



ABOVE BOARD

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Statutory Review of ATIPPA, 2015 Announced

Commissioner Hatfield was pleased with the announcement of a statutory review of the **Access to Information and Protection of Privacy Act, 2015** (ATIPPA, 2015). Section 117 of ATIPPA, 2015 establishes that reviews of the legislation must be conducted every five years.

The current access to information legislation, ATIPPA, 2015, is viewed as one of the strongest regimes in the country. This review provides an opportunity to maintain this status and make further improvements. A strong access law creates and maintains trust in our public institutions

While there was a statutory review of ATIPPA, 2015 in 2020, no substantial legislative changes were implemented as a result. Final reports stemming from past reviews can be found on the ATIPP Office's [website](#).

The [news release](#), dated May 20th from the Honourable Helen Conway Ottenheimer, Minister Responsible for Access to Information and Protection of Privacy, indicates that the review will be led by lawyer Keri-Lynn Power. Further details about the review, including opportunities to contribute and Terms of Reference, are located on the review's [website](#). The final report and recommendations are scheduled to be provided to the Provincial Government at the end of January 2027. OIPC encourages all interested parties to engage in the review process and have their voices heard.

Commissioner Talks Access to Information

In **Access to Information Under Attack** (Episode 17 of **Berrygrounds**), host Justin Brake speaks with Newfoundland and Labrador Information and Privacy Commissioner Kerry Hatfield about the growing challenges facing

access to information laws in Canada and the importance of protecting the province's unique access and privacy legislation. We encourage readers to listen to this timely and insightful conversation to hear Commissioner Hatfield's perspectives firsthand and learn more about the importance of protecting access to information laws. The episode is available through [The Independent's Berrygrounds podcast archive](#).

Content for Final Response Letters

OIPC has received complaints from individuals where the final response letter from the public body did not inform them of their right to complain to our Office. Public bodies are reminded that individuals are able to file complaints with our Office, with minimal exceptions, and that the Act requires this information to be included in final response letters.

Section 42(1) establishes an individual's rights to file a complaint, stating,

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

Section 42(8) identifies specific exceptions for complaints, stating,

- 42(8) A complaint shall not be filed under this section with respect to
- (a) a request that is disregarded under section 21;
 - (b) a decision respecting an extension of time under section 23;
 - (c) a variation of a procedure under section 24; or
 - (d) an estimate of costs or a decision not to waive a cost under section 26.

Section 17 establishes the content of a final response to an access request, and includes the right to file a complaint with OIPC, stating, in part,

17. (1) In a final response to a request for access to a record, the head of a public body shall inform the applicant in writing ... (c) (ii) that the applicant may file a complaint with the commissioner under section 42 or appeal directly to the Trial Division under section 52, and advise the applicant of the applicable time limits and how to file a complaint or pursue an appeal.

To help public bodies ensure that correspondence with applicants meet legislative requirements, the ATIPP Office has prepared a number of templates for use; all are available on the [Forms](#) page of the ATIPP Office's website.

It should be noted that, even if the public body determines that the records being requested fall under section 5 of the Act and therefore fall outside the scope of the ATIPPA, 2015, applicants still have a right to file a complaint with OIPC and to be informed of this right in the final response from the public body. See Form 4F - Response to Applicant – Records Fall Outside Scope, as well as the above discussion of legislative requirements.

The Information Desk: Time Extension Applications

This is a new column, created in response to feedback gathered during OIPC's recent survey on our guidance, newsletter, and conference. This column will put the spotlight on OIPC's internal office processes. If you have a topic you would like to see featured, let us know by emailing commissioner@oipc.nl.ca with the subject being "Above Board Feedback."

ATIPPA, 2015 is an excellent example of access to information legislation, getting a first place provincial rating of 112 out of 150 points as assessed by the [Center for Law and Democracy](#). One of the things that sets ATIPPA, 2015 apart is the strict timelines imposed on both public bodies and this Office. While these strict timelines ensure that stakeholders receive timely access to requested information, it is not always reasonable or possible for requests to be fully processed in the standard 20 business days allowed by section 16(1). This is where section 23 comes into the process. It allows public bodies to apply to this Office to extend the deadline to respond to a request. The [application form](#) is on our website, along with our [guidance document](#), which explains how we interpret and apply section 23. This Office then has 3 business days to respond to the application. But what happens behind the scenes when we receive an extension application?

