

Chapter 12

AN ACT TO AMEND THE ACCESS TO INFORMATION AND PROTECTION OF PRIVACY ACT

(Assented to May 31, 2024)

The Commissioner, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. This Act amends the *Access to Information and Protection of Privacy Act*.

2. Subsections 62(2) and (3) are repealed and replaced by:

Removal for cause or incapacity

(2) The Commissioner, on the recommendation of the Legislative Assembly, may, for cause or incapacity, suspend or remove the Information and Privacy Commissioner, an acting Information and Privacy Commissioner or a special Information and Privacy Commissioner from office.

Suspension

(3) The Commissioner, on the recommendation of the Management and Services Board, may suspend the Information and Privacy Commissioner, an acting Information and Privacy Commissioner or a special Information and Privacy Commissioner for cause or incapacity.

3. The portion of subsection 63(2) preceding paragraph (a) is amended as follows:

(2) ~~An~~ Subject to section 62, an acting Information and Privacy Commissioner holds office until

4. The following is added after section 63:

Special Information and Privacy Commissioner

63.1. (1) If the Information and Privacy Commissioner advises the Management and Services Board that the Information and Privacy Commissioner should not act in respect of a particular matter due to a real, apparent or potential conflict of interest, the Commissioner, on the recommendation of the Management and Services Board, may appoint a special Information and Privacy Commissioner to act in the place of the Information and Privacy Commissioner in respect of that matter.

Term of office

(2) Subject to section 62, a special Information and Privacy Commissioner holds office during good behaviour until the conclusion of the matter in respect of which they have been appointed.

Application of Act and regulations to special Information and Privacy Commissioner

(3) This Act, other than sections 61 and 64.1, and the regulations apply to a special Information and Privacy Commissioner in the same manner and to the same extent as they apply to the Information and Privacy Commissioner.