

intention to make excuses when it comes to complying with the set deadlines in ATIPP Act. We are trying to point out the reality of attracting experienced individuals to technical and skill-set positions. By hiring and training someone without prior experience speaks to the commitment the Department of Human Resources is showing in 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.

Even though backlog may not be one of the five acceptable excuses 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) and have to 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 the fact 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.

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 has 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.

It is not the intention of the Department of Human Resources to ignore legislated deadlines and make up its own processing rules. The shortage of experienced ATIPP Coordinators willing to do relief work for my department as part of addressing the backlog, 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. It takes a great deal of time to learn and gain ATIPP experience. As stated earlier, the backlog is also due to turnover 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. In this case, the HR ATIPP Coordinator had initiated discussions on the possibility of transferring in whole or part to the Department of Education as well as getting requested information, but those discussions and requests halted due to the contacts at Education being on leave and we are still waiting for their return.

The Department of Human Resources has 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 for the ATIPP Coordinator and other feasible ways of helping eliminate the backlog. We note the chronological order may not work at times, and we are considering other alternate way to handle files. We are speaking to our internal departments on best practices on how to manage workload and the triaging of files. We are also considering the sourcing out of the ATIPP functions to outside contractors and will work with your office on possible recommendations on contractors.

As for the observation that the ATIPP problems are chronic and will continue unless changes are made, either to the legislation or to ATIPP administration or both, is a part of a larger conversation between the Information and Privacy Commissioner's office and the Department of Executive & 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 27:

The Department of Human Resources accepts the recommendation.

Recommendation 28:

The Department of Human Resources accepts your recommendation and will continue to explore other feasible ways of reducing the backlog within its capacity, given the reality of the existing limitations to complying with ATIPPA set deadline.

Sincerely,

A handwritten signature in blue ink, appearing to read "M Nakashuk".

Hon. Margaret Nakashuk
Minister of Human Resources

c.c.
Les Hickey, Deputy Minister, Human Resources