

ATIPP ACT CONCORDANCE TABLE

ATIPP Act, 2009	ATIPP Act, 2020	Notes
PART 1 – INTRODUCTORY PROVISIONS	PART 1 – INTRODUCTORY PROVISIONS	
1. Purpose of this Act	s. 6, related to s. 34 and 42	Focuses on privacy and measures needed to protect it. Includes public's right to access information.
2. Scope of this Act	s. 7 and s. 10	See s. 1 for definition of “adjudicative information”, “adjudicator”, “court”, “court record”, “court registry staff”, “court services information”, “generally excluded information”, “hold”, “information”, “judge”, “judicial information”, “officer of the legislative assembly”, “proceeding”, “publicly available information” **Instead of records, this Act refers to information.
3. Definitions	s. 1	Added definitions
4. Paramountcy of this Act	s. 8	
PART 2 – ACCESS TO INFORMATION	PART 3 – ACCESS TO INFORMATION	
5. Right to information	Related to s. 10, 34 and 44	See s. 1 for definition of “access request”, “applicant”, and “access and privacy officer”
6. How to make a request	Related to s. 34, 42 and 44	
6. 1. Abandoned request	s. 58 (with changes), and related to s. 64	Change to timeline: 20 business days instead of 30 calendar days
7. Duty to assist applicants	Related to ss. 44(2) and s.47	New - Requirements for access and privacy officer to accept access request. APO/ATIPP office works with applicant to make request acceptable
8. Who decides about access	Related to s. 64	Head's response to access request – more involved than in the old Act
9. Passing request on to public body	Related to s. 47	See s. 1 for definition of “activation date”; Requirements for access and privacy officer to accept access request, then pass it along to PB
10. Public body to assist records manager	Related to s. 51, 52 and 64	Process DAO must follow in their search for information and records responsive to an access

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		request s. 51. Establishes a duty and process for employees to respond to a request for relevant information from their designated access officer and a process to follow if an employee does not respond to an access request for information s. 52.
11. Time for responding	s. 50 (changes)	New timeline – 30 business days from activation date.
12. Extending the time limit for responding	s. 62 (changes), and related to s.48	Requests for extension must be made at least 5 days prior to the request's due date. The APO may only grant 15 days for an extension, unless the applicant consents to a 30-day extension. If the public body requires more than 15 (or 30) days to respond to a request, the public body must request an extension from the commissioner. There is no limit as to the length of the extension from the IPC.
13. Contents of response	s. 64 (changes)	The public body may not reveal the existence of a record, but they must notify the commissioner of their reasons for making this decision. The head must notify the commissioner regarding an access request that is not answered by the response date
14. How access will be given	s. 65 (changes)	“access” is defined in s. 1. New provision requires datasets to be provided in electronic format, provided it would not interfere with the operations of the public body. This provision sets out how provision the head must provide an applicant access to the information or records to which the applicant has been granted.
15. Cabinet confidence	s. 67 (changes)	Expands upon definition of “Cabinet record”, including information that is not considered to be a Cabinet record, or part of a Cabinet record [subsection 67(2)]. Change/New : to non-inclusion of

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		a Cabinet record that has been in existence for 10 years or more (previously 15 years or more). Addition/New: subsection 67(4), public interest disclosure.
16. Policy advice, recommendations or draft regulations	s. 67 (changes)	See above cell notes on Section 67 of the new Act.
17. Disclosure harmful to the financial or economic interests of a public body	s. 75	
18. Legal advice	s. 73 (changes)	Addition/New: access to information that has been prepared for, or related to legal services provided to Attorney General.
19. Disclosure harmful to law enforcement	s. 72	
19.1. Harassment	s. 71 (changes)	Change/New: Uses term “personnel assessment” to describe records previously referred to as “workplace harassment”. Addition/New: Defines terms used that are specific to records related to personnel assessment. Addition/New: Allows for the possible release of final report to the subject of personnel assessment.
20. Disclosure harmful to intergovernmental relations or negotiations	s. 76 (changes), and (related to) s.68	Relates to information that has not been accepted in confidence in the manner prescribed in regulations, but could be harmful to intergovernmental relations or negotiations. Change/New: The “15 or more years” clause will not apply to information related to land claims or self-government negotiations that have not concluded.
21. Disclosure harmful to conservation of heritage sites, etc.	s. 78	
22. Disclosure harmful to individual or public safety	s. 79	

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23. Information that will be published or released within 90 days	s. 81	
24. Disclosure harmful to business interests of a third party	s. 77 (changes), and (related to) s. 69	Does not include business contact information. Disclosure of information is permitted if the third party consents to its disclosure or if it is already available publically. Addition/New: Subsection 77(2)(b), allowing for the release of information that would promote public health or safety. Relates to third party business information that has <u>not</u> been accepted in confidence in the manner prescribed in regulations, but may be harmful to a third party business because it is a trade secret, commercial, financial, scientific or technical information of a third party business.
25. Disclosure harmful to personal privacy	s. 70 (changes)	Expands upon both unreasonable and reasonable release of third party personal information. Divides “other” factors to consider prior to the release of third party personal information into categories of: a) considerations that would indicate no release, and b) considerations that would indicate releasing information.
26. Notifying the third party	s. 59 (changes)	Third party consultation process is now done directly by the public body. Process must begin no later than 10 business day before response date for access request.
27. Time limit and notice of decision	s. 60 (changes)	Specifies timelines, in business days, related to notice of decision
28. Information must be disclosed if health or safety at risk	s. 83	

