have been consulted with sufficient lead time to engage in a fruitful discussion with the department in question. We do respond to all such referrals within whatever time we are provided as we view this responsibility as a critical part of our mandate.

While ministers are obliged to seek our advice, they are not required to act upon it, nor should they be.

If we deem it warranted, in accordance with section 112(3), the OIPC can publicly comment on draft bills after they are made public.

Sometimes when we are asked to review and provide comment on a draft bill, we find that there are no significant privacy or access to information issues, or we find that the draft bill already deals with any such issues adequately. Other instances call for more substantive comment.

One such bill for which we provided substantive comment was the bill to enact the *Intimate Images Protection Act*. This bill would allow a person whose intimate images were distributed without their consent to commence an action against the person who distributed the intimate images, and it would create civil remedies to deter, prevent and respond to the harms of the non-consensual distribution of intimate images. In the internet age, digital images are easily distributed through social media and other forums, but unfortunately sometimes the power to do so is misused with the intent to harm or embarrass. This can be a serious privacy violation, and until the passage of this bill there were few avenues available to victims seeking justice.

The Department of Justice and Public Safety consulted with us on this bill, which involved reviewing the bill and meeting with officials in the department. We were pleased with the spirit of open dialogue that we experienced in that consultation.

In our feedback to the department we proposed several improvements to the bill to enhance privacy for victims of these acts. Two of our suggested improvements made their way into law. One involved the issue of a publication ban during legal proceedings. The Court process is an open process, but we wanted to be sure that victims were not re-victimized. We were concerned about media coverage arising when the matter goes to Court potentially causing even more notoriety of the harmful images, leading perhaps to even more widespread distribution through increased internet searches for the images. This concern was recognized in a revision to the bill which established that there is an automatic publication ban as soon as the victim initiates the court action, and the Court must then make a determination based on the circumstances as to whether the ban should remain in place.

The other improvement we helped bring about is that if the Court makes an Order that any money someone makes from distributing intimate images should be recovered by the plaintiff, the Court is not required to reduce an award for damages by that amount. This ensures the Court has the discretion to ensure that perpetrators are punished for such serious privacy violations through an award of damages for the plaintiff.

Other bills about which we provided comment to government were bills to enact the *Innovation and Business Investment Corporation Act*, the *Oil and Gas Corporation Act* and amendments to the *Energy Corporation Act*. All three of these bills are relevant to the ongoing public discussion in this province about transparency of public bodies, and we expect these discussions to continue in light of the ongoing Muskrat Falls Inquiry. These bills are of particular interest given the issues arising from that process.

The amendments to the *Energy Corporation Act* were a step in the right direction, and when we were consulted on the bill we were happy to say so. The bill amended the definition of “commercially sensitive information” in the *Energy Corporation Act* such that information related to an independent contractor’s position, functions, remuneration and other details of the independent contractor’s contract would no longer be protected from disclosure.

In providing comments on the bill, however, former Commissioner Molloy took the opportunity to also point out that in his view the ideal solution for transparency and accountability for

Nalcor would be for government to change the current arrangement whereby the *Energy Corporation Act* contains a very broad exception to the right of access to information that takes precedence over *ATIPPA, 2015*. Former Commissioner Molloy suggested that Nalcor and the third party companies with which it does business should be able to rely on the exceptions that currently exist in *ATIPPA, 2015* to protect commercially sensitive information from disclosure. Government did not take us up on this particular suggestion.

In our comments on the *Innovation and Business Investment Corporation Act* we noted that the Innovation and Business Investment Corporation (IBIC) created through this bill was essentially a replacement for the shuttered Research and Development Corporation, however the scope of activity of the new corporation is significantly less than its predecessor. The purpose of the new IBIC established through this bill is to make “strategic funding investments in innovation and business growth ... to advance economic development.”

In our view, that scope of activity is nothing out of the ordinary for past governments in this province or in other jurisdictions in Canada which operate without a specialized “commercially sensitive” exception to disclosure as found in section 21 of the bill. Our view is that the new corporation should be able to operate effectively without such a provision. In doing so, the corporation would be able to rely, whenever necessary, on provisions such as sections 35 and 39 of *ATIPPA, 2015*, which currently protect the kind of information likely to be held by the new corporation which the corporation may not wish to disclose.

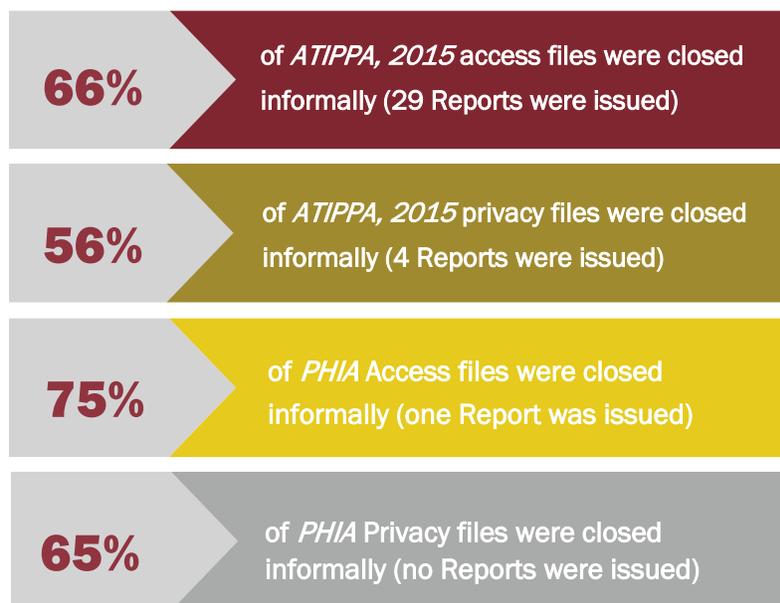
As essentially a funding entity disbursing tax dollars of citizens, the new corporation must be transparent in its operations and expenditures to the extent possible without negatively impacting its mandate. The “commercially sensitive” definition and the special exception to disclosure established in section 21 of the bill are overbroad and inflexible, and they also limit the scope of the Commissioner’s review. Our assessment was that this bill represents an unnecessary encroachment on transparency and accountability.

