

## Chapter 12

### AN ACT TO AMEND THE SENIOR CITIZENS BENEFITS ACT

(Assented to June 6, 2019)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. **This Act amends the *Senior Citizens Benefits Act*.**
2. **Section 1 is amended**
  - (a) **in the definition of "benefit" by replacing the word "allowance" with the word "amount";**
  - (b) **by repealing the definitions of "beneficiary", "director" and "spouse's allowance"; and**
  - (c) **adding the following definitions in alphabetical order:**

"allowance" means the allowance authorized to be paid under the *Old Age Security Act* (Canada); (*allocation*)

"Director" means the Director of Income Assistance appointed under the *Income Assistance Act*; (*directeur*)

"recipient" means a person in receipt of a benefit and either a supplement or an allowance; (*bénéficiaire*)

3. **Section 2 is repealed.**
4. **The following provisions are amended by replacing "spouse's allowance" with "allowance":**
  - (a) **paragraph 3(1)(a);**
  - (b) **subsection 3(2).**
5. **The following provisions are amended by replacing "beneficiary" wherever it appears, with "recipient":**
  - (a) **subsection 3(2);**
  - (b) **section 4, including paragraphs (a) and (b);**
  - (c) **subsection 5(3).**

6. **The following is added after section 7:**

#### Confidentiality

7.1. (1) Despite the *Access to Information and Protection of Privacy Act*, any information received by a person employed in the administration of this Act in the course of their employment under this Act:

- (a) is confidential; and
- (b) shall not be disclosed by the person except in the performance of their duties or as provided in subsection (2).

### Exceptions

- (2) Information referred to in subsection (1) may be disclosed
- (a) if the person to whom it relates consents in writing to the disclosure;
  - (b) to the Financial Management Board established by the *Financial Administration Act* in respect of the forgiveness of a debt under the *Financial Administration Act*; and
  - (c) in accordance with an agreement made under section 7.3.

### Disclosure and use within government

(3) Information referred to in subsection (1) may be disclosed and used within the Government of Nunavut

- (a) for the purpose of administering or enforcing the following:
  - (i) this Act,
  - (ii) other social benefit programs,
  - (iii) adult education and training programs,
  - (iv) economic development programs,
  - (v) the *Income Tax Act*;
- (b) for the purpose of coordinating the administration and enforcement of the programs and laws referred to in paragraph (a);
- (c) for the purpose of evaluating the programs and laws referred to in paragraph (a), including the development or amendment of such programs or laws;
- (d) for the purpose of determining a person's eligibility for any benefits provided under the programs or laws referred to in paragraph (a).

### Limit with respect to evaluations

(4) If information is disclosed or used under paragraph 7.1(3)(c), the information must be in the form of

- (a) aggregate information that relates only to groups of individuals in the form of statistical information or aggregated, general or anonymous data; or
- (b) anonymous information that relates to an unidentifiable individual.

### Collection and use of personal information

7.2. The Director may collect and use personal information for the purposes of administering this Act if

- (a) the person to whom the information relates consents in writing;
- (b) the information is collected from a person applying for or receiving benefits under this Act, and the information relates to the benefits requested by or provided to the person;
- (c) the information is collected by the Government of Nunavut for the purpose of administering or enforcing the programs and laws referred to in paragraph 7.1(3)(a); or
- (d) the information is collected and used in accordance with an agreement made under section 7.3.

### Information-sharing agreements

7.3. (1) The Minister may enter into agreements for the collection, use, disclosure and exchange of personal information with the following:

- (a) the Government of Canada or any of its departments, Ministers or agencies;
- (b) the government of a province or territory or any of its departments, Ministers or agencies;
- (c) a public agency specified in Schedule B to the *Financial Administration Act*;
- (d) a prescribed body.

### Limit

(2) An agreement may only be entered into under subsection (1) for the purposes of administering, enforcing or evaluating a social benefit, adult education, training or economic development program, the *Income Tax Act*, the *Income Tax Act (Canada)*, or the *Immigration and Refugee Protection Act (Canada)*.

### Content of agreement

- (3) An agreement entered into under subsection (1) shall
- (a) specify only those purposes under subsection (2) which are necessary for the purposes of the agreement;
  - (b) provide that information collected, used, disclosed or exchanged under the agreement may not be further used or disclosed for any purpose other than one specified in the agreement, unless applicable legislation requires such use or disclosure;
  - (c) provide that information collected, used, disclosed or exchanged for the purpose of evaluating a program or law must be in the form referred to in subsection 7.1(4);
  - (d) if the *Archives Act* or an enactment of another Canadian jurisdiction does not provide for the retention and destruction of information collected, used, disclosed or exchanged under the agreement, provide for retention and destruction schedules for the information;
  - (e) provide that personal information collected, used, disclosed or exchanged under the agreement is confidential; and
  - (f) establish mechanisms for maintaining the confidentiality and security of information collected, used, disclosed or exchanged under the agreement.

### Restriction

7.4. Subsection 7.1(3), paragraph 7.2(c) and subsection 7.3(2) do not apply to the administration or enforcement of social benefit, adult education, training or economic development programs if no person applying for or receiving benefits under this Act participates in or receives any benefit from the program.

Provision of information

7.5. The Director shall ensure that every applicant for and recipient of benefits under this Act is provided information on the manner in which personal information respecting them may be collected, used, disclosed or exchanged under this Act.