



IDENTIFICATION

Department	Position Title	
The Legislative Assembly	Assistant Information and Privacy Commissioner/Investigator	
Position Number	Community	Division/Region
12-15681	Yellowknife	Office of the Information and Privacy Commissioner/Statutory Offices

PURPOSE OF THE POSITION

The Assistant Information and Privacy Commissioner/Investigator (Assistant Commissioner/Investigator) works with the Information and Privacy Commissioner to ensure the public is able to access information held by public bodies as contemplated by legislation, and to protect individuals' privacy interest in personal information held by public bodies. The incumbent investigates complaints regarding public bodies' responses to requests under the *Access to Information and Protection of Privacy Act* or the *Health Information Act*, investigates possible breaches of privacy regarding personal information or personal health information, and provides reports and support to the Information and Privacy Commissioner in responding to complaints.

The position is also required to conduct research and provide comments, advice and informed opinion in regard to proposed legislation, programs or services of the GNWT to assist public bodies and legislators to address access to information and protection of privacy issues.

In addition, the position provides internal policy advice to the IPC as well as policy development and internal privacy and information security training for Office of the Information and Privacy Commissioner (OIPC) staff.

SCOPE

Working in the Office of the Information and Privacy Commissioner (OIPC), the Assistant Commissioner/ Investigator position is located in Yellowknife and serves the whole of the Northwest Territories. Reporting directly to the IPC, the Assistant Commissioner/Investigator works closely with the IPC in all aspects of fulfilling the IPC's statutory duties and in exercise of the IPC's statutory powers.

The IPC is an independent statutory officer of the legislative assembly of the Northwest Territories. The IPC's powers and duties are set out in the *Access to Information and Protection of Privacy Act* SNWT 1994 c.20 (ATIPPA) and the *Health Information Act* SNWT 2014 c.2 (HIA). The mandate of the IPC includes: upholding the rights of individuals to access information held by public bodies; upholding privacy rights of persons with respect to public bodies' collection, use and disclosure of their personal information and personal health information; reviewing and commenting on legislation and government programs and services that may impact on access to information or protection of privacy; and providing public education programs regarding access to information and protection of privacy.

The Assistant Commissioner/Investigator is responsible to assist the Information and Privacy Commissioner (IPC) to fulfill the following statutory objectives: to uphold the fundamental right of the public to have access to information held by public bodies; to ensure the privacy interest in personal information held by public bodies is protected and is collected, used or disclosed only as prescribed by law. Ensuring public access to information is essential to maintaining a robust and healthy liberal democracy in the NWT.

Personal information is an increasingly valuable global commodity, and the Assistant Commissioner/Investigator plays an essential role assisting the IPC to ensure public bodies' collection, use or disclosure of individuals' personal information is authorized under the *ATIPPA* and *HIA*.

The Assistant Commissioner/Investigator is accountable for oversight and risk management and has authority delegated from the IPC to conduct investigations into confirmed or potential contraventions of the *ATIPPA* and *HIA*, including own-motion and systemic investigations, and to carry out such tasks as necessary for thorough investigation into the compliance with relevant legislation by territorial government departments and agencies, including school boards, health authorities, boards, commissions and publicly owned companies.

The Assistant Commissioner/Investigator is also responsible for providing expertise, advice and analysis of access to information and protection of privacy issues arising under the *ATIPPA* and *HIA*. The Assistant Commissioner/Investigator is accountable for independently prioritizing, planning, conducting and reporting on investigations initiated by the IPC and for meeting statutory time periods. The Assistant Commissioner/Investigator will be required to conduct research and provide comments, advice and informed opinion in regard to proposed legislation, programs or services of the GNWT to assist public bodies and legislators in addressing access to information and protection of privacy issues.

The position provides internal policy advice to the IPC as well as policy development and internal privacy and security training for OIPC staff. The Assistant Commissioner/Investigator is also an educator to the public on the *ATIPPA* and the *HIA* and provides guidance to public bodies on compliance issues.

The Assistant Commissioner/Investigator acts independently in facilitating resolution of complaints received from the public about access to information and collection, use and disclosure by public bodies of personal information and personal health information.

Resolution may occur through informal processes or through a formal request for review. The Assistant Commissioner/Investigator is responsible for analyzing requests for review, investigating concerns, conducting research, interpreting and applying legislation, legal precedent, and appropriate policy to specific and often novel scenarios. The Assistant Commissioner/Investigator enquires into the facts and drafts investigation reports citing the appropriate sections of legislation, and also makes recommendations to the IPC on the appropriate disposition of complaints.

