



OFFICE OF THE INFORMATION AND
PRIVACY COMMISSIONER OF NUNAVUT

ANNUAL REPORT

2024-2025

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Commissioner's message

This report covers the period from April 1, 2024, to March 31, 2025. By the time this report is tabled in the Legislative Assembly, my five-year term as Information and Privacy Commissioner will be almost finished. I am not seeking re-appointment. This is my last Annual Report.

My thanks

As I prepare to leave, my thoughts turn to the people who have helped along the way.

The Office of the Legislative Assembly provides administrative support to my office. That covers finance, human resources, and information technology. My office could not function without them. I thank everyone there, especially Wendy Bens, Darcy Killulark, Alex Baldwin, and the former and current Clerks of the Legislative Assembly, John Quirke and Stephen Innuksuk; and a special shout-out to IT guy extraordinaire Brian Witzaney-Chown.



Being an independent officer can be lonely work, especially as I do literally work alone. The other Iqaluit-based independent officers, namely Jane Bates (Representative for Children and Youth) and Karliin Aariak (former Languages Commissioner) have been indispensable sources of advice and support.

The department that does the best work on access and privacy is the Department of Health. A lot of the credit for that goes to Health's long-time ATIPP coordinator, Murugesh Narayanan. I also want to give credit to Deputy Minister Megan Hunt. When it comes to access and privacy, leadership from the top is so important.

Another department that did good work on access and privacy was the Department of Community and Government Services. (I use the past tense because CGS no longer exists under that name.) Deputy minister Kyle Seeley is

now at Transportation and Infrastructure Nunavut. He too deserves credit for his leadership on access and privacy issues, and I am sure that will continue in his new department.

The ATIPP Coordinators in each public body are doing mostly difficult and thankless work, often without much direction and often for relatively low pay. They do not love to see me coming, since it usually means more work for them. I want to thank each one. They are the front line.

Finally, I want to thank the Nunavummiut who used the access and privacy system. The system is nothing without users. My job was to be a watchdog on their behalf. Maybe, together, we made a small difference.

The best thing that happened

It is no secret that the GN has struggled over the years with its ATIPP obligations. The reasons are in my previous Annual Reports and in the 100+ Review Reports I have issued.

To deal with these issues, the current government established a larger central office, under the Department of Executive and Intergovernmental Affairs. I thank Premier Akeegok for championing that initiative. The expansion started under the previous manager, Yuri Podmoroff, and continues under the current manager, Mark Witzaney. I thank them both.

Having a central office with specialized staff means the Government of Nunavut can respond better and faster to access and privacy files. It is still early, but I can already see the difference. That central office is lifting everybody up. And that is the best thing that happened during my term.

Thank you / merci / qujannamiik.

Graham Steele
Information and Privacy Commissioner

What we do

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*.

Everything we do is derived from the ATIPPA.

The ATIPPA does three main things:

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

The primary role of the Commissioner is to ensure 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 their handling of information.

The Commissioner also does research and offers comments on access and privacy matters involving the GN.

Number and type of files in 2024-25

New files

In the 2024-25 fiscal year, the NUIPC opened 107 new files (last year: 61).

Table 1 shows the main issue raised by the files opened in 2024-25 and the two previous years:

Table 1. Nature of Case

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

The number of files in 2024-25 was significantly higher than the previous two years. It is not possible to know exactly why. Some possibilities:

- The figures for 2024-25 and/or 2023-24 may simply be statistical anomalies. (When dealing with statistics from a small jurisdiction like Nunavut, anomalies are more likely to occur.) I think this is the most likely explanation.
- The GN's handling of information may have gotten worse, resulting in more privacy breach notifications and complaints. I think this explanation is possible, though not likely.
- Public bodies and citizens may simply have become more aware of their rights (in the case of citizens) and obligations (in the case of public bodies). I think this explanation is possible, though not likely.

Table 2 (next page) shows the public body involved in the 107 files that were opened in 2024-25, sorted from highest to lowest, and compares the numbers to the two previous years.

There are two observations I will make about Table 2.

First, the Department of Health maintains its place at the top, with more than double the number of files of the next closest department. That is normal. Health is a big department that handles a lot of personal information. They are also good at reporting privacy breaches. They will almost always have the most access and privacy files.

Second, there was a big increase in the number of review files coming from the Department of Human Resources (from 3 to 15). The main reason, I believe, is simply that 2023-24 was an unusual year for HR. It was unusual for them to have only three files in one year, and 2024-25 is a reversion to the norm.

