



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER
NEWFOUNDLAND AND LABRADOR

Annual Performance Report

2016 -2017

www.oipc.nl.ca
1.877.729.6309



September 26, 2017

Message from the Information and Privacy Commissioner

In fulfilling its commitment to being accountable to the citizens of Newfoundland and Labrador, Government introduced the *Transparency and Accountability Act*. This *Act* provides the legislative framework for strengthening accountability of government entities through multi-year performance-based plans and annual performance reports that are presented to the House of Assembly.

I am pleased to present the Office of the Information and Privacy Commissioner's Annual Performance Report for 2016-2017.

As Commissioner, I am accountable for the results reported herein and for any variances from the objectives outlined in the 2014-2017 Activity Plan.

A handwritten signature in blue ink, appearing to read 'Donovan F. Molloy' with a stylized flourish at the end.

Donovan F. Molloy, Q.C.
Information and Privacy Commissioner

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OVERVIEW

In delivering its mandate, the Office of the Information and Privacy Commissioner (OIPC) provides the following lines of business:

- Investigations
- Advocacy and Compliance
- Oversight

The OIPC has the responsibility to protect the rights of all citizens of Newfoundland and Labrador under the *Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015)* and the *Personal Health Information Act (PHIA)*.

Number of Employees

The Office has a staff complement of twelve permanent positions and one temporary position (8 female, 5 male).

Physical Location

The OIPC is located in the Sir Brian Dunfield Building, 2 Canada Drive, St. John's, Newfoundland.

Budget

The 2016-2017 budget for the Office of the Information and Privacy Commissioner was \$1,337,200. The breakdown of revenues and expenditures can be found on page 19 of this report.

Information regarding the compensation received by the Commissioner can be found at: [OIPC Compensation Disclosure 2016](#)

MANDATE

The mandate of the OIPC is derived from the provisions of the *Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015)* and the *Personal Health Information Act (PHIA)*. This mandate expanded considerably with the coming into force of the *ATIPPA, 2015*.

Our *ATIPPA, 2015* mandate includes:

- being an advocate for the public right of access to information;
- being an advocate for protection of privacy;
- receiving privacy breach reports which public bodies must forward to the OIPC on a mandatory basis and providing feedback and consultation to public bodies on their breach responses;
- educating public bodies about compliance in order to help prevent the unauthorized collection, use or disclosure of personal information by public bodies;
- educating public bodies about compliance with the access provisions of the *Act*, including the duty to assist, in order to facilitate timely and user friendly application of the *Act*;
- investigating complaints in relation to a decision, act, or failure to act of a public body that relates to an access to information request;
- conducting privacy investigations in response to complaints or at the Commissioner's own motion;
- receiving, investigating and making a final determination in relation to time extension requests from public bodies;
- receiving, investigating and making a determination in relation to a request from a public body that it be allowed to disregard an access to information request from an applicant;
- receiving an application from a person who has filed an access request to revise costs associated with the request and to make a final determination regarding the costs which may be charged by the public body;
- receiving an application from a person who has filed an access request to review a decision by the head of a public body not to waive the payment of costs associated with the request and to make a final determination in the matter;
- making recommendations to public bodies to ensure compliance with the *Act* and regulations and to better achieve the objectives of the *Act*;

- informing and educating the public about the *Act*;
- monitoring and auditing the practices and procedures employed by public bodies in carrying out their responsibilities and duties under the *Act*;
- reviewing and authorizing the collection of personal information from sources other than the individual the information is about;
- reviewing privacy impact assessments prepared by public bodies;
- receiving comments from the public about the administration of the *Act* and about matters concerning access to information and the confidentiality, protection and correction of personal information;
- commenting on the implications for access to information and protection of privacy of proposed legislation, programs, and practices of public bodies;
- 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; and
- making recommendations to public bodies or the minister responsible for this *Act* about the administration of the *Act*.

Under *PHIA* our mandate includes:

- investigating a decision, act or failure to act of a custodian that relates to an access request for personal health information or a request for correction of personal health information;
- investigating complaints where an individual believes on reasonable grounds that a custodian has contravened or is about to contravene a provision of this *Act* or the regulations in respect to his or her personal health information or the personal health information of another, including privacy breaches;
- making recommendations to support compliance with the *Act*;
- informing the public about the *Act*;
- 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 legislation schemes or programs or practices of custodians; and

- commenting on the implications for the confidentiality of personal health information of using or disclosing personal health information for records linkage or using information technology in the collection, storage, use or transfer of personal health information.

