

Hon. Tony Akoak, MLA Speaker Legislative Assembly of Nunavut Box 1200 Iqaluit NU XOA 0H0

Dear Mr. Speaker:

Further to your letter of May 28, 2025, I am pleased to attach my response to the recommendations of the Standing Committee on Oversight of Government Operations and Public Accounts.

Yours sincerely,

Graham Steele

ープィー / Commissioner / Kamisina / Commissaire

c.c. Hon. George Hickes, MLA, Chair OGOPA Clerk of the Legislative Assembly



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LCUCDIANUS NOSIN

Response of the Information and Privacy Commissioner to the Standing Committee on Oversight of Government Operations and Public Accounts

September 2025

Standing Committee Recommendation #1:

The standing committee recommends that the Office of the Information and Privacy Commissioner's annual reports to the Legislative Assembly which are prepared and submitted under section 68 of the Access to Information and Protection of Privacy Act include a budget expenditure summary that is broadly comparable to those which are included in the annual reports of the Chief Electoral Officer, Languages Commissioner and Representative for Children and Youth.

NUIPC Response:

I thank the committee for its recommendation. I have included a budget expenditure summary in my 2024-25 Annual Report.

Standing Committee Recommendation 2:

The standing committee recommends that the Office of the Information and Privacy Commissioner's response to this report include copies of all information-sharing agreements entered into with other federal, provincial and territorial information and privacy commissioners between April 1, 2024 and March 31, 2025.

NUIPC Response:

I have attached a copy of the information-sharing agreement entered into with the Office of the Languages Commissioner in February 2025.

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Standing Committee Recommendation #3:

The standing committee recommends that the Office of the Information and Privacy Commissioner proactively contacts the Office of the Privacy Commissioner of Canada and the Office of the Information Commissioner of Canada to explore appropriate channels of communication between the offices respecting the intergovernmental transfer of devolution data.

NUIPC Response:

This topic was not raised during the hearing. Neither my office nor my federal counterparts have any connection to the devolution process. The intergovernmental transfer of devolution data is an operational matter for the respective governments.

Standing Committee Recommendation #4:

The standing committee recommends that the Office of the Information and Privacy Commissioner's response to this report include a copy of the correspondence that he referenced in his testimony of April 25, 2025.

NUIPC Response:

I have attached a copy of the letter.

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Standing Committee Recommendation #5:

The standing committee recommends that the Office of the Information and Privacy Commissioner's response to this report include copies of presentation materials provided at the 2021, 2022, 2023 and 2024 annual meetings of Canada's federal, provincial and territorial information and privacy commissioners and ombuds concerning the subject of Indigenous perspectives on privacy.

NUIPC Response:

FPT meetings of the information and privacy commissioners are held in-camera. Presentations made to the meetings are confidential. If there is a specific presentation in which the committee is interested, I can provide contact information for the presenter, who could then decide if they are willing to release a copy of their presentation.

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MEMORANDUM OF UNDERSTANDING

BETWEEN

The INFORMATION AND PRIVACY COMMISSIONER appointed under the Access to Information and Protection of Privacy Act, C.S.Nu., c. A-20

AND

The LANGUAGES COMMISSIONER appointed under section 16(1) of the Official Languages Act, S.Nu. 2008, c. 10

WHEREAS the OLC and the NUIPC are independent offices of the Nunavut Legislative Assembly;

WHEREAS the OLC's mandate is to promote and safeguard the language rights of Nunavummiut enshrined in Nunavut's language legislation;

WHEREAS, in addition to their statutory aims and duty, the OLC's wider vision is for Nunavut's official languages to be central to everyday life in Nunavut and to be used to a greater degree wherever possible;

WHEREAS the OLA provides that individuals may communicate with and receive services from the Government of Nunavut and its public agencies, the Legislative Assembly and its institutions, Nunavut courts and (if there is significant demand) municipalities in the official language of their choice,

WHEREAS the ILPA provides that individuals are able to communicate with and receive services from the Government of Nunavut and its public agencies, the Legislative Assembly and its institutions, Nunavut courts, municipalities, private sector organizations and federal departments, agencies and institutions in the Inuit language;

WHEREAS the OLC reviews any possible breach of the language legislation by territorial institutions, municipalities, private sector organizations and federal departments, agencies and institutions, and the OLC can investigate, make findings and reports, mediate settlements and propose measures to redress language rights violations;

WHEREAS the NUIPC's mandate under the ATIPPA is to provide oversight of access to information and protection of privacy among public bodies in Nunavut, and includes investigation of data security and privacy breaches by public bodies;

WHEREAS there may be a need for sharing of information between the OLC and the NUIPC where there is overlap between their respective mandates:

The OLC and the NUIPC now agree to the following protocol for the sharing of information between their respective offices.

