

**ATIP: A Guide to
Access to Information and Privacy
Applications to YESAB**



July 15, 2014

Preface

The Yukon Environmental and Socio-economic Assessment Board (YESAB) is subject to the federal *Access to Information Act* (ATIA) and *Privacy Act* (PA) and required to respond to official requests for access to records and personal information, commonly referred to as ATIP requests.

The purpose of this document is to complement the ATIA and PA by:

- Providing an overview of the access to information and privacy legislation
- Defining the process for submission and processing of ATIP requests
- Explaining the basic process for submission of a complaint related to an ATIP request
- Explaining how YESAB fulfills its requirements under the ATIA and PA.

In the event of inconsistencies between this guide and either act, the relevant act will prevail. All legislation referred to in this document can be accessed using the links provided in [Appendix A](#).

Disclaimer

This document provides guidance and information only. It is not intended to provide legal advice or direction. It does not in any way supersede or modify the *Access to Information Act* or Regulations, the *Privacy Act* or Regulations or the *Yukon Environmental and Socio-economic Assessment Act* or Regulations. In the event of any inconsistency between the document and any of the Acts and/or the Regulations, the Acts and Regulations prevail. Portions of the Acts have been paraphrased in the document, and should not be relied upon for legal purposes. The Yukon Environmental and Socio-economic Assessment Board disclaims any liability in respect of anything done in reliance, in whole or in part, on the contents of this document.

About YESAB

The Yukon Environmental and Socio-economic Assessment Board (YESAB) is an independent arms-length body, responsible for the assessment responsibilities of the *Yukon Environmental and Socio-economic Assessment Act* (YESAA) and Regulations. Specifically, its role is to administer YESAA.

The Yukon Environmental and Socio-economic Assessment Board's mission is to protect the environmental and social integrity of Yukon, while fostering responsible development in the territory that reflects the values of Yukoners and respects the contributions of First Nations.

Establishing a process to assess the environmental and socio-economic effects of developments in Yukon is a requirement under Chapter 12 of the Umbrella Final Agreement (UFA) and the Yukon First Nations Final Agreements.

The *Yukon Environmental and Socio-economic Assessment Act* establishes a single assessment process for most projects in Yukon. Under YESAA, the Designated Office or Executive Committee conducts assessments of project proposals and makes recommendations to Decision Body(s). The federal, territorial and/or First Nation Governments, as Decision Bodies for the project, then decide whether to accept, reject or vary the recommendations.

Assessors do not issue permits or authorizations. Permits and authorizations continue to be issued by regulators. However, regulators cannot issue a permit until a recommendation has been received and a Decision Document has been issued.

For more information on YESAB please visit the website www.yesab.ca.

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1. Introduction to the *Access to Information Act* and *Privacy Act*

Access to records held by federal government departments and institutions and the protection of one's own personal information, is a legal right enjoyed by Canadians. On July 1, 1983, the complimentary *Access to Information Act* (ATIA) and *Privacy Act* (PA) became federal law, and amendments made in 2005 require YESAB's compliance. The purpose of the ATIA is to provide a right of access to information in records under the control of a government institution¹ as defined in those acts. This right is interpreted in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific, and that decisions on the disclosure of government information should be reviewed independently of government. The purpose of the PA is to enhance the protection of the privacy of individuals with respect to their personal information held by a government institution and to provide individuals with a right of access to that information. Further, these two acts formalize the application process for access to records under the control of a government institution through submission of a written request, commonly referred to as an ATIP request. Requests for access to information under YESAB's control are submitted directly to YESAB which processes them and provides a written response to the requester based on the established timelines.

Typically, institutions subject to the ATIA and PA have employees who act as Access to Information and Privacy Coordinators (ATIP Coordinators). All ATIP Coordinators are responsible for processing requests, identifying relevant records, and drafting responses to the requesters. Within YESAB the ATIP Coordinator is the Records Officer, or, in the event of absence or vacancy, another staff member authorized by the Chair of the Board (Chair). The Chair at YESAB is named as the "head of the institution" and, as such, has the authority to delegate powers, duties and functions related to ATIP request processing to a staff member. While the Records Officer coordinates and processes the requests, the Chair is the only individual who has the authority to sign responses and release information.