LINES OF BUSINESS

Investigations

Under the *ATIPPA, 2015*, the investigative mandate of the Office expanded considerably. The Office is specifically mandated to conduct the following types of investigations:

- complaints from access to information applicants relating to a decision, act or failure to act by the head of a public body in response to an access to information request;
- complaints from access to information applicants about a cost estimate for an access request or a refusal to grant a waiver of costs to be charged for access to information;
- complaints about a failure or refusal by a head of a public body to correct personal information;
- complaints from members of the public relating to the collection, use or disclosure of personal information by a public body; and
- receiving, investigating and making a determination in relation to a request from a public body that it be allowed to disregard an access to information request from an applicant.

The Commissioner may also initiate, on his or her own motion, an investigation relating to the collection, use or disclosure of personal information by a public body.

Under *PHIA*, the Office investigates complaints from individuals that a custodian has denied a request for access to personal health information or a request for correction of personal health information. We also investigate complaints where an individual believes that a custodian has contravened or is about to contravene a provision of *PHIA* or the regulations in respect to the privacy of their personal health information or the personal health information of another.

Advocacy and Compliance

Under the *ATIPPA, 2015*, a number of new or expanded roles were prescribed for the OIPC. In order to fulfil this new and expanded mandate as efficiently and effectively as possible, it was determined that this role be made a separate and distinct line of business within the Office. The parts of our mandate which have been assigned to this line of business are as follows:

1) *Education (for the general public; public bodies under ATIPPA, 2015; and custodians under PHLA)*

The *ATIPPA, 2015* prescribes two specific mandates in relation to education – for public bodies, as well as for the general public. As part of this undertaking, a significant revision of the OIPC website with new tools and information for public bodies, custodians and the general public has been completed. New material is under development, with priority being given to issues that appear to be the most challenging for the public, health care authorities and public bodies.

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. As appropriate, the Office informs the public about these rights through public commentary and education and awareness presentations aimed at explaining the administration and operation of *ATIPPA, 2015*, *PHLA* and our Office. Additionally, all Reports issued by the Commissioner under *ATIPPA, 2015*, and *PHLA* are published on the OIPC website. The OIPC also uses its Twitter account to broaden public awareness of privacy and access to information issues.

The OIPC is very much engaged in education and training for public bodies. In this regard, we continue to issue quarterly newsletters and we continue to offer presentations to various audiences, including groups of Access and Privacy Coordinators and senior leadership within public bodies. We have also developed a wide variety of guidance documents to assist public bodies in interpreting the *ATIPPA, 2015*. We send these to Access and Privacy Coordinators by e-mail, discuss them in presentations, summarize them in our newsletter and post them on our website. We also present a regular conference to the entire access and privacy community, including information management and information technology professionals to share best practices and encourage collaboration and knowledge transfer.

2) *Audit*

An important new feature of *ATIPPA, 2015* is our audit function, which provides the OIPC with the broad mandate to audit the practices and procedures of public bodies related to any aspect of how they carry out their role and functions regarding the *ATIPPA, 2015*. To accomplish this we have developed in-house expertise based largely on intensive study of experiences from other jurisdictions, in particular, British Columbia. We have also completed our first audit and initiated a second one. The audit is an important oversight tool because it will allow us to identify compliance risks in such a way as to help public bodies avoid privacy breaches or other non-compliance incidents in the future, and to encourage and support best practices. Information about our audit program is available on our website.

3) *Privacy Impact Assessment (PIA) Review*

This is another new and important feature of *ATIPPA, 2015*. Specific circumstances are prescribed in *ATIPPA, 2015* for when the OIPC is required to review a PIA. Ministers of all departments or branches of executive government are now required to complete a PIA or preliminary PIA in conjunction with the development of programs or services. Public bodies sometimes request that the OIPC review a PIA or preliminary PIA even if not required by law, to assist in satisfying themselves that the program or service is in compliance with the *ATIPPA, 2015*. Information about our PIA expectations is available on our website.

4) *Privacy Breach Reporting*

Yet another new role prescribed by the *ATIPPA, 2015* is a requirement for public bodies to report all privacy breaches to the OIPC. This provides important information to the OIPC about privacy compliance issues, and it helps the OIPC to identify emerging or repeating patterns in privacy breach incidents. This allows us to tailor our approach by choosing timely topics for seminars, newsletters and new guidance documents.

