

FAQ – processing ATIPP requests during COVID-19*

- 1. I am currently working from home, however, services within my public body have been reduced to those considered critical due to the current pandemic. Due to limited capacity (e.g. limited staff working, those who are working busy trying to maintain critical services, etc.), I am unable to complete searches, consult with subject matter experts and the head of the public body. What should I do?**

If there is limited capacity within your public body to process requests, you should submit requests for extension with the OIPC. You should also triage each request to determine if work can be done. For smaller requests involving records that you have access to, it is possible that you would be able to complete a search of records and complete your initial review, even if you are unable to complete consultations and finalize the request.

- 2. I received a request and am uncertain of what types of records may be responsive or where to locate them. The people I usually check with to see what records may be responsive and who to check with are either not working or focusing on maintaining critical services. What do I do?**

If you are unable to process a request due to limited capacity within your public body, you should submit a request for extension with the OIPC. As this Pandemic may cause extended closures/reductions in services, you should check in with available staff periodically to see if they are back at work or able to assist.

- 3. I received a request that involves employees who aren't able to work right now or are busy maintaining critical services. What do I do?**

If you are unable to process a request due to limited capacity within your public body, you should submit a request for extension with the OIPC. As this Pandemic may cause extended closures/reductions in services, you should check in with available staff periodically to see if they are back at work or able to assist.

- 4. I've finished my initial review of an ATIPP request. However, I am unable to complete internal consultations with subject matter experts and the head of the public body. What do I do?**

If you are unable to complete a request due to limited capacity within your public body, you should submit a request for extension with the OIPC. As this Pandemic may cause extended closures/reductions in services, you should check in with available staff periodically to see if they are back at work or able to assist.

- 5. I've finished my initial review of an ATIPP request. However, I need to complete consultations with other public bodies that have advised they are unable to complete consultations at this time due to COVID-19. What do I do?**

If you are unable to complete a request due to limited capacity within other public bodies you are required to consult with, you should submit a request for extension with the OIPC. As this Pandemic may cause extended closures/reductions in services, you should check in with the public bodies in question periodically to see if they are able to review.

- 6. I've finished my initial review of an ATIPP request. However, I need to complete third party consultations. I've checked and the company is currently unable to review the records due to COVID-19. What do I do?**

If you are unable to complete a request due to limited capacity of a third party you are required to consult with, you should submit a request for extension with the OIPC. As this Pandemic may cause extended closures/reductions in services, you should check in with the third party in question periodically to see if they are able to review.

- 7. What information do I have to provide the OIPC when making a request for extension relating to COVID-19?**

Based on current guidelines provided by the OIPC, you are required to provide: (1) the file number (e.g. PB/22/2020), etc.); (2) the date the request was made; and (3) the wording of the request.

- 8. In their guidance, the OIPC has said that they may require additional details relating to a request for extension. What information will I have to provide?**

Whether the OIPC requests additional details will depend on the request, as will the details they require. When they review the request, it may not be apparent why you are unable to process the request. For this reason, they may follow-up with you to ask for additional details.

9. I have a request for paper records that cannot be accessed due closure relating to COVID-19. I have no way of knowing the volume of records that may be involved. Should I make an extension request now or after the emergency is over?

You should make a request for extension for the duration of closures related to the current pandemic as you cannot access the records being requested and, therefore, cannot process the request.

Once your public body returns to normal operations, you can review the records in question and determine whether a request for an additional extension is required. However, it is important that you remember regular timeframes relating to submitting request for extension will apply. Generally requests for extensions must be made by day 15. Given the extension you have already received, you will need to ensure you make any additional request for extension 5 business days before the current due date. You will also have to follow regular procedures for submitting an extension (i.e. request form that the OIPC requires).

10. When my public body returns to normal operations, I may have a backlog of ATIPP requests to process. If I am working through the backlog and receive a new request, will I be able to get an extension?

If this occurs, you will need to follow the regular process for submitting requests for extensions for any new requests that are received (i.e. request form that the OIPC requires). In this request, you can note the backlog of requests that you are working on – the OIPC will take this into consideration when determining whether to approve your request.

