



**OFFICE OF THE INFORMATION AND
PRIVACY COMMISSIONER OF NUNAVUT**

ANNUAL REPORT

2025-2026

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1.0 COMMISSIONER'S MESSAGE

This Annual Report covers the period from April 1, 2025, to March 31, 2026.

Commissioner Steele completed his five-year term on December 5, 2025, and the Nunavut IPC office was without a Commissioner for one hundred and seven days until March 23, 2026.

It is my understanding that Commissioner Steele gave more than sufficient notice that he would not be seeking to serve a second term and respectfully, recruitment for a successor should have been undertaken much earlier.

My strong recommendation is that there should not be a significant vacancy gap like what transpired so that in the future, as much as possible, there should be seamless continuity between an outgoing and incoming Commissioner. Otherwise, there is a vacuum in not ensuring that this cornerstone of democracy – access to information and the expectation of privacy is in place, functioning and properly resourced.

As well, ideally there should be a professional onboarding transition of the IPC office from the incumbent Commissioner to the successor Commissioner.

From an historical perspective, it is most unfortunate that the cogent and thoughtful recommendations of Commissioner Bengts October 24, 2019, to the then Clerk of the Nunavut Legislative Assembly, were not implemented – namely the recruitment of an Executive Assistant and a Deputy Commissioner to address, at the very least, administrative functions, succession, leave and vacation coverage and training challenges for the future.

This Report is unusual because most of the content refers to Commissioner Steele's last year of his five-year term and reflects only the first nine days of my term appointment from March 23 to March 31, 2026.

The Office of the Legislative Assembly provides administrative support to the IPC office. That covers finance, human resources, and information technology. The IPC office certainly could not function without them. I want to recognize and express significant gratitude, like my predecessor, to Brian Witzaney-Chown, the Assembly's IT wizard.

As was noted by Commissioner Steele, being an Independent Officer of the Nunavut Legislative Assembly is both very lonely and isolating.

The IPC office, unlike the majority of other Nunavut Independent Officers has no staff and very limited fiscal resources. Earlier in my appointment, there was some contact with the other Independent Officers, Jane Bates (Representative for Children and Youth), Karliin Aariak (Languages

Commissioner) and Kieran Situt (Chief Electoral Officer) and the one required interaction with Kathleen Peterson, K.C. the Integrity Commissioner.

As well, I would be remiss to not recognize the Department of Executive and Intergovernmental Affairs. In particular, I need to showcase Mark Witzaney and his ATIPP team including Jackson Longworth, ATIPP Analyst. The Government would be in an untenable ATIPP position without their commitment, expertise and guidance.

In the future, as the ATIPPA utilization increases, there will undoubtedly be the need to increase the fiscal resourcing. As well, if Nunavut Municipalities are brought under ATIPP and the anticipated and much needed Health Information Privacy legislation come into force in 2028 it is projected that there will be a substantial impact requiring increased staffing.

Not surprisingly, like it was identified by Commissioner Steele, due to the complexity and its responsibilities the Department that does the best work on access and privacy continues to be the Department of Health. A lot of the credit for that goes to that Department's very capable ATIPP Coordinator, Murugesh Narayanan.

It goes without saying that when it comes to access and privacy, leadership and the recognition of the importance of ATIPPA must and should always come from the Deputy Ministers in each Department.

As noted by Commissioner Steele, the ATIPP Coordinators in each public body are doing complex, difficult, tedious and thankless work. When the IPC contacts a Department, it inevitably creates more work for them. I, like my predecessors want to thank each one. They are the front line for the GN in addressing the ATIPPA performing invaluable and in many instances unrecognized contributions in, at times, a difficult emotional atmosphere.

The current model of ATIPP Coordinators has a fundamental flaw if that ATIPP Coordinator is performing that task as well as other work responsibilities. The technical expertise required as well as the increased

pressure and workload expansion results in an unwarranted expectation and strain.

As noted by the two previous Information and Privacy Commissioners, I want to both recognize and thank the Nunavummiut who use the access and privacy legislation. The system is nothing without users.

As the IPC, it is my duty and obligation to be a watchdog on their behalf. That is the most rewarding aspect of fulfilling the role of Nunavut's Information and Privacy Commissioner.

2.0 THE CURRENT ATIPPA ENVIRONMENT

The GN continues to be challenged and in some cases to struggle with its obligations under ATIPPA. The reasons for this were identified in Commissioner Steele's previous Annual Reports and in his 107 Review Reports issued during his five-year tenure.

To deal with these issues, the GN importantly and thankfully established a central ATIPPA office, under the Department of Executive and Intergovernmental Affairs. Their expertise and guidance to GN Departments is invaluable and crucial in enabling a thoughtful and timely response to an Applicant.

