

**NUNAVUT
INFORMATION AND PRIVACY COMMISSIONER**

Review Recommendation 14-076

July 11, 2014

Review File: 14-141-5

BACKGROUND

A complaint was filed with my office by an individual who was concerned about the manner in which correspondence to him was handled by the Department of Health. In particular, the Complainant advised that he had received a response to an Access to Information Request from the Department and, included in the same envelope was a letter about a completely unrelated matter, also addressed to the Complainant from the Acting Deputy Minister of the department. The Complainant was concerned about the use of the "ATIPP Office" to send this letter and felt that it was inappropriate. He felt that this had the effect of disclosing personal information about him to people within the department who had no need to have that information for the purpose of carrying out their job functions.

THE DEPARTMENT'S EXPLANATION

In its response to me, the Department of Health confirmed that the department abides by the *Access to Information and Protection of Privacy Act* and only shares personal information with those employees who need to know the information. In this case, materials requested by the Complainant under an Access to Information request were gathered by employees of the Department authorized by the Minister to perform this function. Once all materials were gathered, they were submitted to the Deputy Minister's office for release to the Applicant. The staff that prepared the documents for release also provided the Deputy Minister's office with an addressed envelope for mailing purposes. The Deputy Minister in fact signed the letter by which the Access to Information documentation was disclosed to the Complainant. It just so happened that there was another letter, on a separate matter, from the Deputy Minister to the

Complainant ready for mailing at the same time and the Deputy Minister's staff put both letters in the same envelope.

DISCUSSION

While perhaps not the best practice to send two unrelated pieces of correspondence to the same person in one envelope, nothing in the actions of the staff in the Deputy Minister's office gives me any cause for concern in terms of a breach of the Complainant's privacy. The Government of Nunavut does not have an "ATIPP Office" for each government department. There is an ATIPP Co-Ordinator in each department who is responsible for co-ordinating the compilation and preparation of responses to ATIPP requests but it is the Minister's responsibility to provide disclosure. In most cases, this responsibility is delegated by the Minister to the Deputy Minister or the ATIPP Co-Ordinator, but not always. In this case, the Minister apparently designated his Deputy Minister to undertake this task. The Deputy Minister's staff handled the mailing of the response to the ATIPP request. The Deputy Minister's staff also handled the mailing of the second piece of correspondence. No one who would not have otherwise seen either piece of correspondence in the ordinary course of their employment had access to or saw the materials in question.

CONCLUSIONS AND RECOMMENDATIONS

I have no recommendations to make with respect to this matter.

Elaine Keenan Bengts
Nunavut Information and Privacy Commissioner