



Submit feedback for the new Access to Information and Protection of Privacy (ATIPP) Act

We are committed to openness and increasing the amount of information available to the public. We want to deliver client-focused service to Yukoners, while protecting their right to privacy. We are creating a new, more modern ATIPP Act to deliver on these commitments, based on the existing core principles of transparency, protection of privacy and accountability.

In summer 2016, we asked you about your awareness of the ATIPP Act, and for your experiences with accessing information. We also asked you for your input on developing changes to the Act.

As part of that survey, you said the top three most important things to you about accessing government information are that:

- 1) The government demonstrates transparency.
- 2) There is a clear process for making a request.
- 3) The government publishes some information without making people ask for it.

You also told us how important protection of privacy and service delivery are to you. We are proposing changes to strengthen your privacy rights and keep your information safer. The changes will also help us to eventually improve your access to government services.

Along with your feedback, development of the new Act was guided by the Information and Privacy Commissioner's review of the Act, Yukon government staff experiences, and legislation in other jurisdictions.

We want to make sure we got the new Act right. The proposed changes are presented in nine questions split out into three sections as they relate to the core principles. The entire survey should take between 15 to 20 minutes to complete. The survey allows you to answer, or choose to not comment by saying no preference, for each question.

Learn about what we are proposing, and why, and tell us your thoughts.

Your responses and comments are collected under the authority of the *Statistics Act*. Yukon Bureau of Statistics will compile and summarize your responses and comments with those of other respondents to analyze and report. Individual responses will not be identified in any reports or associated materials. Anonymized responses will be shared with select staff of the Department of Highways and Public Works (HPW) including the ATIPP office.

If you have any concerns about the survey, please call the Yukon Bureau of Statistics at 867-667-5640. If you have any questions about the review process or prefer to provide your feedback on a paper form, please contact HPW at atippreview@gov.yk.ca or 867-667-5128 or toll-free at 1-800-661-0408, ext. 5128.

Principle: Transparency

1. Required proactive publication of certain or specified types/categories of information

CURRENT – We create a lot of government program information that is of interest to Yukoners. While the Act does not prevent proactive publication of this information, there is no explicit requirement to do so. There is also the challenge of where and how to make information available in a way that is useful and organized. As a result, information of interest to the public that could be released is not generally made available unless someone submits an access to information request.

PROPOSED CHANGE – We want to make more program information available to you. Public bodies will now have to publish certain types of information (e.g., reports, data sets, statistics, annual reports of expenses, etc.), without an access to information request. A future regulation will prescribe the exact categories and timing for release. Published information will be easy to find and search through.

WHY – We aim to improve government transparency and reduce 'red tape'. This change will make more information available, without having to submit an access to information request.

*1a. Do you agree with this proposed change?

- Yes
- No
- No preference

1b. If no, why? What do you think we should change?

1c. What types of information would you like us to consider publishing?

2. Clarifying access to information exceptions

CURRENT - Exceptions to access define what information public bodies cannot, or may not, release in response to a request. As legal interpretations are often required to determine when exceptions apply, language in the Act could be more clear.

The access exceptions include information that: is personal about other people; could cause a person, business, or a public body to make or lose money; could be a threat to public safety; could interfere with law enforcement, is Cabinet confidence and/or policy advice. Cabinet confidence includes information related to discussions and deliberations of Cabinet Ministers at Cabinet meetings or between Cabinet Ministers.

PROPOSED CHANGE – Repeal the changes made to the ATIPP Act in 2012 that broadly expanded exceptions and made less information available. Reduce the time frame for protecting Cabinet confidence and policy advice from 15 years to 10 years.

WHY – Government can more effectively and consistently apply exceptions to access. This means that the right information will be released.

*2a. Do you agree with this proposed change?

- Yes
- No
- No preference

2b. If no, why? What do you think we should change?

3. Access to Information Fees

CURRENT – Access to information request fees are based on an hourly rate for the amount of staff time spent searching for and preparing records, as well as the number of pages found. This can contribute to inconsistent estimates across departments that may not reflect costs in the most effective manner. No fee is generally charged for access to information requests for personal information.

