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NEWS RELEASE

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Information and Privacy Commissioner issues decision after jurisdictional challenge

WHITEHORSE – The Information and Privacy Commissioner (IPC) for Yukon has issued a decision about whether she lost jurisdiction to continue a review under the *Access to Information and Protection of Privacy Act* (ATIPP Act) after the legislated timelines to complete the review expired.

During the inquiry phase of the review process, Diane McLeod-McKay sought additional evidence from the Department of Justice that she determined was required to prepare her inquiry report. She requested the evidence after the timelines to complete the review had expired. The department’s response was that the IPC was out of time to request additional evidence because the timelines in the ATIPP Act to complete the review had expired.

“The crux of this case is to determine what the consequences are of failing to meet the timelines for a review under the ATIPP Act,” said McLeod-McKay. “After considering the circumstances of this case and other similar cases in Canada, I determined that the consequences do not include a loss of jurisdiction to complete a review. I have re-issued my request for additional information from the department.”

McLeod-McKay said in Decision ATP18-63R, available [here](#) along with a copy of submissions made, that the intent of the ATIPP Act cannot be for the IPC to issue inquiry reports based on inadequate evidence due to the expiration of timelines. If it were, the integrity of such decisions would be placed in considerable jeopardy. As well, her decision noted that decisions based on inadequate evidence may put applicants in the position of having to take the matter to court more often.

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The Ombudsman, Information and Privacy Commissioner, and Public Interest Disclosure Commissioner is an independent officer of the Yukon Legislative Assembly. For more information, please go to www.yukonombudsman.ca.

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