


## Yukon Corrections: Adult Custody Policy Procedures

Section:	<b>A Authority and Administration</b>	Effective Date:	May 15, 2020
Number:	<b>A 1 General Policies</b>		
Item:	<b>A 1.6 WCC Procedure for Processing ATIPP Access Request</b>		
Director, Corrections:		Revised:	July 14, 2020

### STATEMENT OF PROCEDURES

This procedure describes the steps the WCC ATIPP liaison (liaison) should take when an ATIPP access request is received from the Departmental ATIPP Coordinator (ATIPP Coordinator).

### AUTHORITIES

*Access to Information and Protection of Privacy (ATIPP) Act RSY 2002, c.1*  
*Corrections Act, 2009, SY 2009, c.3, s. 15, 16, 29, 35 & 40*  
*Interpretation Act, RSY 2002, c.125*

### DEFINITIONS

*Access Request:* Request made for information in the custody/control of the Whitehorse Correctional Centre (WCC), pursuant to s. 6(1) of the ATIPP Act.

*Applicant:* A person who makes a request under s. 6(1) of the ATIPP Act.

*ATIPP Office:* a branch within the department of Highways and Public Works (HPW) that accepts, disseminates, and replies to access requests.

*Digital Video Recorder (DVR) footage:* digital imagery captured by Whitehorse Correctional Centre's closed circuit security cameras.

*Record:* includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other process or mechanism that produces records.

*Responsive record(s):* Records which fall within the parameters of an access request.

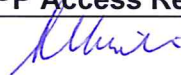
### PROVISIONS

1. When an access request is received from the ATIPP Coordinator, the liaison or alternate liaison (you) must acknowledge receipt of the request within one business day.

**Note:** Access requests must be completed within 30 calendar days, which includes days of rest and statutory holidays. It is therefore essential that searches of both paper and electronic files are conducted as soon as possible.

2. Double check the name and date of birth of the applicant to ensure that the correct person's files are being searched.

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**Note:** If the date of birth of the applicant is not supplied, it is acceptable to verify the applicant's identity with middle initial(s) and/or suffixes (Jr. Sr. etc.), but if only first and last name are supplied, the applicant must supply his/her date of birth.

3. *Decision Point* – Do you need additional information from the applicant? If no, proceed to step 13.
4. *Decision Point* – If yes, is the applicant an inmate? If no, proceed to step 12.
5. *Decision Point* - If yes, ask the applicant whether they would prefer to discuss clarification with the ATIPP Office, or with you. If the applicant would prefer to speak to the ATIPP Office proceed to step 12.
6. *Decision Point* – Does the request need to be completely re-worded? If no, proceed to step 8.
7. If yes, complete the "Clarification Memo" (Appendix A). After both you and the applicant have signed it, scan it and email it to the ATIPP Coordinator. Proceed to step 13.

**Note:** Unlike requesting clarification through the ATIPP Office, this process does not put the request on hold and the due date will not change.


8. *Decision Point* – Has the applicant requested his/her "file"? If no, proceed to step 10.
9. If yes, it can be assumed that the applicant is referring to his/her master file and proceed to step 13.

**Note:** Requests for medical files, warrant files, case management files, DVR footage, APU files, etc. need to be asked for specifically in the request.

10. *Decision Point* – Is the request too broad (i.e. "I want all my stuff", or "everything you have on me")?



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11. If yes, speak to the inmate and ask him/her to complete and sign the "Request for Clarification" form (Appendix B) and proceed to step 13.
12. Contact the ATIPP Coordinator, who will ask for clarification from the applicant through the ATIPP Office. Until the clarification is received, the request will be on-hold. Once clarification is received, the ATIPP Coordinator will forward the clarified request to you along with a revised due date, if necessary (often clarification is received on the same day).
13. Create a folder within the ATIPP folder on the G: drive and label it with the request number and a short description of the request, ex. A-1234 - SMITH, John (incident X) (G:\Operations\ATIPP).
14. Create a new record in the ATIPP request tracking database.

**Note:** You should check the ATIPP request tracking database daily to ensure that there are no overdue requests.


15. *Decision Point* - Carefully review the request and determine whether the applicant wants DVR footage. If no, proceed to step 23.

**WARNING:** DVR footage is retained for 15 days pursuant to Standing Order G 1.15, and then it is automatically overwritten. When an access request for DVR footage is received it is essential to retrieve it from the secure DVR server before it is overwritten.

16. If yes, search the appropriate folder(s) on the network (G:) drive, as some or all of the records may have already been saved for evidentiary purposes.
17. *Decision Point* – Were you able to find **all** of the records requested on the YNET G: drive? If yes, proceed to step 23.

**Note:** Applicants may ask for any DVR information, not just that which was retained for evidentiary purposes. The liaison will need to carefully compare the request with the records to ensure that everything that was requested was found before they may safely proceed.