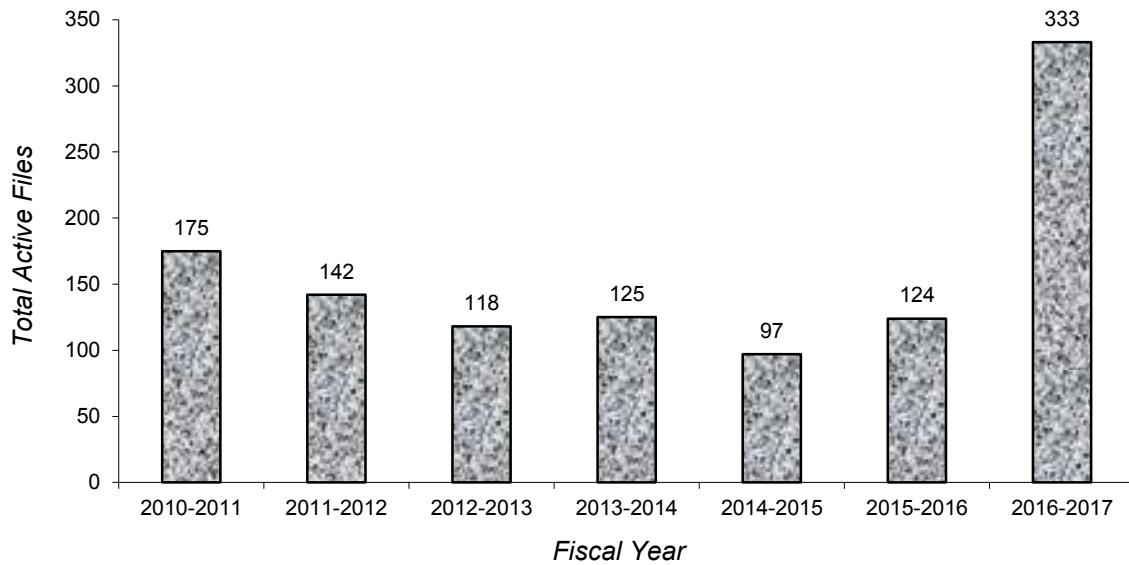
Oversight

The Office oversees compliance by public bodies with *ATIPPA, 2015* and custodians with *PHIA*. The Office has a wide variety of general oversight functions and mandates, which are outlined above under the “Mandate” section. These range from receiving and deciding on requests from public bodies for time extensions to reviewing and commenting on draft legislation where there may be implications for access to information or protection of privacy.

OTHER KEY STATISTICS

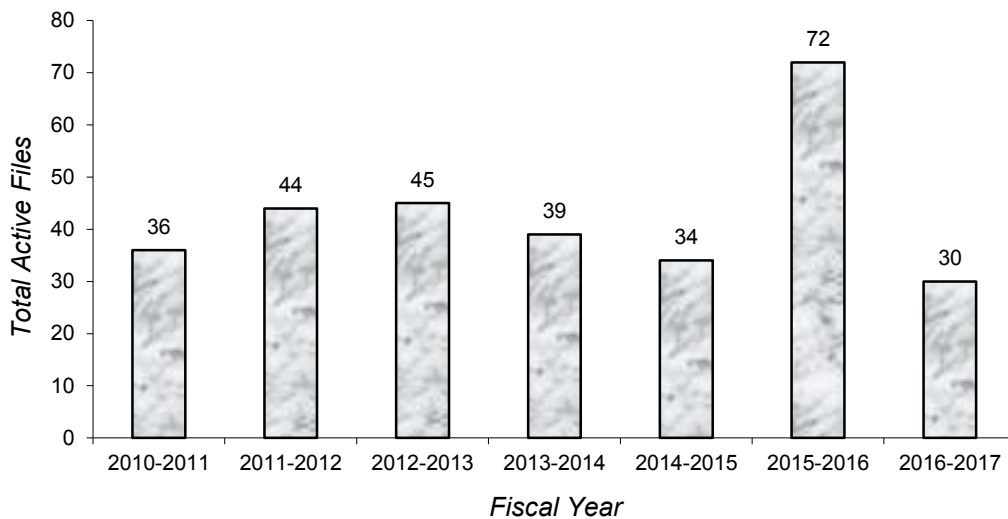
ATIPPA, 2015 Access

In this past year we have experienced an increase in the number of access to information complaints pursuant to the *ATIPPA, 2015*. The number of access requests being filed to public bodies overall has also increased, and it is clear that requesters are becoming more familiar with the legislation and how to use it, along with how to make a complaint if the response is not satisfactory. This number also includes complaints by third parties who have been notified that either their personal information or their business information may be disclosed to an applicant. The Office has a legislated time limit of 65 business days from the date a complaint is received to resolve the matter informally or produce a Commissioner’s Report, a requirement which we not only have been successful in meeting but generally exceeding regarding average time to resolution of complaints.



