

On several occasions, the job competition has closed unsuccessfully due to no applicants. The Deputy Minister of Human Resources on several occasions has reached out to other departments to see if their experienced ATIPP Coordinators would be interested in relief work as an ATIPP Coordinator for the Department of Human Resources. Unfortunately, we had no uptake, as most departments are struggling to fill their own vacancies.

Paragraph **47** of the Review Report:

While “backlog” may not be one of the five acceptable reasons under section 11(1) of ATIPP Act, capacity and staff turnover challenges are a reality for the Department of Human Resources and the whole of the Government of Nunavut (GN). This must be considered. The impact of these challenges on compliance with the current legislation and the timely service delivery needs to be factored in. The 25 days’ deadline in the legislation has proven to be unrealistic given that the Department of Human Resources is operating at around 63 per cent capacity and the Government of Nunavut at 65 per cent capacity. The challenges in increasing capacity in GN are complex and this reality should perhaps be factored into the legislation as well as the administration of the ATIPP function.

It is not the intention of the Department of Human Resources to under-resource its ATIPP function. The shortage of experienced ATIPP Coordinators is a reality. The Department of Human Resources has been working with the Territorial ATIPP Manager to assist with training of the current HR ATIPP Coordinator. As noted in the report, it takes a great deal of time to learn and gain ATIPP experience. As stated earlier, the backlog is also due to capacity issues. For example, employees who would have the requested information may have left their employment or are on leave and it may take several weeks to obtain the requested information from covering staff. In some cases, the ATIPP Coordinator has no other choice but to wait for the returning employees to receive the requested information. Waiting to get access to archived electronic and/or physical records is also challenge in meeting the legislation deadline.

The ATIPP function does not operate in isolation. It needs the support from other functions of the department and given that those functions also have deadlines to be met, it is not realistic to expect that the requested information will be timely/readily provided to the ATIPP Coordinator. There needs to be a balance of departmental operational requirements and expectations. With the department operating at 63 per cent capacity, it means the current employees are already carrying an extra load to cover for the 37 per cent vacancy rate. The COVID-19 pandemic with working from home, between December 2021 and March 2022, has also impacted the timely processing of this file and others. Poor and slow internet connectivity when working remotely is a reality and challenge in the territory, which also impacts legislation deadline.

Paragraph **48** of the Review Report:

The Department of Human Resources requested the Territorial ATIPP Manager to help with training the current HR ATIPP Coordinator. Human Resources management decided on tackling the backlog in chronological order, based on the date a request was received, since all cases have deadlines. The law does not provide for triaging of requests, all clients equal, hence first in, first out approach. The Department of Human Resources continues to look for additional help to the ATIPP Coordinator and other feasible ways of helping eliminate the backlog. We note the chronological order may not always work, and we are considering other alternate ways to handle files. We are speaking to our internal departments on best practices on how to manage workload and the triaging of files.

Paragraph **49** of the Review Report:

As stated earlier, on several occasions the Department of Human Resources has reached out to other departments to see if their experienced ATIPP Coordinators may be interested to do relief work as ATIPP Coordinators for the Department of Human Resources. However, as noted, there has been no uptake. The one relief individual who had accepted ended up going on leave soon after they had started to help with the backlog. The Department of Human Resources made arrangements with the Department of Executive and Intergovernmental Affairs to have the new HR ATIPP Coordinator work closely under the guidance and training of the Territorial ATIPP Manager, as part of resourcing and supporting them in the role. We are considering the sourcing out of the ATIPP functions to outside contractors and will work with your office on possible recommendations on contractors.

Paragraph **50** of the Review Report:

The Department of Human Resources has been trying to staff its ATIPP function through the GN's staffing process. However, we have been unsuccessful in applicants applying. We note there may be other factors such as lack of staff housing and compensation that figure into the receipt of qualified applicants. We also note that there is a shortage of the ATIPP skill set within Nunavut, which can be considered as an exceptional circumstance. Our intention is not to make excuses when it comes to the Law Section of the ATIPP Act. We are trying to point out the reality of attracting experienced individuals to technical and skill-set positions. While hiring and training someone without prior experience speaks to our commitment, the Department of Human Resources is trying to be compliant with the law. As for the suggestion to consider contracting out an ATIPP specialist, the Department of Human Resources will look into the feasibility of this suggestion. It needs to be discussed and explored holistically at organizational level.

Paragraph **57** of the Review Report:

The ATIPP Coordinator started the search of records on January 12, 2022. The gap between January and March was a result of waiting for information, which was exacerbated by staff turnover in the Employee Relations Division as well as the working from home period (December 2021 to March 2022), due to COVID-19.

Paragraph **71** of the Review Report:

The Human Resources ATIPP Coordinator did not request for records from the Department of Health. The Human Resources ATIPP Coordinator only responded to Health's follow-up on the status of the file.

Paragraphs **81** to **83** of the Review Report:

As for the observation that the ATIPP function is broken and needs changes either to the legislation or to ATIPP administration, this is part of a larger conversation between the Information and Privacy Commissioner's office and The Department of Executive and Intergovernmental Affairs. We have started conversations internally on how to centralize the ATIPP function to better address the concerns and recommendations on a whole GN approach to ATIPP.

Recommendation **86**:

The Department of Human Resources accepts the recommendation.

Recommendation **87**:

I would like to assure you that the Department of Human Resources is committed:

- to provide ongoing training, support, and resources to the ATIPP Coordinator to do their job effectively and efficiently with a focus on compliance with the law and better client service.
- to continue working with the Manager of ATIPP in the Department of Executive and Intergovernmental Affairs to ensure that ATIPP resources are available to the Human Resources ATIPP Coordinator and that these resources are kept up-to-date, comprehensive, and easily accessible.
- to continue exploring ways of getting additional help to process and clear the backlog and ensure ATIPP requests are processed in a timely manner.

The Department of Human Resources recognizes we have a long way to go with respect to the compliance of ATIPP requests. However, we take your recommendations and will continue to work within our limitations to comply with ATIPP administration.

Regards,



Hon. Margaret Nakashuk
Minister of Human Resources

c.c.

Les Hickey, Deputy Minister, Human Resources