PROPOSED CHANGE – To reduce costs for applicants, access to information request fees, including any estimates, will be based on an hourly rate set in regulation and will no longer charge for pages. The regulation will also include updated criteria for waiving fees. There will also be clear guidelines that describe how to prepare estimates and charge fees. There will continue to be no fees for personal information requests generally.

WHY - The new approach to charging fees should make access to information requests more affordable, consistent and allow for easier access to information.

*3a. Do you agree with this proposed change?

- Yes
- No
- No preference

3b. If no, why? What do you think we should change?

Principle: Protection of Privacy

4. Increasing privacy rights and responsibilities

CURRENT – The Act is designed for a paper-based model of collecting, using, disclosing and protecting personal information. While Yukoners' privacy is protected through our corporate privacy management policy, we want to do better. We need to continue to address risks associated with electronic information management and clarify requirements for protecting personal information. We want to apply privacy practices across public bodies in a consistent way.

PROPOSED CHANGE – We aim to strengthen privacy management. All programs and services going forward will use [Privacy by Design](#) principles. This means we will build privacy and data protection into our programs and services, instead of treating it as an after thought. For example, privacy impact assessments (PIAs) will be required before we create new programs, systems or activities. Mandatory privacy breach reporting will also be introduced. Yukon government will have to notify affected individuals if there is a privacy breach, as well as the Office of the Information and Privacy Commissioner.

WHY - The proposed changes will strengthen the protection of Yukoners' personal information. These changes facilitate innovation while also ensuring there are adequate protections in place to protect privacy rights.

The 2016 ATIPP Act public survey asked respondents to rank 10 principles ([excerpt from 2016 ATIPP Act review report](#)) commonly accepted as essential to protecting privacy and providing access to personal information.

We are ensuring that these 10 principles are maintained or incorporated into the new Act.

*4a. Do you agree with this proposed change?

- Yes
- No
- No preference

4b. If no, why? What do you think we should change?

5. Client-controlled sharing of personal information

CURRENT – Personal information such as your name, address, email address, phone number and date of birth are used to identify and provide services to you. Each government program or service you access retains this type of information separately. This means that for every program or service you access, government holds a separate version of your personal information. This is because personal information collected by each program is intended for a specific purpose. The Act limits using or disclosing personal information for any reason other than the intended purpose stated when it was collected. This prevents efficient service delivery as updated and identical information cannot be shared in a controlled manner.

PROPOSED CHANGE – The new Act will enable client-controlled sharing of personal information with strict controls. In the future, you will be able to conduct more government business online by providing your information once. We will provide you with an easier way to update your contact information with the government services you receive. If you prefer to update your information with each government service provider, you can continue to do so.

WHY – Allowing individuals to control how their information is shared, and to only have to tell government once about any changes or updates, will improve service delivery while still protecting privacy. The ability to share necessary personal information across public bodies was generally supported by those who participated in the 2016 public engagement.

*5a. Do you agree with this proposed change?

- Yes
- No
- No preference

5b. If no, why? What do you think we should change?

6. Integrated program services - enabling the sharing of information and collaboration between public bodies and partner agencies on needed services

CURRENT – There are specific situations that involve multiple government service providers, partner agencies and/or local authorities. Quite often, but not always, it is for situations related to the care and support of children, youth, adults and families. In these situations, it would be beneficial to share personal information with the various service providers in order to enhance and more effectively deliver services to our clients. In other jurisdictions, service providers can share information and gradually escalate how much identifiable information is shared to offer combined services. The current Act does not allow for this type of approach even though it has been shown to improve outcomes in other jurisdictions.

PROPOSED CHANGE – Well-defined, vetted and controlled programs will be permitted to share sensitive information for collaborative, client-focused service delivery. The programs will be prescribed in regulation to ensure transparency and oversight of these new abilities.

WHY – Allowing collaborative programs would improve coordinated, seamless service delivery for clients, which should improve outcomes over time.

***6a. Do you agree with this proposed change?**

- Yes
- No
- No preference

6b. If no, why? What do you think we should change?

Principle: Accountability

7. Rethinking the role of the Records Manager in the ATIPP office

CURRENT – The Records Manager manages the process for access to information requests, but does not provide oversight on the content of what is being released or the application of the Act.