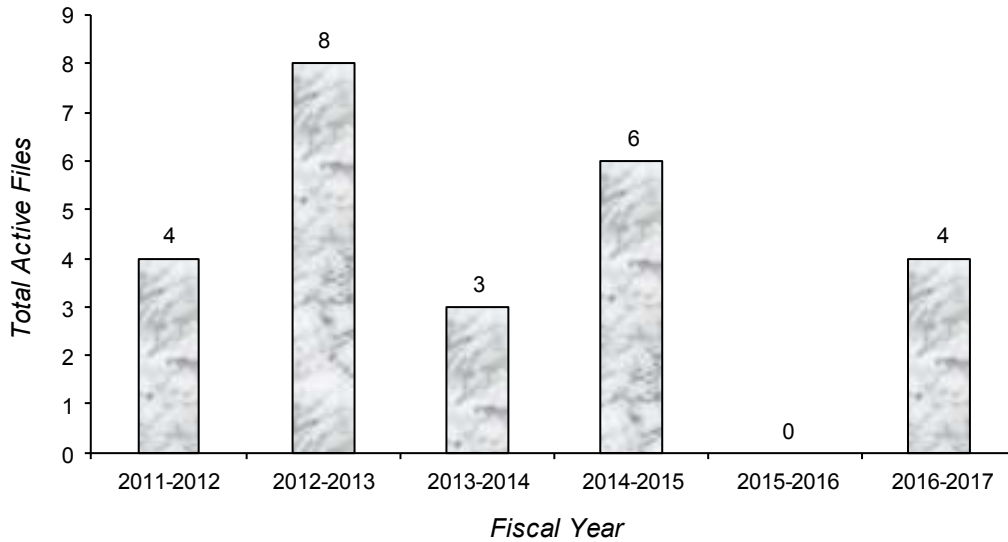
ATIPPA, 2015 Privacy

Privacy breach complaints continue to present a significant challenge for the Office. These investigations are often complex and time consuming. These investigations can require site visits and on rare occasions the engagement of technical experts. OIPC staff continue to build their expertise in privacy investigations in order to meet this challenge, through professional development opportunities and knowledge sharing.



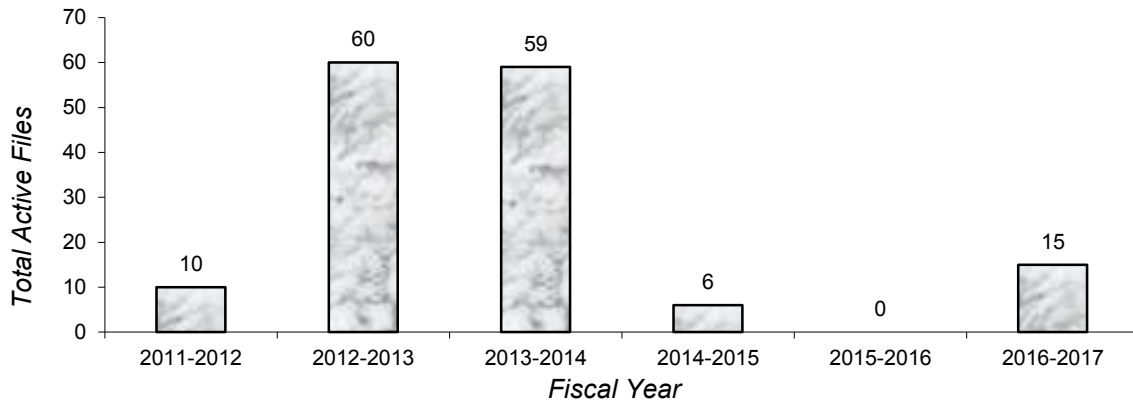
PHIA Access/Corrections Complaints

This is a relatively small part of the investigative workload of the OIPC. As with the other investigative areas, demand fluctuates year to year. In addition to the complaints received this year, we continue to receive a number of inquiries from custodians and members of the public about access to personal health information or correction of personal health information, and more often than not, the information and advice we provide results in the correct application of *PHIA*, thereby reducing the likelihood of complaints.