Initially, the expansion started under the previous Manager, Yuri Podmoroff, and continues under the very capable current Manager, Mark Witzaney and his team. Profound gratitude is extended on an ongoing basis to the extremely important role that this specialized ATIPPA resource provides to Nunavut.

Having a central office with specialized staff means the Government of Nunavut can respond better and faster to access and privacy matters.

I look forward to their Government of Nunavut 2026 review of the Access to Information and Protection of Privacy Act. I recommend that serious consideration be given to their review and recommendations.

Thank you / merci / qujannamiik.

J. Richard W. Hall
Information and Privacy Commissioner

3.0 WHAT THE INFORMATION AND PRIVACY COMMISSIONER DOES

The Information and Privacy Commissioner is an Independent Officer of the Legislative Assembly of Nunavut, appointed under section 61 of the *Access to Information and Protection of Privacy Act*.

The IPC authority, obligations and role is derived from the ATIPPA Act.

Accountability, disclosure, openness and transparency are the central themes of any access to information and privacy legislation.

The ATIPPA enables three critical freedoms to be exercised:

- 1.1 It gives the public a right of access to records held by the GN with exceptions.
- 1.2 It allows Nunavummiut to know what information the GN holds about them, and to correct it if it is wrong.
- 1.3 It protects the privacy of Nunavummiut by preventing the unauthorized collection, use or disclosure of personal information.

The primary role of the Information and privacy Commissioner is to ensure that the GN is following the ATIPPA correctly. Usually that is done at the request of a citizen who is dissatisfied with the GN's response to a request for information, or who believes their privacy has been breached.

If there is a complaint, the Commissioner looks at the law and the evidence and then makes recommendations to the GN about how to improve the handling of information.

The Commissioner may also do research and offer comments on access and privacy matters involving the GN at the request of Departments.

4.0 NUMBER AND TYPES OF FILES IN 2025-2026

4.1 NEW FILES

In the 2025-2026 fiscal year, the NUIPC opened 12 new files.

Table 4.1 shows the main issue raised by the files opened in 2025-26 and the two previous years:

Table 4.1. NATURE OF CASES

Main issue	25-26	24-25	23-24	22-23
Access to information				
Review of disclosure	5	25	15	16
Review of refusal to disclose	0	1	2	4
Review of time extension	0	0	0	6
Review of fees	1	2	1	2
Review requested by third party	0	0	1	0
Authorization to disregard	0	0	0	1
Correction of information	0	1	0	0
Privacy				
Privacy breach notification	4	27	13	15
Privacy breach complaint	0	19	9	16
Self-initiated investigation	0	0	3	1
Other				
Request for comments	1	13	7	9
Administrative	1	19	10	5
Total	12	107	61	75

The number of files in 2025-2026 was significantly lower than the previous years. Like many statistical compilations it is not possible to know exactly why there was this decline statistically. Some possibilities that were previously identified in earlier Annual Reports include the figures for previous years may simply be statistical anomalies, as well, when dealing with statistics from a small jurisdiction like Nunavut, anomalies are both expected and more likely to occur, the GN's handling of information requests and privacy issues may have become better resulting in less privacy breach notifications and complaints and public bodies and citizens may have now become more aware of their rights (in the case of citizens) and obligations (in the case of public bodies).

Table 4.2 shows the public body involved in the files that were opened in 2025-2026, sorted from highest to lowest, and compares the numbers to the two previous years.

There are two observations concerning Table 4.2.

First, the Department of Health maintains its place at the top as the previous Commissioner noted that this is both expected and normal. Health is a large, complex Department that handles a lot of personal information.

As noted in earlier years, the Department of Health are also responsive in reporting privacy breaches. It is anticipated and projected that the Department of Health will continue to have the most access and privacy files.

Post March 31, 2026, I note that there is a problematic and significant trend in the number of requests related to human resources issues. ATIPP was not conceived and developed, and it should not be utilized to resolve human resources issues in the workplace. The appropriate policies and procedures need to be drafted and implemented by the GN to address and either curtail or prohibit this practice.

Indeed, if the use of ATIPP in relation to human resources continues unabated, it is recommended that the legislation be amended to restrict Applicants from utilizing the ATIPPA to address workplace issues.

As well, there is a very disturbing trend related to the use of AI and Applicants use of this technology. In some cases, after a Department released information there was an unusual rapid response by an Applicant using AI. By implication, suggesting that the Applicant may have superficially considered the disclosure and not given the proper consideration to the disclosure just released by the Department. In some cases, it is tantamount to frivolous or vexatious behaviour by an Applicant, subject to a review under section 53 of the statute.