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Table 2. Public bodies involved in NUIPC files

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

Requests for comment

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 year, comments on policy proposals and/or advice on specific situations were provided to the following public bodies or other entities:

- Department of Community and Government Services
- Department of Education
- Department of Executive and Intergovernmental Affairs (2)
- Department of Health
- Department of Human Resources
- Department of Justice (2)
- Nunavut Housing Corporation
- Integrity Commissioner
- Languages Commissioner
- A member of the Legislative Assembly
- A private company

Some of these consultations are confidential (e.g. an individual case, or a policy proposal, or a draft law) so I cannot provide details of what the consultations were about.

Accomplishments and challenges in 2024-25

We issued a record number of Review Reports

We issued 29 Review Reports in 2024-25. That is the highest number ever. Despite the higher volume, we were still able to issue decisions in a timely way.

We still have zero backlog

As of March 31, 2025, the backlog of decisions in our office is still zero. Our decisions are typically issued 1-3 weeks after all material has been submitted by the parties. That compares to delays of months, and sometimes years, in most Canadian jurisdictions.

We appeared before a Standing Committee

On April 19-20, 2024, I appeared before the Standing Committee on Oversight of Government Operations and Public Accounts (OGOPA). The session addressed my Annual Report for 2022-23.

The Standing Committee made five recommendations to my office. My response to the recommendations will be tabled in the Legislative Assembly in September 2025, at the same time as this Annual Report.

We were consulted on the Police Act

A promise of consultation, on a specific topic associated with the new *Police Act*, was made in the Legislative Assembly on June 7, 2021 (Hansard, page 44). The promise was made to all MLAs to help secure approval of the bill.

In my Annual Reports for 2021-22, 2022-23 and 2023-24, I drew to the attention of the Legislative Assembly that there had been no consultation with my office on the topic promised in the Legislative Assembly.

I am pleased to report that in March 2025 the Department of Justice did consult me on the promised topic. In my view, the promise made in the Legislative Assembly on June 7, 2021, has (finally) been kept.

As of the end of 2024-25, the new *Police Act* has not yet been proclaimed in force.

We entered into a new information-sharing agreement

In February 2025, we entered into an information-sharing agreement with the Office of the Languages Commissioner.

Our 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.

Our 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.

Review Reports in 2024-25

The most visible products of our 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 2024-25 there were 29 Review Reports (last year: 15). That is the highest number ever.

Table 3 shows the number of Review Reports per year in the last ten years.

Table 3. Number of Review Reports

Fiscal Year	Reports
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

Most significant Review Reports

I would like to draw to the Legislative Assembly’s attention the most significant Review Reports in 2024-25.

They are significant either because of the legal issue they raise, or because of what the case shows about ATIPPA administration inside the GN.

Review Report 25-284

Workers' Safety and Compensation Commission (Re), 2025 NUIPC 3 (CanLII)

An employee of the University of Alberta died while carrying out field research in Nunavut. In accordance with the Safety Act, the fatality investigation was carried out by the employer. The employer sent a copy of the investigation report to the Workers' Safety and Compensation Commission. The Applicant requested disclosure of the report from the WSCC. The WSCC refused disclosure, principally on the grounds it would be an invasion of the deceased worker's privacy. The Applicant requested review. The Commissioner finds the WSCC erred in its application of section 23 (unreasonable invasion of third party's personal privacy) and recommends the report be disclosed. The Commissioner also finds a witness statement in the WSCC's file is a responsive record, and should be disclosed. The Commissioner provides guidelines for redactions.

Why is this decision important? The family of the deceased employee wanted the investigation report to be released. It is incongruous for an employer and a regulator to refuse disclosure of a fatality investigation report on the basis of a deceased person's privacy, when those best positioned to speak for the deceased person support disclosure.

Review Report 24-276

Department of Human Resources (Re), 2024 NUIPC 25 (CanLII)

The Applicant is a GN employee, holding a middle management position. They filed a complaint of workplace harassment against their manager. At roughly the same time, two employees managed by the Applicant filed a complaint of workplace harassment against the Applicant. The Department of Human Resources referred both complaints to investigation. The Applicant filed an access request for both investigation reports. HR disclosed the two reports to

the Applicant, with heavy redactions. The Commissioner finds HR erred in its application of section 23 (unreasonable invasion of third party's personal privacy) and recommends the reports be disclosed without redaction.

Why is this decision important? Harassment investigations can have a profound effect on GN employees. With few exceptions, GN employees should be able to see the results of an investigation in which they were involved either as complainant or respondent.

Review Report 24-273

Department of Health (Re), 2024 NUIPC 22 (CanLII)

The Applicant was an employee of the Department of Health. They filed with Health three requests for records about their employment. Health disclosed records, with redactions. The Application requested review of the redactions and the search for records. The Commissioner finds Health correctly applied the exemption in section 23. The Commissioner also finds Health performed a diligent search for records. The Commissioner recommends that Health, in cooperation with HR, disclose whether there are “Do Not Hire” and “Hire with Caution” lists, where those lists are kept, and whether the Applicant's name is on those lists.

