



Yukon  
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## **NEWS RELEASE**

FOR IMMEDIATE RELEASE  
JULY 22, 2021

### **Information and Privacy Commissioner issues decision on access to Department of Justice legal advice on ATIPP requests**

WHITEHORSE – The Information and Privacy Commissioner (IPC) for Yukon, Diane McLeod-McKay, has completed an inquiry into a request for information made to the Yukon Department of Justice for any instructions to staff relating to processing of access requests under the *Access to Information and Protection of Privacy Act* (ATIPP Act). After considering the evidence, McLeod-McKay recommended that the department provide the information requested, in full.

“My recommendation has been refused by the department,” said McLeod-McKay. “This means that the applicant now has the right to appeal the department’s decision to the Yukon Supreme Court.”

The request was made to Justice in November 2018, asking for access to any training and supplementary materials, including written instructions, copies of presentations, etc., provided to staff in relation to the processing/handling of access requests under the ATIPP Act.

The Department of Justice responded by providing the applicant with access to numerous records but refused portions of one record, explaining that the ATIPP Act authorized it to refuse access to information that is subject to solicitor-client privilege. The department’s position was that the record in question, an internal guidance document for lawyers in the Legal Services Branch of the department, contained legal advice for the lawyers about how to respond to an access request for a record containing solicitor-client privileged information.

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In her report, the Information and Privacy Commissioner determined that the information redacted from the record before providing it to the applicant is indeed subject to solicitor-client privilege but that the privilege was waived by the department. This is because the record was stored on the Yukon government's Intranet and was thereby accessible to any employee with a YNET account in any Yukon government department, as well as to other third parties.

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](http://www.yukonombudsman.ca).

To view the inquiry report in full, click [here](#).

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