Table 4.2 PUBLIC BODIES INVOLVED IN NUIPC FILES

Information and Privacy Commissioner of Nunavut
Annual Report 2025-2026

Public Body	25-26	24-25	23-24	22-23
Health	3	31	13	13
Human Resources	2	15	3	10
Education	3	13	8	7
Family Services	1	7	3	2
Justice	1	5	4	20
Workplace Safety & Compensation Commission	0	5	2	1
Community and Government Services	1	3	7	5
Finance	1	3	3	4
Executive & Intergovernmental Affairs	0	2	2	0
Nunavut Arctic College	1	2	0	0
Languages Commissioner	0	2	1	0
Economic Development and Transportation	0	0	2	0
Environment	0	1	0	0
Ethics Officer	0	1	0	0
Integrity Commissioner	0	1	0	0
Nunavut Housing Corporation	1	1	1	1
Nunavut Liquor and Cannabis Commission		0	1	1
Qulliq Energy Corporation	0	0	0	1
Representative for Children & Youth	0	0	0	2
None	0	15	10	5
Other	0	0	1	3
Total	13	107	61	75

5.0 REQUESTS FOR COMMENTS

The NUIPC provides comments to public bodies and others seeking advice on the interpretation of the ATIPPA. The NUIPC also provides comments to bodies of the Legislative Assembly on legislative proposals or policy issues.

During the 2025-2026 year, on August 26, 2025, Commissioner Steele provided a response to the Honourable Speaker of the Nunavut Legislative Assembly concerning the recommendations of The Standing Committee on Oversight of Government Operations and Public Accounts.

In addition, policy proposals and/or advice on specific situations were provided to various public bodies or other entities.

As identified in previous Annual Reports, many of these consultations are confidential so it would be inappropriate to provide details of what the consultations entailed, and the guidance provided or sought.

In addition, on a regular basis, communication by email and telephone occurs from citizens seeking guidance on the ATIPPA.

6.0 ACCOMPLISHMENTS AND CHALLENGES IN 2025-2026

6.1 REVIEW REPORTS

Commissioner Steele issued 12 Review Reports in 2025-2026. That is a considerable decline from earlier years. In part, the decline may be attributed to the lack of a Commissioner from December 5, 2025, to March 23, 2026.

Perhaps as well, there has been a more efficient and transparent response by Departments to address ATIPP requests, resulting in a timelier ATIPPA response and a corresponding decrease in the Applicant's frustration in disclosure time response and acceptance of what was provided in the disclosure.

6.2 BACKLOG OCCURRED POST DECEMBER 5, 2025

As of March 23, 2026, there was a backlog of pending Review Reports (Health) and assessments of privacy breaches (Education and Health) due in large part to the NUIPC office been vacant from December 5, 2025, until March 23, 2026.

In addition, there was no monitoring of the NUIPC emails from December 5, 2025, to March 22, 2026.

Upon my arrival on March 23, 2026, there were over 500 emails to read and review, including requests for review and privacy breach notifications.

6.3 RESPONSE TO STANDING COMMITTEE ON OVERSIGHT OF GOVERNMENT OPERATIONS AND PUBLIC ACCOUNTS

Previously, on April 19 and 20, 2024, Commissioner Steele appeared before the Standing Committee on Oversight of Government Operations and Public Accounts (OGOPA). The session addressed his Annual Report for 2022-2023.

The Standing Committee made five recommendations to Commissioner Steele. His response to the recommendations was to be tabled in the Legislative Assembly on September 8, 2025.

6.4 INFORMATION SHARING AGREEMENT

In February of 2025, an information-sharing agreement with the Office of the Languages Commissioner was arrived at and continues.

The NUIPC reviews under the ATIPPA will sometimes overlap with reviews or investigations being conducted by other Independent Officers. Information-sharing agreements ensure that these overlapping files can be handled efficiently while maintaining appropriate confidentiality.

The NUIPC office currently has information-sharing agreements with the Privacy Commissioner of Canada; the Office of the Representative for Children and Youth; and the Office of the Languages Commissioner.

6.5 REVIEW REPORTS IN 2025-2026

The most visible public products of the NUIPC office are the final decisions, commonly referred to as Review Reports.

The full text of the Review Reports is available on the NUIPC website (atipp-nu.ca) and also on the Canadian Legal Information Institute website (canlii.org).

In 2024-2025 there were 29 Review Reports. Of note, the 2024-2025 year was the highest number of Review Reports to date.

Table 5.1 shows the number of Review Reports per year in the last eleven years.

