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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

Report Number:	25-296-RR
CanLII Citation:	Department of Health (Re), 2025 NUIPC 15
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Date:	September 17, 2025

Summary

[1] Two people 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 those details and believed they had been disclosed by the second employee. The listener brought the matter to the attention of the Information and Privacy Commissioner, who found that a review was warranted. After review, the Commissioner finds there was no privacy breach.

Nature of Review and Jurisdiction

[2] This is a review of an alleged privacy breach. The request for review was filed under section 49.1(1) of the *Access to Information and Protection of Privacy Act* (ATIPPA). I conducted my review under section 49.2(1).

[3] I have jurisdiction over the Department of Health: ATIPPA, section 2, definition of “public body”.

Issues

[4] The issues in this review are:

- a. Should this Review Report be public?
- b. Was there a breach of the deceased person's privacy?

Facts relevant to the first issue

[5] There was a death in a community health centre. A few days later, two people were discussing the death. One was a non-clinical Department of Health employee. The listener was a family member of the deceased.

[6] 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 those details and believed they had been disclosed by the second employee.

[7] The listener brought the matter to my attention. I concluded there was enough information to warrant a review. This Review Report is the result.

Law on the first issue

[8] In *Department of Justice (Re)*, 2021 NUIPC 28 (CanLII) at paragraphs 8 to 11, I set out the law about publication of my Review Reports. I applied that statement of the law in *Department of Health (Re)*, 2024 NUIPC 9 (CanLII) and in *Department of Health (Re)*, 2025 NUIPC 12 (CanLII). I adopt it again for purposes of the present decision.

[9] In brief: There is a strong presumption in favour of openness. There is a "high bar" for any exceptions.

Analysis of the first issue

[10] In this case, I find that the "high bar" for withholding a public decision has been met.

[11] The facts of the case contain personal information about the deceased person. The circumstances of the case are unique. In my view, if I were to make

public the detailed facts it would not be difficult for a reasonably well-informed reader in the deceased's community to identify the deceased and, perhaps, the others involved in the alleged privacy breach.

[12] I can, however, release my conclusion on the second issue and the recommendations that flow from that conclusion.

[13] Appendix A to this Review Report, which contains the detailed facts and my full analysis, will be made available only to Health and the Complainant.

Conclusion

[14] Appendix A to this Review Report should not be public.

[15] There was no breach of the deceased person's privacy by the two Health employees. At some point there must have been an unauthorized disclosure of the deceased person's personal information, but it is neither practical nor desirable for me to track down precisely how that disclosure occurred.

Recommendations

[16] Given my conclusion, I make no recommendations.

Graham Steele

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