



ABOVE BOARD

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and Privacy Commissioner

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Save the Date! APSIM Conference Returns!

OIPC is delighted to announce the return of the APSIM Conference, scheduled for November 26 and 27, 2026. This two-day in-person event will again take place at the Health Innovation Acceleration Centre in St. John's, and will bring together access, privacy, security, and information management professionals.

Want to be part of this year's APSIM Conference? Submit your [speaker proposal](#) for a chance to share your expertise, inspire peers, and shape the conversation on access, privacy, security, and information management.

For the latest updates and information about APSIM, please visit the Conference's [official website](#). If you have questions, please contact APSIMconference@gov.nl.ca.

Updates and Reminders

Reminder: Our Office has updated its breach reporting form and related guidelines. **Public bodies must use OIPC's updated breach [reporting form](#).** Breach reports submitted using any other forms, including forms developed by individual public bodies, will be rejected and must be re-submitted on the correct form.

Reminder: We have moved! Ensure your breach notification letters to impacted individuals reflect our new physical address: 5th Floor, Beothuck Building, 20 Crosbie Place, St. John's NL. Our mailing address remains the same: PO Box 13004, Station A, St. John's, NL, A1B 3V8.

OIPC published its [2024-25 Annual Report](#). The document includes highlights and activities from the 12-month reporting period, updates on OIPC's report on performance, discussions of investigations, statistics from the year, and more.

If you have any questions or feedback about our forms, guidelines or guidance, including suggestions on topics for guidance resources, please let us know!

OIPC Survey on Guidance, Newsletter and Conference

Thank you to everyone who took the time to respond to our survey! While we continue to analyze the responses and prioritize action, we are putting one suggestion to immediate action - the addition of a column to this newsletter that puts the spotlight on OIPC's internal office processes. For example, what happens when a complaint or an application for a disregard is received by OIPC? This column kicks off in the April 2026 edition of Above Board.

Survey responses also highlighted the fact that many coordinators are struggling with the behaviour of some applicants. We are too. OIPC is developing a respectful behaviour policy, which will be posted on the website once finalized and approved. For any public body that is struggling, a resource you may find helpful is New South Wales Ombudsman's [Managing unreasonable conduct by a complainant](#). If you are experiencing difficulties with a complainant during OIPC processes, please let your assigned Analyst know.

January 28th is Data Privacy Day

January 28th is Data Privacy Day, an internationally recognized day dedicated to creating awareness about the importance of privacy and the protection of personal information. It began on January 28, 2007, to mark the anniversary of Convention 108, the first legally binding international treaty dealing with privacy and data protection.

Privacy has been recognized by the Supreme Court of Canada as a right of all Canadians under the Charter of Rights and Freedoms. In this province, privacy has been protected by law through the **Access to Information and Protection of Privacy Act, 2015** and the **Personal Health Information Act**. On January 28th, Commissioner Kerry Hatfield will be participating in a special joint meeting of the International Association of Privacy Professionals (IAPP) Edmonton, Waterloo, Regina, St. John's, Toronto, Montreal, Victoria, Ottawa and Vancouver KnowledgeNet Chapters. The topic is **Beyond the Chaos: Practical Application of AI Governance**. Commissioner Hatfield and BC's current Commissioner (and former NL Commissioner) Michael Harvey will bring opening remarks for the session. The session will be moderated by Constantine Karbaliotis, with speakers Brent Arnold and Bianca de Teffé Erb. The session will explore the complexities of implementing AI governance, with the panelists sharing insights into the challenges, best practices and practical approaches to help move forward with implementing an effective program. For a full description of the session, or to register, please visit the [IAPP website](#).

Also happening on January 28th is a free virtual event being hosted by the Ontario Information and Privacy Commissioner's Office; [Trustworthy AI in Health – The Promise, Perils, and Protections](#), which will explore AI's role in health care and its privacy challenges.

To mark this year's Data Privacy Week, OIPC is excited to announce the launch of our [Youth Privacy Resources webpage](#), a hub with materials designed to help young people understand and protect their personal information. These resources, some of which are also available in [French](#), aim to build privacy awareness and empower youth to make informed choices. OIPC also created and distributed a [Privacy Principles Poster](#), available on our website for download, which outlines the 10 principles that form the foundation of many privacy laws across Canada, including the laws in our province.

