

# The Newsletter

(still to be named)

Information and Privacy Commissioner of Prince Edward Island, Canada

## WHAT WE'RE WORKING ON

As of January 28, 2021, we have over 70 open files. You may find further statistics about our open and closed reviews on our website, [oipc.pe.ca](http://oipc.pe.ca). Please note that our online statistics do not include commenting on proposed laws and programs or voluntary breach notifications under the *FOIPP Act*.

A public body or custodian has 30 days to respond to an access to information request, but that can be extended in some circumstances. We are preparing a guideline to assist public bodies, custodians and applicants navigate extensions.

Do you have any suggestions for guidelines to help access to information or protection of privacy?

Happy Data Protection Day!

Canada joins many other nations to mark January 28 as Data Protection Day.

### The COVID Alert App

The federal government of Canada developed a contact tracing App. The Privacy Commissioner of Canada informed us about their review, and we do not have any concerns about collection, use or disclosure of any personal information or personal health information.

### Help name this newsletter

We have not come up with a good name for our inaugural newsletter. Please let us know if you have a good idea. We have no prizes to give, except our gratitude. Our contact information is at the bottom of page 2.

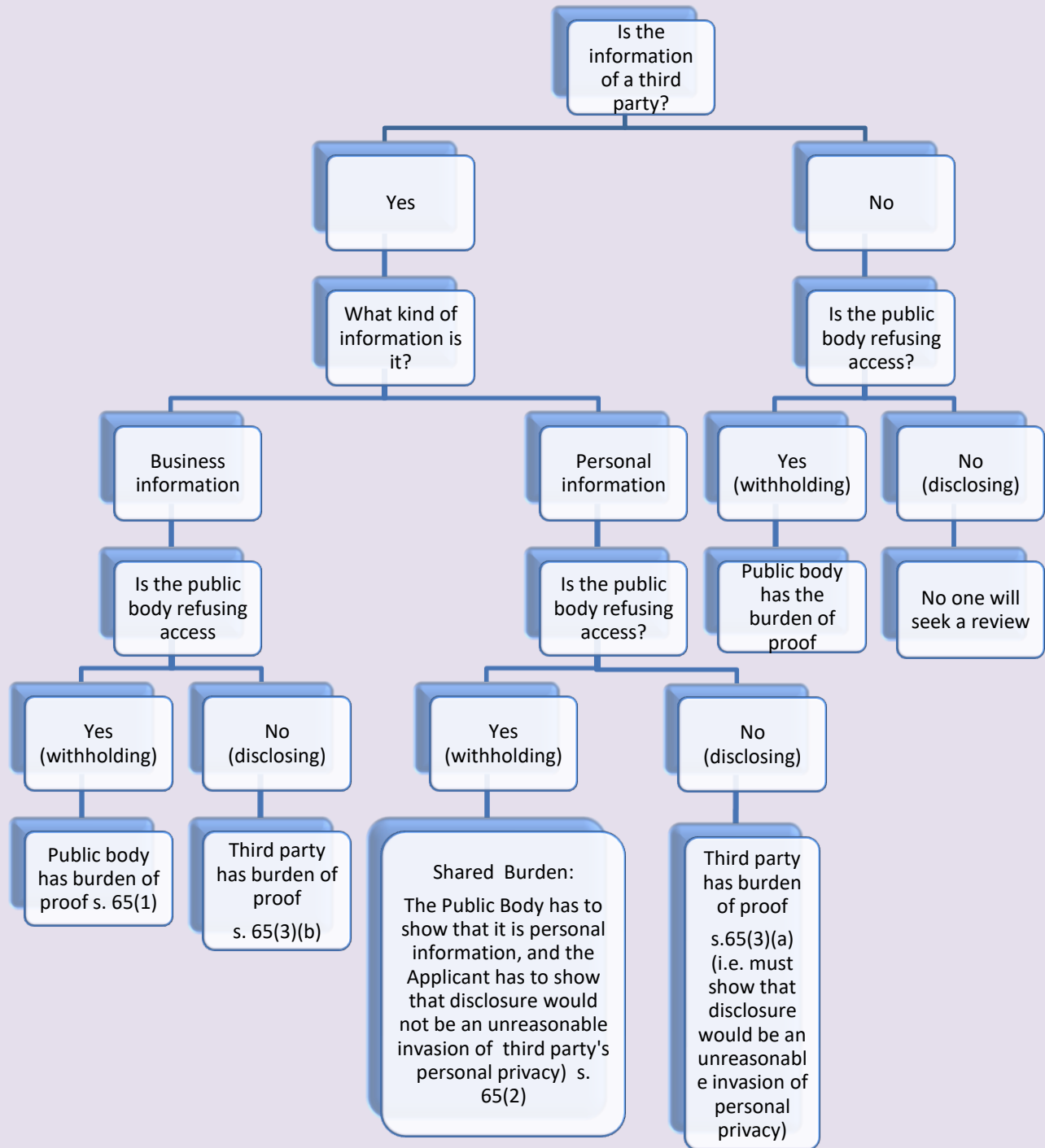


"HOW WOULD YOU LIKE TO PAY FOR YOUR PURCHASE TODAY- CASH, CREDIT OR PERSONAL INFORMATION?"

### Burden of proof

Reviews about a public body's decision about whether to disclose records involve the public body, the applicant and sometimes third parties. We get submissions from the parties and often refer to the "burden of proof" under the *FOIPP Act*. Who is required to prove the case depends on what information is involved and what the decision of the public body was. We created the following tree to help explain who has the burden of proof.

Under the *FOIPP Act*, determining which party will bear the burden of proof depends on what type of information is at issue and whether or not the public body decided to disclose the information.



How to contact us: Information and Privacy Commissioner of PEI, P.O. Box 2000, Charlottetown, PE C1A 7N8, Phone: 902-368-4099, Fax: 902-368-5947, Email: [InfoPrivacy@assembly.pe.ca](mailto:InfoPrivacy@assembly.pe.ca)