Table 5.1 NUMBER OF REVIEW REPORTS

Fiscal Year	Reports
2025-26	12
2024-25	29
2023-24	15
2022-23	26
2021-22	21
2020-21	27
2019-20	19
2018-19	6
2017-18	27
2016-17	18
2015-16	7
	Average of 18/year

As previous Commissioners have done, I have drawn to the Legislative Assembly’s attention the Review Reports in 2025-2026 to provide a flavour of

what was addressed and to educate the Assembly concerning the administration of ATIPP.

As in earlier years, they are significant either because of the legal issues they raise, or because of what the case illustrates about ATIPPA inside the GN.

REVIEW REPORT 25-137

Nunavut Arctic College (Re), 2025 NUIPC 5 (CanLII)

The Applicant was unsuccessful in a job competition. The Applicant applied to see the records from the competition including reference checks. The NAC disclosed two of the three reference checks from the competition, without redaction. Later on, the NAC disclosed the third reference check, but it was redacted. The Applicant requested a review of the third reference check redaction. The Commissioner found that the NAC correctly concluded that the three pre-conditions in section 22 of the ATIPP Act were met. However, the Commissioner found that the NAC did not properly exercise its discretion under section 22 and recommended a reconsideration.

WHY IS THE REVIEW REPORT IMPORTANT: This was the third decision issued by Commissioner Steele concerning reference checks. If a reference requests confidentiality, that is one factor that a public body can consider when exercising its discretion, but it is by no means conclusive in determining an exemption. It is important that GN hiring processes be fair and be seen to be fair. That may imply a higher expectation of accountability for referees who are GN employees. What the public body, in this case the NAC must do is exercise its discretion properly. It must take all relevant circumstances into account and provide a clear and meaningful explanation to the applicant of why the discretion is being used in the way it is been exercised. Be creative and thoughtful and incorporate traditional knowledge and societal values.

MINISTERS RESPONSE: The Honourable Minister accepted the recommendation to advise the Applicant of the exemption rationale providing additional details regarding the use of discretion.

REVIEW REPORT 25-131

Nunavut Housing Corporation (Re), 2025 NUIPC 6 (CanLII)

The Applicant was a Journalist who requested from the NHC records about the condition of staff housing covering two years and all 25 communities. NHC provided a fee estimate of \$10,000 for all records but offered to disclose the records for Iqaluit at no additional fee. The Applicant requested a review of the fee estimate. The Commissioner found the fee estimate was not reasonable and recommended that the NHC reconsider its fee estimate.

WHY IS THE REVIEW REPORT IMPORTANT? In many cases related to ATIPP, it is not appropriate to provide identifying information about an Applicant, but Commissioner Steele felt it was relevant to identify the Applicant as a Journalist to provide the context for the decision.

Section 50(1) refers to the payment of a fee, but it is permissive in nature. Further, the ATIPP Regulations provide guidance in relation to the maximum allowable fees.

Commissioner Steele referred to an earlier decision that Journalists, given their role in our democratic society in holding the GN to account deserve special consideration in relation to a request for a fee waiver. If information requested by an Applicant is not in a record, a public body is not required to create new records except in the narrow circumstances of section 7(2). NHC's willingness to compile and disclose the information in summary form is the best response to the Applicant's request. If an Applicant insists on receiving original records, they must be prepared to pay the corresponding fee. The ATIPP Act and Regulations are silent about the method of payment, but public

bodies have a general duty to assist an Applicant and that includes not insisting on in person fee payment.

MINISTERS RESPONSE: The Honourable Minister confirmed that NHC staff had completed a detailed reassessment of the chargeable fee estimate and would be reducing the fee by \$3,172.50, providing the Iqaluit work orders information at no cost and confirming that online fee payments could be made instead of payment in person.

REVIEW REPORT 25-114

Department of Health and Finance (Re), 2025 NUIPC 722 (CanLII)

The Commissioner received a complaint that the Department of Health required someone submitting a claim for medical expense reimbursement to provide their Social Insurance Number (“SIN”). The health unit asked for the SIN because the Department of Finance said it was mandatory. The Commissioner found that this was an unauthorized collection of personal information. Whereas the collection of the SIN information was convenient for Finance it was not necessary as required by section 40 (c). Recommendations were made to both Health and Finance to safeguard the security of the SINs that they hold.

WHY IS THIS REVIEW REPORT IMPORTANT? The SIN is a sensitive piece of personal information. It is a unique identifier that follows a Canadian citizen from birth to death. If a malicious actor obtains someone’s name and SIN, there is an increased risk of identity theft. In the absence of express statutory authorization, a public body in the GN should not be collecting someone’s SIN unless it relates directly to a program and is demonstrably necessary for the administration of the program. Use of an email inbox as digital storage is not a reasonable security arrangement as required by section 42 of the ATIPP. There is a distinguishing factor between medical information versus non-medical information. Human Resources acknowledged that it is not entitled to

see an employee's medical information but that it is entitled to receive non-medical information relevant to an employee's return to work and any workplace accommodations and the Commissioner agreed.

