

The logo features a large, light blue circular graphic with a white inner ring. In the center, there is a stylized blue figure of a person with their arms raised, forming a shape similar to the number '9'.

**Yukon  
Information and Privacy  
Commissioner**

**Submission on the Consultation Document:  
Designation of Public Bodies under the  
*Access to Information and Protection of Privacy  
Act***

**June 30, 2011**

# Yukon Information and Privacy Commissioner

## Submission on the Scope of the ATIPP Act

June 30, 2011

### Consultation

Until July 14, 2011, the Yukon government is seeking feedback about what criteria should be used for designating new public bodies under the ATIPP Act. The purpose of this submission is to outline the factors that, in my view, should be the foundation of any criteria used to determine which boards, committees, tribunals, councils and agencies should be subject to the ATIPP Act and to provide comment on the questions asked by the Consultation Document.

### Access and privacy cornerstones of democracy

The argument that access to information and privacy are essential to democracy is well settled in Canada through thirty years of growing expertise, experience and case law. Access and privacy rights have been characterized as quasi-constitutional by the Supreme Court of Canada<sup>1</sup> and as such, a decision to exclude a body doing the work or extended work of government from the scope of the ATIPP Act should only be made in the rarest of cases.

A decision to exclude a body from the operation of the ATIPP Act is a decision to exempt that body from public scrutiny through access to information provisions and decide that it need not implement privacy protections, as set out in the ATIPP Act.

### Purpose of the ATIPP Act

The dual purpose of the *Access to Information and Protection of Privacy Act* (ATIPP Act) is to make public bodies more accountable to the public and protect personal privacy. It grants citizens the right to access government information and requires public bodies to protect the privacy of personal information.

Increased government accountability clearly requires greater access to government information, but it also means strengthening the privacy rights of individuals. This is the foundation of the ATIPP Act, aimed at striking a balance between accountability and protection of privacy.

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<sup>1</sup> *Lavigne v. Canada (Office of the Commissioner of Official Languages)*, [2002] 2 S.C.R. 773, at par.24.

## **The scope of the ATIPP Act**

The spirit and intent of the ATIPP Act is only meaningful when the scope of this law includes *all* bodies that do the work or extended work of government. Today, there is a real question about whether many of the over 140 boards, committees, tribunals, councils and agencies doing the work and extended work of government are subject to the law. My office has compiled a list of those bodies which is attached as Appendix A to this submission.

These bodies constantly make decisions and recommendations that affect the everyday lives of Yukoners. For example they: assist school operations throughout the territory, decide which businesses can sell alcohol, license professionals, allocate social housing to applicants, and make thousands of decisions about funding and financial benefits.

The development of criteria to analyze and determine which of these bodies should become public bodies is the purpose of this consultation. A clear, well defined set of criteria that can be applied objectively will assist government and the public to understand which bodies are subject to the ATIPP Act.

The ATIPP Act must keep pace and be responsive to the expectations of the public. Other territories and provinces have been moving towards broadening both public and private sector access and privacy legislation, thereby expanding access rights and privacy protections for its citizens. Developing criteria that will fail to broadly expand the scope of the ATIPP Act is seriously out of sync with the rest of Canada.

## **Consequences of too narrow a scope for the ATIPP Act**

### ***Personal Information not protected***

The ATIPP Act does not permit the sharing or exchange of personal information between public bodies and non-public bodies, except in specific circumstances (such as with a data sharing agreement). The criteria to designate public bodies should be designed and applied to provide the broadest possible scope for the ATIPP Act. This will work to alleviate potential problems resulting from public bodies wanting to collect, use or disclose personal information with non-public bodies.

A similar issue exists when one reviews the many inter-jurisdictional initiatives that the government is pursuing, particularly in the area of health. In order to participate in these initiatives Yukon bodies must be compliant with privacy protection standards required by access and privacy laws of other participating jurisdictions. I caution that Yukon may ultimately be hampered in participating fully in many other national and inter-jurisdictional initiatives because of its decision to exclude many bodies from the operation of the ATIPP Act.