DEFINITIONS

1. In this Agreement,

"ATIPPA" means the Access to Information and Protection of Privacy Act, C.S.Nu., c. A-20;

"NUIPC" means the Office of the Information and Privacy Commissioner of Nunavut, and includes the Commissioner and their staff;

"NUIPC Information" means information received by NUIPC in the performance of their duties;

"ILPA" means the Inuit Language Protection Act, S.Nu. 2008, c. 17;

"OLA" means the Official Languages Act, S.Nu. 2008, c. 10;

"OLC" means the Office of the Languages Commissioner, and includes the Commissioner and their staff.

"OLC Information" means information received by the OLC in the performance of their duties.

DISCLOSURE

- 2. (1) Subject to section 3, the NUIPC may disclose NUIPC Information to the OLC if
 - (a) the disclosure is necessary to further an investigation by the NUIPC or to establish grounds for conclusions and recommendations made in a report issued in the exercise of a power or the performance of a duty of the NUIPC, or
 - (b) the OLC requires the information to carry out the OLC's duties and to exercise the OLC's powers.
- 2. (2) Subject to section 3, the OLC may disclose OLC Information to the NUIPC if
 - (a) the disclosure is necessary to further a review by the OLC or to establish grounds for conclusions and recommendations made in a report under the OLA or the ILPA, or
 - (b) the NUIPC considers the information relevant to a concern under investigation by the NUIPC

LIMITS ON DISCLOSURE

- 3. (1) The NUIPC will not disclose NUIPC Information that is subject to solicitorclient privilege, and the OLC will not disclose OLC Information that is subject to solicitor-client privilege, unless
 - (a) the disclosing party has expressly chosen to waive solicitor-client privilege over the information in question, or
 - (b) the information is disclosed in furtherance of a common interest shared by the NUIPC and the OLC.
- 3. (2) The NUIPC will not disclose more information to the OLC than is necessary for a purpose contemplated in section 2(1) of this agreement, and the OLC will not disclose more information to the NUIPC than is necessary for a purpose contemplated in section 2(2) of this agreement.

- 3. (3) Subject to subsections (4) and (5), the NUIPC will remove individual names and other identifying information from documents to be shared with the OLC, and the OLC will remove individual names and other identifying information from documents to be shared with the NUIPC.
- 3. (4) The NUIPC may disclose names or other identifying information to the OLC if
 - (a) the disclosure is necessary to further a review by the NUIPC or to establish grounds for conclusions and recommendations made in a report under the ATIPPA, or
 - (b) the OLC considers the information relevant to an issue under investigation by the OLC.
- 3. (5) The OLC may disclose names or other identifying information to the NUIPC if
 - (a) the disclosure is necessary to further a review by the OLC or to establish grounds for conclusions and recommendations made in a report under the OLA or the ILPA, or
 - (b) the NUIPC considers the information relevant to an issue under investigation by the NUIPC.

PROTECTION OF INFORMATION

4. The NUIPC will keep OLC Information confidential, and the OLC will keep NUIPC Information confidential, by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.

USE OF INFORMATION

5. The NUIPC will only use OLC Information for the purpose of fulfilling the NUIPC's mandate or assisting in the OLC's mandate, and the OLC will only use NUIPC Information for the purpose of fulfilling the OLC's mandate or assisting in the NUIPC's mandate.

GENERAL

- 6. (1) This Agreement may be modified by the written and signed agreement of the parties. The NUIPC and the OLC will review this Agreement at least once every two years with a view to proposing amendments or terminating the Agreement pursuant to subsection 6(6).
- 6. (2) If any term, covenant or condition of this Agreement, or the application thereof to any person or circumstance is held to be unenforceable or invalid, then that term, covenant or conditions shall be considered separate and severable from the Agreement and the remaining provisions of this Agreement shall remain in full force and effect and shall be binding on the parties.
- 6. (3) This Agreement shall enure to and be binding upon the parties and their respective successors and permitted assigns.
- 6. (4) This Agreement may be executed in counterparts, each of which shall be deemed an original but which together are one agreement.
- 6. (5) This Agreement shall be governed by the laws of Nunavut.
- 6. (6) A party may terminate this Agreement upon 30 days' written notice to the other party.
- 6. (7) The Agreement is effective as of the date both parties have signed it.

IN WITNESS WHEREOF, the parties hereto have signed at the places and on the SIGNED on February 18, 2024, at Iqaluit, Nunavut.