However, Commissioner Steele indicated that Human Resources needed to rethink the problematic distinction trying to draw between medical and non-medical information in IME reports. There is obligation by Human Resources to provide an explanation to the Applicant on internal functioning and the privacy provisions of ATIPP should not be stretched to impose such an obligation. By way of commentary, the Commissioner felt that concerns by the Applicant, while they may be valid are better handled as questions of public service values and ethics with human resources management as opposed to privacy issues under ATIPP. Importantly, the Commissioner referenced the use of WhatsApp by senior management in the Department of Education and his recommendation the use of WhatsApp be discontinued. That recommendation was not accepted or rejected. WhatsApp is outside the control of the Department of Education and the GN and it may be insecure and not used for human resources issues. Recommendations included that Human Resources review and revise its email and storage practices, that a review and revision of document handling protocols and if an IME must be emailed that IME should be password protected or encrypted.

MINISTERS RESPONSE: The Honourable Minister of Finance provided a detailed description of Fusion and Freelance accounting systems and the limited configurations concerning the types of ID numbers to create a vendor account. Finance relies upon DOB and SIN information. With the technological challenges, there was a commitment to explore ways that system fidelity be achieved without requiring SINs. Finance did not accept the second recommendation concerning the email deletion where information had been entered into the Fusion Cloud. Reference was made to the Archives Act to support that records cannot be destroyed without authorization. Finance was satisfied that strictly limiting the number of users to a read-only decommissioned Frebalance database provided sufficient protection.

The Honourable Minister of Health advised that it would re-evaluate its collection of SINS for medical reimbursement but would accept Finance's rationale and not implement the recommendation to stop collecting SINS. The same rationale was posed concerning the deletion of emails regarding Records Management Policy. The recommendation concerning the automatic deletion rule for medical expense claimants' electronic files was rejected. The Department of Transportation and Infrastructure was looking into how the GN governs data and how it is saved retained and destroyed through the information Governance Committee.

REVIEW REPORT 25-114

Department of Education and Human Resources (Re), 2025 NUIPC 8 (CanLII).

The Applicant is an employee of the Department of Education. The Department of Human Resources requested that the Applicant undergo independent medical examinations ("IME"). The IMES were delivered to Human Resources and then shared with various staff in Education. The Applicant alleged that several privacy breaches occurred in the handling of the IMEs. The Commissioner determined that Education and Human Resources did not make reasonable security measures to safeguard the IME reports.

WHY IS THIS REVIEW REPORT IMPORTANT? The legal obligation of a public body regarding the storage of personal information is in section 42 of the ATIPPA.

MINISTERS RESPONSE: The Honourable Minister of Education directed the Education Department to follow the recommendations to delete the IME reports from the two ADMs emails, to review the and revise document handling protocols and that IME reports are shared on secure folders rather than email and that if an IME report must be emailed that it is password protected and/or encrypted. As well, much of senior management communications have been moved to the Microsoft Teams platform and WhatsApp was to be discontinued in relation to sensitive matters.

The Honourable Minister of Human Resources did not accept that Human Resources review and revise its email storage practices so that all IME reports are deleted from email programs after the records have been transferred to the appropriate restricted access folder on the network drive. In addition, the recommendation that Human Resources delete the IME reports from the emails of the HR Director and Manager after the IME reports were in the appropriate restricted-access folder on the network drive was rejected. The stated rationale was that in accordance with Records and Information Policy emails are considered public records and to archive or dispose of records that must be done in accordance with ARC, ORCS and the Archives Act. It was agreed that Human Resources review and revise their document handling protocol and if an IME had to be emailed it would be password protected and or encrypted.

REVIEW REPORT 1029-30-2425FS0441

Department of Family Services (Re), 2025 NUIPC 9 (CanLII)

The Representative for Children and Youth (“RCYO”) filed a privacy breach complaint alleging that the organizational structure of the Department of

Family Services created a systemic breach of privacy on child protection files. The Commissioner found that recent reorganizations within Family Services may result in personal information in child protection files being seen by staff who are not authorized to do so. A recommendation was made to realign its structure and the law by amending the law or changing its structure.

The Commissioner noted that his review was challenging because it was not clear in April of 2025 whether the reorganization was fully in place or whether the objectives were in a transitioning phase. Commissioner agreed with the RCYO that there was a systemic problem with the confidentiality of child-protection files, but the challenge was what to do about it. Importantly, the Commissioner noted that it was not his business to recommend to the Minister which course to follow. He did however state that the reforms resulted in a misalignment between law and structure and that misalignment meant that there was no assurance that personal information in child protection files has been held as tightly as required by law. His recommendation was to take the necessary steps to reestablish alignment between the Family Services structure and section 71(2) of the Child and Family Services Act.