11. Should I request an extension if:

a. I am able to process electronic records and I don't think there are paper records, but I don't know for sure?

You should contact the applicant to advise that you don't think there are any paper records, but you are unable to verify given the current closures. You can then ask them if they are satisfied with the search you have completed and want to proceed with the request. If they say yes, you can process the request without searching for paper records.

If they say no, you should process the electronic records. However, in your final response letter, you should note that you are unaware of any existing paper records, but that you were unable to confirm this because you could not access paper records. You will confirm once your public body returns to normal operations. If there are records, they can submit an additional request at that time.

b. If I am able to process electronic records and I do think there are paper records, but I don't know for sure?

You should contact the applicant and attempt to narrow the search to electronic records only. If they do not agree, contact the OIPC for an extension. If you are able to process the electronic records, you can continue to process that portion of the request, and limit the extension to the paper records.

12. I received a request that seems like it will need to be disregarded. What should I do?

If you are able to submit a request to disregard with the details required by the OIPC, then you should do so. However, if you are unable to do this due to the Pandemic, you should submit a request for extension with the OIPC immediately and advise that you are considering submitting a request to disregard. The extension you receive for the duration of COVID-19 related closures/reductions in services, will allow you to submit a request to disregard after the day 5 timeline that is generally required to be met.

13. Are public bodies expected to purchase new equipment to facilitate employees working from home (e.g. laptops, software, etc.)?

Requirements to purchase new equipment will depend on the resources of the public body. It may be reasonable to expect a large public body to purchase a new laptop or software if that is the main barrier in their ability to process requests. The same may not be required of a small public body with limited resources or a public body that is unable to process requests for additional reasons (ability to consult with subject matter experts, etc.). What is reasonable will depend on the circumstances.

14. Will ATIPP Coordinators be expected to access physical/paper records during COVID-19 if they are not otherwise at a physical office?

If your office is closed and you have been asked not to attend the office in person, you should not access your office for the sole purpose of obtaining records for an ATIPP request.

15. Am I expected to go to my office and physically check the mail for paper ATIPP requests?

If your office is closed and you have been asked not to attend the office in person, you should not access your office for the sole purpose of checking mail in case there is an ATIPP request.

If someone in your office is regularly checking the mail, that person should alert you if they receive any envelopes that may be ATIPP requests. If you are otherwise able to process requests (the only barrier is that the request was mailed rather than emailed), you should determine whether it would be appropriate to have that person open the mail so they can scan and email you the ATIPP request so you can process the request to the best of your ability during closures. If you choose to do this, you will need to ensure that the person opening the mail is aware of the requirement to keep the name and type of applicant anonymous under s.12 of the ATIPP Act, and that they cannot discuss the request with anyone.

If you are unable to check the physical mail, it may be possible to put an alert on your website or a message on your phone indicating that mail is not being checked at this time and that ATIPP requests should be sent electronically.

16. Can I require applicants to submit requests electronically?

While you cannot require applicants to submit requests electronically, you can advise that your public body is currently unable to check mail and that any requests submitted this way will not be processed until you are able to check your mail.

17. I have a request where the applicant requested a paper copy of the final response. I was able to process this request while working from home, however, I do not have the required equipment to mail a paper copy to the applicant (e.g. printer, envelopes, stamps, etc.). Can I advise the applicant that we can only provide responses electronically?

If you do not have access to the required equipment, advise the applicant of this problem. Suggest that you can provide them with an electronic file and mail them a paper copy when you are able to return to your office.

18. What happens if our public body fulfills a request to the best of its ability while working during the Pandemic, but we discover relevant paper files after we return to the office? Should I reopen the request?

ATIPPA, 2015 requires you to conduct a reasonable search. What is 'reasonable' may be different in our current circumstances. If, on your return to the office, you discover additional records you can contact the applicant and advise them that they can submit an additional request.

***Please note, while extensions may be approved for the duration of closures/reductions in services, as always, you should make best efforts to respond without delay where possible.**