### ***Patchwork of access and privacy laws or regimes***

Expanding the scope of the Yukon ATIPP Act as broadly as possible will, among other things, provide one comprehensive access and privacy regime which is applied consistently by public bodies and be more easily understood by citizens. If the ATIPP Act doesn't apply, there is no requirement to provide access or protect personal information and bodies that collect, use or disclose personal information may develop their own access and privacy schemes. This could result in a patchwork of access and privacy laws or regimes which would be a step backwards. It could be seen as a reduction of the commitment to open, transparent and accountable government.

In addition, the Personal Information and Protection of Privacy Act (PIPEDA) is federal privacy legislation that applies to the private sector. However, the question of PIPEDA's application to 'federal works and undertakings' in Canada's North, is still untested. In the absence of territorial access and privacy legislation, it is possible that PIPEDA may apply to some aspects of the work of boards, committees, tribunal, councils and agencies.

### **Comment and Recommendations**

In my view, the drafting of criteria to designate public bodies under the ATIPP Act should achieve two goals:

1. It should take into account the spirit, intent and purpose of the ATIPP Act and ensure the broadest possible scope of the legislation, and
2. It should create certainty as to what bodies will be included as public bodies.

### **Criteria must relate to the Purpose of the ATIPP Act**

Despite assertions in the Consultation Document to the contrary, the proposed criteria are not clearly and substantively linked to the purpose of the ATIPP Act. The proposed criteria are entirely focused on determining how close a relationship a particular board, committee, tribunal, council or agency has with the government but fails to take the next critical step of analyzing whether or not the rights and protections set out in the ATIPP Act should apply to a particular body.

When the ATIPP Act was introduced, government decided that the right to access information and protect privacy should be enshrined in law. A conscientious approach to any criteria to designate bodies as public bodies to the ATIPP Act must take into account the purpose of the legislation. The purpose of the ATIPP Act, set out in section 1(1) is to "make public bodies more accountable to the public and to protect personal privacy."

Designating a body as a public body ensures that it is accountable to the public through access to information provisions and that it must take specific steps to protect the personal information it collects, uses or discloses in the course of its work.

It is imperative when trying to determine the scope of the legislation that government return to the purposes of the ATIPP Act – accountability through the right to access information and the protection of privacy. Any criteria it develops must be based on those principles.

### **Criteria and procedure should provide certainty**

As I understand it, once the public consultation period is finished, Highways and Public Works (HPW) will consider the feedback received through the consultation to finalize the criteria. Following government approval, amendments will be made to the Designating Public Bodies Regulation (the regulation) under the ATIPP Act to add the criteria as a *guideline* for determining which bodies should be listed as public bodies.

I have, on several occasions, urged the government to add criteria for designating/deleting public bodies to the ATIPP Act itself, rather than to a regulation. This would promote greater public confidence in that the criteria could not be changed without changing the legislation itself, which is a transparent process.

Whether the ultimate decision is to put criteria in the Act or in the regulations, my key objection is that the criteria should not operate as a guideline only for designating public bodies. The Consultation Document says that the proposed criteria will be adopted a guidelines only to allow “for Cabinet discretion to determine whether a board or committee should be designated as a public body under the *ATIPP Act*.” The use of guidelines is a subjective exercise. In making a decision, Cabinet will be guided by the criteria, but they are not bound by it. They make take into account other factors, but the other factors will not be known to the public. The criteria should be mandatory and include of *all of the factors* that are considered in determining which bodies will be designated as public bodies.

In addition, the Consultation Document does not provide any information about what mechanism/procedure will be used by Cabinet to apply the criteria and add public bodies to the list in the regulation. Will they consider the list of bodies on one occasion when the criteria are adopted? Will it be done annually or on an ongoing basis? How will the criteria be applied, initially, and in the future? Finally, it is unclear what process, if any, will be available to challenge a decision made to either include or not include a particular body.

To ensure certainty and accountability, the criteria should be mandatory criteria not a guideline and the mechanism/procedure for using the criteria, now and in the future, should be included in the regulation.

### **Two step analysis for designating public bodies**

It is my recommendation that determining which bodies should be public bodies under the ATIPP Act should be a two step analysis, based on the following factors:

The first step is to determine:

Is the body created by a Yukon Act, regulation or policy?

If so, the second step is to determine:

In the interests of openness, transparency and accountability, should the public have the right to access information about the body?

and/or

Does the body collect, use or disclose personal information of individuals, the privacy of which should be protected by legislation?