Why is this decision important? Several reviews this year dealt with “Do Not Hire” and “Hire with Caution” lists. These lists create a number of access and privacy issues. At a minimum, employees should be able to find out if these lists exist, where they are kept, who has access to them, and whether their name is on them.

Recommendations that were not accepted

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

The ATIPPA says that the head of a public body (usually the minister) must respond to a Review Report. The head is not required to accept the Commissioner's recommendations. The head may make any decision the head thinks is proper. All ministerial responses are posted to the NUIPC website.

In 2024-25, there were five cases in which my recommendations were not accepted in full.

Review Report 24-275

Department of Health (Re), 2024 NUIPC 24 (CanLII)

The Applicant is a contract health worker. It became apparent they were not being re-hired, but they could not find out why. They applied for records that would show the reason. Health disclosed 19 pages of records. The records revealed there had been an allegation of misconduct, but the records were redacted in such a way that the Applicant could not tell what the allegation was or who had made it. The Commissioner finds that Health erred in its application of section 23(1) (unreasonable invasion of a third party's personal privacy). Disclosure of the records without redaction would not be an unreasonable invasion of a third party's personal privacy.

Minister's response: Recommendation not accepted.

Review Report 24-270

Department of Education (Re), 2024 NUIPC 19 (CanLII)

The Applicant is an Education employee. Their relationship with senior management deteriorated. They filed an application for records relating to their employment. Education's disclosure totalled close to 1500 pages, with redactions. The Commissioner finds that Education erred in some of the redactions made under section 23 (unreasonable invasion of third party's personal privacy) and section 21 (endangering health or safety) and recommends further disclosure. The Commissioner comments on senior management's use of a messaging app (WhatsApp) to conduct departmental business, and recommends its use be discontinued.

Minister's response: Most recommendations not accepted. The recommendation to discontinue use of WhatsApp was neither accepted nor rejected.

Review Report 24-266

Department of Health (Re), 2024 NUIPC 15 (CanLII)

On numerous occasions, a Health employee accessed the electronic medical records of two patients. The first patient was a close friend. The employee had that patient's verbal permission to access their records. The second patient was the domestic partner of the first patient. The employee did not have that patient's permission to access their records. The Commissioner finds there was a privacy breach in both cases. Having a patient's verbal permission does not justify an otherwise unauthorized use and disclosure of medical records. Accessing the second patient's records was an intentional, serious, and sustained violation of that patient's privacy. The Commissioner makes recommendations to reduce the risk of similar privacy breaches in future.

Minister's response: Because of the way the Minister's response is written, it is not easy to say if the recommendations are accepted or rejected. It appears that some recommendations were not accepted.

Review Report 24-264

Department of Health (Re), 2024 NUIPC 13 (CanLII)

The Applicant requested records that included a contract between the Department of Health and a private-sector service provider. One clause of the contract, containing financial details, was redacted. The Commissioner finds that Health did not correctly apply the exemption in section 24. The Commissioner recommends the redacted clause be disclosed.

Minister's response: Recommendation to disclose the redacted clause is declined "at this time" (pending re-negotiation of the contract).

Review Report 24-258

Department of Finance and three other public bodies (Re), 2024 NUIPC 7 (CanLII)

The Commissioner initiated a review of the privacy risk flowing from a citywide change to mailing addresses in Iqaluit. The review focused on privacy-sensitive mail from four departments: income assistance from Family Services; health-insurance cards from Health; payroll from Finance; and employee discipline from Human Resources. The Commissioner finds that Family Services has made reasonable security arrangements to reduce the risk of misaddressed mail, while Health and Finance have not. There is no material increase in risk for Human Resources. The Commissioner recommends that Health and Finance review and revise their risk mitigation plan.

Ministers' response: Responses received from Family Services, Health, and Finance. Family Services accepted recommendations. Health accepted some recommendations but not all. Finance did not accept or reject recommendations, but noted some limitations in its systems. No recommendation was made to Human Resources.

Financial report

The following figures for the 2024-25 fiscal year were provided on June 10, 2025, 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.

Description	Budget	Actual
Permanent salaries	256,000	256,966
Travel & transportation	9,000	4,763
Materials & supplies	5,000	0
Purchased services	15,000	5,867
Service contracts	100,000	62,598
Fees and payments	5,000	4,650
Computer hardware and software	10,000	2,677
Total	400,000	337,522* *Total does not add due to rounding