Once again, with the bill to enact the *Oil and Gas Corporation Act*, we saw that similar provisions as those found in the *Energy Corporation Act* and the *Innovation and Business Investment Corporation Act* are repeated. Once again, in our comments on this bill we

emphasized that the regime of over-riding *ATIPPA, 2015* and creating a special, unnecessarily broad exception to the right of access, based on a definition of the term “commercially sensitive” which is in itself very broad, was uncalled for and a step back for transparency and accountability. We did not receive any further engagement from government in response to our comments on these bills.

INVESTIGATIONS DIVISION

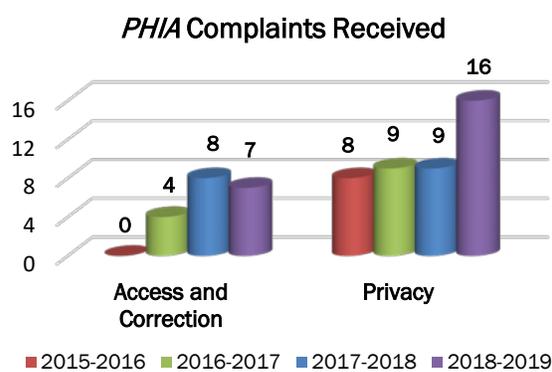
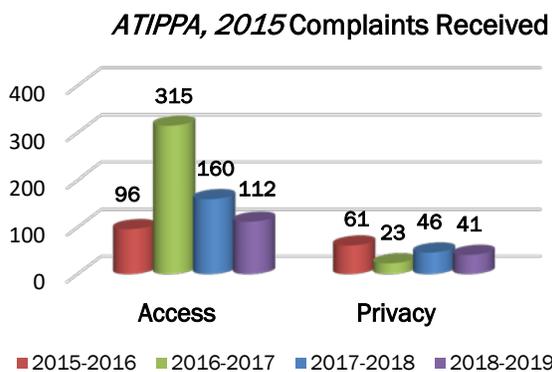
The OIPC is an advocate for access to information and protection of privacy, but when it comes to investigations, we are an advocate for the Acts, not for one side of the dispute or the other. Complaints are typically resolved either through dialogue with complainants, public bodies or custodians. This can involve explaining to the complainant that the public body or custodian was correct in its application of the relevant Act, or persuading the public body that the exceptions it had claimed do not fit the bill, and that additional information should be disclosed. It can also involve explaining to a custodian why access to or correction of a record is required. Sometimes other creative solutions are found through our negotiation with both parties, as long as the outcome is in accordance with *ATIPPA, 2015* or *PHIA*. We are proud to report again this year that the vast majority of complaint files were resolved informally.



Informal Resolutions

Some themes emerged this year from our informal resolutions.

1. We note that municipalities continue to struggle with their *ATIPPA, 2015* obligations and specifically with email communications issues. The protection of privacy and effective access to information require that Towns not use personal email addresses to conduct Town business. Several files this year required education by this Office on this issue in particular, but also education about the obligations of public bodies under the Act generally.
2. Some creative solutions that were used during the informal resolution process included:
 - a. having the public body provide to the complainant a high-level overview of the cabinet record content to help explain why the application of the exception was correct;
 - b. explaining that a Privacy Impact Assessment had been completed before installing surveillance cameras and that the collection of personal information was in accordance with *ATIPPA, 2015*;
 - c. explaining how the search conducted, in a manner which made sense at the time, actually missed a possible location for responsive records (which was then searched and records provided);
 - d. highlighting the importance of prompt and complete responses by public body staff to their coordinators' requests that records be searched;
 - e. locating information that was publicly available that addressed the complaint;
 - f. the implementation of new policies by a public body to avoid similar privacy breaches in the future; and
 - g. explaining to the satisfaction of the complainants that policies and procedures were in place but that the privacy breach occurred in spite of the precautions.



Reports

In 2018-2019 this Office released 37 Reports - 29 ATIPPA Access, four ATIPPA Privacy, one PHIA Access and no PHIA Privacy. In these Reports we dealt with many varied issues under our Acts, however several themes warrant mentioning.

Duty to Assist

In several reports we discussed the duty to assist under section 13 of ATIPPA, 2015. The duty to assist requires that public bodies make every reasonable effort to assist an applicant in making a request and that they provide timely responses to an applicant in an open, accurate and complete manner. In four Reports ([A-2018-008](#), [A-2018-024](#), [A-2018-025](#), and [A-2019-005](#)) we specifically discussed the requirement that the public body conduct a reasonable search, in order to reply in a complete manner. As set out in our guidance on this issue, this Office, when assessing the reasonableness of the search, requires that the search must be “conducted by knowledgeable staff in locations where the records in question might reasonably be located,” applying a standard of review of reasonableness and not perfection.

In one of these Reports we found the public body had failed to conduct a reasonable search, and in three we found they had. Each case was decided on its individual facts even though three involved the same public body. This highlights the fact that each and every search will require unique search instructions from the ATIPP Coordinator, a complete search of all relevant electronic records, such as email accounts, and special attention must be paid to paper records when completing these searches.