The first factor to be considered is critical as it permits definition, in a broad sense, of which bodies are doing the work or extended work of government. The second factors in the analysis are directly related to purposes of the ATIPP Act itself.

Adopting this approach would result in an ATIPP Act that is as broad and inclusive as possible, so as to ensure the highest standard of transparency, accountability and protection of privacy.

### **How should the criteria be applied?**

In my view, the Yukon has the unique opportunity to learn from others experience and adopt the best practices developed across the country. I recommend that Yukon adopt a procedure similar to that in the Alberta *Freedom of Information and Protection of Privacy Act* regulation. The regulation should include a provision that the Commissioner in Executive Council or Minister of Highways and Public Works, who is responsible for the ATIPP Act, be able to recommend a body for designation as a public body in the regulation. Also, other Ministers should be able to recommend bodies for designation to the Minister of HPW.

Adopting this process would ensure an ongoing method for making the ATIPP Act responsive to changes in government structure and legislation. It would also provide a process for appropriate oversight of these decisions.

### **The responsibilities of becoming a public body**

I appreciate that designating a body as a public body will impose new responsibilities on bodies that have previously not turned their minds to access and privacy laws, in any meaningful way. The Consultation Document says:

Ensuring that our legislation continues to meet the fundamental objectives originally established when the Act was created, while avoiding an unmanageable administrative burden for our volunteer boards and committees, has been a challenge in determining how to designate additional public bodies.

With all due respect, a reluctance to impose additional responsibilities or 'avoiding an unmanageable administrative burden' should not be a consideration in the deciding which bodies should be designated as public bodies under the ATIPP Act.

I recommend that a phasing in period should be afforded to bodies that are designated public bodies through this process. Care must be taken to provide new public bodies with sufficient resources, training and funding to permit a smooth implementation of the new responsibilities. A well planned transition could help new public bodies manage their new responsibilities under the ATIPP Act and alleviate fears or resistance about them.

Some new public bodies may have concerns that becoming subject to the ATIPP Act will permit unfettered public access to all of their records. That is not the case. Access to information is limited by privacy rights and by certain exceptions in the ATIPP Act that are applied on a case by case basis.

In addition, the ATIPP Act provides rules that will assist new public bodies with the collection, use, and disclosure of personal information and other standards designed to protect the privacy of personal information.

### ***Summary of Recommendations:***

1. Yukon government should develop a clear, well defined set of criteria that are applied objectively to ensure government and the public are aware of which bodies are subject to the ATIPP Act.
2. To ensure certainty and accountability, the criteria should be mandatory criteria not a guideline.

3. To ensure certainty and accountability, the mechanism/procedure for designating/deleting public bodies, now and in the future should be included in the regulation.
4. All boards, committees, tribunals, councils and agencies, doing the work or extended work of government, should be designated as public bodies under the ATIPP Act, unless there are exceptional circumstances to justify exclusion.
5. The criteria to designate public bodies under the ATIPP Act should be drafted to achieve two goals:
  1. It should take into account the spirit, intent and purpose of the ATIPP Act and ensure the broadest possible scope of the legislation, and
  2. It should create certainty as to what bodies will be included as public bodies.
6. The analysis for determining which bodies should be public bodies under the ATIPP Act should be two steps, based on the following factors:
  - Is the body created by Yukon Act, regulation or policy? and if so,
  - In the interests of openness, transparency and accountability, should the public have the right to access information about the body?; and/or  
Does the body collect, use or disclose personal information of individuals, the privacy of which should be protected, by legislation?
7. The regulation include a provision that the Commissioner in Executive Council or Minister of Highways and Public Works, who is responsible for the ATIPP Act, should be able to recommend a body for designation as a public body in the regulation. Also, other Ministers should be able to recommend bodies for designation to the Minister of HPW.
8. The Information and Privacy Commissioner must be satisfied that it is not contrary to the public interest to delete the body from the ATIPP Act regulation.
9. Yukon government should develop policy to guide decisions to designate bodies as public bodies, pursuant to the authority to designate a public body by listing it in the regulation.

## **Consultation Document: proposed criteria and questions**

The proposed criteria for inclusion and deletion of public bodies to the ATIPP Act regulation, is attached as Appendix B.

