

Statutory Review of the *Access to Information and Protection of Privacy Act*

Terms of Reference

The *Access to Information and Protection of Privacy Act*, SNL2002, c. A-1.1 (ATIPPA) came into force on January 17, 2005, with the exception of Part IV (Protection of Privacy) which was subsequently proclaimed on January 16, 2008. Pursuant to section 74 of the ATIPPA, the Minister Responsible for the Office of Public Engagement is required to refer the legislation to a committee for a review after the expiration of not more than five years after its coming into force and every five years thereafter. The first legislative review of ATIPPA commenced in 2010 and resulted in amendments that came into force on June 27, 2012. The current review constitutes the second statutory review of this legislation.

1. Overview

The Committee will complete an independent, comprehensive review of the *Access to Information and Protection of Privacy Act*, including amendments made as a result of Bill 29, and provide recommendations arising from the review to the Minister Responsible for the Office of Public Engagement (the Minister), Government of Newfoundland and Labrador. This review will be conducted in an open, transparent and respectful manner and will engage citizens and stakeholders in a meaningful way. Protection of personal privacy will be assured.

2. Scope of the Work

2.1 The Committee will conduct a comprehensive review of the provisions and operations of the Act which will include, but not be limited to, the following:

- Identification of ways to make the Act more user friendly so that it is well understood by those who use it and can be interpreted and applied consistently;
- Assessment of the “Right of Access” (Part II) and “Exceptions to Access” provisions (Part III) to determine whether these provisions support the purpose and intent of the legislation or whether changes to these provisions should be considered;
- Examination of the provisions regarding “Reviews and Complaints” (Part V) including the powers and duties of the Information and Privacy Commissioner, to assess whether adequate measures exist for review of decisions and complaints independent of heads of public bodies;
- Time limits for responses to access to information requests and whether current requirements are appropriate;
- Whether there are any additional uses or disclosures of personal information that should be permitted under the Act or issues related to protection of privacy (Part IV); and
- Whether the current ATIPPA Fee Schedule is appropriate.

2.2 Consideration of standards and leading practices in other jurisdictions:

- The Committee will conduct an examination of leading international and Canadian practices, legislation and academic literature related to access to information and protection of privacy legislative frameworks and identify opportunities and challenges experienced by other jurisdictions;
- The Committee will specifically consult with the Information and Privacy Commissioner for Newfoundland and Labrador regarding any concerns of the Commissioner with existing

legislative provisions, and the Commissioner's views as to key issues and leading practices in access to information and protection of privacy laws.

3. Committee processes

- 3.1** For the purpose of receiving representations from individuals and stakeholders, the Committee may hold such hearings in such places and at such times as the Committee deems necessary to hear representations from those persons or entities who, in response to invitations published by the Committee, indicate in writing a desire to make a representation to the Committee, and make such other arrangements as the Committee deems necessary to ensure that it will have all of the information necessary for it to fully respond to the requirements of these terms of reference.
- 3.2** The Committee may arrange for such accommodation, administrative assistance, legal and other assistance as the Committee deems necessary for the proper conduct of the review.

4. Final Committee Report and Recommendations

The Committee will prepare a final report for submission to the Minister. The report will include:

- an executive summary;
- a summary of the research and analysis of the legislative provisions and leading practices in other jurisdictions;
- a detailed summary of the public consultation process including aggregate information regarding types and numbers of participants, issues and concerns, emerging themes, and recommendations brought forward by citizens and stakeholders; and
- detailed findings and recommendations, including proposed legislative amendments, for the Minister's consideration.