In Report [A-2018-020](#) we addressed a very specific element of the duty to assist related to text and Blackberry messages. We wrote that the ATIPP Coordinator, on receipt of the request, is to take immediate steps to ensure records are preserved, including giving specific direction to staff to halt deletion activity involving text messages, BBMs or PINs. This is crucial because the very nature of instant messaging, including in many cases automated deletion, requires immediacy of action when they comprise part of an access request,

Settlement Privilege

In Report [A-2018-022](#) we found that common law settlement privilege does not exist in *ATIPPA, 2015* as it is a complete code. We arrived at this conclusion after we reviewed and assessed the statute's characteristics and noted that while the purpose of the *Act* is expansive, the means of achieving this purpose are clear and explicit. Among other things, it explicitly states that the *Act* is specific with regard to the limited exceptions to the right of access and it also says that the *Act* accommodates the rights and privileges of others. Also section 5 of the *Act* contains a very specific list of exceptions to its application, further evidence that it is a complete code.

Our decision in Report A-2018-022 on settlement privilege came from several factors, including the fact that section 30(1)(a) limits the Legal Advice privilege exception to solicitor-client privilege and litigation privilege. We also reviewed other sources like Hansard and the Statutory Review Committee publication and determined that *ATIPPA, 2015* constitutes a complete or exhaustive code and as such, settlement privilege does not exist as an exception to the right of access.

We had, in an earlier Report ([A-2018-021](#)), noted that other protections may be available under the *Act* like section 35 (Disclosure harmful to the financial or economic interests of the public body). In that case the settlement in question was the same subject matter as other litigation that was still ongoing and release of the records could impact those other matters directly.

Failure to Meet Statutory Deadlines

Unfortunately this year we continued to see several public bodies that were non-compliant with the statutory deadlines set in the Act (Reports [A-2018-009](#), [A-2018-016](#), [A-2018-027](#), and [A-2019-003](#)). While we acknowledge resource challenges faced by all public bodies, the rule of law applies to everyone equally. The deadlines in *ATIPPA, 2015* are not suggestions satisfied by best efforts. The deadlines are mandatory legal requirements and access delayed often equates to access denied.

Clarification of our Authority to Investigate

It is not often that public bodies offer less than full cooperation during an investigation. When it does occur, the failure of public bodies to respond to this Office in a timely and complete manner during our attempts to resolve complaints informally undermines the role of the Commissioner, the function of this Office, and Acts themselves. Each of the two Acts we oversee invest the OIPC with certain powers and authority, including the ability to investigate complaints. This process requires the full cooperation of public bodies and custodians in order to achieve its purpose.

In Report [P-2018-003](#), when a public body questioned our legislative authority to require that it provide information relevant to its compliance with section 61 of *ATIPPA, 2015*, we listed the relevant sections of the Act that empower us to investigate and require cooperation. We reminded the public body that this Office functions as an independent statutory body that oversees compliance with *ATIPPA, 2015* through several means, including the investigation of privacy complaints. Another public body was the subject of an access to information report (Report [A-2019-003](#)), and again we were compelled to remind the public body of its obligation to cooperate with our Office during investigations.

Video Surveillance

One Report that garnered a lot of attention in 2018-2019 was Report P-2018-003, and even though it was later resolved by Court Order on January 15, 2019, it was a significant case for its statements on the law on surveillance, as we had previously set out in our Guidelines.

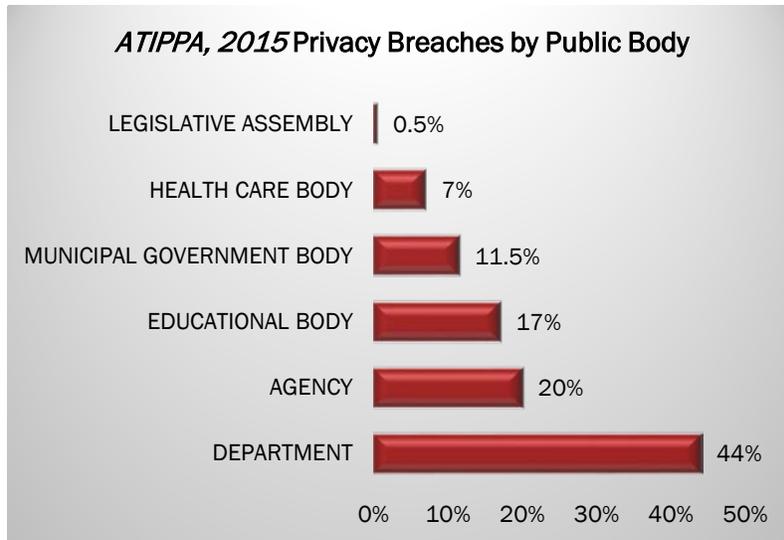
1. Before a public body can decide to install and operate a video surveillance system, there must be a real, pressing and substantial problem which is ongoing in nature that has not been and cannot be mitigated by other less privacy intrusive measures.
2. The purpose of the proposed CCTV system must be clear, and the use of CCTV must be necessary to address the specific incidents or problems which have been identified.
3. This means that less privacy-invasive measures must be evaluated, and where practical, implemented, to see whether the issue can be addressed through such measures, prior to the installation or usage of a CCTV system. Less privacy-invasive measures should be utilized unless they are ineffective or not feasible.

Privacy Policies

In several Reports and in many informal resolutions we spoke to public bodies about the need to have effective policies in place to govern the protection of personal information. In P-2018-004, for example, we found the lack of such policies to be a breach of the security provisions of *ATIPPA, 2015* and in [P-2018-005](#) we found that while policies existed they required improvement in order to fully protect the personal information held by the public body.