### **Topic One: Proposed Criteria to designate bodies as public bodies in the regulation**

#### **Questions:**

***1. Should only decision-making organizations be included by regulation, or should those that make recommendations to YG be included as well? What is your view and why?***

Whether or not a body has the authority to make decisions or recommendations is not a relevant criterion for determining if it should be required to comply with the ATIPP Act.

Focus on a body's recommendatory power or decision-making authority is far too narrow a test. I fail to see why the affect of a recommendation or decision should be determinative of whether or not the ATIPP Act should apply to a body. A body's authority to make recommendations or decisions is in no way related to its responsibility to be accountable through access to information or to protect personal information that it may collect, use or disclose in the course of its work.

In addition, this criterion does not assist in providing certainty as to what bodies will be included as public bodies. No definition of 'decision-making' is provided. It also fails to take into account that some bodies may have authority to both make decisions and recommendations. For example, Judicial Council makes recommendations of candidates for judicial appointments but makes decisions regarding complaints.

Determining whether or not this criterion applies will require, in most cases, extensive knowledge of the legislative authority of the body, making it less accessible or reliable as a meaningful criterion. As such, this criterion is not appropriate and should not be used.

***2. The discussion paper describes the differences between organizations created in law and those created in policy. The key difference is that bodies created in policy do not have the authority to make decisions about individuals.***

***Should only organizations created in law be included, or should bodies created by policy be included as well? What is your view on this and why?***

I do not agree that, in all cases, “bodies created in policy do not have the authority to make decisions about individuals”. Even if this were the case, as noted in the answer to question one above, whether or not a body has the ability to make “decisions about individuals” should not be determinative with respect to application of the ATIPP Act.

All bodies created by Yukon statute, regulation or policy should be subject to the ATIPP Act because they are doing the work or extended work of government. The public has a right to hold them accountable through access to information and expects that the personal information these bodies collect, use or disclose, to carry out their work, will be protected.

**3. The third criterion requires that an organization meet a number of tests in order to be included under the regulation. The intent is that, if all these tests are met, the organization should be covered under the ATIPP regulations.**

- **Do you think the organization should have to meet all of these tests, or just some of them?**
- **If all, why do you think that? If just some, why do you think that?**
- **Do you think the tests are reasonable to show a connection between an organization and the government?**
- **Can you think of other tests that should be included to show such a connection?**

This criteria is a list of ‘tests’ or, more specifically, questions to help determine if there is sufficient evidence of a link to government for the body to be included within the scope of the ATIPP Act. For the purpose of the current exercise, I agree that only bodies that do the work or extended work of government should be designated as public bodies under the ATIPP Act. However, as noted above, a more inclusive criterion would rely on how a body is created. The public is entitled to have the ATIPP Act apply to all bodies created by a Yukon statute, regulation or policy, unless there are exceptional circumstances to justify its exclusion.

I disagree with the use of the ‘tests’ set out above as once again they do not take into account the principles or purpose of the ATIPP Act.

The wording of this criterion is ambiguous. It is not clear whether the list of tests is exhaustive. The word ‘includes’ suggests ‘includes but is not limited to’. Someone trying to understand the criterion may immediately ask – what are the other tests? Unless the list of tests is complete it is not possible to know what factors are considered critical. Are the tests applied equally? Does one ‘no’ answer mean that there is not a sufficient relationship with government? Without more information, no certainty is provided by criteria set out in this format.

Again, several terms used here are without clear definition (eg: appoints, reporting, ongoing direction, decisions must be confirmed). As a result, the tests are not helpful in determining what public bodies will be included in the regulation. In particular, as a 'guideline', the lack of definitions might lead to the tests being applied inconsistently by decision makers. The result being subjective or arbitrary decisions that, by definition, criteria are designed to alleviate.