Extensions and Disregards

OIPC is receiving a large number of complaints related to deemed refusals and we want to remind Coordinators of available tools, including extensions and disregards. Rather than simply failing to meet the statutory deadline to issue a response to requesters, those public bodies which find themselves answering complex and large access to information requests should consider the options available under the Act, including time extension provisions and, when warranted, disregards.

ATIPPA Coordinators will already be familiar with disregard and extension resources available on the OIPC website, including:

- [ATIPPA, 2015 Disregard Application Form](#) and [guidance](#) to assist in completing the form; and
- [ATIPPA, 2015 Time Extension Application Form](#) and [guidance](#) to assist in completing the form

Watch out for the April edition of Above Board to learn what happens when OIPC receives an application for a disregard or extension!

Statistics

In 2024-2025, public bodies made 1,102 applications for extensions of time for 721 unique access to information requests (where appropriate, this Office will consider multiple consecutive applications for the same access to information request). Of the 1,102 time extension applications, 987 (89.6%) were approved, 83 (7.5%) partially approved, 11 (1%) denied, and the remaining 21 (1.9%) were withdrawn by the public body. In total, across 1,081 applications (discounting those that were withdrawn), this Office approved 93.9% of additional time requested by public bodies (22,030 days approved out of 23,467 days requested).

Also in 2024-25, public bodies made 109 applications for approval to disregard access to information requests. The consequence of this approval means the applicant does not get to make their access request; however, they may file an appeal in Court of the public body's decision to disregard the request. Although there is recourse, the Court process can be time consuming and costly. Given these consequences, a higher threshold for a disregard application applies. Of the 109 disregard applications, 78 (72%) were approved, 12 (11%) partially approved, and 15 (14%) denied.

See page 32 of the [2024-25 Annual Report](#) for complete statistics on disregards and extensions, including application statistics for the past nine years.

Importance of Using Government Accounts and Government Issued Assets

Recent [media coverage](#) of an access case in Ontario has shed light on the importance of using government accounts and government issued assets when conducting government work. Even if using a personal account or personal asset, records that relate to public body matters may be considered under the custody or control of the public body. This makes it much more complicated to fulfill obligations under ATIPPA, 2015.

In [Final Order PO-4576-F](#) and [Final Order PO-4577-F](#), the Information and Privacy Commissioner of Ontario determined that call logs from the Premier of Ontario's personal cell phone that related to government or department matters were under the custody or control of the Cabinet Office. In December 2025, Ontario's Superior Court of Justice examined the reports in [Ontario \(AG\) v. Ontario \(Information and Privacy Commissioner\) 2025 ONSC 7099 \(CanLII\)](#), and dismissed the government's application for judicial review.

It should be noted that an initial access request was made for the name and phone number of each caller and the time and length of each call from the Premier's official government cell phone call-log records. While invoices were released, they showed that there was no phone call activity on the Premier's government cellphone during the time-period requested. This resulted in a second access request being filed, this time for the Premier's personal cellphone.

OIPC has issued a Practice Bulletin: [Use of Personal Email Accounts for Public Body Business](#), that may assist public bodies facing the issue of custody or control, as well as OIPC expectations when using personal accounts and assets for public body work. OIPC reports commenting on this topic include [Report A-2016-021](#), [Report A-2022-024](#), and [Report A-2024-047](#).

ATIPPA, 2015 Privacy Breach Statistics October 1 – December 31, 2025

During the fourth quarter of 2025 (October 1 – December 31, 2025), OIPC received 56 privacy breach reports from 18 public bodies under ATIPPA, 2015. This is an increase from the 50 breaches reported during the previous quarter. There was one intentional breach reported during this quarter; it occurred when a staff member posted personal information of third parties obtained through work on their personal social media accounts.

Public bodies are reminded that OIPC will only be accepting privacy breach reports that are sent using the official OIPC [Privacy Breach Reporting Form](#). All other reporting forms will be rejected, and the public body will need to re-submit.

Summary by Public Body	
College of the North Atlantic	4
Department of Education and Early Childhood Development	9
Department of Finance	1
Department of Government Modernization and Service Delivery	2
Department of Government Services	5
Department of Justice and Public Safety	3
Department of Social Supports and Well-Being	2
House of Assembly	1
Memorial University	18
Newfoundland and Labrador Health Services	1
Newfoundland and Labrador Housing Corporation	1
NL Schools	2
Office of the Premier	1
Public Service Commission	1
Royal Newfoundland Constabulary	1
Town of Pilley's Island	1
Treasury Board Secretariat	1
Workplace NL	2