When ATIP requests are received by YESAB, the name of the person(s) making the request must be kept confidential. Board members and staff are required to provide all information related to the request under their control to the Records Officer for processing. The term "staff" in this context refers to everyone employed by YESAB in a full- or part-time capacity or as a term employee. The reference to staff does not include individuals who work for an organization contracted by YESAB to independently produce a report or study.

Both acts provide mechanisms for submitting formal complaints relating to requests including, but not limited to, matters regarding the denial of access, fees charged, response time, or the improper

¹ The ATIA and PA define a "government institution" as "any body or office" listed in their respective Schedules. YESAB is listed in both Schedules and, as such, is considered a "government institution" for the purposes of both acts.

disclosure of personal information. These complaints are investigated by the Office of the Information Commissioner when it relates to the ATIA and the Privacy Commissioner when it relates to the PA. When an investigation is completed, if the complainant is not satisfied, s/he may apply to the Federal Court - Trial Division for a review of the matter.

In the next two chapters, detailed instructions are provided about how to submit a request for information to YESAB under the ATIA and the PA, and how YESAB processes and responds to such requests. There is also information regarding how to submit a complaint to the associated federal Commissioner if unsatisfied with the results of a request.

2. ATIP Requests under the *Access to Information Act*

Records under the control of YESAB that are not of a personal nature, contain business related content, and are not already publicly accessible, can be accessed through the submission of an ATIP request. If the requested information falls under a category in the exemptions listed in s.13 to 26 or exclusions listed in s. 68 to 69, the information will not be disclosed to the requester.

The *Yukon Environmental and Socio-economic Assessment Act* and the associated Rules (*Rules for Evaluations Conducted by Designated Offices, Rules for Screenings Conducted by the Executive Committee* and *Rules for Reviews Conducted by Panels of the Yukon Environmental and Socio-economic Assessment Board*) provide authority to the Executive Committee (EC) to designate information that meets specific criteria set out in the legislation as confidential and for it thereafter not to be disclosed. This information includes traditional knowledge and information exempted from disclosure under the ATIA. The process for applying to have information designated confidential is detailed in the *Operational Policy for the Management of Confidential Information* and associated guide (under development). The ATIA does not grant access to traditional knowledge records that have been, or were submitted to be, designated confidential or are controlled by a third party (i.e. provincial, territorial or municipal governments) or by private organizations.

The sections below discuss the following topics related to ATIP requests under the ATIA: right of access, fees and costs, processing time, refusal of access, exemptions, exclusions, how to submit a request, identity verification, how YESAB processes and responds to requests, penalties for non-compliance with the ATIA, and submission of a complaint to the Information Commissioner.

2.1 *Right of Access*

The ATIA gives Canadian citizens and permanent residents within the meaning of s. 2(1) of the *Immigration and Refugee Protection Act* the right to have access to federal government institution records that are not of a personal nature. Section 4 of the ATIA states:

- (1) Subject to this Act, but notwithstanding any other Act of Parliament, every person who is:
 - a) a Canadian citizen, or
 - b) a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*,has a right to and shall, on request, be given access to any record under the control of a government institution.
- (2) The Governor in Council may, by order, extend the right to be given access to records under subsection (1) to include persons not referred to in that subsection and may set such conditions as the Governor in Council deems appropriate

- (3) For the purposes of this Act, any record requested under this Act that does not exist but can, subject to such limitations as may be prescribed by regulation, be produced from a machine readable record under the control of a government institution using computer hardware and software and technical expertise normally used by the government institution shall be deemed to be a record under the control of the government institution.

On April 13, 1989, the right of access was extended to individuals who are “present” in Canada but who are not Canadian citizens or permanent residents, as well as all corporations “present” in Canada under Extension Order No. 1 of the ATIA.

2.2 Fees and costs

An application fee of \$5 (subject to change) applies to each ATIP application to YESAB. At its discretion, YESAB may charge additional costs to the requester based on the volume of relevant records and complexity of the request in accordance with s. 7 of the *Access to Information Regulations* (<http://laws-lois.justice.gc.ca/eng/regulations/SOR-83-507/page-2.html#h-6>). Section 11(6) of the ATIA does provide the Chair with discretion to waive some or all of the fees for the processing of an application. In the event of additional costs, the requester will be notified in advance and may be asked to leave a deposit. Cheques and money orders are payable to the Yukon Environmental and Socio-economic Assessment Board.