MINISTERS RESPONSE: The Honourable Minister expressed respectful disagreement with some aspects of Commissioner Steele's interpretation and conclusions of the Child and Family Services Act ("CFSA") in relation to section 71(2)(f), 71(2)(j) and the implications of section 33 of the Legislation Act. However, the recommendation to realign the Department's structure with the CFSA was accepted.

REVIEW REPORT 25-144

Department of Education (Re), 2025 NUIPC 10 (CanLII)

The Applicant applied for records related to their employment. 301 pages were disclosed with redactions for which the Applicant requested a review. Commissioner Steele found that many of the redactions under section 23 were unnecessary because they were records written or received by the Applicant. Other redactions under section 23 were found appropriate and further, a redaction under section 25.1 related to a workplace investigation was upheld. It was noted that section 21(1) – endanger the mental or physical health or safety of an individual other than the applicant was seldom used in Nunavut. Noteworthy, the Commissioner identifies section 23 as probably the most difficult section in the ATIPPA due to its length and interpretation difficulty. Commissioner Steele has identified, like I have in my brief tenure that ATIPPA is often used as a proxy battleground in GN human resources issues. Clearly, ATIPPA was not promulgated or drafted to address employee or labour relations disputes. The solution source for that resides in a collective agreement protocol. In addition, the Commissioner stated that the purpose of ATIPPA is to make public bodies more accountable to the public. Of note, the rationale of ATIPPA is not to hold Applicants or third parties to account. The Commissioner references the importance of natural justice – a key principle in administrative law but it is not a “trump card”. In addition, Commissioner Steele notes, quite rightly, that students are minors and that the disclosure of their names will rarely, if ever be justified.

MINISTERS RESPONSE: The Honourable Minister accepted the Commissioners recommendations.

REVIEW REPORT 25-146

Department of Education (Re), 2025 NUIPC 11 (CanLII)

The Applicant applied for records related to their employment, Education disclosed 21 pages of records, with redactions. Consequently, a review was requested related to the redactions. The Commissioner determined that some of the redactions were upheld under section 23 but that the remainder of the information be disclosed. There is no automatic exemption for a person's name. The invasion of privacy under section 23(1) must be unreasonable and all relevant circumstances must be considered.

MINISTERS RESPONSE: The Honourable Minister accepted the recommendation that section 21(1) was misused, and the redactions were made using section 23(1). As well, the exemption rationale was to be provided to the Applicant.

REVIEW REPORT 25-147

Department of Health (Re) 2025 NUIPC 12 (CanLII)

A Department of Health Manager looked at a patient's personal information in circumstances where there was no clinical need to do so. A health care worker reported the incident to management. The Department of Health concluded that there was no privacy breach. Later, the health care worker alleged that there was retaliation by the Manager. The Commissioner found that there was a privacy breach but there was no retaliation connected to the privacy breach. The Commissioner recommended that the Manager's broad access to patient personal information be reconsidered.

WHY IS THIS REVIEW REPORT IMPORTANT? Managers should receive as much scrutiny as anyone else, or perhaps even more because greater authority ought to carry greater accountability. Concerning the Department of Health, the Commissioner recommended that a review of the electronic records to which a Manager or anyone person holding a Manager's position or

acting under the Manager's authority has access, restrict or remove access where there is no operational need for it and where access remains, develop policies and procedures, possibly including independent pre-approval for when and how that access is used.

MINISTERS RESPONSE: The Honourable Minister of Health advised that the recommendation that the Department review whether the Manager's actions created a real risk of significant harm ("RROSH") to the patient was not accepted as in the Department determined that there was no RROSH and no notification to the patient was required. Concerning the recommendation that access to the information be reviewed. The Department was of the opinion that the the Manager's access to electronic medical records could not be restricted but access to other information was removed. As well, the Department committed to developing and implementing policies and procedures relating to independent pre-approval.

REVIEW REPORT 25-149

Department of Human Resources (Re) 2025NUIPC 13 CanLII

The Department of Health wrote an email to a GN employee on unpaid leave asking if they were working for another employer under the purpose of updating their file. The employee filed a privacy breach alleging that the attempted collection of personal information was done under false pretences. The Commissioner found that the email did not comply with section 42(2) of the ATIPP Act. When collecting personal information, a public body must explain openly and plainly. In this case, the stated purpose was essentially meaningless.

