

ACCESS TO INFORMATION AND PROTECTION OF PRIVACY ACT

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ACCESS TO INFORMATION AND PROTECTION OF PRIVACY REGULATIONS, amendment

The Commissioner in Executive Council, under section 73 of the *Access to Information and Protection of Privacy Act* and every enabling power, makes the annexed amendment to the *Access to Information and Protection of Privacy Regulations*, registered as regulation numbered R-206-96.

1. The *Access to Information and Protection of Privacy Regulations*, registered as regulation numbered R-206-96, are amended by these regulations.

2. Subsections 1(2) and (3) are repealed and the following substituted:

(2) For the purposes of paragraph (b) of the definition "public body" in section 2 of the Act, the following are designated as public bodies:

- (a) each agency, board, commission, corporation, office or other body listed in column I of Schedule A;
- (b) housing authorities incorporated under the *Nunavut Housing Corporation Act*;
- (c) housing associations vested with powers, functions or duties under section 46 of the *Nunavut Housing Corporation Act*.

(3) For the purposes of paragraph (b) of the definition "head" in section 2 of the Act,

- (a) the person listed in column II of Schedule A is designated as the head of the public body listed in column I of that schedule; and
- (b) the Minister Responsible for the Nunavut Housing Corporation is designated as the head of each housing authority and housing association referred to in paragraphs (2)(b) and (c).

3. Section 5 is repealed and the following substituted:

5. (1) The consent of an individual to a public body's use or disclosure of his or her personal information under paragraphs 43(b) and 48(b) of the Act

- (a) must be in writing or given orally; and
- (b) must specify to whom the personal information may be disclosed or how the personal information may be used.

(2) If the consent referred to in subsection (1) is given orally, the public body shall make and maintain a written record of the consent.

(3) The written consent of an individual to a public body's disclosure of his or her personal information under paragraph 23(4)(a) of the Act must specify to whom the personal information may be disclosed.

(4) Where the identity of the person requesting or consenting to the disclosure of his or her personal information cannot be otherwise ascertained, he or she must provide one of the following proofs of identity:

- (a) passport;
- (b) driver's license issued by a province or territory;
- (c) health insurance card issued by a province or territory;
- (d) general identification card issued by a province or territory;
- (e) photo identification card issued to employees of the Government of Canada or the government of a province or territory;
- (f) beneficiary card issued by Nunavut Tunngavik Incorporated;
- (g) licence issued under the *Wildlife Act*;
- (h) permanent resident card issued by the Government of Canada;

- (i) Certificate of Indian Status issued by the Government of Canada;
- (j) any proof of identity that the head of the public body considers reliable.

4. Section 7 is amended by striking out “the Audit Bureau of the Financial Management Board Secretariate” and substituting “the division of the Department of Finance that provides internal audit services”.

5. The following is added after subparagraph 10(1)(a)(i):

- (i.1) review the record in order to identify information that the public body is required to refuse to disclose in accordance with the Act,

6. Subsection 11(6) is amended by adding “, except for the time spent in reviewing the record in order to identify information that the public body is required to refuse to disclose in accordance with the Act” after “reviewing a record”.

7. Subsection 13(2) is repealed and the following substituted:

- (2) The balance of any fees owing must be paid before the information is delivered to the applicant.

8. Schedule A is amended by

(a) repealing items 1 and 2 and substituting the following:

- 1. Apprenticeship, Trade and Occupations Certification Board established under the *Apprenticeship, Trade and Occupations Certification Act* Minister of Family Services
- 2. Labour Standards Board established under the *Labour Standards Act* Minister Responsible for Labour

(b) repealing items 4 and 5 and substituting the following:

- 4. Liquor Commission established under the *Liquor Act* Minister Responsible for the Liquor Commission
- 5. Liquor Licensing Board established under the *Liquor Act* Minister Responsible for the Liquor Licencing Board

(c) repealing item 12 and substituting the following:

- 12. Public Records Committee, established under the *Archives Act* Minister of Culture and Heritage

9. Schedule B is amended by

(a) repealing item 3 and substituting the following:

3. For reviewing, preparing and handling a record for disclosure \$6.75 per 1/4 hour
- (b) **repealing paragraphs 6(b) to (h); and**
 - (c) **repealing paragraph 6(p) and substituting the following:**
- (p) any other media not listed above, including copying any type of record to such other media actual amount charged to public body, including cost of media