Information and Privacy Commissioner of Nunavut

Karliin Aariak

Languages Commissioner



April 22, 2025

Graham Steele Nunavut Information and Privacy Commissioner P.O. Box 1000, Station #270 607 Queen Elizabeth II Way Iqaluit, Nunavut, X0A 0H0

Re: Departmental Progress Update

Dear Commissioner Steele,

I am writing to you to provide you with the status of action the Department of Transportation and Infrastructure Nunavut (TIN) on behalf of the Government of Nunavut (GN) is taking related to records and information management, privacy and the strategic vision moving forward. On November 30, 2022, the department, at the time Community and Government Services, sent you a letter to update you on progress and describe a path forward in response to your request to "undertake a privacy audit of its Y-drive and report the results". In that letter, a series of proposed steps were identified to remedy the issues highlighted in your report. I am pleased to provide you with the current status of initiatives undertaken by our department and actions we are taking in direct response to your observations and recommendations.

Records & Information Management Policy/ Information Management Working Group:

A new Records and Information Management (RIM) Policy was approved in December 2024. This new policy is the first in a series of planned policy instruments, intended to be the preliminary step in a broader initiative to modernize enterprise records and information management within the government of Nunavut. It outlines the roles and responsibilities of the various parties within the GN, provides detailed requirements relating to records and information management, introduces the notion of mandatory Information Management (IM) training, and other measures which work to establish a foundation to better evaluate, manage and protect information, including personal information, on a government wide scale.

To complement this policy, an implementation plan was created, which includes a series of activities required to socialize and raise awareness with respect to the protection government information.

Of note is the drafting of an operational IM/Information Technology (IT) & Cybersecurity roadmap to guide creation and implementation of a planned series of complimentary policy instruments. This approach connects key roles, responsibilities, direction and



consequence for non-compliance. Several of the instruments identified in the roadmap are expected to have a direct impact on the protection of personal information including the sharing, collecting, securing, stewarding and risk management approach of handling government information.

Full implementation of the new RIM Policy, coupled with enhanced instrument development, will be a major step towards a comprehensive records and information management program that seeks to better manage information within the GN and protect the rights of Nunavummiut.

<u>Information Governance Committee:</u>

To elevate the strategic focus on enhanced IM practices across the GN and to comply with the RIM Policy, the Information Management Working Group that was struck to immediately address the findings of your report has been replaced by a formal GN Information Governance Committee (IGC) This cross-government collaborative body provides oversight to the GN's Records & Information Management (RIM) program. The committee, chaired by the Corporate Chief Information Officer (CCIO), informs the forward direction of the IM program through a broad consultative process, driven by the needs and requirements of the individual government bodies, ensuring compliance with legislative and policy obligations. Regularly reporting to CAC and DMC, the IGC has the following mandate:

- Develop and maintain an Information Governance framework, ensuring alignment with current industry trends, best practices and relevant policy and legislative requirements.
- Review the effectiveness of the Information Governance framework, including current policies, strategies, and infrastructure.
- Identify and recommend opportunities to improve Records and Information Management, including providing input regarding the government-wide Records and Information Management strategy.
- Identify Information asset risks, including those associated to compliance, cybersecurity, access, privacy, Business Continuity, management and costs. This includes assessing the potential impact of these risks on organizational operations and developing mitigation strategies to address them effectively.
- Assist with the development of business plans and funding envelopes necessary to implement, evolve and maintain the IM infrastructure.



- In alignment with the RIM policy, coordinate implementation of relevant approved Records and Information Management initiatives, including policy and procedural development.
- Review Records and Information Management training requirements and coordinate with the Department of Human Resources to ensure that Personnel receive sufficient training to fulfill their Records and Information management obligations.
- Recommend IM skillset/readiness evaluation and validation approaches for all GN personnel.

The initial meeting of the IGC was held in February 2025, with planned monthly meetings to accelerate momentum in achieving a government wide approach to the evolving IM environment Of note, the majority of GN departments and agencies are individually represented. The IGC Terms of Reference stipulate that at each fiscal year end, the committee will create an annual report outlining the achievements and effectiveness of the committee.

GN Information Management Strategy

As previously mentioned, a comprehensive roadmap is currently being drafted, evolving and modernizing the GN's IM program, with a mix of policy enhancements, training initiatives, supporting mechanisms, technical modifications and approaches geared towards securing and protecting government information assets. This roadmap provides the foundation for a GN Information Management Strategy. Broadly, this strategy will involve moving from localized Y: drives to Cloud-based solutions, enabling key functionality that furthers cyber security and privacy protections. The implementation of this strategy will be overseen by the GNs Information Governance Committee - a holistic approach that is collaborative and consensus based, ensuring vertical and horizontal alignment on a go-forward basis.