WHY IS THIS REVIEW REPORT IMPORTANT? Section 40 is about **why** personal information can be collected. Section 41 is about **how** personal information can be collected. Further, no Regulation has been made under section 73(h) of ATIPPA to exempt any information or category of information from the application of section 41(2). This case is yet another example where ATIPPA has become a proxy battleground for the GN's labour relations environment. Section 41(2) does not get the attention that it deserves. In Commissioner Steele's five-year term this is the first time that it has come up. This illustrates to public bodies that it is important to explain what they are doing. If a public body cannot produce the legal authority or if they find themselves shading or hiding their real purpose, they should probably rethink what they are doing. The Commissioner recommended that the Department of Human Resources review its policy and procedures in the collection of personal information and that HR circulate a memo to all staff who may collect personal information and their Managers informing them of this Review Report and the standards set by section 41(2).

MINISTERS RESPONSE: The Honourable Minister of Human Resources accepted Commissioner Steele's recommendations – namely that the Department would review its current policies and procedures relating to the collection of personal information to ensure compliance with section 41(2) and communicate to all Department staff a summary of this particular Review Report.

REVIEW REPORT 25-154

Department of Justice (RE) 2025 NUIPC 14 CanLII

The Applicant filed an access request with the Department of Justice which disclosed 38 pages of records. The records were heavily redacted under section 15 solicitor client privilege, section 13 cabinet records and section 23

third party privacy. The Commissioner found the Department of Justice correctly applied the exemptions in sections 13 and 15. However, the redactions under section 23 contained errors and it was recommended that the Department of Justice consult with the Applicant about the disclosure of the information redacted under section 23.

WHY THIS REVIEW REPORT IS IMPORTANT? The Cabinet records exemption should not be narrowly interpreted. Commissioner Steele reminded Nunavut that the name of a GN employee going about their business is not their personal information and releasing their name is not in all but the rarest circumstances an unreasonable invasion of their personal privacy. The Commissioner stated that it is good ATIPP practice for headers and footers to be unredacted.

MINISTERS RESPONSE: The Deputy Minister advised that that the Department would continue to withhold the information redacted under sections 13 and 14 and further consult whether the Applicant wished to receive information redacted under section 23(1).

REVIEW REPORT 25-153

Department of Health (Re) 2025 NUIPC 15 CanLII

Two individuals were discussing a recent death in a community health centre. One was a non-clinical Department of Health employee. The listener was a family member of the deceased. The employee mentioned certain details of the death and referred to a text exchange with another Health employee. The listener was surprised the first employee knew the details and believed that they had been disclosed by the second employee. The listener brought the matter to the attention of the Commissioner who decided that a Review Report was warranted but determined that there was privacy breach.

WHY THIS REVIEW REPORT IS IMPORTANT? The Commissioner determined that the high bar for withholding a public decision has been met. If the detailed facts of this case were made public, a reasonably well-informed individual in the deceased's community would be able to identify the deceased and those involved in the alleged privacy breach. While there may have been an unauthorized disclosure of personal information it was neither practical or desirable to track down precisely how that disclosure occurred. Appendix A to the Review Report should not be public.

MINISTERS RESPONSE: The Honourable Minister of Health accepted the decision of Commissioner Steele that there was no breach and there was not any recommendation made.

REVIEW REPORT 25-159

Department of Community Services (Re) 2025 16 CanLII

The Applicant requested records from the Nunavut Fire Marshal's Office ("NFMO") concerning a 2023 fire in Iqaluit. The NFMO is a part of the Department of Community Services. One report was filed by the Iqaluit Fire Department. The Applicant requested a review and the Commissioner found that there was not a diligent search conducted for responsive records and a recommendation was made to conduct a further search.

WHY IS THIS REVIEW REPORT IMPORTANT? Under ATIPPA, a public body has a duty to conduct a diligent search. There is a threshold question in every diligent search – whether there is some basis for believing that undisclosed records exist at all? The purpose of the "some basis" test is to prevent a public body expending time and effort on searches based only on a applicant's subjective belief that a document must exist or should exist or might exist.

The RCMP is under Federal jurisdiction, the Municipality of Iqaluit is not under the ATIPP to date and the nonexistence of 911 is not helpful in this

matter. However, the NFMO has a duty under section 3(1)(b) of the Fire Safety Act and there is an expectation that a file exists concerning the fire in question. Although there was staff turnover, administrative reorganization and the lack of appropriate past record keeping.

Commissioner Steele recommended the Department of Community Services conduct a further search for responsive records paying particular attention to the Y:drive and SharePoint and especially taking into consideration the recent turnover in NFMO and organizational changes. A further recommendation was made to contact former NFMO employees on where the location of responsive records may be. Lastly that a refund of the ATIPP application fee occurs.