PHIA Privacy Complaints

As with *ATIPPA*, 2015 privacy investigations, *PHIA* privacy investigations are often very complex and technical. Many investigations require an understanding of electronic health records systems. On two occasions the Office has been involved in investigations leading to prosecutions and convictions under the offence provisions of *PHIA*. Another such prosecution was initiated during this reporting period. These investigations consume considerable staff resources in order to ensure that the necessary evidence is presented to the Attorney General in order to warrant proceeding with a prosecution. This process also involves staff cooperation with the assigned Crown Attorney to ensure that relevant evidence to be presented at trial is identified appropriately and that the Crown Attorney has access to subject matter expertise.



HIGHLIGHTS AND PARTNERSHIPS

As detailed above in our investigation statistics, complaint investigations absorb a significant proportion of our resources each year. During the reporting period, the OIPC was engaged in a number of other activities and events that directly and indirectly contributed to the accomplishment of the various mandates of the Office. A selection of these activities follows.

The Office continues to lead or take part in many presentations, meetings and training sessions. A sample of group presentations and meetings is included below. While by no means exhaustive, it gives a sense of the types of interactions we have had with stakeholders in the past year.

1. Annual meeting/teleconference with the four regional health authorities
2. OIPC staff participated in teleconferences regarding Canada's Digital Interchange Working Group
3. Presented to the ATIPP Community of Practice on the Third Party Business Interests exception on April 19, 2016
4. Gave a general privacy presentation to the RNC Public Complaints Commission
5. Presented to Medical Office Administration students on *PHLA*, October 12, 2016
6. Presented on *PHLA* to Association of Registered Massage Therapists AGM on November 5, 2016.

7. OIPC staff participated with privacy oversight counterparts across Canada in 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
8. OIPC staff member participated as an observer on the Secondary Uses Committee at the Newfoundland and Labrador Centre for Health Information
9. Right to Know Week presentation by Commissioner Molloy at Memorial University's Department of Political Science, September 30, 2016
10. Senior OIPC staff member attended workshop and meetings in Charlottetown with other Atlantic Canadian Commissioners and staff
11. OIPC staff attended International Association of Privacy Professionals networking events, May 26, 2016, January 26, 2017.
12. Meetings with representatives of Sequence Bio to discuss the privacy implications of genetic research
13. In the months following his appointment Commissioner Molloy initiated meetings with an executive leadership of a number of public bodies
14. A number of meetings and teleconferences were held with stakeholders and experts in relation to Open Contracting
15. Commissioner Molloy and Director of Special Projects Sean Murray appeared via videoconference before the Parliamentary Standing Committee on Access to Information, Privacy and Ethics
16. July 6, 2016, OIPC began meeting with OCIO on semi-annual basis in order to establish a more productive working relationship between OCIO as the entity responsible for information technology within government and the OIPC which oversees laws governing the collection, use and disclosure of personal information
17. A number of meetings involving internal staff and external Steering Committee members to plan and present an Access, Privacy, Security and Information Management conference which occurred November 28-30, 2016

The highlight of the previous reporting period was the proclamation of the new legislation *ATIPPA, 2015*. This required the Office to evolve and adapt to new roles and responsibilities as outlined above in the **Mandate** and **Lines of Business** sections, and it required a number of specific actions. The impact of this major shift and expansion in the Commissioner's mandate has been significant,

and in 2016-2017 the Office continued to refine its own processes in order to adapt to these changes.

Building on the work which began following proclamation of the *ATIPPA, 2015*, in this past year we have continued to develop a number of new guidance documents, including PPIA/PIA Review Criteria; Redacting Non-Responsive Information in a Responsive Document; Section 30 – Legal Advice; Section 33 – Information from a Workplace Investigation; Extraordinary Circumstances; Business Interests of a Third Party (revised version); Use of Personal Email Accounts for Public Body Business; Quick Tips for Municipal Councilors; and Reasonable Search.

These guidance documents are very important because of the many challenges faced by public bodies in complying with the *ATIPPA, 2015* within the legislated timelines. Access and Privacy Coordinators need to be able to quickly refer to such resources 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 to access of information and protection of their personal information. Some of these guidelines have been through a second revision because they are intended to be living documents that will be revised in response to case law, legislative changes and other developments. We look forward to adding new guidance documents next year.