2.3 Processing Time

YESAB must respond to a request within 30 days. Section 7 of the ATIA states:

Where access to a record is requested under this Act, the head of the government institution to which the request is made shall, subject to sections 8, 9 and 11, within thirty days after the request is received,

- a) give written notice to the person who made the request as to whether or not access to the record or a part thereof will be given; and
- b) if access is to be given, give the person who made the request access to the record or part thereof.

In some cases, YESAB may require more time to process the request and in those cases is required to notify the requester in writing of the need for an extension within 30 days of receiving of the request. If the requester feels the request is taking too long to process, s/he can submit a complaint to the Information Commissioner ([see 2.9](#)).

2.4 Refusal to Provide Access to Information

Section 10 of the ATIA states:

- (1) Where the head of a government institution refuses to give access to a record requested under this Act or a part thereof, the head of the institution shall state in the notice given under paragraph 7(a)
 - a) that the record does not exist, or

- b) the specific provision of this Act on which the refusal was based or, where the head of the institution does not indicate whether a record exists, the provision on which a refusal could reasonably be expected to be based if the record existed, and shall state in the notice that the person who made the request has a right to make a complaint to the Information Commissioner about the refusal.
- (2) The head of a government institution may but is not required to indicate under subsection (1) whether a record exists.
- (3) Where the head of a government institution fails to give access to a record requested under this Act or a part thereof within the time limits set out in this Act, the head of the institution shall, for the purposes of this Act, be deemed to have refused to give access.

Access will be refused to the requester if the requested information has been designated confidential pursuant to YESAA and/or falls under the exemptions or exclusions listed in the ATIA.

2.4.1 Exemptions (s. 13 to 26)

The exemptions identified in s. 13 to 26 of the ATIA protect certain types of information from disclosure that could cause harm if released. Table 1 lists the exemption categories with their respective section numbers.

Table 1: Exemptions Categories in the Access to Information Act

Section	Exemption Category
13	Information obtained in confidence
14	Federal-provincial affairs
15	International affairs and defence
16	Law enforcement and investigations
17	Safety of individuals
18	Economic interests of Canada
19	Personal information
20	Third party information
21	Advice, etc.
22	Testing procedures, tests and audits
23	Solicitor-client privilege
24	Statutory prohibitions against disclosure
25	Severability
26	Refusal of access where information to be published

Each of these exemptions will be considered when reviewing relevant documents for disclosure. Applied exemptions will be cited in the written response to the requester.

2.4.2 Exclusions (s. 68 and 69)

The ATIA does not apply to information that is already publicly available. Section 68 identifies published material, material available for purchase, and records in libraries and museums, among others, as material that is excluded from disclosure in response to a request. As a result, all documents and

information available on the YOR are not required to be disclosed. Section 69 explains that other excluded documents include Cabinet confidences, ministerial communications related to decision making, and draft legislation, among others. If access to a record is refused, the requester then has the option of filing a written complaint with the Office of the Information Commissioner ([see 2.9](#)).

2.5 Penalties for Non-compliance with the ATIA

YESAB is required to follow ATIA federal legislation and there are penalties associated with non-compliance. Section 67 of the ATIA states:

- (1) No person shall, with intent to deny a right of access under this Act,
 - a) destroy, mutilate or alter a record;
 - b) falsify a record or make a false record;
 - c) conceal a record; or
 - d) direct, propose, counsel or cause any person in any manner to do anything mentioned in any of paragraphs (a) to (c).
- (2) Every person who contravenes subsection (1) is guilty of
 - a) an indictable offence and liable to imprisonment for a term not exceeding two years or to a fine not exceeding \$10,000, or to both; or
 - b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding six months or to a fine not exceeding \$5,000, or to both.

2.6 How to Submit an ATIP Request for Information under the ATIA

Section 6 of the ATIA states:

A request for access to a record under this Act shall be made in writing to the government institution that has control of the record and shall provide sufficient detail to enable an experienced employee of the institution with a reasonable effort to identify the record.

Once an individual has decided to submit an ATIP request under the ATIA to YESAB, the requester must:

1. Complete an ATIP request form or submit a formal written request. The Access to Information Request Form is available at any YESAB office or online at <http://www.tbs-sct.gc.ca/tbsf-fsct/350-57-eng.pdf>. If it is not convenient to complete a form, the individual may send a written request which clearly states that the information is being requested under the ATIA and includes: a clear description (as specific as possible) of the records requested; the preferred method of access to the records (either to receive photocopies of the originals or to examine the originals in a YESAB office); the requester's full name, complete mailing address and telephone number(s).
2. Sign and date the request.