Privacy Practices

In Report [P-2018-006](#) we had to deal with a breach of information that occurred when a public body relocated a number of paper records. The records, containing sensitive personal information, were stored in an unsecured area accessible to all employees and members of the public. An employee notified the public body that some boxes were unsealed and that personal information, including social insurance numbers, could be viewed by anyone with access to the unsecure area. Despite this notification, nineteen days expired prior to transferring the records to a secure storage area. This response constituted a disregard of the public body's responsibilities pursuant to *ATIPPA, 2015*.



Court Matters

Offence Prosecution

On January 18, 2019 two civilian employees of the Royal Newfoundland Constabulary (RNC) were charged with offences contrary to section 115 of *ATIPPA, 2015*. The charges related to inappropriately accessing personal information without lawful authority while in the employ of the RNC. Both individuals are due to enter pleas in the upcoming reporting period.

The only previous charges laid under this provision were against another civilian employee of the RNC, who pled guilty and was fined a total of \$1,000.00.

Ongoing Court Matters

Newfoundland and Labrador v. Newfoundland and Labrador Teachers' Association, 2018 NLCA 54

This matter arose as a result of a journalist's request to access information from a number of public bodies for the names, job titles and salaries of employees whose taxable income exceeded \$100,000. Some public bodies disclosed the information in full, while others, including the Newfoundland and Labrador English School District (NLESD), notified all affected individuals, giving them the option to file a complaint with the Commissioner or appeal directly to the Supreme Court, Trial Division. The

Newfoundland and Labrador Teachers' Association (NLTA) filed an appeal on behalf of a number of affected individuals, and the Court was tasked with determining whether the salaries of individuals identified by name were required to be released in accordance with *ATIPPA, 2015*. A number of other public bodies and unions were intervenors in the matter. In *Newfoundland and Labrador Teachers' Association v. Newfoundland and Labrador English School District* the Trial Division determined that disclosure of names and salaries of employees was an unreasonable invasion of privacy and ruled that the names of employees should not be disclosed in conjunction with salaries. That decision was appealed by government, and the OIPC along with a number of other parties intervened in the appeal.

That appeal was heard by the Court of Appeal in February 2018 and a decision was issued on September 17, 2018. In a majority decision, the Court overturned the lower court ruling. The Court of Appeal concluded that section 40(2)(f) of *ATIPPA, 2015* "... is meant to ensure that members of the public can know who is on the public payroll, what their duties are, and how much they are being paid."

The NLTA sought leave to appeal the decision to the Supreme Court of Canada. A decision from the Supreme Court of Canada on the leave application had not been issued by the conclusion of this reporting period.

A number of other applications before the Supreme Court, Trial Division in relation to salary/compensation disclosure were stayed pending a ruling in the above-noted matter by the Court of Appeal. All of the parties in these applications were intervenors in that case. By the end of the reporting period, those matters were still outstanding pending a decision from the Supreme Court of Canada on the NLTA's application for leave to appeal.

Kirby v. Chaulk, Court File No. 2019 01G 1380

This is an appeal by the Applicant of the decision by Bruce Chaulk, Commissioner for Legislative Standards, to follow the recommendations of the Commissioner in Report A-2019-004 to continue to withhold information from the Applicant under section 41(c)

and that this was not a workplace investigation, as defined in section 33. The OIPC is an intervenor in the matter.

McKesson Specialized Distribution Inc. v. Her Majesty in Right of Newfoundland and Labrador as represented by the Minister of Health and Community Services, Court File No. 2019 01G 0529

This was a direct appeal filed on January 16, 2019 by the Applicant, which was notified as a Third Party of the department's intention to release records. The Applicant opposes release of the records. The OIPC is an intervenor in the matter.

Persona Communications O/A Eastlink v. Her Majesty in Right of Newfoundland and Labrador (Minister of Education and Early Childhood Development), Court File No. 2018 01G 8625

This was a direct appeal filed on December 4, 2018 by the Applicant, which was notified as a Third Party of the department's intention to release records. The Applicant opposes release of the records. The OIPC is an intervenor in the matter which is set to be heard in September 2019.

Ireland v. Town of Gander; Court File No. 2018 05G 0199

The Applicant filed an access request with the Town. The Town had requested an extension of time from the Commissioner to respond to the request (which was approved), but the Applicant did not receive the responsive records by the expiry of the extended deadline. The Applicant filed his appeal on November 20, 2018. The OIPC is an intervenor in the matter.

Beverage Industry Association v. Her Majesty in Right of Newfoundland and Labrador as represented by the Minister of Finance, Court File No. 2018 01G 6000

This is an originating application for an injunction pursuant to Rule 22 and/or section 105 of the *Judicature Act*. It relates to the otherwise concluded court matter listed below (*Atlantic Lottery Corporation v. Her Majesty The Queen (Minister of Finance)*, Court File No. 2017 01G 2004). The Beverage Industry Association was not notified as a Third Party in that case and seeks standing to oppose the release of records as ordered by the Court in that matter.

NL Legal Aid Commission application for a declaration, Court File No. 2018 01G 6062

The Newfoundland and Labrador Legal Aid Commission filed an application for a declaration under section 50(2) of *ATIPPA, 2015* that the Commission does not have to comply with the recommendations in Report A-2018-019 regarding the release of details of payments made to a member of the private bar who represented clients on behalf of the Commission. The matter is set to be heard in September 2019.