An important part of our oversight mandate was fulfilled in commenting on a number of draft bills. In accordance with section 112 of *ATIPPA, 2015* it is a requirement that we be consulted on draft legislation before it is tabled in the House if the bill could have implications for access to information or protection of privacy. This important provision ensures that privacy and access to information are always considered when new laws are being drafted.

Other important advocacy and compliance activities were also undertaken. We reviewed several privacy impact assessments (PIAs), including one submitted by Eastern Health involving the Cancer Care Registry. This PIA was necessary prior to the Cancer Care Registry being formally designated as a registry in the *PHIA* regulations. We completed our first audit under the audit authority granted to this Office under *ATIPPA, 2015*. This was an *Audit of Physical Safeguards in the Pensions Administration and Group Insurance Division of the Human Resource Secretariat (HRS)*, which is available on our website.

Another significant activity of the OIPC this year involved its participation in the review of *PHIA*. It is a legislative requirement that *PHIA* undergo a Review every five years, and the first mandatory

review was launched by the Minister of Health and Community Services on December 20, 2016, to be conducted by a Review Committee chaired by Dr. David Morgan. The Department launched a website to provide information about the review, to solicit input, and to publish all of the stakeholder submissions that were received. The OIPC utilized the input and expertise of its experienced and knowledgeable staff to prepare its formal submission, and supplementary submissions were also filed in response to the input of other stakeholders. These are available at <http://www.phiareviewnl.ca/>

VISION

Our vision is one where public bodies and custodians operate in a fashion that is transparent and accountable to the people, always in consideration of the privacy rights of the citizens of Newfoundland and Labrador.

REPORT ON PERFORMANCE

Issue 1: 2014 *ATIPPA* Legislative Review

The 2014 *ATIPPA* legislative review was completed in March 2015 when the Review Committee presented its report to Government. On June 1, 2015 the *ATIPPA, 2015* came into force, replacing the previous *ATIPPA*. Since that time, the Office of the Information and Privacy Commissioner has been fully engaged in adapting its practices, policies and procedures to the new law, as well as developing guidance tools and public education material, and engaging in many forms of outreach to ensure that the public, public bodies, and other stakeholders are aware of and understand the new law.

<p>Objective 3: By March 31, 2017 the Office of the Information and Privacy Commissioner will have continued action to progress the work of the Office as required pending the result of the <i>ATIPPA</i> legislative review.</p> <p>Measure: Continued action to progress the work of the Office as a result of changes to <i>ATIPPA</i>, 2015.</p>	
<p><i>Planned for 2016-2017</i></p>	<p><i>Actual Performance for 2016-2017</i></p>
<p>Continued to increase our education work by engaging in more outreach to the general public</p>	<ul style="list-style-type: none"> • Launched a revised website, with a specific portal for the public to learn about privacy, access to information, and the Commissioner’s role. • Raised the public profile of the Commissioner through public comments on <i>ATIPPA</i>, 2015 and <i>PHIA</i> issues as well as broader societal privacy issues. • Utilized twitter to promote the work of the OIPC and to raise awareness about privacy and access to information issues locally as well as nationally and internationally.
<p>Continued to increase outreach to public bodies through continued publication of our newsletter.</p>	<ul style="list-style-type: none"> • Continued publication and distribution of our newsletter to public bodies focusing on <i>ATIPPA</i>, 2015, which is also available on our website. • Begun work on a new twice-yearly newsletter exclusively focused on <i>PHIA</i>, for release in spring 2017.
<p>Continued to develop new guidance materials and updated existing guidance materials in order to assist public bodies with legislative compliance.</p>	<p>Guidance Documents and Practice Bulletins:</p> <ul style="list-style-type: none"> • PPIA/PIA Review Criteria issued May 2016 • Redacting Non-Responsive Information in a Responsive Document issued May 11, 2016 • Section 30 – Legal Advice issued August 15, 2016 • Section 33 – Information from a Workplace Investigation issued August 15, 2016 • Extraordinary Circumstances issued October, 2016

	<ul style="list-style-type: none"> • Business Interests of a Third Party (Section 39) – new revision issued December 23, 2016 • Use of Personal Email Accounts for Public Body Business issued June 6, 2016, revised version issued February 2, 2017 • Quick Tips For Municipal Councilors issued March 29, 2017 • Reasonable Search issued March 29, 2017
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Discussion of Results

The *ATIPPA, 2015* has been heralded as one of the best laws of its kind in the world. Since proclamation in June 2015 the challenge has been to implement this law so that it lives up to this billing, and effective oversight of the *Act* is a big part of effective implementation. In the past two years the Office has realigned its resources and refocused its efforts in line with the expanded mandate of the OIPC so that there is a much greater emphasis on outreach, education and proactive oversight rather than simply complaint investigation. The results described above are examples of some of our efforts in this regard. We have received significant positive feedback on these efforts and we intend to build on them in the coming years.

