

## Supreme Court rules in favor of privacy of information

**July 13<sup>th</sup>, 2009** – The Supreme Court of the Northwest Territories today rejected an appeal from the Union of Northern Workers requesting that NTPC release individual payment amounts under its At Risk Compensation Plan for 41 current and former non-unionized employees..

As the result of a hearing June 26, 2009 Justice J.Z. Vertes concluded that “the information is not disclosable”. Judge Vertes also considered whether the individual payments could be released without employee names. He stated in his ruling that, due to the small number of individuals to whom the information relates and the nature of the information requested, individual employees could be identified if the information was made public.

Release of the information would have been in contravention of the Access to Information and Protection of Privacy Act.

In his analysis, Justice Vertes states: “There is nothing in the Act to suggest that the right to access trumps the right privacy, or vice versa. It is only where disclosure is sought of personal information that the Act signals the paramountcy of the value of privacy if the disclosure would be an unreasonable invasion of privacy. In such case the Act mandates the information not be disclosed.”

“NTPC has provided as much information as we thought possible under the letter of the law to various organizations, including the media. The court’s decision makes it abundantly clear that to go further would be breaking the law. Protecting the privacy of our employees and, for that matter, our customers is something NTPC takes very seriously,” said Leon Courneya, President and CEO.

NTPC has provided the Union of Northern Workers, media, and other stakeholders with details of the *At Risk Compensation Plan*, including copies of the plan, the number of employees involved, the amount of compensation paid out, and the criteria for compensation. The plan is similar in nature to those in other businesses, including most other Canadian utilities.

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