City of Corner Brook application for a declaration, Court File No. 2018 04G 0170

The City of Corner Brook filed an application for a declaration under section 50(2) of *ATIPPA, 2015* that the City does not have to comply with the recommendations in Report A-2018-017 which found the investigation to be a workplace investigation as defined in section 33, requiring release of some of the records. The matter is set to be heard in January 2020.

Oleynik v. Memorial University, Court File No. 2017 01G 8543

The Applicant appealed a decision of Memorial University to disregard three access to information requests. The Applicant was granted a postponement in this matter pending the outcome of a related proceeding.

McBreairty v. College of the North Atlantic, Court File No. 2016 01H 0095

This matter was initiated by the Applicant in response to a decision by the College of the North Atlantic (CNA) to deny access to the name of an individual found in a record which was responsive to the Applicant's request. The Applicant brought the matter to the Commissioner, resulting in Report A-2012-011 in which the Commissioner recommended disclosure. CNA refused to follow the recommendation and the Applicant appealed to the Supreme Court, Trial Division.

The Court found that the individual in question was in fact an employee of the College and that the person's name should be disclosed to the Applicant (2016 CanLII 51110).

That decision is under appeal by CNA. The Court of Appeal heard the matter on June 13, 2018 and a decision is pending.

[Bragg Communications, et al v. College of the North Atlantic Court File No. 2017 01G 0369](#)
[Bragg Communications v. College of the North Atlantic; Court File No. 2017 01G 1058](#)
[Persona Communications v. College of the North Atlantic; Court File No. 2017 01G 1059](#)

These three matters are direct appeals by the Third Parties (Bragg Communications and Persona Communications) in relation to Third Party notices sent to them by the College of the North Atlantic. All three have been consolidated and will be heard together.

The OIPC filed Notices of Intervention in these matters on January 19 and February 7, 2017. The Minister of Justice and Public Safety also filed Notices of Intervention in the consolidated matters. An Interlocutory Application opposing the intervention of OIPC and the Minister was filed by Bragg and Persona. That application was heard on February 26, 2018 and a decision was rendered on February 28, 2018 confirming that the Commissioner and the Minister have the right to intervene. No court date has yet been set for the hearing.

Bragg Communications v. NLESD; Court File No. 2017 01G 1221

This is a direct appeal by the Third Party, Bragg Communications, in relation to a Third Party Notice sent by NLESD. This matter was adjourned *sine die* on March 28, 2017 pending the outcome of the Interlocutory Application opposing our intervention in the three matters above. Now that a decision has been rendered allowing our intervention, the matter is expected to proceed in due course.

Persona Communications O/A Eastlink v. Her Majesty in Right of Newfoundland and Labrador (Minister of Tourism, Culture, Industry and Innovation); Court File No. 2017 01G 6658.

This is a direct appeal by the Third Party, Persona Communications (operating as Eastlink), in relation to a Third Party Notice it received from the Department of Tourism, Culture, Industry and Innovation. The Applicant opposes the release of records

intended for disclosure by the respondent. The OIPC is an intervenor in the matter, which is set to be heard in February 2020.

City of Corner Brook application for a declaration; Court File No. 2017 04G 0063

This is an application filed in the Trial Division in Corner Brook seeking a declaration under section 79(1) of *ATIPPA, 2015* that the City does not have to comply with the recommendations in OIPC Report P-2017-001. The matter was heard by the Court on September 20, 2017 and a decision is pending.

Bell Canada v. Office of the Chief Information Officer; Court File No. 2016 01G 1709

This is an appeal by Bell Canada (Third Party) of the decision of the OCIO to follow our recommendation in Report A-2016-001. The recommendation was to release information related to Bell because it was not excepted from disclosure by section 39. The matter was ongoing at the end of this reporting period.

Newfoundland and Labrador Medical Association v. Minister of Health; Court File No. 2016 01 G No. 6110

This is an appeal by the NLMA of a decision of the Minister of Health to follow our recommendation for release in Report A-2016-019. The Commissioner filed a Notice of Intervention on October 18, 2016. The matter was set over pending a decision by the Court of Appeal in *Newfoundland and Labrador v. Newfoundland and Labrador Teachers' Association*, 2018 NLCA 54, as noted above, and at the conclusion of the current reporting period the parties continue to await the outcome of the NLTA's application for leave to appeal to the Supreme Court of Canada.

Bell Canada v. Minister of Business, Tourism, Culture and Rural Development; Court file 2017 01G 1296

This is an appeal by Bell Canada (Third Party) of a decision of the Department of Business, Tourism, Culture and Rural Development to follow our recommendation in Report A-2017-005 that the Third Party's information be released. Our Notice of Intervention was filed March 8, 2017. No court date has yet been set.

Concluded Court Matters

[Evelyn Rideout v. Minister of Municipal Affairs; Court File No. 2015 04G 0275](#)

This was an appeal by the Applicant of the decision of the Minister to follow our recommendation in Report A-2015-011 that the department continue to withhold information under sections 29, 30 and 40. A hearing was held on February 8, 2017 in Corner Brook. The Commissioner was an intervenor in the matter. In a decision released on October 30, 2018 the Court found that the Appellant did not present convincing evidence to prove that there is a public interest in disclosure that outweighs the reasons for the exceptions in sections 29 and 30. The Court also found that the Minister acted appropriately in withholding the records in accordance with sections 29, 30 and 40.

