



ABOVE BOARD

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the Office of the Information and Privacy Commissioner

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Survey – Help Us Improve our Newsletter, Guidance Documents and Events!

OIPC is conducting a survey on our newsletter, guidance documents, and conferences. We want to hear your thoughts on these resources and the topics you are interested in. This will help us develop a plan to ensure our resources meet your needs.

The survey should only take about five minutes and your responses are anonymous. Information is being collected under the authority of section 61(c) of ATIPPA, 2015. The survey can be accessed [here](#).

If you have questions, please contact OIPCSurveys@oipc.nl.ca. We thank you in advance for your input!

Updates and Reminders: New and Updated Forms, Guidelines and Guidance

New Form: OIPC has developed a [Written Authorization Form](#) to support complainants who wish to designate a third party representative, such as a spouse or lawyer, to act on their behalf during the complaint process. This will be used on a go-forward basis by OIPC.

Update OIPC's Address in Your Template Letters: OIPC is still receiving notification letters from public bodies that reflect our old address. Public bodies are reminded to update their letter template to reflect our new physical address: 20 Crosbie Place, Beothuck Building, St. John's, NL. Our mailing address remains the same: P.O. Box 13004, Station A, St. John's, NL, A1B 3V8.

Use the Updated Breach Reporting Forms: Public bodies must use the new [Reporting a Privacy Breach Form](#) for reporting privacy breaches to our Office. If you need assistance on how to fill in the new form, please refer to our [Guidelines](#). **Warning: Old breach reporting forms received after December 31, 2025, will not be accepted and will need to be resubmitted using the new form.**

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

Video Surveillance and Access Requests

In recent years, OIPC has issued a number of reports addressing the use of video surveillance by various public bodies, including municipalities and departments.

Section 8 of the **Access to Information and Protection of Privacy Act, 2015** (ATIPPA, 2015) provides that an applicant has a right of access to any record in the custody or control of a public body, subject to any exceptions to access. Where exceptions apply, there is an obligation on the public body to sever that information from the record and provide the remainder to the applicant.

Section 2 of the Act defines a “record” as “information in any form, and includes a dataset, information that is machine readable, written, photographed, recorded or stored in any manner...”. Video recorded from a surveillance camera is a record.

Even when portions of a recording capture the personal information of identifiable individuals, section 40 of the Act considers this an “information level” exception rather than a “record level” exception. This means that disclosure may still be possible if the personal information can be reasonably severed. Techniques such as blurring or pixelating faces can effectively de-identify individuals, enabling the release of the footage. De-identification ensures that disclosure of the recordings no longer constitutes an unreasonable invasion of the personal privacy of the people recorded.

Although many public bodies have implemented video surveillance, few have considered obtaining, either by purchasing or outsourcing, the capacity to redact surveillance recordings.

In a number of Commissioner Reports, such as [A-2018-005](#), [A-2021-014](#), [A-2025-035](#), and [P-2021-002](#), OIPC has recommended that public bodies acquire or source the capacity to de-identify persons recorded by surveillance cameras. In the most recent report (A-2025-035), the public body tried to argue that it was not subject to any legislative requirement to obtain the necessary software to process and disclose video records; however, it did ultimately accept the Commissioner’s recommendations.

At paragraph 22, the Report states, in part:

Video images collected by a public body through a surveillance camera is a record subject to the Act. Such surveillance cameras are increasingly ubiquitous in modern society and through this technology public bodies have the capacity to collect massive volumes of records, frequently collecting the personal information of third parties captured in the video. The Act does contemplate at sections 8(2) and 20(2) that there may be circumstances where a record cannot be provided; however, we

cannot accept a blanket application of these circumstances to an entire class of record (video recordings) when the means exist to properly redact them and make them available. It is untenable for a public body to assert the right to generate these records, and collect personal information in this way, but not at the same time have any means of making the records available through the access to information process.