Although ATIPPA, 2015 says that the application is made to the Commissioner, as with many tasks and decisions, it is simply not possible for the Commissioner to take on every role personally, so the job of reviewing and deciding on these applications has in practice been delegated to the Senior Access and Privacy Analyst (SAPA). Once your completed application form arrives at our email address (commissioner@oipc.nl.ca), our administrative staff enter it into our records management system, which then alerts SAPA that a new extension application is available for review. Depending on workload, SAPA reviews extension applications in batches every one to two business days. There are three possible outcomes of the review; approval, partial approval or denial of the application.

Often the application is relatively clear-cut in terms of providing the necessary evidence and argument to establish a case for approval of the extension. While Coordinators should endeavor to provide as much information as possible by filling out all sections of the application form, some of the key pieces of information include status of the searches, number of pages of records located, required consults, and any special circumstances either in relation to the request itself or the public body which impact the processing of the request. Occasionally, when a request is seeking an exceptionally long extension (either in a single application or cumulatively over a series of applications) SAPA will consult with either the Director of Research and Quality Assurance or the Commissioner to determine an appropriate response.

Given that a decision is required to be made within three business days, it is usually not practical to seek additional submissions or input from public bodies before a decision is made, although in rare cases we may reach out for clarification if needed and if time permits. The decision to approve or not approve the application is typically communicated to the public body by SAPA. If SAPA is away from the office for any reason, the Director or Commissioner carries out SAPA's role in reviewing the applications and communicating the decision.

If you have questions about extension applications in general, please give us a call to discuss.

Collection and Use of MCP by Public Bodies

OIPC [Report P-2026-001](#) discussed the collection, use, and disclosure of MCP numbers by a public body in great detail. The report examined the PowerSchool breach, which impacted 285,158 individuals and included the MCP number of 244,917 current and former students.

Public bodies are reminded that the fact that student MCP numbers may be sought by other individuals or entities, such as first responders, does not, on its own, justify or legally authorize the public body's collection of this information. Further, through the course of OIPC's investigation into the breach, it was confirmed that emergency medical services are available to all individuals in need, regardless of whether they possess or provide MCP information.

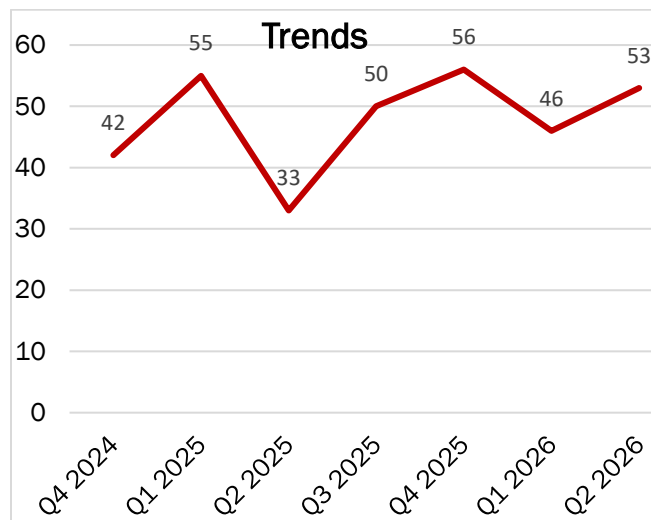
We encourage all public bodies that collect, use, or disclose MCP numbers to review their authority for these activities. Public bodies must have clear and explicit authority to collect personal information, as well as to use and disclose.

ATIPPA, 2015 Privacy Breach Statistics April 1 – June 30, 2026

During the second quarter of 2026 (April 1 – June 30, 2026), OIPC received 53 privacy breach reports from 18 public bodies under ATIPPA, 2015. This is an increase from the 46 breaches reported during the previous quarter.

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	
ATIPP Office	1
City of St. John's	1
College of the North Atlantic	2
Department of Education and Early Childhood Development	8
Department of Government Services	7
Department of Jobs, Growth and Rural Development	1
Department of Justice and Public Safety	3
Department of Municipal and Community Affairs	1



Department of Social Supports and Well-Being	2
House of Assembly	1
Human Rights Commission	1
Legal Aid NL	1
Memorial University	11
NL Health Services	2
NL Hydro	3
Office of the Chief Information Officer	1
Royal Newfoundland Constabulary	1
Town of Hants Harbour	1
Town of St. George's	1
Town of Stephenville Crossing	1
Treasury Board Secretariat	2
Workplace NL	1

Summary by Type