Town of Paradise application for a declaration, Court File No. 2018 01G 2712

On April 17, 2018 the Town filed an application pursuant to section 79(1)(a) of *ATIPPA, 2015* seeking a declaration that it is not required to comply with the recommendation of the Commissioner in Report P-2018-003. The Commissioner had received a complaint regarding the collection and use of personal information recorded by the Town's video surveillance system. The Town declined to provide much of the information requested during the investigation. Without sufficient information to find otherwise, the Commissioner determined that the Town's video surveillance system was collecting personal information without authorization as set out in *ATIPPA, 2015*. The Commissioner recommended that the Town stop collecting personal information using its video surveillance system until it could demonstrate to the satisfaction of the Commissioner that it is authorized to do so pursuant to *ATIPPA, 2015*. After filing the application for a declaration, additional information was provided by the Town to the Commissioner about its video surveillance system, and as a result the Commissioner and the Town agreed to resolve the matter. The resolution was formalized in an Order of the Court on January 15, 2019 requiring the Town to cease operating its video surveillance system during regular business hours in employee-only areas of Town facilities (with four specified exceptions), while continuing to operate all other video cameras then in use.

[Atlantic Lottery Corporation v. Her Majesty The Queen \(Minister of Finance\); Court File No. 2017 01G 2004](#)

This was an appeal by the Third Party, Atlantic Lottery, of a decision of the Department of Finance to follow our recommendation in Report A-2017-004 that the Third Party's information be released. The OIPC filed a Notice of Intervention on March 16, 2017. The matter was heard on June 4, 2018, and on June 18, 2018 a decision was issued in which Atlantic Lottery's appeal was dismissed.

CONCLUSION

As you can see from the work outlined above, 2018-2019 was a busy year for this Office. We have striven to continue to assist public bodies and custodians throughout the year to face the workload and education challenges presented by our access to information ecosystem by providing guidance and offering training to all public bodies and custodians, including the new Coordinators Toolkit for *ATIPPA, 2015*. We have also issued several Reports regarding the duty to assist under the Act where we have consistently asserted that the search for documents when responding to an access request must be reasonable and offered our guidance on how that standard can be applied. While we did issue Reports on deemed refusals, we continue to note the reduction in the incidence of non-compliance with the timelines of the Act in spite of the increased volume and complexity of requests, and for that we commend Coordinators and other public body officials for their dedication.

This Office has also continued its efforts to consult formally and informally with stakeholders through legislative reviews, audits, and the review of privacy impact assessments, as well as through presentations and by hosting the APSIM Conference, to guide public bodies and custodians as they grapple with the ever complicated privacy landscape. One highlighted area that absorbed significant resources during this reporting period would be our efforts to address the privacy challenges posed by CCTV, in particular through our audit of the Newfoundland and Labrador English School District's use of video surveillance and our Report on the use of video surveillance by the Town of Paradise. Throughout 2018-2019 custodians and public bodies contacted this Office to consult on the privacy impacts of various initiatives, including facial recognition, different software systems, and devices equipped with smart

technology. We welcome these consultations as a greater standard of care is required from our public bodies and custodians when it comes to programs and services that may be privacy invasive due to the inherent power imbalance in their role as service providers to the citizens of Newfoundland and Labrador.

Although the formal report on the statutory review of *PHIA* is complete, amendments have not yet been proposed and discussion of key elements is ongoing. The remaining issues are complex and must be resolved with clarity so that custodians understand their responsibilities and privacy protection is preserved and, where appropriate, enhanced. We encourage the Department of Health and Community Services to continue to make use of our expertise in this *Act* as they endeavour to conclude this important work. We were encouraged by the conclusions of the *PHIA* Review Report which recommended a broader oversight role for the Office under *PHIA*, to bring it into parallel with *ATIPPA, 2015*, including audit and own-motion investigation provisions which would benefit the people of the province. During 2018-2019 we have continued to consult informally on this initiative as well as other legislative reviews that touch on personal health information and look forward to further discussions.

The launch of the statutory review of *ATIPPA, 2015* is expected in 2020. The *ATIPPA, 2015* is considered by many to be one of the most progressive access and privacy statutes in Canada, and indeed the world. While there is always room for improvement, it is crucial that as the next review unfolds that we look to retain the vital features of *ATIPPA, 2015* which have made it such a world leader. In terms of the process itself, one of the foundational requirements of any review of *ATIPPA, 2015* is the necessity that any such review be conducted in as open and transparent a process as possible, and we will certainly be expressing as much to the Department of Justice and Public Safety prior to the launch of the review.

Beyond these statutory reviews, the coming months promise to be an interesting period for matters related to both access and privacy and the Commissioner and entire staff of the OIPC look forward to exercising our statutory mandates for the benefit of the people of Newfoundland and Labrador.

Appendix A

Timelines (business days) for Access Complaints for the
2018-2019 Reporting Period under the
Access to Information and Protection of Privacy Act, 2015