OIPC has guidance to assist public bodies considering or currently using video surveillance (see [OIPC Guidance: Use of Video Surveillance](#)). Public bodies are encouraged to ensure that they are prepared to respond to access requests for video surveillance recordings. This includes developing policies and procedures for how access requests for personal information will be handled and to acquire or source the capacity to de-identify (blur or block the identities of others) video surveillance records. Public bodies can always contact the ATIPP Office for general guidance if they are struggling with where to start.

Right to Know Week 2025

OIPC celebrated Right to Know (RTK) Week from September 22 to 28, 2025. This annual event promotes the public's right to access information held by public bodies, which is a cornerstone of transparency and democratic engagement. To mark the occasion, we coordinated with NL Public Libraries to distribute our "**It's Your Right to Know!**" posters in libraries across the province. We're grateful to NL Public Libraries for their support in helping us reach communities across Newfoundland and Labrador.

The theme for 2025 is "Enhancing Government Transparency". Statistics released by the ATIPP Office show an upwards trend in the number of access requests filed year over year. ATIPPA, 2015 provides a right of access to records in the custody or control of a public body, with limited exceptions. These records are required to be provided within 20 business days, unless the Commissioner approves an extension to this timeline.

Recently, OIPC has noticed an increase in the number of complaints because of deemed refusals – requests that are not responded to within the legislative timeline. The OIPC 2015-16 Annual Report stated, "Public bodies now very rarely miss their deadlines for providing access to information, and they cannot apply time extensions without the approval of this Office." The OIPC 2022-23 Annual Report reflected a change in the timeliness of responses, stating, "OIPC statistics show that, in the present year, the number of deemed refusal complaints is dramatically higher at 59. This represents a rate that is more than triple again the increase from the previous year."

In 2018, an audit was launched to examine the reasons behind the deemed refusals from a particular Department; the [final report](#) was issued in October 2020. As part of this audit, OIPC reviewed all records relating to the 32 late responses to understand the Department's practices and procedures when processing requests and to determine areas for improvement. The review identified several sources for the late responses:

- delays in responses from staff;
- preparing explanations or additional information for applicants;
- delays in transmitting records;
- delays in seeking and obtaining consultation;

- delays in obtaining approval; and
- delays in reviewing records or delay otherwise unexplained.

The Report made a number of recommendations to address the identified issues that all public bodies might find beneficial, including the following.

- Greater staff awareness of the obligations under ATIPPA, 2015. Senior Leadership must take the lead on ensuring that this message is sent and understood by all staff. Senior leadership and Coordinator must be proactive in following up with staff when responses and records are not forthcoming.
- While additional information may be helpful, the Department must ensure that it meets its obligations under ATIPPA, 2015 to provide responsive records within 20 business days. If the Department determines that additional information or explanations are warranted, it should consider the preparation of such messaging separate from the access to information process, and possibly as a follow-up after a final response has been sent.
- Greater access for Coordinator, so that they can access all Department resources from their location without relying on emailing records.
- Determine required consultations as early as possible in the process. Since a review of the responsive records may be needed first (to determine whether other parties are involved, or if there are particularly complex issues requiring legal advice), general improvements in 1) completing searches, 2) transmitting records, and 3) reviewing records are also necessary in order to provide time for consultations.
- Where appropriate, engage with the Office of the Information and Privacy Commissioner for an extension of a time limit when processing requests.

Public bodies that have experienced deemed refusals are encouraged to examine their processes to identify the root cause of delays and make appropriate changes to address the issues.

Tools

Coordinators are reminded that they can apply for an extension; such applications must be submitted using the [ATIPPA, 2015 Time Extension Application Form \(oipc.nl.ca\)](https://oipc.nl.ca). Section 16(2) of ATIPPA, 2015 states:

- 16.(2) Where the head of a public body fails to respond within the period of 20 business days or an extended period, the head is considered to have refused access to the record or refused the request for correction of personal information.

