

Terms of Reference

Implementation Team

Recommendations of the Statutory Review of the *Access to Information and Protection of Privacy Act* Newfoundland and Labrador

March, 2015

Overview:

Pursuant to section 74 of the *Access to Information and Protection of Privacy Act* a statutory review of the Act must occur not more than five years of its coming into force and within every five years thereafter. A committee was established in March 2014 to conduct the second statutory review of the Act, resulting in a final report with 90 recommendations and a draft bill containing legislative changes. Government has accepted all 90 recommendations and will be proclaiming the new legislation on June 1, 2015.

Mandate:

An interdepartmental implementation team (the Team) has been established by the Clerk of Executive Council to coordinate Government's implementation of the recommendations of the Report of the 2014 Statutory Review of the *Access to Information and Protection of Privacy Act (ATIPPA)*.

A working group has also been established, consisting of representatives from the: Office of Public Engagement (OPE); the Implementation Team; Office of the Information and Privacy Commissioner (OIPC); Municipalities NL (MNL); and the Department of Municipal and

Intergovernmental Affairs (MIGA) to implement recommendations related to municipalities and establish disclosure protocols within the context of good municipal governance.

The Team will work in consultation with the Office of the Information and Privacy Commissioner throughout the development the implementation work, which commences on March 16, 2015 and is anticipated to conclude upon proclamation of the new legislation on June 1, 2015. Implementation of the legislation will continue to be led by OPE beyond June 1, 2015.

Accountability:

The Team will report to the Clerk of Executive Council and the Deputy Minister of OPE via meetings held weekly or more often as required with the Executive Team Lead, the Clerk and Deputy Minister of OPE. A weekly progress report will also be provided to the Minister of OPE.

Deliverables:

1. Training Plan/Resources

In consultation with the Centre for Learning and Development (CLD) and OPE, the team will develop and deliver training and provide related resource materials to assist public bodies with obligations under the new legislation, including: GNL Deputy Ministers and ATIPP coordinators; and departments, agencies, boards and commissions. Training Materials for municipalities across the province will also be developed in consultation with CLD, OPE and the Municipal Working Group.

Additionally, in consultation with the OPE, the team will develop a training plan which will promote the qualities that are inherent in good customer service and will inform the training delivered by OPE and CLD beyond June 1, 2015.

2. Service Delivery Improvement

In keeping with the focus on service delivery and customer service, an online application system for ATIPPA requests will be developed by OPE and OCIO by June 1, 2015. An associated payment system will be ready approximately two months thereafter.

3. Municipal Standards

The Team, in consultation with the Municipal Working Group will:

- develop a preliminary training component to be delivered to municipalities throughout the province in mid-April 2015 using the Rural Secretariat regions as the basis for delivering those sessions. (See tentative schedule in work plan Component 1);
- deliver to OPE adapted training materials for use throughout the province that will reflect the new standard for public disclosure as it relates to municipal governance. This will include in-person training and other training opportunities such as webinars;
- deliver a standard for public disclosure for municipal governance, which will be developed and ready for government's consideration by June 1, 2015;
- deliver a Municipal Guide, which can be further revised once the standard for public disclosure has been finalized; and
- deliver a template to assist municipalities in developing access to information and protection of privacy policy, for their use and modification as appropriate, and publishing on municipal council websites if applicable.

4. Policy and Procedures

The team, in consult with OIPC and OPE will revise the ATIPP policy and procedures manuals to provide guidance on the use of new legislative provisions.

5. Organizational Model

The team, in collaboration with the Human Resources Secretariat, will develop:

- a new organizational model for ATIPP functions including ATIPP coordinators and the Office of Public Engagement positions that support them;

- Position Descriptions (PDs) and classifications for any proposed new positions, existing ATIPP Coordinators and other affected positions; and
- an implementation plan for the organizational model.

6. Information Management

The OCIO, in consultation with the Team and OPE will:

- undertake policy work with a view to updating the *Management of Information Act* to include a duty to document* as well as a provision for auditing and monitoring of this by the Office of the Information and Privacy Commissioner;
- develop a new OCIO Directive and prepare Guideline and Training Materials to support departments and public bodies in meeting the duty to document requirement; and
- develop a defined approach for the assessment of the resource requirements necessary to support consistency in Information Management programs.

7. Communications

The Communications Branch, in consultation with OPE and the Team, has developed a communications strategy to inform communications around implementation of the recommendations; the strategy will be updated on an ongoing basis as new developments around changes to the ATIPPA arise.

8. Change Management

The Team will develop a change management strategy which will support the implementation of the new Act and associated changes across the public sector. The strategy will primarily guide communications and both formal and informal training. A change management plan will also be developed to inform implementation of the recommendations after June 1, 2015 focusing on means to achieve the necessary cultural change.

9. Status Report to the Minister of OPE

The Team will prepare a weekly status report for the Minister Responsible for the OPE, and a final summary report submitted by June 1, 2015 which will include the progress on

* The requirement for departments and public bodies to create records that document the conduct of their affairs, comply with the regulatory environment and provide necessary accountability.

implementing the recommendations in the Report of the 2014 Statutory Review of ATIPPA and the strategies for their ongoing implementation.

Members:

The implementation team consists of the following members:

- Michael Harvey, Executive Team Lead (Cabinet Secretariat)
- Jennifer Berlin (Cabinet Secretariat)
- John Cowan (Natural Resources)
- Melissa Hogan (Policy Innovation and Accountability Office)
- Ian Tucker (Justice and Public Safety)
- Patricia Power (Human Resources Secretariat)

Consultation required:

- Victoria Woodworth-Lynas (Office of Public Engagement)
- Iris Power (Office of the Chief Information Officer)
- Hugh Donnan (Communications Branch of Office of Executive Council)

Meetings:

- Meetings will be chaired by the Executive Team Lead.
- Meetings of the Implementation Team with the Deputy Minister of OPE and Director of ATIPP, will be held weekly and more frequently, if required.
- The Executive Team Lead will meet with the Clerk of Executive Council, Deputy Minister of OPE and other officials as required to report on implementation progress.
- A representative of the Team will be present at all meetings of the Municipal Working Group.