**4. Do you feel that the criteria for inclusion as described in Questions 1 through 3 are reasonable? Yes/No**

***If no, please suggest others that may be more appropriate.***

In my view, the proposed criteria do not seek to answer the most critical question that should be posed by them – should these bodies be subject to the ATIPP Act? As noted above in the answers to questions 1-3, the proposed criteria are not reasonable for the following reasons:

- The proposed criteria is not sufficiently related to the principles and purpose of the ATIPP Act, which in my view should be the primary consideration for determining the bodies to which the law should apply;
- The proposed criteria do not contain specific definitions which would provide clarity, and ensure consistent decisions;
- It is unclear whether the criteria is to operate as a three step process or if the application of only one part will determine the designation of a body;
- The proposed criteria does not contain any information about the mechanism /procedure for how, when or the circumstances under which it will be used, upon implementation or in the future;
- It is not reasonable to ask for feedback about criteria without giving examples of the results of its practical application; and
- In order to apply the proposed criteria, decision makers will need to have an intimate working knowledge of perhaps hundreds of pieces of legislation, regulations and policies, which is not reasonable.

My recommendations for more appropriate criteria are set out on pages 6 and 7.

***5. The law provides for the protection of privacy by setting out rules for how personal information is to be collected, used and disclosed by public bodies. However, some people may feel that protection of personal privacy should be strengthened by creating additional criteria to cover off how personal information is dealt with by public bodies.***

***Do you think specific criteria to deal with personal information should be created, or do you think it is covered off adequately already? If additional criteria should be created to further protect***

***personal information, do you have any suggestions about what the criteria should address?***

This question is asking whether the protection of personal information provided for by the ATIPP Act is adequate. Whether the current provisions are adequate is a question for another day – what must be emphasized here is that there is NO protection of personal information required by a body that is not designated as a public body, in the regulation. As such, in order to provide the broadest possible scope for the Act and the protections it affords to citizens, the government should designate all boards, committees, tribunals, councils and agencies as public bodies under the ATIPP Act, unless there are exceptional circumstances to justify its exclusion.

In addition, answering this question requires an intimate working knowledge of the ATIPP Act which includes a very detailed and complicated scheme for access and privacy. It does not seem a reasonable question in this context.

***6. The criteria allow for Cabinet discretion in determining whether or not to add an organization to the regulations. Do you think this is a reasonable approach? Why or why not?***

By definition, criteria are a set of standards that a thing is judged by. They should be clear, understandable and provide the mandatory measuring stick for deciding a question. The proposed criteria are not criteria at all but are instead guidelines. Guidelines do not provide clarity. They do not aid the public in understanding how decisions are made. Permitting Cabinet discretion, in this case, is not in keeping with the intention of developing criteria in the first place – to provide a clear, objective set of standards that can be consistently applied. The criteria should assist government and the public to understand how decisions are made and which bodies are subject to the ATIPP Act.

**Topic Two:**

**Proposed criteria to delete public bodies from the ATIPP regulation**

With respect to the proposed criteria for deletion of public bodies from regulation, again, the material provided lacks information about how the criteria will operate. Are the provisions for deletion also discretionary? If so, how will they be applied? In my view, the criteria cannot be both a 'guideline' or discretionary for the purpose of designating bodies, and adding them to the list in regulation, and an 'absolute test' for deleting them.

I favour a common sense approach and the inclusion of information about the mechanism/procedure about how and when the proposed criteria to delete a public body will be applied.

**Questions:**

***7. The intent is to delete public bodies from the ATIPP regulation if they no longer exist or become part of another entity. Do you consider this a reasonable approach? Please explain.***

I take no issue with this approach as common sense dictates that the disbanding of a body will logically affect the application of ATIPP Act to it.

However, I urge the drafters to consider borrowing from Alberta legislation and add a provision that before deleting a public body, the Information and Privacy Commissioner must be satisfied that it is not contrary to the public interest to delete the body. Such a provision enhances the transparency and accountability of a decision to limit the scope of the ATIPP Act.

***8. The function or structure of public bodies may change over time to the extent that they no longer meet the proposed criteria for inclusion. If this is the case, do you think such a public body should be removed from the ATIPP regulations? Why or why not?***

The answer to this question necessarily relies on what criteria are ultimately adopted. It is critical in my view that whatever they may be, the procedure for deleting a public body from the regulation, and thus removing its responsibilities under the ATIPP Act, must be a transparent one.

I have recommended above that the circumstances under which a public body can be deleted from the regulation be spelled out. Again, oversight of those decisions should be built in to the procedure by requiring that the Information and Privacy Commissioner review and agree to deletions of public bodies as is the case in Alberta.