Trends

On March 15, 2024, the ATIPP Office posted its response to ATIPP/1/2023, an access request for “information relating to ATIPP requests submitted to government departments from January 1, 2022 to June 30, 2023.” The response to this request provides an opportunity for OIPC to analyze requests made to various departments, look for trends and develop guidance and training to assist ATIPP Coordinators.

OIPC noted that many of the access requests were complicated and involved very specific matters.

NOTE: The request was limited to government departments and does not reflect the work of all ATIPP Coordinators, excluding, for example, municipalities, healthcare entities and agencies. Further, the released record reflects general access requests and not those that were for personal information.

Proactive Disclosure

In reviewing the access requests, there are a number of repeated requests that could be addressed through proactive disclosure. For example:

- Communications Materials
 - A copy of the briefing book used by the Minister in the House of Assembly
 - List of all briefing materials provided
 - Briefing Binder for the Estimates Committee
 - Transition Binders
 - Also: Speaking Notes, Decision/Direction notes, information notes, Q&As, etc.
- Expense Claims
 - Detailed list of expenses claimed
 - Total costs of trips (especially interested in out-of-country travel)
 - Journey Authorization Forms
- Reports
 - When government announces that it has commissioned a report, and/or that the report has been submitted, copies are generally requested through access requests

Proactive disclosure may reduce the number of access requests received, and it will definitely contribute to the public body's openness and transparency efforts. As such, if information is removed from documents before posting, best practice would be to inform individuals of this fact. For example, if a decision is made to exclude particular sections of posted briefing notes, note this fact.

Publication Schemes

There were also a number of departments that had a high number of responses that "Records Do Not Exist". We suggest that department's review their responses to access requests for trends, which may then lead to clarifications on their websites. For example:

- Municipal and Provincial Affairs – what type of records are held by the department and what types are held by towns?
- Department of Health and Community Services – what types of records are held by the department, and what types are held by NL Health Services?

Section 111 of ATIPPA, 2015 establishes requirements for a publication scheme. It may be beneficial for department's that receive a number of access requests for records they do not hold to consider telling people what they do hold.

Nova Scotia Access to Information Legislation Update

On September 26, 2025, the first reading of Nova Scotia's proposed [Freedom of Information and Protection of Privacy Act](#) occurred. According to a government [news release](#), the new Act will replace the current Act, Part XX of the **Municipal Government Act** and the **Privacy Review Officer Act**; the **Personal Information International Disclosure Protection Act** will be repealed. The new Act will come into effect April 1, 2027. Major changes include making the Information and Privacy Commissioner

an officer of the legislature; extending privacy oversight to municipalities and villages; requiring all public bodies to notify individuals when a privacy breach carries a significant risk of harm; and increasing fines for violations under the Act.

ATIPPA, 2015 Privacy Breach Statistics July 1 – September 30, 2025

During the third quarter of 2025 (July 1 – September 30, 2025), OIPC received 50 privacy breach reports from 16 public bodies under ATIPPA, 2015. This is an increase from the 33 breaches reported during the previous quarter. There was one intentional breach reported during this quarter; the identity of a complainant was posted on a public forum, suggesting that someone from the public body had disclosed the information. The numbers indicate that email breaches continue to make up a very significant portion of the overall privacy breaches reported.

Summary by Public Body	
City of St. John's	3
College of the North Atlantic	4
Department of Education and Early Childhood Development	4
Department of Families and Affordability	4
Department of Government Modernization and Service Delivery	7
Department of Health and Community Services	1
Department of Jobs, Immigration and Growth	6
Department of Justice and Public Safety	2
Memorial University	4
Newfoundland and Labrador Legal Aid Commission	2
NL Health Services	3
NL Schools	1
Royal Newfoundland Constabulary	2
The Rooms	1
Town of Portugal Cove-St. Philip's	2
Treasury Board Secretariat	4