Issue 2: *Personal Health Information Act (PHIA)*

The *Personal Health Information Act* was proclaimed into force on April 1, 2011. There are thousands of custodians responsive to this legislation, both public and private sector. The OIPC is the oversight body legislated to ensure compliance with this legislation. The Office has been very busy based on the demands placed on it as a result. A number of highly technical investigations presented a significant learning curve for the Office. Additionally, a number of privacy breach investigations and subsequent prosecution proceedings also presented considerable challenges during the past several years resulting in priority changes impacting the work place of the Office.

Objective 3: By March 31, 2017 the Office of the Information and Privacy Commissioner will have completed its *PHIA* policy and procedures manual.

Measure: Completed work on the *PHIA* policy and procedures manual.

<i>Planned</i>	<i>Actual Results</i>
Will have completed the <i>PHLA</i> policy and procedures manual.	Completed and signed off in May 2016.
Will have updated the <i>PHLA</i> policy and procedures manual if necessary as a result of the mandatory five year review of <i>PHLA</i> in 2016-2017.	Updated November 22, 2016.

Discussion of Results

Even though the planned results were achieved, this Manual must always be viewed as a living document which must be updated from time to time. The update that occurred in November 2016 was in fact an improved version, but it was not initiated as a result of the mandatory five year review of *PHLA*, as anticipated in the 2014-2017 Activity Plan. That legislative review was only announced by the Minister on December 20, 2016, and the review process had not concluded by the end of this reporting period, so it was not possible to incorporate any considerations resulting from that review into our Manual.

Issue 3: Public Education

The access provisions of *ATIPPA* were proclaimed in 2005 and the privacy provisions in January 2008. *PHLA* was proclaimed into force on April 1, 2011. The Department of Justice was initially responsible for the administration of *ATIPPA* and in 2013 that function was transferred to the Office of Public Engagement (OPE). The Department of Health and Community Services (HCS) is responsible for the administration of *PHLA*. As part of the roll-out for both the *ATIPPA* and *PHLA* both responsible organizations undertook extensive education and training initiatives. For *ATIPPA*, the OPE conducted training programs aimed at public bodies. In addition, a comprehensive policy and procedures manual was prepared and distributed to public bodies responsive to the legislation. Likewise, for *PHLA*, the HCS created a number of tools and resources to assist custodians in becoming *PHLA* compliant, as well as developed resources for custodians to educate themselves and train their staff.

This Office has been very supportive of these education and awareness programs and encourages both responsible organizations to continue their initiatives in this regard and to conduct program reviews and where necessary, upgrade their training programs as well as their policy and procedures manuals and resources.

The OIPC takes its responsibilities to educate the public about the *ATIPPA* and *PHLA* very seriously. Significant resources and effort have been invested by our Office to ensure, to the extent possible, that the Province have received appropriate, necessary and timely information on the *ATIPPA* and *PHLA*.

Objective 3: By March 31, 2017, the Office of the Information and Privacy Commissioner will have continued to accomplish its public education mandate and will have identified further locations/opportunities/organizations to be targeted for educational purposes.

Measure: Continued to conduct briefings/meetings and presentations in various locations throughout Newfoundland and Labrador.

<i>Planned</i>	<i>Actual Results</i>
Will have hosted a Conference for public bodies, custodians and other stakeholders of <i>PHLA</i> and <i>ATIPPA, 2015</i> .	A two-day conference plus workshops was presented by the OIPC and held at Memorial University's Faculty of Medicine from November 28 to 30 for public bodies, custodians and other stakeholders.
Will have continued to conduct presentations to any interested organizations, including schools, professional bodies, and community groups, about access and privacy issues and the law, and about the role of the OIPC.	We have continued to offer presentations to a wide variety of public organizations about access and privacy issues and the law, and about the role of the OIPC. These include a Right to Know Week presentation at Memorial University, a presentation to the Association of Registered Massage Therapists, and to a group of Medical Office Administration students.
Will have continued to offer presentations and training to public bodies and custodians about their roles and responsibilities under <i>ATIPPA, 2015</i> and <i>PHLA</i> .	We have continued to offer presentations and training to public bodies and custodians about their roles and responsibilities under <i>ATIPPA, 2015</i> and <i>PHLA</i> . These include a presentation to the ATIPP Community of Practice on applying the Third Party Business exception, a presentation on privacy to the RNC Public Complaints Commission, and presentations to public bodies about Open Contracting.

