



Health and Social Services
PO Box 2703, Whitehorse, Yukon Y1A 2C6

June 19, 2025

Sent by Secure File Transfer

Applicant c/o
Access and Privacy Officer
Corporate Information Management, ATIPP Office

SUBJECT: Final Response Access Request 24-732

The Department of Health and Social Services has searched the records of Insured Health and Strategic Policy and Planning for records responsive to Access Request 24-732:

This is a program information request. Provide copies of any documents, including briefing notes, decision notes, memos, PowerPoint presentations, flow charts, etc., that show the decision process and criteria for including drugs on the Common list of drugs as part of the National Strategy for Drugs for Rare Diseases (<https://www.canada.ca/en/health-canada/corporate/transparency/health-agreements/shared-health-priorities/drugs-for-rare-diseases-bilateral-agreements/common-list-drugs.html>).

Timeframe: January 1, 2022 - March 21, 2025.

Decision

The Head of the Department of Health and Social Services has approved the following response to this request:

Access Granted in Part

Certain types of information have been redacted pursuant to the Access to Information and Protection of Privacy Act. A summary of these redactions is enclosed.

Pursuant to section 66 of the Access to Information and Protection of Privacy Act you may contact Yukon's Information and Privacy Commissioner with a complaint in respect to this response. Section 66 states:

An applicant may, in respect of the head of a responsive public body's response to their access request under section 64, make a complaint to the commissioner by filing the complaint in accordance with section 90.

Should you wish to do so, please refer your written complaint within 30 business days to the Information and Privacy Commissioner at:

Yukon Information and Privacy Commissioner
3162 Third Avenue, Main Floor, Whitehorse, Yukon Y1A 1G3
E-mail: intake@yukonombudsman.ca
Phone: (867) 667-8468; (toll free: 1-800-661-0408 ext. 8468)

There is no charge to the applicant.

Contact Person in Department

If the applicant has any questions, please contact Simone Kitchen, Designated Access Officer for Department of Health and Social Services at 867-332-6135 or simone.kitchen@yukon.ca.

Enclosure (3)



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Summary of Redactions

ATIPP File #: 24-732

Records Summary	
Initial Page Count:	118
Duplicates:	
Out of scope:	4
Pages redacted in full:	
Final Page Count:	114

Redactions Summary	
74(1)(a)	Advice or recommendations prepared by or for a public body or minister
76(1)	Disclosure of the information could reasonably be expected to harm relations between the public body and another government or organization

Notes:

Out of scope records may include records outside of the time frame of the request and/or records unrelated to the subject matter of the request.

73 Information subject to legal privilege

The head of a responsive public body may deny an applicant access to information held by the responsive public body that

- (a) is subject to a legal privilege of a public body or any other person;
- (b) has been prepared by or for the Attorney General or a public body in respect of
 - (i) the provision of legal services to or by the Attorney General, or
 - (ii) the prosecution of an offence by the Attorney General; or
- (c) is contained in a communication about the provision of legal services or a prosecution referred to in paragraph (b) between
 - (i) the Attorney General or a public body, and
 - (ii) any other person.

74 Policy advice and recommendations

(1) Subject to subsection (2), the head of a responsive public body may deny an applicant access to information held by the responsive public body if the head determines that disclosure of the information would reveal

- (a) advice or recommendations prepared by or for a public body or a minister; or
- (b) information contained in an auditor's draft audit report that has been in existence for less than two years.

(2) The head of a responsive public body must not deny an applicant access to information and records of the following types held by the responsive public body:

- (a) factual information included in a record to which subsection (1) applies only for the purpose of providing contextual background information;
- (b) an auditor's final audit report;

73 Renseignements protégés par un privilège juridique

Le responsable d'un organisme public répondant peut refuser au demandeur l'accès aux renseignements détenus par l'organisme public répondant qui, selon le cas :

- a) sont protégés par un privilège juridique d'un organisme public ou de toute autre personne;
- b) ont été préparés par ou pour le procureur général ou un organisme public relativement :
 - (i) soit à la prestation de services juridiques au procureur général ou par celui-ci,
 - (ii) soit à la poursuite intentée par le procureur général relativement à une infraction;
- c) relèvent d'une communication concernant la prestation de services juridiques ou la poursuite visée à l'alinéa b) entre :
 - (i) d'une part, le procureur général ou un organisme public,
 - (ii) d'autre part, toute autre personne.