3. Ensure it is indicated, either on the form or in the written request, whether the requester is “a Canadian citizen, permanent resident or another individual present in Canada”, or “a corporation present in Canada”.
4. Send the application to YESAB with the \$5 fee (cheques and money orders are payable to the Yukon Environmental and Socio-economic Assessment Board) to:

Chair of the Board

Yukon Environmental and Socio-economic Assessment Board
Suite 200 – 309 Strickland Street
Whitehorse, YT, Y1A 2J9

2.7 Identity Verification

On the completed Access to Information Request Form or on the written request, the requester must identify whether they are “a Canadian citizen, permanent resident or another individual present in Canada” or “a corporation present in Canada”. The form or request must be signed and dated. Based on this declaration and the signature provided, YESAB will process the request. If all of this information is not provided, the processing of the application will be delayed until it is received. Whenever the identity of a requester is verified, the act of verification and related information will be recorded.

2.8 How YESAB Processes and Responds to an ATIP Request under the ATIA

When an ATIP request is submitted to YESAB, all Board and staff members have a responsibility to provide all documents related to the request in a timely manner. The following steps are taken by YESAB staff upon receipt of a request:

1. The Records Officer will ensure the request is signed and dated, and that all required information, as well as the \$5 fee are received before proceeding.
2. The Records Officer will email the individuals named in the request or who may be expected to be in possession of the requested information and direct them to search for the requested information without disclosing the identity of the requester, providing clear instructions regarding what information has been requested.
3. Board and staff members will provide all documents that relate to the specific request.
4. When all documentation is received, the Records Officer will review each document and draft a response to the requester explaining which documents have not been disclosed, citing the associated exemption or exclusion clauses.
5. The Chair of the Board will review and finalize the response.
6. The written response is sent to the requester with copies of the associated records, or a description of how s/he will be provided access.

2.9 Submission of a Complaint to the Information Commissioner

The Information Commissioner investigates formal complaints regarding ATIP requests under the ATIA. If a person has a complaint about the denial of access to information, fees charged for access, the time taken to respond to a request or other related matters, they may submit a written complaint to the Information Commissioner pursuant to s. 30 and 31 of the ATIA.

The Information Commissioner can be contacted at:

Office of the Information Commissioner

30 Victoria Street

Gatineau, QC, K1A 1H3

Toll-free 1-800-267-0441

Fax 819-994-1768

Email general@oic-ci.gc.ca

Web Site www.oic-ci.gc.ca

When the investigation is completed, if the individual is still of the opinion that s/he has not been given access to all information s/he is entitled to, s/he may apply to the Federal Court - Trial Division for a review of the matter.

This chapter detailed the process for submitting and processing an ATIP request under the ATIA and submitting a complaint to the Information Commissioner, and illustrates YESAB's commitment to transparency.

3. ATIP Requests under the *Privacy Act*

The *Privacy Act* (PA) gives Canadian citizens and people present in Canada the right to have access to their personal information that is held by federal government institutions. The goal of the PA is to protect individuals against unauthorized disclosure of their personal information. The PA prescribes how YESAB shall collect, use, store, disclose and dispose of any personal information, as well as why, how and by whom the information can be used and with whom it can be shared.

The PA states that records under the control of YESAB that are of a personal nature, or that contain personal information, can be accessed by the individual about whom the information pertains through the submission of a formal ATIP request. As stated in s. 3 of the PA, personal information is defined as:

information about an identifiable individual that is recorded in any form including, without restricting the generality of the foregoing,

- a) information relating to the race, national or ethnic origin, colour, religion, age or marital status of the individual,
- b) information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- c) any identifying number, symbol or other particular assigned to the individual,
- d) the address, fingerprints or blood type of the individual,
- e) the personal opinions or views of the individual except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual by a government institution or a part of a government institution specified in the regulations,
- f) correspondence sent to a government institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to such correspondence that would reveal the contents of the original correspondence,
- g) the views or opinions of another individual about the individual,
- h) the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual by an institution or a part of an institution referred to in paragraph (e), but excluding the name of the other individual where it appears with the views or opinions of the other individual, and
- i) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual, but, for the purposes of sections 7, 8 and 26 and section 19 of the Access to Information Act, does not include
- j) information about an individual who is or was an officer or employee of a government institution that relates to the position or functions of the individual including,
 - i. the fact that the individual is or was an officer or employee of the government institution,
 - ii. the title, business address and telephone number of the individual,
 - iii. the classification, salary range and responsibilities of the position held by the individual,
 - iv. the name of the individual on a document prepared by the individual in the course of employment, and
 - v. the personal opinions or views of the individual given in the course of employment,