Public Body	Means of Resolution	Review Started	Days for Informal Resolution	Formal Review Started	Days for Formal Review	Date Complaint Resolved	Total Days
Department of Transportation and Works	Informal	2018-04-26	1			2018-05-10	1
Town of Portugal Cove-St. Philip's	Informal	2018-04-04	4			2018-04-10	4
City of St. John's	Informal	2018-04-05	4			2018-05-11	4
Town of Conception Bay South	Informal	2018-07-24	6			2018-10-05	6
Department of Fisheries and Land Resources	Informal	2018-04-05	8			2018-04-17	8
Department of Fisheries and Land Resources	Informal	2018-04-05	8			2018-04-17	8
Town of Paradise	Informal	2018-04-13	13			2018-05-02	13
Memorial University	Informal	2018-06-18	17			2018-07-12	17
Town of Paradise	Informal	2018-03-21	20			2018-04-20	20
Town of Pouch Cove	Informal	2018-08-09	22			2018-10-15	22
City of Corner Brook	Informal	2018-04-10	23			2018-05-11	23
Nalcor	Informal	2018-04-19	23			2018-05-23	23
Town of St. George's	Informal	2018-05-01	23			2018-06-01	23
Town of St. George's	Informal	2018-05-01	23			2018-06-01	23
Department of Transportation and Works	Informal	2018-07-19	23			2018-08-29	23
Town of Paradise	Informal	2018-09-27	24			2018-11-06	24
Town of Harbour Main-Chapel's Cove-Lakeview	Informal	2018-05-08	26			2018-06-14	26
Department of Finance	Informal	2018-11-21	26			2019-01-15	26
Intergovernmental and Indigenous Affairs Secretariat	Informal	2019-01-09	26			2019-02-20	26
Department of Fisheries and Land Resources	Informal	2018-02-21	28			2018-04-04	28
Central Health	Informal	2018-03-01	28			2018-04-11	28
Department of Fisheries and Land Resources	Informal	2018-04-20	28			2018-05-31	28
Nalcor	Informal	2018-09-17	28			2018-12-10	28
Department of Finance	Informal	2018-03-16	29			2018-04-30	29
Memorial University	Informal	2018-06-01	29			2018-07-12	29
Town of Salmon Cove	Informal	2018-06-13	29			2018-07-25	29
Town of Happy Valley-Goose Bay	Informal	2018-07-17	29			2018-08-27	29
Office of the Commissioner for Legislative Standards	Informal	2018-10-30	29			2018-12-13	29
Central Health	Informal	2018-04-04	30			2018-05-16	30
City of St. John's	Informal	2018-07-03	30			2018-08-14	30
Central Health	Informal	2018-12-21	30			2019-02-20	30
Office of the Premier	Informal	2019-01-09	30			2019-02-20	30
Department of Fisheries and Land Resources	Informal	2019-01-09	30			2019-02-20	30

Public Body	Means of Resolution	Review Started	Days for Informal Resolution	Formal Review Started	Days for Formal Review	Date Complaint Resolved	Total Days
Department of Fisheries and Land Resources	Informal	2019-01-09	30			2019-02-20	30
Department of Tourism, Culture, Industry, and Innovation	Informal	2019-01-09	30			2019-02-20	30
Town of Paradise	Informal	2018-06-26	31			2018-08-09	31
Newfoundland and Labrador Liquor Corporation	Informal	2018-07-10	31			2018-08-22	31
Memorial University	Informal	2018-09-28	31			2018-11-01	31
City of St. John's	Informal	2018-09-06	31			2018-11-19	31
Town of Paradise	Informal	2018-02-23	32			2018-04-12	32
Department of Transportation and Works	Informal	2018-04-10	32			2018-05-25	32
Town of Harbour Main-Chapel's Cove-Lakeview	Informal	2018-07-20	32			2018-08-22	32
Department of Justice and Public Safety	Informal	2018-08-06	32			2018-08-14	32
Office of the Premier	Informal	2018-03-08	33			2018-04-26	33
Newfoundland and Labrador English School District	Informal	2018-05-18	33			2018-07-06	33
Department of Fisheries and Land Resources	Informal	2018-07-16	33			2018-08-29	33
Newfoundland and Labrador Liquor Corporation	Informal	2018-04-25	34			2018-06-13	34
Town of Paradise	Informal	2018-03-14	35			2018-05-04	35
Public Utilities Board	Informal	2018-03-20	35			2018-05-10	35
Department of Justice and Public Safety	Informal	2018-05-11	35			2018-07-03	35
Department of Fisheries and Land Resources	Informal	2018-07-11	35			2018-08-29	35
Eastern Health	Informal	2018-05-11	36			2018-07-04	36
Town of Channel-Port Aux Basques	Informal	2018-03-21	37			2018-05-15	37
Town of Harbour Main-Chapel's Cove-Lakeview	Informal	2018-08-09	37			2018-09-11	37
Nalcor	Informal	2018-08-21	37			2018-10-12	37
Town of Old Perlican	Informal	2018-11-13	37			2018-12-24	37
Department of Tourism, Culture, Industry, and Innovation	Informal	2018-12-11	37			2019-01-18	37
Town of Paradise	Informal	2018-05-22	39			2018-07-17	39
Newfoundland and Labrador Liquor Corporation	Informal	2018-07-17	39			2018-09-11	39
Department of Children, Seniors and Social Development	Informal	2018-03-12	41			2018-05-10	41
City of Corner Brook	Informal	2018-05-17	41			2018-07-17	41
City of Corner Brook	Informal	2018-07-03	41			2018-08-29	41