74 Avis et recommandations

(1) Sous réserve du paragraphe (2), le responsable d'un organisme public répondant peut refuser au demandeur l'accès aux renseignements détenus par l'organisme public répondant, s'il conclut que la divulgation des renseignements révélerait :

- a) des avis ou recommandations formulés par ou pour un organisme public ou un ministre;
- b) des renseignements contenus dans un projet de rapport de vérification d'un vérificateur dont l'existence remonte à moins de deux ans.

(2) Le responsable d'un organisme public répondant ne peut refuser au demandeur l'accès aux renseignements et documents des types suivants détenus par l'organisme public :

- a) les renseignements factuels inclus dans tout document auquel le paragraphe (1) s'applique destinés uniquement à fournir de l'information contextuelle;
- b) le rapport de vérification final d'un vérificateur;

- (i) prejudice the financial or economic interests of the Government of Yukon or a public body, or
- (ii) result in a significant financial loss or gain to a third party caused by premature disclosure of a pending decision of the Government of Yukon or a public body.

(2) The head of a responsive public body must not deny an applicant access to information about the results of product or environmental testing carried out by or for a public body unless the testing was done

- (a) as a service for a person other than a public body; or
- (b) for the purpose of developing methods of testing.

76 Disclosure harmful to intergovernmental relations

(1) Subject to subsection (2), the head of a responsive public body may deny an applicant access to information held by the responsive public body that a public body has not accepted in confidence in the prescribed manner from a government or organization referred to in subsection 68(1) if the head determines that disclosure of the information could reasonably be expected to harm relations between the Government of Yukon or a public body and the other government or organization.

(2) The head of a responsive public body must not deny an applicant access to information referred to in subsection (1) that has been in existence for 15 years or more unless the information is about or related to land claims or self-government negotiations that have not concluded between the Government of Yukon and another government or organization.

77 Disclosure harmful to third party business interests

(1) Subject to subsections (2) and (3), the head of a responsive public body may deny an applicant access to information held by the responsive public body that is a trade secret of, or commercial, financial, scientific or

- (i) soit de porter atteinte aux intérêts financiers ou économiques du gouvernement du Yukon ou d'un organisme public,
- (ii) soit de causer une perte ou un profit financier important à un tiers causé par la divulgation prématurée d'une décision à l'état de projet du gouvernement du Yukon ou d'un organisme public.

(2) Le responsable d'un organisme public répondant ne peut refuser au demandeur l'accès aux renseignements concernant les résultats d'un essai de produit ou d'un essai en environnement effectué par ou pour l'organisme public responsable, sauf si l'essai a été effectué :

- a) soit en tant que service pour une personne autre qu'un organisme public;
- b) soit en vue d'élaborer des méthodes d'essai.

76 Divulgence nuisible aux relations intergouvernementales

(1) Sous réserve du paragraphe (2), le responsable d'un organisme public répondant peut refuser au demandeur l'accès aux renseignements détenus par l'organisme public répondant qu'un organisme public n'a pas acceptés à titre confidentiel, de la façon réglementaire, d'un gouvernement ou d'une organisation visé au paragraphe 68(1), s'il conclut que la divulgation des renseignements risquerait vraisemblablement de nuire aux relations entre le gouvernement du Yukon ou un organisme public et le gouvernement ou l'organisation en cause.

(2) Le responsable d'un organisme public répondant ne peut refuser au demandeur l'accès aux renseignements visés au paragraphe (1) dont l'existence remonte à 15 ans ou plus, sauf si les renseignements concernent des négociations non closes sur des revendications territoriales ou l'autonomie gouvernementale, ou s'y rapportent, entre le gouvernement du Yukon et un autre gouvernement ou une organisation.

77 Divulgence nuisible aux intérêts commerciaux d'un tiers

(1) Sous réserve des paragraphes (2) et (3), le responsable d'un organisme public répondant peut refuser au demandeur l'accès aux renseignements détenus par l'organisme public qui constituent un secret