***9. Public bodies are created under Yukon Acts and regulations. Changes to those Acts and regulations may override the ATIPP Act. For example, a Yukon law could be changed so that it covers off access to information and protection of privacy issues. A Yukon law could also be changed so that the role of public bodies created under that law changes as well.***

***When this happens, do you think the public body should be removed from the ATIPP regulation? Why or why not?***

Again, common sense dictates that if a statute, regulation or policy creating a public body is modified such that the rights and protections set out in the ATIPP Act are no longer relevant, then that body could be deleted from the regulation. However, my position on this point comes with two cautions. First, such a circumstance should be rare. Second, I caution the government from overriding

the provisions of the ATIPP Act and creating separate regimes for access and privacy in other pieces of legislation. One of the overarching benefits of the ATIPP Act is that it applies government wide, setting out one standard for all. Overriding provisions of the ATIPP Act may cause confusion and undermine the public's confidence in the access and privacy legislation. An unnecessarily complicated patchwork of legislation should be avoided.

### **Topic Three: Bodies that will not be subject to the ATIPP Act**

#### **Question:**

***When we looked at how the criteria might apply to various bodies, it became apparent that some bodies would not be covered under the ATIPP regulations.***

***This list includes the following:***

- ***Umbrella Final Agreement board or committee***
- ***Body created under federal legislation or international agreement***
- ***Body created under territorial legislation paramount to ATIPP***
- ***Non-Government Organizations delivering a government service***
- ***Private sector organizations***

#### ***10. Do you think this list is acceptable? Why or why not?***

The majority of these bodies do not meet the primary analysis that I am recommending, being whether or not the body is created by a Yukon Act, regulation or policy. I take no issue with the fact that most, if not all of the above noted bodies will not, through the application of that criteria, be designated as public bodies.

With respect to the third item listed above, a body created under territorial legislation paramount to ATIPP, I reiterate my caution about avoiding a patchwork of legislative schemes dealing with access and privacy.

With respect to the non-government organizations delivering a government service, careful consideration should be given to designating these bodies as public bodies, pursuant to the authority to designate a public body by listing it in the regulation. If an organization is 'delivering a government service' – i.e., doing the work or extended work of government, the public deserves the accountability and protections that are afforded by the ATIPP Act.

*Tracy-Anne McPhee  
Information and Privacy Commissioner  
June 30, 2011*

## APPENDIX A

List of agencies, boards, committees, and commissions under consideration for designation as “public bodies” under the Yukon ATIPP Act.

### **Active agencies, boards, committees, and commissions:**

2010 Judicial Compensation Commission

Advanced Artists Award Jury

Advisory Committee on French Language Services

Advisory Committee to the Commissioner of Yukon

Agriculture Industry Advisory Committee

Apprentice Advisory Board

Assessment Appeal Board

Assessment Review Boards (5 regional boards)

Association of Yukon School Councils, Boards and Committees

Auxiliary Police Advisory Committee

Bid Challenge Committee

Building Standards Board

Business Incentive Review Committee

Capability and Consent Board

Catholic Education Association of Yukon

Commission scolaire francophone du Yukon

Community Advisory Board

Concession and Compensation Review Board

Council for the Association of Professional Engineers of Yukon

Crime Prevention and Victim Services Trust Board of Trustees

Driver Control Board

Education Appeal Tribunal

Electrical Safety Standards Board

Employment Standards Board

Gas Burning Devices Appeal Board

Health and Social Services Council



Joint Management Committee  
Judicial Council (for lay representatives)  
Law Society of Yukon (Discipline Committee)  
Law Society of Yukon (Executive)  
Licensed Practical Nurses Advisory Committee  
Licensed Practical Nurses Discipline Panel  
Mackenzie River Basin Board  
Municipal Fiscal Framework Review Committee  
National Safety Code Review Board  
Outfitter Quota Appeal Committee  
Peel Watershed Planning Commission  
Physiotherapists Advisory Committee  
Porcupine Caribou Management Board  
Private Investigators and Security Agencies Review Board  
Registered Psychiatric Nurses Advisory Committee  
School Councils (26)  
Social Assistance Review Committee  
Solid Waste Advisory Committee  
Students' Financial Assistance Committee  
Teacher Certification Board  
Teaching Profession Appeal Board  
Teacher Qualification Board  
Whitehorse Housing Authority Board of Directors  
Whitehorse Public Library Board  
Wilderness Tourism Licensing Appeal Board  
Wildlife Damage Compensation Committee  
Workers' Compensation Appeal Tribunal  
Yukon Advisory Committee on Nursing  
Yukon Advisory Council on Women's Issues  
Yukon Arts Advisory Council  
Yukon Arts Centre Corporation Board of Directors



