

Nunavut Information and Privacy Commissioner
Nunavunmi Tuhaqtauyukhaliqinirmun Kanngunaqtuliqinirmun Kamisina
Commissaire à l'information et à la protection de la vie privée du Nunavut

Commissioner's Final Report

Nunavunmi Tuhaqtauyukhaliqinirmun Kanngunaqtuliqinirmun Kamisina
Commissaire à l'information et à la protection de la vie privée du Nunavut

Report Number:	25-292-RR
CanLII Citation:	Department of Education (Re), 2025 NUIPC 11
NUIPC File Number:	25-146
GN File Number:	1029-20-2526EDU0725
Date:	July 17, 2025

Summary

[1] The Applicant applied for records related to their employment with the Department of Education. Education disclosed 21 pages of records, with redactions. The Applicant requested review of the redactions. The Commissioner upholds some of the redactions under section 23 (unreasonable invasion of personal privacy). The Commissioner recommends the remainder of the information be disclosed to the Applicant.

Nature of Review and Jurisdiction

[2] This is a review of disclosure from the Department of Education. The Applicant's request was filed under section 28(1) of the *Access to Information and Protection of Privacy Act* (ATIPPA). I conducted my review under section 31(1).

[3] I have jurisdiction over the Department of Education: ATIPPA, section 2, definition of “public body”. For purposes of the ATIPPA, a school and its operations are deemed to be part of the Department of Education: *Education Act*, section 198.

Issues

- [4] The issues in this review are:
- a. Did Education correctly apply the exemption in section 21(1)?
 - b. Did Education correctly apply the exemption in section 23?

Facts

[5] The Applicant is the same as in *Department of Education (Re)*, 2025 NUIPC 10 (CanLII), also known as Review Report 25-291. The underlying facts are the same and I will not repeat them here.

[6] The Applicant filed two requests for records related to their employment. This Review Report is only about the second request. The request was for email records passing between three Education managers that were about the Applicant.

[7] On June 16, Education sent a 21-page disclosure package to the Applicant. There are redactions. The disclosure package also includes an explanation of the redactions (“Exemption Rationale”).

[8] On June 23, the Applicant requested that I review the redactions in the disclosure package.

Law

[9] Education cites two sections of the ATIPPA to support its redactions: section 21(1) and section 23. The law applicable to those sections is the same as in Review Report 25-291, *Department of Education (Re)*, 2025 NUIPC 10 (CanLII). I will not repeat it here.

Analysis

Section 21(1)

[10] Education cites the exemption in section 21(1) for the redactions on pages 16-19. I note that this same record is discussed in Review Report 25-291.

[11] For the reasons given in Review Report 25-291, Education erred in applying section 21(1) to pages 16-19, but could correctly have redacted the information under section 23(1).

Section 23(1)

[12] The rest of Education's redactions are made under section 23(1). Unlike in Review Report 25-291, none of the redacted records were emails to or from the Applicant.

[13] Education is still, however, overusing the section 23 exemption. They appear to be redacting all names – other than the Applicant and the three Education managers – but that is not what section 23(1) says. There is no automatic exemption for someone's name. The invasion of privacy must be "unreasonable" and all relevant circumstances must be considered. The relevant circumstances include what the person's role is and what is being discussed.

[14] On that basis, I find that only the following redactions meet the criteria for an exemption under section 23(1):

- a. Page 7: The whole paragraph under "Option 2". This passage is inextricably tied up with personal information about the writer.
- b. Page 12: The list of names.
- c. Page 15: This email is about the personal situation of an Education employee other than the Applicant, and the subject-matter has almost no connection to the Applicant. The Applicant's name is mentioned once, which is likely the only reason this email was included in the disclosure package at all.

Conclusion

[15] Education did not correctly apply the exemption in section 21(1). However all the information redacted under section 21(1) could correctly be redacted under section 23(1).

[16] Education correctly applied the exemption in section 23(1) in some instances, but in other instances it did not.

Recommendations

[17] I **recommend** that Education should, under section 23(1) rather than section 21(1), continue to withhold the personal information redacted on pages 16-19. This is a mandatory exemption.

[18] I **recommend** that Education should, under section 23(1), continue to withhold the personal information on pages 7 (paragraph under “Option 2”), 12 and 15.

[19] I **recommend** that Education should disclose to the Applicant any redacted information not listed in the two previous paragraphs.

Graham Steele

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