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PART 3 – PROTECTION OF PRIVACY	PART 2 – PROTECTION OF PRIVACY	
29. Purpose for which personal information may be collected	s. 15, and related to s.12	
30. How personal information is to be collected	s. 16 and 17	
31. Accuracy of personal information	s. 22	
32. Right to request correction of personal information	s. 35 (with changes); and related to s. 48	Expands upon a description of the process for requesting a correction of personal information, including a response timeline
33. Protection of personal information	s. 30	See s. 1 for definition of “manage”
34. Retention of personal information	s. 22	
35. Use of personal information	s. 21, and related to s.19	
36. Disclosure of personal information	s. 25 (with changes), and related to s. 23 and 45	Additions/New: Regarding disclosure of deceased individuals’ information; Disclosure in response to an ATIPP request; Disclosure to commissioner.
37. Definition of consistent purposes	Related to ss. 21(b)	
38. Disclosure for research or statistical purposes	s. 26 (with changes)	Section 26 (requirements for a research agreement) expands upon requirements for a research agreement.
39. Disclosure for archival or historical purposes	Related to ss. 25(h)(ii) and s. 26	
PART 4 – OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER	PART 6 – OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER	
40. Appointment of commissioner	S. 109 and 110	
41. Commissioner’s staff and expenses	Para. 110(1)(c)	
42. General powers of commissioner	s. 112, and para. 111(1)(a)	
43. Powers to authorize a public body to disregard requests	Related to s. 48 (which is New to Act)	Sets out requirements for access and privacy officer to refuse access request; consultation process prior to decision; notification process after decision (s.48).

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44. Restrictions on disclosure of information by the commissioner and staff	s. 113, 111 and 103	
45. Protection of commissioner and staff	s. 115, and related to s.114	
46. Delegation by commissioner	s. 111	
47. Annual report of commissioner	s. 117	
PART 5 – COMPLAINTS, REVIEWS AND APPEALS		
48. Right to ask commissioner for a review	ss. 54(4), 56(3), 58(2), 62(5); s. 49, 61, 66, 36, 37, 116; and related to s. 89, 92, 118	
49. How to ask for a review	s. 90; (related to) ss.64(6)	
50. Notifying others of review	Related to ss. 91(1)	
51. Mediation may be authorized	Related to s. 93	
52. Inquiry by commissioner	s. 96; related to s. 93(4), and s. 95 and 100 [see s.52(6)]	
53. Powers of commissioner in conducting reviews	Related to s. 95 and 97	
54. Burden of proof	s. 102	
55. Statements made to the commissioner not admissible in evidence	s. 98 and 99	
56. Protection against libel or slander actions	s. 99	
57. Commissioner's report after conducting a review	s. 101	
58. Public body's decision after a review	s. 104	
59. Appeal to Supreme Court	s. 105, and ss. 106(1)	
60. Appeal hearing	Related to s. 105 and 107	
61. Disposition of an appeal	s. 107, and related to s.121	
PART 6 – GENERAL PROVISIONS	PART 7 - GENERAL	
62. Personal representatives	s. 118	
63. Information directory	Related to s. 40	

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64. Records available without request	Related to s. 39 and 43	
65. Manner of giving notice	s. 119 (with changes)	Omission/New: Notification by fax no longer specifically noted in this Act. Addition: Provision allowing for regulations to be created on other manners to deliver required notices. Addition/New: When notice is considered to be received by the person to whom it was sent.
66. Protection of public body from legal suit	s. 120 (with changes)	Protects the public bodies, including the heads and employees, from liability if their actions were done in good faith.
67. Offences and penalties	s. 121 and 122 (with changes)	Additions/New: Offences related to the contravention of any provision dealing with the collection, use or disclosure of personal information. Addition/New: Offences related to the contravention of any of the following sections of this Act: section 30 (securing personal information against privacy breach); section 103 (duty of confidentiality); subsection 113(1) (restricted authority to disclose information); Offence related to an individual knowingly breaching a term or condition of an agreement with a public body to conduct research; knowingly failing to comply with a summons to appear before the commissioner; knowingly failing to produce information or records that the commissioner('s office) has compelled you to produce; Section 3 of the Summary Convictions Act does not apply to this Act or its regulations. Change/New: Penalty for committing an offence listed above changed to: a fine of up to \$25,000, and/or a term of imprisonment for a period not exceeding 6 months.

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68. Power to make regulations	s. 125 (with changes)	Expands upon the subject matter covered for which new regulations may be written, reflecting expanded subject matter covered by this Act (including, but not exclusive of, privacy, personal information, personal identity services, information management, publicly available information, public registry, and access information summaries).
69. Review of Act	s. 127	