Further Investigation and Clean-up of Community Y-drives:

It was determined that to successfully implement an Approved Storage Location Standard (ASLs), the RIM policy would need to be finalized and approved. After the December 2024 approval of the RIM policy the department is now working to update a new draft of the standard to support policy change that resulted from both the consultative process and recent legislative change, Establishment of Departments and Responsibility for Acts. As mentioned in the November 2022 letter this policy tool supports and provides direction in relation to Approved Storage Locations ("ASLs") to be utilized in the course of compliance with the Records and Information Management Policy. The Standard is



expected to provide guidance on a consistent approach to information storage enabling corporate retention, protection and defensible disposition of government information.

<u>GN Reorganization (CGS, EDT, EIA) 2025:</u> The restructuring of CGS/EDT and EIA took effect April 1, 2025. CGS played a played a central role in planning and managing this initiative and effective management of records was built into the project plan.

From the outset of this initiative CGS-IMIT took a very proactive role to ensure digital and hard copy records were considered in our planning. The digital reorganization efforts led by IM/IT complimented and adhered to the advisory received from your office on November 19, 2024, in relation to potential privacy issues associated with office moves.

Recognizing that there are often exceptions to the best laid plans, the department proactively provided all impacted users with a means to manage any exceptions to the transition plan. I am not aware of any exceptions being reported following the March 31, 2025, transition date.

Lessons Learned:

What did we take away from and implement from our previous efforts to clean up the Y-drive to inform our approach to the re-org?

The re-organization effort took three major lessons from the Y drive cleanup work approach. (1) The need for reliable validation and identification of authority for IT technologists. (2) The need to modify and document changing roles and responsibility among staff (acting, transfer assignment, new indeterminate jobs). (3) The importance of understanding users' file structure and permission needs through documented stakeholder interviews.

- (1) To support this work IM/IT had to implement a system to clearly define decision making authority. This was accomplished through a comprehensive overhaul of the global directory database including the addition of several new elements that contribute to better defining information custodianship and decision-making authority. The overhaul saw a cross governmental survey to build out organizational charts within global directory and define and validate authority to better inform future access decisions.
- (2) Recognizing access conditions change due to evolving staff assignments, the global directory also had to be flexible enough to be easily updated by those with appropriate authority. This was accomplished through the Service Now ticketing system providing a documented approach to changing authority for access decisions. This provided IM/IT staff with a documented approach to validating authority in the fulfillment of permission requests.



(3) IM/IT worked to complete stakeholder interviews throughout the reorganization process and determined ownership and permission needs of our clients while also ensuring appropriate vertical and horizontal access controls.

These three important lessons will help inform the establishment of future processes to define and control file access in an increasingly systematic manner.

Privacy Role:

Our department is committed to advancing privacy compliance within the GN and incorporate privacy considerations and best practices into the design of every new initiative. To accomplish this the department is working to establish a bilateral privacy program with key roles in both policy & privacy program development and corporate system architecture. Both roles approach different tasks and require different skills sets, yet both contribute to the development of an effective program. The impact of these two roles is both visible in the development of training, policy, and process development and less visible but still salient in the form of technical configurations and the design of IM/IT based systems.

Training of Personnel:

On April 30, 2025, a mandatory Records and Information Management (RIM) Awareness training program will be launched on the IM/IT Security Awareness Training platform. This training is a requirement of the new RIM policy and compliance will be monitored.

In addition to RIM training the department is also making available a generalized version of the privacy training we committed to developing in our November 2022 response letter. This training has been reviewed and endorsed for GN wide release by our partners at Executive and Intergovernmental Affairs. These trainings, along with Security Awareness Training, emphasize the importance of protecting personal information and reporting any real, perceived, or anticipated breaches.

In closing, I would like to thank you for the invaluable contributions and guidance to privacy protection across the GN. I would like to reaffirm the department's commitment to best protecting the records entrusted to us.

Sincerely,

Kyle Seeley

Deputy Minister, Transportation and Infrastructure Nunavut



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Cc: David Joanasie, Minister, Transportation and Infrastructure Nunavut
Anna Fowler, Deputy Minister, Executive and Intergovernmental Affairs
Dean Wells, Corporate Chief Information Officer, Transportation and Infrastructure
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Brad McFaul, Policy, Transportation and Infrastructure Nunavut