MINISTERS RESPONSE: The Deputy Minister advised that the Department would accept the recommendation to conduct a further search for responsive records, requesting IT to support an escalated search, contact former NFMO employees and consulted with and verified with the Department of Executive and Intergovernmental Affairs to develop guidelines on when it is appropriate to contact former employees to assist with a search for records. As well as a refund of the fees paid.

6.6 RECOMMENDATIONS ACCEPTED, ACCEPTED IN PART OR REJECTED

Section 68(1) of the ATIPPA requires that the Commissioner provide to the Legislative Assembly for which any Review Reports that the head of the public body has not accepted the Commissioners recommendations.

The ATIPP legislation states that the head of the public body (usually the Minister) must respond to a Review Report. The head of the public body is not required to accept the Commissioner's recommendations.

The head of the public body may make any decision that they think is proper. All Ministerial responses are posted on the NUIPC website.

In 2025-2026, the Honourable Ministers of Family Services, Finance, Health, Human Resources and the Nunavut Housing Corporation either rejected or only accepted in part Commissioner Steele's recommendations.

Conversely, the Honourable Ministers responsible for Community Services, Education, Family Services, Health, Human Resources, Justice, and Nunavut Arctic College accepted Commissioner Steele's findings and or recommendations.

7.0 CHALLENGING ISSUES

7.1 AI & META

The ongoing developments and implications of AI and Meta have enormous implications to privacy. As in many other human advances in technology, it is the conduct of the individuals using the technology that creates actual, perceived or potential harm. Inappropriate and invasive conduct requires careful consideration as to what is acceptable in Canadian and Nunavut society.

It is recommended that Nunavut work closely with the Provinces and other Territories so that the Federal Government can better understand the identified real dangers and pitfalls in order to develop a robust response concerning governance.

7.2 CYBERSECURITY AND CYBERSPACE

Nunavut needs to be cognizant and prepared to deal with the myriads of issues emanating from this ongoing and rapid technological evolution.

The GN and its citizens are at risk to malevolent and malevolent actors domestically and globally.

7.3 PHYSICAL PRESENCE OF THE IPC IN NUNAVUT

Respectfully, there is no need for the Information and Privacy Commissioner to be geographically based in Nunavut.

Applicants do not meet the Commissioner in person and discussions with public bodies are normally by email or by telephone. Interactions with GN Departments can be accomplished and are routinely held virtually.

7.4 INDEPENDENT OFFICERS COMPENSATION

With respect to compensation for a future Information and Privacy Commissioner, it is strongly recommended that Commissioner Steele's memo dated September 20, 2023, to the previous Clerk John Quirke be revisited and updated to bring Nunavut in line with the rest of Canada in relation to the compensation of all Independent Officers of the Assembly.

Currently, the Independent Officer's compensation is ad hoc, arbitrary, lacks equity, fairness and transparency.

Indeed, there are considerable compensation differences between each of the current Independent Officers of the Nunavut Legislative Assembly.

Compensation fairness and equity should be the cornerstone of how Independent Officer's compensation is addressed and implemented.

All other jurisdictions in Canada base the Independent Officer's compensation on publicly disclosed remuneration based on at least an ADM or DM annual salary.

7.5 ATIPPA AND INDIGENOUS CULTURE AND SOCIETAL VALUES

To my knowledge, very little research has occurred in Canada to reflect Indigenous culture and societal values with respect to access to information and privacy legislation.

It is respectfully recommended that the GN embark on such a journey.

7.6 OMBUDSMAN

Nunavut is the only jurisdiction in Canada to not have an Ombudsman.

Why is that?

An Ombudsman, as an Independent Officer performs a vital role in all the Provinces, the Yukon and the NWT by ensuring administrative fairness of government practices and promoting accountability, fairness and transparency within public administration.

Nunavut could adopt the Yukon model where the Information and Privacy Commissioner is also the Ombudsman.

As well, an Ombudsman Officer may mitigate, in part, the numerous complaints related to human resources issues.

7.7 TIME TO REVISIT THE LACK OF THE ABILITY TO ISSUE ORDERS

Nunavut should reconsider providing the ability to issue orders, not just findings and recommendations under the ATIPPA

8.0 FINANCIAL REPORT

The following figures for the 2025-26 fiscal year were provided on July 28, 2026, by the Office of the Legislative Assembly, and represent known actual expenditures as of that date. They are subject to adjustment in the Public Accounts.

In future fiscal years, it is strongly recommended that the IPC budget be agreed to and developed in cooperation and consultation with Finance.

Description	Budget	Actual
Permanent salaries	266,000	238,977
Travel & transportation	9,000	4,442
Materials & supplies	5,000	2,847
Purchased services	15,000	44,498
Service contracts	100,000	53,748
Fees and payments	5,000	2,325
Computer hardware and software	10,000	275
Total	410,000	347,112*
		*Total does not add due to rounding