

∆ocn≥6dc
Department of Family Services
Inulirijikkut
Ministère des services à la famille

September 23, 2025

Sent via Email: admin@atipp-nu.ca

Graham Steele Information and Privacy Commissioner Office of the Information and Privacy Commissioner Government of Nunavut

Dear Commissioner Steele,

Re: Review Report – Privacy Complaint from RCYO

GN File: 1029-30-2425FS0441 - NUIPC File: 25-116

Thank you for your final report, *Review Report 25-290-RR*, dated June 25, 2025, regarding the privacy complaint submitted by the Representative for Children and Youth. I appreciate the diligence and care with which you examined this matter, and your commitment to upholding the principles of confidentiality in child protection.

While I fully recognize the importance of safeguarding personal information and ensuring compliance with the *Child and Family Services Act* (CFSA), I must respectfully express disagreement with certain aspects of your interpretation and conclusions.

Your reading of section 71(2)(f)—which excludes the Assistant Deputy Minister (ADM) of Family Wellness from authorized access to child protection files—raises significant concerns. This interpretation does not adequately consider the broader context of section 71(2), particularly subsections (h), (i), (j), and (k), which permit disclosure under specific circumstances, such as when necessary to protect a child, provide care or education, or when the Minister determines that the benefits of disclosure outweigh the privacy implications.

In particular, subsection 71(2)(j) allows for disclosure "where, in the opinion of the Minister, the benefit of the release of the information would clearly outweigh any invasion of privacy." The ADM's oversight responsibilities in ensuring the integrity and effectiveness of child protection services meet this threshold—especially in light of the systemic challenges facing the sector.

Your interpretation of "Minister" in section 71(2)(f) appears to exclude the application of section 33 of the *Legislation Act*, which provides for the delegation of ministerial



A.o.c.∩. Abd<sup>c</sup>
Department of Family Services
Inulirijikkut
Ministère des services à la famille

authority to appropriate departmental staff. A narrow reading of this provision could have unintended consequences across other statutes—such as the *Mental Health Act* and *Public Service Act*—where similar language is used. It also introduces ambiguity regarding the consistent interpretation of "Minister" throughout the CFSA, potentially undermining legislative coherence.

The conclusion in paragraph 64—that only those explicitly listed in section 71(2)(f) may access child protection files—could be interpreted as excluding essential departmental roles such as Case Aides, Family Resource Workers, Clerk Interpreters, Client Liaison Officers, and Receptionists. These staff members play a critical role in service delivery and often require access to files to perform their duties effectively. Overlooking the other subsections of 71(2) risks creating operational barriers and confusion that could impede service delivery and compromise child safety.

Despite these concerns, I accept your recommendation to realign departmental structure with the CFSA. The Department of Family Services has initiated a legislative review to address these issues and ensure that our organizational framework supports both legal compliance and effective service delivery.

We remain resolute in our commitment to protecting the privacy of children and families while enabling our staff to fulfill their responsibilities in a lawful and responsive manner. Thank you again for your thoughtful analysis and recommendations. We look forward to continued collaboration in strengthening our legislative and operational systems.

Sincerely,

Hon. Margaret Nakashuk

Monahashul)

Minister, Family Services

Cc: Jonathan Ellsworth, Deputy Minister, Family Services

Bernadine Rogers, Assistant Deputy Minister, Family Wellness