- k) information about an individual who is or was performing services under contract for a government institution that relates to the services performed, including the terms of the contract, the name of the individual and the opinions or views of the individual given in the course of the performance of those services,
- l) information relating to any discretionary benefit of a financial nature, including the granting of a licence or permit, conferred on an individual, including the name of the individual and the exact nature of the benefit, and
- m) information about an individual who has been dead for more than twenty years;

However, if the requested information falls under the exemptions listed in s. 18 to 28 ([Table 2](#)), the information will not be disclosed; each exemption is intended to protect information relating to a particular public or private interest. These exemptions, when combined with the categories of excluded records outlined in s. 69 and 70 ([see 3.3.2](#)), form the only basis for refusing an individual access to his/her personal information. The PA does not give access to records that are not held by YESAB, including those maintained by a third party (i.e. provincial, territorial and municipal governments) or by private organizations. A government institution can only disclose personal information to a third party with the consent from the individual or when one or more of the criteria in the PA is met.

The following sections discuss topics related to ATIP requests under the PA: right of access, identity verification, processing time, refusal to provide access, exemptions and exclusions, how to submit a request, how YESAB processes and responds to requests, and submission of a complaint to the Privacy Commissioner.

3.1 Right of Access

The PA gives Canadian citizens and permanent residents who are present in Canada the right to access information about them that is held by federal government institutions, as well as the right to request the correction of, and to require the notation of a refusal to correct erroneous, information about themselves.

Section 12 of the PA states:

- (1) Subject to this Act, every individual who is a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of the Immigration and Refugee Protection Act has a right to and shall, on request, be given access to
 - a) any personal information about the individual contained in a personal information bank; and
 - b) any other personal information about the individual under the control of a government institution with respect to which the individual is able to provide sufficiently specific information on the location of the information as to render it reasonably retrievable by the government institution.
- (2) Every individual who is given access under paragraph (1)(a) to personal information that has been used, is being used or is available for use for an administrative purpose is entitled to
 - a) request correction of the personal information where the individual believes there is an error or omission therein;

- b) require that a notation be attached to the information reflecting any correction requested but not made; and
 - c) require that any person or body to whom that information has been disclosed for use for an administrative purpose within two years prior to the time a correction is requested or a notation is required under this subsection in respect of that information
 - i. be notified of the correction or notation, and
 - ii. where the disclosure is to a government institution, the institution make the correction or notation on any copy of the information under its control
- (3) The Governor in Council may, by order, extend the right to be given access to personal information under subsection (1) to include individuals not referred to in that subsection and may set such conditions as the Governor in Council deems appropriate.

On April 13, 1989, the right of access was extended to individuals who are “present” in Canada but who are not Canadian citizens or permanent residents and all corporations “present” in Canada under Extension Order No. 2.

3.2 Processing Time

Under the PA, the information requested should be provided within 30 days of receiving the request.

Section 14 of the PA states:

Where access to personal information is requested under subsection 12(1), the head of the government institution to which the request is made shall, subject to section 15, within thirty days after the request is received,

- a) give written notice to the individual who made the request as to whether or not access to the information or a part thereof will be given; and
- b) if access is to be given, give the individual who made the request access to the information or the part thereof.

If a time extension is required, the requester will be notified in writing within the first 30 days and provided with an explanation of the reason(s) why an additional time period is needed. As per s. 15, an extension can be a maximum of 30 days or “... *such period of time as is reasonable...*”

3.3 Refusal to Provide Access to Information

Section 16 of the PA states:

- (1) Where the head of a government institution refuses to give access to any personal information requested under subsection 12(1), the head of the institution shall state in the notice given under paragraph 14(a)
 - a) that the personal information does not exist, or
 - b) the specific provision of this Act on which the refusal was based or the provision on which a refusal could reasonably be expected to be based if the information existed, and shall state in the notice that the individual who made the request has a right to make a complaint to the Privacy Commissioner about the refusal.
- (2) The head of a government institution may but is not required to indicate under subsection (1) whether personal information exists.