PROPOSED CHANGE – The Records Manager role will evolve into the role of Access and Privacy Officer to provide better internal oversight and consistency in the application of the Act. The Access and Privacy Officer will review access request responses and fee estimates, and provide written advice to public bodies on the application of access as well as privacy requirements. The Access and Privacy Officer could decline to act on requests that are overly broad, that would unreasonably interfere with government operations, or that are made in bad faith. The decision can be reviewed, and subsequently overturned, by the Information and Privacy Commissioner. The Access and Privacy Officer will be empowered to write protocols on access and privacy issues that public bodies must adhere to when administering the Act.

WHY – A centralized oversight position will ensure consistency in the application of the Act and improve the quality of service government provides.

*7a. Do you agree with this proposed change?

- Yes
- No
- No preference

7b. If no, why? What do you think we should change?

8. The Office of the Information and Privacy Commissioner (IPC)

CURRENT – The Office of the IPC provides an arms-length oversight for Yukoners. It is an independent body that reviews government decisions regarding access to information requests and the use of personal information. The IPC informs the public about the Act and receives comments and complaints from the public regarding the administration of the Act. The IPC also conducts investigations, comments on the implications to privacy of government proposals and makes recommendations (not binding orders) to public bodies. The current model is reactive and is complaint-driven.

PROPOSED CHANGE – We will expand the role of the IPC. In addition to the current powers of the office of the IPC, it will be able to initiate an investigation of a public body's handling of access requests or personal information on its own initiative. Other powers include the ability to delegate specific powers to another person and mandatory privacy breach reporting by public bodies to the IPC.

WHY – Providing the IPC with the powers above will afford a better suite of tools to effectively achieve its mandate under the Act. Also, it will serve for a more proactive model.

*8a. Do you agree with this proposed change?

- Yes
- No
- No preference

8b. If no, why? What do you think we should change?

9. Definition of Public Bodies - Scope of the Act

CURRENT - The Act provides a broad definition of a public body. This has led to questions about which bodies are subject to the Act. Public bodies currently covered by the Act are:

- Each department, secretariat or other similar executive agency of the Government of Yukon; and
- The following designated public bodies:
 - Child and Youth Advocate
 - Yukon College
 - Yukon Development Corporation
 - Yukon Energy Corporation
 - Yukon Hospital Corporation
 - Yukon Liquor Corporation
 - Yukon Lottery Commission
 - Yukon Workers' Compensation Health and Safety Board
 - A designated agency under the *Adult Protection and Decision Making Act*
 - First Nation service authority designated under the *Child and Family Services Act*
 - Each board, commission, foundation, corporation or other similar agency established or incorporated as an agent of the Government of Yukon

PROPOSED CHANGE – We want to have a precise and clear definition of public bodies and establish criteria to ensure consistent application for determining which entities are subject to the Act. A future regulation will list public bodies to ensure clarity. The following public bodies will be clearly set out under the regulation:

1. Each office of a minister together with the department, corporation, commission, directorate or office that the Minister is responsible for; and
2. Statutory bodies that Cabinet designates to be public bodies on a principled analysis. This will include bodies such as the Yukon College and the Yukon Hospital Corporation and some boards and committees.

We will work with all public bodies to ensure that they can meet these responsibilities.

WHY – Clarifying the scope of who the Act applies to is meant to ensure that bodies who serve public functions, and which gather and hold personal information, are held to the same standards for protecting and providing access to information.

*9a. Do you agree with this proposed change?

- Yes
- No
- No preference

9b. If no, why? What do you think we should change?

10. If you have any additional comments to share about the proposed changes in the new Act, please provide them in the box below.

Demographics

***11. Are you a Yukon resident?**

- Yes
- No

***12. Do you identify as...**

- Male
- Female
- Other
- Prefer not to say

***13. Which age group do you belong to?**

- Under 18 years old
- 18-29 years old
- 30-39 years old
- 40-49 years old
- 50-59 years old
- 60 years old or more
- Prefer not to say

***14. Did you participate in the previous Access to Information and Protection of Privacy (ATIPP) Act Review Survey in June or July 2016?**

- Yes
- No
- Don't know
- Prefer not to say

Thank you for taking the survey.