Public Body	Means of Resolution	Review Started	Days for Informal Resolution	Formal Review Started	Days for Formal Review	Date Complaint Resolved	Total Days
City of St. John's	Informal	2018-12-20	41			2019-02-13	41
Labrador - Grenfell Health	Informal	2018-03-23	43			2018-05-28	43
Town of Kippens	Informal	2018-05-29	43			2018-07-30	43
Central Newfoundland Waste Management	Informal	2018-03-12	45			2018-05-16	45
Department of Transportation and Works	Informal	2018-03-28	46			2018-06-05	46
Town of Placentia	Informal	2018-08-07	46			2018-09-24	46
Newfoundland and Labrador Liquor Corporation	Informal	2018-06-13	50			2018-08-23	50
Department of Transportation and Works	Informal	2019-01-10	51			2019-02-15	51
Newfoundland and Labrador Liquor Corporation	Informal	2018-07-24	52			2018-09-07	52
Memorial University	Informal	2018-09-11	59			2018-11-01	59
Town of Harbour Main-Chapel's Cove-Lakeview	Informal	2018-06-06	61			2018-08-17	61
Newfoundland and Labrador English School District	Informal	2018-01-17	44	2018-03-20	18	2018-04-17	62
Newfoundland and Labrador English School District	Report	2018-06-21	41	2018-08-20	8	2018-08-30	49
City of St. John's	Report	2018-04-19	30	2018-06-01	21	2018-07-03	51
Newfoundland and Labrador Liquor Corporation	Report	2018-07-16	32	2018-08-29	19	2018-09-26	51
Department of Municipal Affairs and Environment	Report	2018-11-30	43	2019-02-01	9	2019-02-14	52
Memorial University	Report	2018-01-24	24	2018-02-27	30	2018-04-12	54
Department of Finance	Report	2018-11-07	35	2018-12-28	19	2019-01-25	54
Town of Paradise	Report	2018-06-18	45	2018-08-21	10	2018-09-05	55
City of Corner Brook	Report	2018-04-24	42	2018-06-22	16	2018-07-24	58
Office of the Commissioner for Legislative Standards	Report	2018-10-30	55	2019-01-18	3	2019-01-23	58
Town of Portugal Cove-St. Philip's	Report	2018-02-26	41	2018-04-26	18	2018-05-23	59
Office of the Premier	Report	2018-06-04	31	2018-07-18	29	2018-08-28	60
Nalcor	Report	2018-10-30	45	2019-01-04	15	2019-01-25	60
Department of Natural Resources	Report	2018-01-15	31	2018-02-27	30	2018-04-12	61
Memorial University	Report	2018-01-15	31	2018-02-27	30	2018-04-12	61
Government Purchasing Agency	Report	2018-03-20	34	2018-05-09	27	2018-06-18	61
Town of St. George's	Report	2018-05-01	49	2018-07-11	12	2018-07-27	61
Town of Placentia	Report	2018-09-24	45	2018-11-27	16	2018-12-19	61
Town of Gander	Report	2018-10-17	31	2018-11-30	30	2019-01-15	61
Newfoundland and Labrador English School District	Report	2018-01-31	35	2018-03-21	27	2018-05-01	62

Public Body	Means of Resolution	Review Started	Days for Informal Resolution	Formal Review Started	Days for Formal Review	Date Complaint Resolved	Total Days
Town of Conception Bay South	Report	2018-02-16	43	2018-04-20	19	2018-05-17	62
Newfoundland and Labrador Legal Aid Commission	Report	2018-05-22	34	2018-07-10	28	2018-08-17	62
Town of Marystown	Report	2018-08-14	52	2018-10-26	10	2018-11-09	62
Department of Natural Resources	Report	2018-10-11	49	2018-12-20	14	2019-01-11	63
Department of Transportation and Works	Report	2018-04-10	41	2018-06-07	23	2018-07-11	64
Department of Health and Community Services	Report	2018-10-04	46	2018-12-10	18	2019-01-07	64
Eastern School District	Report	2018-12-24	31	2019-02-07	33	2019-03-26	64
Department of Transportation and Works	Report	2018-01-19	19	2018-02-15	46	2018-04-24	65
Memorial University	Report	2018-03-02	33	2018-04-20	32	2018-06-06	65
Memorial University	Report	2018-06-28	31	2018-08-13	34	2018-10-01	65
Memorial University	Report	2018-06-28	31	2018-08-13	34	2018-10-01	65
Town of Portugal Cove-St. Philip's	Discontinued	2018-06-15	3			2018-06-20	3
Eastern Health	Discontinued	2019-03-20	4			2019-03-26	4
Department of Fisheries and Land Resources	Discontinued	2018-05-07	5			2018-05-14	5
Town of Gander	Discontinued	2018-11-02	11			2018-11-20	11
Town of Portugal Cove-St. Philip's	Discontinued	2018-03-09	17			2018-04-05	17
Town of Portugal Cove-St. Philip's	Discontinued	2018-03-09	17			2018-04-05	17
Town of Grand Falls-Windsor	Discontinued	2018-05-23	28			2018-07-03	28
Eastern Health	Discontinued	2018-08-31	38	2018-10-25	0	2018-10-25	38
Nalcor	Discontinued	2018-08-24	32	2018-10-10	27	2018-11-19	59
Town of Portugal Cove-St. Philip's	Investigation Not Conducted	2018-04-24	3			2018-04-27	3
Memorial University	Investigation Not Conducted	2018-04-17	7			2018-04-26	7
Town of St. George's	Investigation Not Conducted	2018-08-20	13			2018-09-07	13
Town of Portugal Cove-St. Philip's	Investigation Not Conducted	2018-03-08	18			2018-04-05	18
Newfoundland and Labrador Legal Aid Commission	Investigation Not Conducted	2019-01-21	21			2019-02-19	21
Town of Portugal Cove-St. Philip's	Investigation Not Conducted	2018-03-20	25			2018-04-27	25
Royal Newfoundland Constabulary	Investigation Not Conducted	2018-03-26	32			2018-05-11	32
Town of Portugal Cove-St. Philip's	Investigation Not Conducted	2018-05-23	35			2018-07-12	35

Public Body	Means of Resolution	Review Started	Days for Informal Resolution	Formal Review Started	Days for Formal Review	Date Complaint Resolved	Total Days
Town of Portugal Cove-St. Philip's	No Jurisdiction/ Declined to Investigate	2018-04-09	1			2018-04-10	1
Department of Transportation and Works	No Jurisdiction/ Declined to Investigate	2018-04-09	3			2018-04-12	3
Atlantic Lottery Corporation	No Jurisdiction/ Declined to Investigate	2018-09-13	10			2018-09-27	10

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