- (3) Where the head of a government institution fails to give access to any personal information requested under subsection 12(1) within the time limits set out in this Act, the head of the institution shall, for the purposes of this Act, be deemed to have refused to give access.

If the requested information falls under the exemptions listed in s. 18 to 28, the requester may be refused access (detailed below).

3.3.1 Exemptions (s. 18 to 28)

An individual's right of access to their personal information is limited by a number of exemptions specified in s. 18 to 28 of the PA. Each exemption is intended to protect information relating to a particular public or private interest. Table 2 lists the exemption categories with their respective section numbers.

Table 2: Exemption Categories in the *Privacy Act*

Section	Exemption Category
18	Governor in Council may designate exempt banks
19	Personal information obtained in confidence
20	Federal-provincial affairs
21	International affairs and defence
22	Law enforcement and investigation
23	Security clearances
24	Individuals sentenced for an offence
25	Safety of individuals
26	Information about another individual
27	Solicitor-client privilege
28	Medical record

Each of these exemptions will be considered when reviewing relevant documents for disclosure. Applied exemptions will be cited in the written response to the requester.

3.3.2 Exclusions (s. 69 to 70)

The PA does not apply to information that is already publicly available. Section 69 identifies any personal information that already exists on published material, material available for purchase, and records in libraries and museums, among others, as material that is excluded from disclosure. Section 70 explains that other excluded documents are those generated by the Privy Council such as discussion papers, memoranda containing proposals and recommendations, among others. When combined with the categories of exempt records outlined in s.18 to 28, these form the only basis for refusing an individual access to their personal information. If access to a record is denied, the requester then has the option of filing a written complaint to the Office of the Information Commissioner ([see 3.7](#)).

3.4 How to Submit an ATIP Request for Information under the PA

Section 13 of the PA states:

- (1) A request for access to personal information under paragraph 12(1)(a) shall be made in writing to the government institution that has control of the personal information bank that contains the information and shall identify the bank.
- (2) A request for access to personal information under paragraph 12(1) (b) shall be made in writing to the government institution that has control of the information and shall provide sufficiently specific information on the location of the information as to render it reasonably retrievable by the government institution.

Once an individual has decided to submit an ATIP request under the PA to YESAB, the requester must:

1. Complete an ATIP request form or submit a formal written request. The Personal Information Request Form available at any YESAB office or online at <http://www.tbs-sct.gc.ca/tbsf-fsct/350-58-eng.pdf>. If it is not convenient to complete a form, the individual may send a written request that clearly states that the information is being requested under the PA and includes: a clear description (as specific as possible) of the records requested; the preferred method of access to the records (either receive photocopies of the originals or examining the originals in a YESAB Office); the requester's full name, complete mailing address and telephone number(s).
2. Sign and date the request.
3. Provide government issued photo identification in order to verify the requester's identity.

There is no charge to apply for information under the PA.

3.5 Identity Verification

The PA provides government institutions with the authority to request and obtain identification from requesters to confirm their identity. Regulation 8 states:

- (1) A request for access to personal information under paragraph 12(1)(a) or (b) of the Act shall be made by completing an Access to Personal Information Request Form in respect of
 - a) each personal information bank that is the subject of the request, or
 - b) each class of personal information that is not contained in a personal information bank and forwarding the form to the appropriate officer.
- (2) An individual who makes a request for access to personal information pursuant to subsection (1) shall provide adequate identification to the government institution before access to the information is provided and may be required to present himself in person.

YESAB must satisfy itself that a requester is qualified to make a request and be able to attest to this fact. Regulation 8(2) of the PA provides institutions with the authority to obtain adequate identification from requesters so as to be satisfied of their identity. Section 6.2.3 of the [Directive on Privacy Requests and Correction of Personal Information](#) requires that institutions establish the following: the identity of the requester; the authority of an individual making a request on behalf of another individual; and the requester's Canadian citizenship, status as a permanent resident, or presence in Canada.

YESAB is required to maintain records of any instance of identity verification in relation to a request under the PA. Whenever the identity of a requester is verified, the act of verification and related information will be recorded.