Discussion of Results

We are pleased to have been able to achieve these results. We look forward to continuing to offer presentations to interested parties including schools, professional bodies and community groups as part of our public education mandate. The same can be said of our outreach efforts to stakeholder groups including public bodies subject to *ATIPPA, 2015* and custodians subject to *PHLA*. Perhaps our biggest new accomplishment, however, was our conference. There were 246 registrants representing access to information, privacy, security and information management professionals, as well as public policy experts, students, researchers and health care professionals. This was the first time a major conference was presented by the OIPC without the aid of a professional conference management company, thus enabling us, with the support of our partners and with the cooperation of Memorial University's Faculty of Medicine in providing the venue, to present a conference that was free of charge to all attendees.

OPPORTUNITIES AND CHALLENGES

The enactment of *ATIPPA, 2015* on June 1, 2015 heralded new challenges for this Office. This development significantly changed and expanded our oversight function, as well as emphasizing the education and other functions of this Office. Furthermore, the new *Act* has resulted in an increase in the number and complexity of access requests, and more access to information complaints have been received by the Office. Beyond dealing with access to information complaints, we are now routinely dealing with applications for time extensions, applications to disregard requests and similar matters. As this reporting period ends we are a few months shy of completing our second year operating under the new legislative regime and new oversight model. While there have been many successes, there have also been many challenges as we continue to adapt. Overall, the impact of the new *ATIPPA, 2015* has been a positive one for the people of the Province.

One outcome that we are striving towards is a reduction in the number of complaints filed with this Office. It is our hope that through the proactive oversight efforts described above, such as the production of detailed guidance documents, education and outreach activities such as our newsletters and conference, use of our audit and PIA review mandate, and in continuing to advocate for proactive disclosure, that our oversight role will be rebalanced into an equal measure of investigations and advocacy/compliance. This will serve the public better, and will be a better use of public resources.

During this reporting period the mandatory five year legislative review of *PHIA* was begun. This involved significant use of OIPC resources to study comparable legislation across Canada and to review and consider some of the many challenges that have been faced by custodians of personal health information in administering *PHIA*, as well as those of this Office in attempting to effectively oversee compliance with it, and the general public in attempting to avail of the rights granted under it. Through ongoing dialogue flowing from this process, we continued to build on the very strong and positive working relationships developed between the OIPC and various *PHIA* stakeholders, such as the Department of Health and Community Services officials, the Newfoundland and Labrador Centre for Health Information, the Health Research Ethics Authority, and the four Regional Health Authorities. In the upcoming reporting period we look forward to receiving the Report of the Review Committee and working with officials of the Department of Health and

Community Services and other stakeholders to hopefully see the implementation of positive changes in PHLA.

FINANCIAL STATEMENT

Expenditure and revenue figures included in this document are based on public information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for fiscal year ending March 31, 2017 (un-audited).

	<u>Actual</u> \$	<u>Estimates</u> <u>Amended</u> \$	<u>Original</u> \$
OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER			
Current			
6.1.01. Office of the Information and Privacy Commissioner			
01. Salaries	1,044,527	1,076,800	1,116,800
02. Employee Benefits	3,999	6,500	6,500
03. Transportation & Communications	24,009	24,100	24,100
04. Supplies	6,540	7,700	7,700
05. Professional Services	29,912	50,000	50,000
06. Purchased Services	118,622	125,800	131,100
07. Property, Furnishings & Equipment.	6,297	6,300	1,000
	<u>1,233,006</u>	<u>1,297,200</u>	<u>1,337,200</u>
02. Revenue – Provincial			
Total: Office of the Information and Privacy Commissioner	<u>1,233,006</u>	<u>1,297,200</u>	<u>1,337,200</u>

Note: Audited financial information will be included in the Annual Report to be tabled by the Speaker during the next sitting of the House. The Office of the Information and Privacy Commissioner does not have a requirement for a separate individual audited statement.