



October 7, 2024

Mr. Graham Steele  
Information and Privacy Commissioner  
Office of the Information and Privacy Commissioner of Nunavut  
PO Box 1000, Station #270  
Iqaluit, Nunavut X0A 0H0  
Email: [admin@atipp-nu.ca](mailto:admin@atipp-nu.ca)

RE: Review Report: 24-275-RR  
Nunavut Information and Privacy Commissioner File: 24-179  
GN File: 1029-20-2425DH2362

Dear Commissioner,

Thank you for your letter dated September 7, 2024, and the accompanied Review Report 24-275-RR.

The Department of Health (Health) is declining your recommendations to release the records in full for the following reasons:

- The applicant was not a Government of Nunavut employee. They were retained as a contractor through a contract with a nursing agency, which means the GN has a direct contractual relationship with the Nursing Agency only and not with the individual nurses of whom the agency deploys.
- The GN's relationship with agency nurses is not an employment relationship and it is not governed by the *Public Service Act*, Regulations, and Directives.
- The GN's contracts with nursing agencies permit the GN to request the replacement of any contract nurse who, in the reasonable discretion of the GN, is deemed to be unsuitable.
- The exemptions in section 25.1 did not apply in this request because the applicant was not an employee. Decisions respecting the applicant were a contract management matter between the GN managers responsible for managing the nursing agency contract, the program managers where the nurse was assigned and the nursing agency in which the GN has a contractual relationship.
- The "Do Not Hire" list is not applicable in this situation because the applicant has never been a GN employee. The applicant is not restricted from seeking employment with the GN.