3.6 How YESAB Processes and Responds to an ATIP Request Under the PA

The following steps will be taken by YESAB staff upon receipt of an ATIP request for personal information under the PA:

1. The Records Officer will ensure that the request is signed and dated, all required information is received, the identity of the requester has been verified and the method of verification recorded.
2. The Records Officer will search for and ensure all related records are located.
3. Board and staff members will provide all documents that relate to the specific request.
4. When all documentation is received, the Records Officer will review each document and draft a response to the requester explaining which documents have not been disclosed, citing the associated exemption or exclusion clauses.
5. The Chair of the Board will review and finalize the response.
6. The written response to the requester with copies of the associated records, or a description of how s/he will be provided access.

3.7 Submission of a Complaint to the Privacy Commissioner

The Privacy Commissioner is a representative of the people of Canada with the authority to investigate complaints of improper collection, use, storage, disclosure or disposal of personal information. The Commissioner can also provide assistance and carry out an investigation if the requester is dissatisfied with the results of the formal application or the time it has taken to obtain the personal information.

The Privacy Commissioner can be contacted at:

Office of the Privacy Commissioner

30 Victoria Street, 1st floor
Gatineau, QC, K1A 1H3
Toll-free 1-800-282-1376
Fax (819) 994-5424
Web Site www.priv.gc.ca

When the Privacy Commissioner's investigation is completed, if an individual is still of the opinion that s/he has not been given access to all of the personal information s/he is entitled to, s/he may apply to the Federal Court - Trial Division for a review of the matter.

The process for submitting and processing an ATIP request under the PA, and submitting a complaint to the federal Privacy Commissioner, was detailed in this chapter and illustrates YESAB's commitment to transparency.

4. Conclusion

The Yukon Environmental and Socio-economic Assessment Board is required to abide by both the *Access to Information Act* and the *Privacy Act*. The process for the public to apply for access to information held by YESAB and YESAB's process for responding to such requests is described in detail above.

5. Contacts

Head Office

Suite 200-309 Strickland Street
Whitehorse, Yukon, Y1A 2J9
Telephone: 867-668-6420
Fax: 867-668-6425
Email: yesab@yesab.ca
Toll Free: 1-866-322-4040

Dawson City Designated Office

Bag 6050, Dawson City, Y0B 1G0
Telephone: 867-993-4040
Fax: 867-993-4049
Email: dawson.do@yesab.ca

Haines Junction Designated Office

PO Box 2126, Haines Junction, Y0B 1L0
Telephone: 867-634-4040
Fax: 867-634-4049
Email: hainesjunction.do@yesab.ca

Mayo Designated Office

PO Box 297, Mayo, Y0B 1M0
Telephone: 867-996-4040
Fax: 867-996-4049
Email: mayo.do@yesab.ca

Teslin Designated Office

PO Box 137, Teslin, Y0A 1B0
Telephone: 867-390-4040
Fax: 867-390-4049
Email: teslin.do@yesab.ca

Watson Lake Designated Office

PO Box 294, Watson Lake, Y0A 1C0
Telephone: 867-536-4040
Fax: 867-536-4049
Email: watsonlake.do@yesab.ca

Whitehorse Designated Office

Suite 203-309 Strickland St, Whitehorse, Y1A 2J9
Telephone: 867-456-3200
Fax: 867-456-3209
Email: whitehorse.do@yesab.ca

Appendix A: Legislation and Rules

Access to Information Act

<http://laws-lois.justice.gc.ca/eng/acts/A-1/index.html#docCont>

Access to Information Regulations

<http://laws-lois.justice.gc.ca/eng/regulations/SOR-83-507/index.html#docCont>

Directive on Privacy Requests and Correction of Personal Information

<http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?section=text&id=18311>

Privacy Act

<http://laws-lois.justice.gc.ca/eng/acts/P-21/index.html#docCont>

Rules for Evaluations Conducted by a Designated Office

<http://www.yesab.ca/wp/wp-content/uploads/2013/04/DO-Rules-English-as-approved-June-1-10.pdf>

Rules for Reviews Conducted by Panels of the Yukon Environmental and Socio-economic Assessment Board

<http://www.yesab.ca/wp/wp-content/uploads/2013/04/Panel-Rules.pdf>

Rules for Screenings Conducted by the Executive Committee

<http://www.yesab.ca/wp/wp-content/uploads/2013/04/EC-Rules.pdf>

Yukon Environmental and Socio-economic Assessment Act

<http://laws-lois.justice.gc.ca/eng/acts/Y-2.2/index.html>