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18. When you find responsive record(s), contact the Deputy Superintendent, Operations (DSO) to determine whether the footage has been saved for an ongoing investigation into the conduct of inmates and/or WCC staff. If so, and the DSO believes that releasing the records may interfere with the investigation, advise the ATIPP Coordinator accordingly when the records are provided.
19. *Decision Point* – Did you locate all of the records requested? If yes, proceed to step 23.
20. *Decision Point* - If no, is the footage is still on the secure DVR server? If no, proceed to step 22.
21. If yes, it has been less than 15 days since the date the footage was captured, contact the Manager of Correctional Services (MCS) so that they can save the footage to the ATIPP request folder on the YNET G: drive before it is overwritten.

If the MCS does not respond to the request within 24 hours, **especially** if it has been more than 9 days since the footage was captured, email the request to the Deputy Superintendent of Programs (DSP) or the Deputy Superintendent of Operations (DSO) and ask them to save the footage **as soon as possible**. Follow-up on any e-mails that you send in this regard with a phone call, or with an in-person conversation to ensure that the message has been received and is understood clearly. Afterwards, set up a reminder in your MS Outlook (or similar) to follow-up on the request. The reminder should be about half of the remaining lifespan of the footage (i.e. if the footage is to be overwritten in four days, you can wait up to two days to follow-up).

22. As soon as you receive the footage, ensure that it is responsive to the request, and satisfies the request completely (i.e. all of the cameras, all of the rooms, and the correct timeframe(s)).
23. *Decision Point* – Is the request for inmate medical records?
24. If yes, forward it to the nursing manager and advise them to save the scanned records on the secure ATIPP folder on the G: drive.

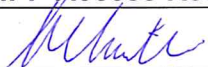


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25. If you are otherwise unable to access the records yourself, forward the request to the relevant individual(s), indicating the date that you require the records (give yourself two or three days to sort out any unforeseen issues before you have to submit the final package to the ATIPP Coordinator).
26. If more than one individual has responsive records (most commonly this is the case with e-mails), it is recommended that a table or checklist is created in order to track who has provided responsive records, and who has outstanding records. Alternatively, subfolders within the main ATIPP request folder (see step 13) may be created so that each person's emails may be deposited therein.
27. If emails stored in personal (H:) drives or inboxes of one or more persons who are on extended leave or are no longer working for the department, advise the ATIPP Coordinator, who will arrange for IT to search those records.
28. If physical records are no longer on-site, advise someone, such as the administrative/research assistant or the departmental records officer to have the files retrieved.
29. Once you have gathered all of the responsive records:
- 29.1 Do not sever any of the records. The ATIPP coordinator will make all required redactions in accordance with the ATIPP Act.
  - 29.2 If information is sensitive, flag the information for the ATIPP Coordinator along with a brief explanation or rationale regarding the sensitive nature of that information.
  - 29.3 Send the records to the ATIPP Coordinator via [secure file transfer](#) in one package, on or before the due date specified in the original request.
  - 29.4 Include a description of where records they searched for records (i.e. G: drive, master file, master inmate files, warrant file, medical file, DVR server, email archives, etc.), the search criteria, if applicable, as well as an estimate of how much time was taken to respond to the request (see Appendix C for a sample checklist).
  - 29.5 Include how many hours it took you to prepare the records with your final package to the ATIPP Coordinator.

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30. Delete the responsive records from the ATIPP folder, and update the ATIPP Database accordingly.
31. *Decision Point* – Has the ATIPP Coordinator asked you to allow the applicant to view the responsive record(s)?
32. If yes, place a copy of the responsive records on a USB drive and encrypt it using BitLocker (in windows explorer right click on the USB drive and select “Turn on BitLocker” and follow the prompts.
33. Take the applicant to a secure area and let him/her view the footage as often as he/she wishes. The applicant will not be allowed to keep a copy of the files.
34. Once the applicant has finished examining the record, complete and sign two copies of the “viewing confirmation form” (see Appendix D), forward one copy to the ATIPP Coordinator and give the other to the applicant.
35. Destroy the USB drive or delete the footage from it and reformat it.  
**Note:** If the applicant wants to view video footage again or to get another copy of their records, it is not necessary to submit another ATIPP request. Have the applicant complete a Special Request form, including the request number (if possible) and contact the ATIPP Coordinator who will send you another copy of the records.

### RELATED POLICIES & DIRECTIVES

- B 4.1 Inmate Disciplinary Process
- B 2.5 Use of Force Reporting & Investigating Procedures
- B 5.8 Inmate Progress Logs
- C 3.1 Medical Records
- D 1.1 Arrest Processing Unit
- D 1.7 Inmate Records
- G 1.15 Video Retention
- G 2.51 Appendix A – Classification Memorandum
- G 2.52 Appendix B – Request for Clarification of Access Request
- G 2.53 Appendix C – Search Checklist
- G 2.54 Appendix D – DVR Viewing Confirmation Form

### HISTORY