The position is also responsible for leading the development and implementation of internal policy and procedures with respect to the OIPC's investigation and review process and contributes towards the development of other internal policies. The position develops and delivers internal privacy and security training to OIPC staff. The position also develops and delivers public awareness and education programs appropriate to a wide range of audiences to raise the level of public awareness about access to information, government collection, use and disclosure of information, and protection of privacy.

The Assistant Commissioner/Investigator's role has responsibilities requiring sound independent judgment, and objectivity in evaluating facts and interpreting legislation. The position requires that confidentiality of information obtained by the OIPC in the course of its work and protecting the privacy of applicants and third parties whose personal information is obtained in the course of work be strictly maintained. Proper handling of complaints and Requests for Review is required to prevent appeals and erosion of public trust in the work of the OIPC.

RESPONSIBILITIES

1. Supports the powers and duties of the IPC as laid out under the *Access to Information and Protection of Privacy Act* and the *Health Information Act*.

- Reviews decisions from the Northwest Territories, and other Canadian jurisdictions to identify specific legal and policy concerns affecting the NWT;
- Identifies and clarifies issues related to the IPC's policy proposals and provides research and advice on these issues;
- Assists with the drafting of the Annual Report for the Northwest Territories;
- Appears with the IPC before the Standing Committee on Government Operations and the Board of Management in the Northwest Territories as may be required;
- Leads the development of and recommends policies and procedures to the IPC supporting the efficient administration of the Office of the IPC in regard to investigations and reviews;
- Provides advice and assistance with development of other policies, procedures and guidelines necessary to support the work of the OIPC;

- Conducts research and assists the IPC to develop and present informed comment to public bodies in regard to access to information and protection of privacy implications of proposed legislation, programs, and policies.
- Stays informed of key provincial, territorial, federal and relevant international developments in access to information and protection of privacy legislation and best practices;
- Acts in the Information and Privacy Commissioner's absence to the extent of applicable delegation made pursuant to section 66 of the *Access to Information and Protection of Privacy Act* and section 172 of the *Health Information Act*.

2. Represents the OIPC at Federal, Provincial and Territorial Committees and associations.

- Represents and speaks on behalf of the Office of the Information and Privacy Commissioner on national committees and at conferences dealing with access to information and protection of privacy issues and policy development.
- Liaises with other Information and Privacy Commissioners' offices in regard to new methods or approaches to conducting access to information and protection of privacy reviews, and in regard to policy development in the areas of access to information and protection of privacy.

3. Investigates Requests for Review and privacy complaints received under the *Access to Information and Protection of Privacy Act* and the *Health Information Act*, as well as reviews initiated by the IPC, and makes recommendations to the IPC on appropriate resolution.

- Analyzes incoming complaints, interprets the applicable legislation and applies legal precedents from Northwest Territories and other Canadian jurisdictions and determines if there are grounds for accepting a formal complaint or Request for Review;
- Advises the IPC on the appropriate course of action and possible alternate courses of action: to initiate a preliminary investigation, to initiate review, to mediate an alternative resolution, or to deny the request on legislated grounds;
- Leads the investigation process on assigned files and assists other investigator(s) with their assigned files;
- Plans and conducts investigations of the issues raised by applicants/complainants, including identifying factual issues to be investigated and communicating with the complainant and the public body subject to investigation;
- Identifies and gathers evidence as necessary to the matter under investigation, gathers necessary background information and context, researches and identifies legal precedents, analyzes and applies the applicable law;
- Writes investigation reports and suggests recommendations for the IPC to consider as appropriate remedy and solution;
- Writes comprehensive technical reports on investigations undertaken by the OPIC;
- Recommends reports for submission to applicants/complainants and to public bodies following completed investigations.

- Researches and maintains current knowledge of precedent decisions and federal, provincial and territorial legislation affecting information access and privacy issues.
- 4. Mediates and conciliates between applicants/complainants and public bodies, where possible, to resolve issues.**
- Attempts to effect early, proactive resolutions to complaints by facilitating informal discussions with applicants/complainants and public bodies prior to commencing a formal review.
 - Facilitates alternative dispute resolution discussions with applicants/complainants and public bodies after a formal review is commenced but before it is finalized.
 - Drafts dispute resolution agreements and manages the resolution process.
- 5. At the direction of the Information and Privacy Commissioner, leads and conducts systemic investigations, privacy audits, Privacy Impact Assessment reviews, and reviews of the ways public bodies collect, use and disclose personal information and personal health information.**
- Recognizes and identifies systemic issues with respect to public bodies' compliance with the *ATIPPA* and *HIA*;
 - Develops audit and investigation plans reflecting the unique needs of each investigation and works with the IPC to define the scope of the audit or investigation to be undertaken;
 - Ensures appropriate attention is devoted to key issues, potential problems are promptly identified, work is completed expeditiously, and work is properly coordinated.
 - Conducts systemic audits and investigations in accordance with the plan, and drafts comprehensive written reports with respect to the findings and recommendations arising out of the audit or investigation.
 - Conducts reviews of Privacy Impact Assessments submitted to the IPC for comment pursuant to the *Health Information Act*, the *Access to Information and Protection of Privacy Act*, and the Protection of Privacy Policy 82.10 of the Government of the Northwest Territories.
- 6. Develops and delivers a variety of educational programs to the public and to public bodies about the *Access to Information and Protection of Privacy Act* and the *Health Information Act* in order to improve government compliance and ensure that members of the public are aware of their rights under the legislation.**
- Develops and delivers seminars and presentations to schools, non-profit organizations and the public on the purposes and application of the legislation.
 - Upon request may make presentations to public bodies to improve understanding of their respective compliance requirements under the *ATIPPA* or *HIA* and the role of the OIPC;
 - Develops guidance documents to improve public bodies' compliance with the *ATIPPA* and *HIA*;
 - Develops information materials for public dissemination as required to meet the mandate of the OIPC.