Yukon Child Care Board  
Yukon College Board of Governors  
Yukon Council on the Economy and the Environment  
Yukon Development Corporation Board of Directors  
Yukon Historic Resources Appeal Board  
Yukon Hospital Corporation Board of Trustees  
Yukon Housing Advisory Boards (Whitehorse Housing Authority + 9 rural advisory boards)  
Yukon Housing Corporation Board of Directors  
Yukon Human Rights Commission  
Yukon Human Rights Panel of Adjudicators  
Yukon Law Foundation Board of Directors  
Yukon Legal Services Society (honoraria set)  
Yukon Liquor Corporation Board of Directors  
Yukon Lottery Appeal Board  
Yukon Lottery Commission  
Yukon Medical Council  
Yukon Minerals Advisory Board  
Yukon Municipal Board  
Yukon Public Service Staff Relations Board  
Yukon Recreation Advisory Committee  
Yukon Review Board  
Yukon Teachers' Labour Relations Board  
Yukon Utilities Board  
Yukon WCHSB Board of Directors

**Officers of the Legislative Assembly:**

Chief Electoral Officer  
Conflicts Commissioner  
Yukon Ombudsman

Yukon Information and Privacy Commissioner

**Created under the Umbrella Final Agreement or an Agreement with Yukon First Nations:**

Alsek Renewable Resources Council

Carcross/Tagish Renewable Resources Council

Carmacks Renewable Resources Council

Dan Keyi Renewable Resources Council

Dawson Renewable Resources Council

Dawson Regional Planning Commission

Enrollment Commission

Laberge Renewable Resources Council

Mayo District Renewable Resources Council

North Yukon Renewable Resources Council

Selkirk Renewable Resources Council

Teslin Renewable Resources Council

Yukon Development Assessment Board

Yukon Environmental and Socio-Economic Assessment Board (YESAB)

Yukon Fish & Wildlife Management Board

Yukon Geographical Place Names Board

Yukon Heritage Resources Board

Yukon Land Use Planning Council

Yukon Water Board

**Inactive or defunct:**

Agricultural Planning Advisory Committee

Employment Equity Advisory Committee

Government Air Travel Committee

Mediation Board

Medical Review Board

Mental Health Review Board

North Yukon Regional Land Use Planning Commission

Motor Transport Board

Social Assistance Appeal Board

Social Assistance Appeal Committee

Trade and Investment Fund and Tourism and Marketing Fund Board

Yukon Advisory Council on First Nation's Child Welfare

**Institutions designated as "public bodies" due to December 2009 ATIPP**

**Act amendments:**

Yukon Energy Corporation

Yukon Hospital Corporation

(including Whitehorse General Hospital and Watson Lake Hospital)

Yukon Housing Corporation

Yukon Liquor Corporation

Yukon Lottery Commission

Yukon College

Yukon Workers' Compensation Health and Safety Board

Child and Youth Advocate

Designated Agency under the Adult Protection and Decision Making Act

First Nation service authority designated under the Child and Family Services Act

(none currently)

## APPENDIX B

The proposed criteria from the Consultation Document is as follows:

### ***Proposed criteria for inclusion:***

- 1. The body is created by a Yukon Act or regulation*
- 2. The body has decision-making authority, and*
- 3. The body meets a series of tests that show it has a continuing relationship with the Yukon government (YG).*

*The tests include:*

- the government appoints the majority of members,*
- the body is responsible to the government through reporting to a Minister or the Legislature,*
- the government provides ongoing direction to the body on how to carry out its mandated activities or on its decisions, and*
- decisions made by the body must be confirmed by the government.*

### ***Proposed Criteria for Deletion:***

- 1. The body no longer exists or has been amalgamated with another public body;*
- 2. The body no longer meets the criteria set out above due to major changes in its function or structure; or*
- 3. The body is replaced or superseded by a new Yukon Act or regulation that has equivalent provisions for access to information and protection of privacy.*