

Via Email – Commissioner@oipc.nl.ca

February 2, 2021

Office of the Information and Privacy Commissioner
Newfoundland and Labrador
P.O. Box 13004, Station "A"
St. John's NL A1B 3V8

Attention: Michael Harvey, Information and Privacy Commissioner

Dear Commissioner Harvey:

Re: Inaccurate Statements Regarding the Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015) in Report on Ward 2 By-Election

We acknowledge your correspondence dated January 28, 2021 respecting the above.

Our quote "*ATIPP legislation in the Province of NL severely restricts or prohibits such access between levels of government bodies and regulatory agencies*" was not intended to be a criticism of the legislation but rather a practical statement reflecting some of the challenges associated with cleansing the voter list. The protections and safety measures contained in the legislation rightfully protect private information. The City is acutely aware of the importance of protecting the privacy of our citizens and fully support doing so. The intent was to identify our limited access to personal data; however, we are interested in seeking any clarification about the options available to us and would appreciate the opportunity to be guided by the OIPC in this regard.

The City's challenges with the voters list and the accuracy of the information contained on the list existed prior to the enactment of the legislation and we did not intend to suggest the identified challenges rest solely with the ATIPP legislation. It is for that reason, amongst many others, that our office put forward the recommendations stated in the referenced report.

Our recommendation that the City continue to lobby the Province to allow alternative progressive voting methods including internet voting has been asserted for many years. The perception that this proposal is associated with purported barriers to the ATIPP legislation was never intended, and we apologize for any misunderstanding on this point.

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We acknowledge the concerns outlined in your report “*Internet Voting – Privacy and Security Risks*”. The City of St. John’s is always looking for progressive but safe methods of voting that encourage voter turn-out while remaining accessible to the electorate. While we have and continue to encourage a legislative change that would permit the City to consider alternate methods of voting, we would not pursue such alternatives until we were fully confident in the security of such through consultation with your Office.

Yours truly,



Kevin Breen
City Manager

cc Elaine Henley, City Clerk
Kenessa Cutler, ATIPP Coordinator

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