- Participates in planning and delivery of special events surrounding International Data Protection Day (January 28) and Right to Know Day (September 28) each year.
- Liaises with other Information and Privacy Commissioners' offices in regard educating the public and others on access to information and protection of privacy.
- Provides information to public bodies on access to information and protection of privacy legislation, policy and remedies, including interpretations and past decisions that may apply in particular circumstances.

7. Develops and delivers internal awareness and training programs on access to information and protection of privacy to OIPC staff

- Develops training materials and delivers workshops and presentations to OIPC staff to develop understanding of the OIC mandate and to develop the necessary skills.

WORKING CONDITIONS

Physical Demands

No unusual demands.

Environmental Conditions

No unusual conditions.

Sensory Demands

No unusual demands.

Mental Demands

The position encounters competing demands around priorities involving complex issues, and tight deadlines. A high degree of concentration and attention to detail is required. Travel may be required (approximately three times a year).

KNOWLEDGE, SKILLS AND ABILITIES

- Specialized knowledge of access to information and protection of privacy principles and of the theory and complex concepts inherent to the fields of privacy and access to information.
- Specific knowledge of the *Access to Information and Protection of Privacy Act* and the *Health Information Act*.
- General knowledge of equivalent legislation in other Canadian jurisdictions, including the federal *Personal Information Protection and Electronic Documents Act*.
- Knowledge of internationally recognized privacy frameworks and principles, including the CSA Model Code for the Protection of Personal Information.
- Knowledge with respect to privacy or security in relation to electronic information management systems or health information systems.
- Ability to analyze, interpret, and apply legislation accurately and to identify contraventions of legislation in activities and decisions made by public bodies.

- Advanced ability to conduct investigations.
- Ability to develop and implement policy.
- Advanced writing skills and ability to translate technical and legal information into plain language.
- Ability to communicate effectively orally and in writing to a variety of people with varying backgrounds, knowledge, and levels of education, and in a cross cultural setting.
- Ability to represent the OIPC professionally at all times.
- Ability to research a variety of legal and academic sources as necessary to address access to information and privacy issues and to identify relevant legal precedents.
- Ability to maintain neutrality and objectivity.
- Ability to work independently without supervision.
- Strong research, analytical and problem-solving skills are necessary to interpret and apply legislation and identify appropriate remedies in specific situations.
- Strong organizational, time and project management skills and ability to lead projects and manage competing priorities.
- Strong conflict resolution skills, including ability to manage interactions in stressful situations.
- Proficiency in using computers, knowledge of word processing, database, internet and email applications.
- Ability to maintain trust, and demonstrate ethics and commitment to confidentiality.

Typically, the above qualifications would be attained by:

A degree in a relevant academic discipline (law, social sciences, privacy and security, access to information, informatics, health privacy) plus a minimum of five years of experience interpreting and applying access to information and protection of privacy legislation.

Experience with records management system or health information system would be an asset. Training or significant experience conducting investigations is an asset. Certification from a recognized institution in information access and protection of privacy is an asset.

ADDITIONAL REQUIREMENTS

Incumbent will be required to give an oath not to disclose any information received by the office of the IPC except in accordance with the applicable legislation.

Position Security (check one)

- ☐ No criminal records check required
- ☒ Position of Trust – criminal records check required
- ☐ Highly sensitive position – requires verification of identity and a criminal records check

French language (check one if applicable)

- ☐ French required (must identify required level below)
Level required for this Designated Position is:
ORAL EXPRESSION AND COMPREHENSION

Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐
READING COMPREHENSION:

Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐

WRITING SKILLS:

Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐

☐ French preferred

Indigenous language: Select language

☐ Required

☐ Preferred