

## Job Description

### Section 1 – Identifying Data

<b>Position Title:</b> Investigations Manager and General Counsel	<b>Position Number:</b> 23001
<b>Office:</b> Ombudsman, Information and Privacy Commissioner, and Public Interest Disclosure Commissioner	<b>Location:</b> Whitehorse, Yukon
<b>Supervisor:</b> Ombudsman/ Commissioner	<b>Medical Clearance Required:</b> No
<b>Oath of Confidentiality Required:</b> Yes	<b>Security Clearance Required:</b> No
<b>Date Completed:</b> April 1, 2025	<b>License:</b> Practicing Member in Good Standing with a Law Society

### Section 2 – General Summary

The individual appointed as the Ombudsman, Information and Privacy Commissioner (IPC), and Public Interest Disclosure Commissioner (PIDC) is an independent Officer of the Legislative Assembly with oversight responsibilities under *the Ombudsman Act*, *the Access to Information and Protection of Privacy Act* (ATIPPA), *the Health Information Privacy and Management Act* (HIPMA), and *the Public Interest Disclosure of Wrongdoing Act* (PIDWA) (collectively the 'Acts'). Their jurisdiction spans all of Yukon and delivers service to Yukoners and other people who engage the services of the entities subject to the Acts (Entities).<sup>1</sup> The oversight by this Officer ('Ombudsman/Commissioner') in respect of the Acts serves the public interest.

To that end, the 'Ombudsman' investigates complaints about fairness of public administration under the *Ombudsman Act*. The 'IPC' investigates complaints about access to information and protection of privacy under the ATIPPA and HIPMA and is responsible for monitoring compliance by the Entities. The 'PIDC' investigates disclosures of wrongdoing and reprisal complaints and can comment on any policies and procedures developed to manage disclosures using an internal process.

The Ombudsman/Commissioner has broad powers of investigation, including the powers of a Board of Inquiry under *Public Inquiries Act*. Broad powers are provided under the Acts to the Ombudsman/Commissioner and staff (through delegation) to investigate matters of administration, disclosure of wrongdoing and complaints of reprisal, and non-compliance with the ATIPPA and HIPMA. To monitor compliance, the Ombudsman/Commissioner has extensive authority, including the power to comment on proposed legislation, conduct audits, and review privacy impact assessments, security threat risk assessments and breach reports.

---

<sup>1</sup> The Acts use different terms to describe the entities subject to the Acts so, for purposes of this job description, 'Entities' will be used in a generic sense.

The Ombudsman/Commissioner has authority over the public sector, as well as the Yukon health sector (both in the public and private sectors). The 'Ombudsman' and 'PIDC' each have the power to form an opinion about maladministration, wrongdoing, and reprisal (as applicable). The 'IPC' has adjudicative authority to make findings of fact and law during an investigation. Following an investigation under each of the Acts, the Ombudsman/Commissioner has the power to recommend formally that corrective action be taken, and the authority to make recommendations to remedy any non-compliance with the ATIPPA and HIPMA. In addition, the Ombudsman/Commissioner has the authority to follow up on actions taken by the Entities in response to recommendations made, and to report publicly. A reprisal finding under PIDWA or a non-compliance finding under the ATIPPA and HIPMA can result in an offence.

Formal reports include findings of fact and law in respect of maladministration, wrongdoing or reprisal under PIDWA or that there was a violation of the ATIPPA or HIPMA. Such reports may include recommendations, critical comments and, as applicable, observations. They are provided to senior officials of the entity investigated. They may also be provided to Ministers, the Commissioner in Executive Council, and the Legislative Assembly. Some reports are published or otherwise made publicly available and may therefore draw public scrutiny.

In addition, the Ombudsman/Commissioner has authority under the Acts to provide informational and educational services to the public and Entities.

The offices of the Ombudsman/Commissioner operate as one office (collectively 'Office') in fulfilling the mandates of each role under the Acts. The operations of the Office, including its staffing requirements, are funded through the Member Services Board of the Legislative Assembly.

The Investigations Manager and General Counsel acts as the Deputy Ombudsman/Commissioner during their absence or where a conflict of interest, either real or perceived, exists. They may similarly act as Ombudsman/Commissioner in the absence of both the Deputy and Ombudsman/Commissioner.

The oversight responsibilities of the Ombudsman/Commissioners are significant and continue to evolve in an environment where the political, economic, and technological landscape changes and influences how the Yukon Governments and the other Entities operate, all of which affects Yukoners.

Yukon is one of only three jurisdictions in Canada where the Office operates to fulfill three mandates under four Acts and is the only office in Canada where all staff deliver on the mandates of all the Acts as opposed to separating teams based on mandate.

## **Section 3 – Principal Duties and Responsibilities**

### **Investigations Manager Functions**

1. Conducts investigations under the Acts both informally or formally, including exercising the power to summon a person to appear or provide testimony, compel the production of documents, examine information or a record and receive/consider evidence, enter any premise of an Entity to satisfy security requirements, and adjudicate complaints made under the ATIPPA and HIPMA.
2. Following a formal investigation, writes a report that makes findings of fact and law, the reasons for the findings, and any recommendations for consideration by the Ombudsman/Commissioner.
3. Provides advice (where applicable) about the Acts to the Entities.
4. Performs compliance reviews and audits to ensure that the Entities meet their respective obligations.
5. Evaluates privacy breaches reported by public and health Entities, working with these Entities to mitigate risks, prevent recurrence and provide recommendations.
6. Evaluates privacy impact assessments from public and health Entities. Identifies privacy risks and provide recommendations to mitigate the identified risks.
7. Evaluates and approves conditions for information sharing agreements for research purposes.
8. Reviews and decides on the granting or denial of time extension requests made by public Entities in their processing of an access request.
9. Works with the Entities to ensure that any recommendations made because of the foregoing are implemented.
10. Performs the duties of the Acting Registrar of Adjudications *re* ATIPPA/HIPMA when the Registrar of Adjudications (Registrar) is absent.<sup>2</sup> This work includes receiving the fact report from the Investigator and Compliance Review Officer handling the file as part of the Informal Case Resolution (ICR) process, preparing the notice of formal investigation and forwarding it to the parties, along with informational material, receiving, reviewing and exchanging submissions in accordance with specified timeframes, monitoring response timeframes, and notifying the 'IPC' about the same.
11. Comments on access, privacy, and disclosure policies/procedures, and develop guidance materials/communications to educate the public and the Entities.
12. Educates the public and Entities about the Acts.
13. Consults with numerous Entities and individuals across Canada to perform the above duties effectively.

### **General Counsel Functions**

1. Upholds professional legal standards and follows established policies/procedures in carrying out their duties.

---

<sup>2</sup> The Registrar manages the administrative process when a file is not successfully resolved in ICR and proceeds to formal investigation (adjudication).

2. Provides legal advice and proposes solutions relating to the responsibilities and accountabilities of the Ombudsman/Commissioner.
3. Keeps the Ombudsman/Commissioner, Deputy and Investigators informed of current events and issues relevant to the mandates of each role under the Acts. In collaboration with the Ombudsman/Commissioner, drafts and amends internal policies, practice directions and notices to staff and public to ensure compliance with evolving statutory law.
4. Ensures the proper understanding of legal issues pertaining to the Office.
5. Reviews and drafts legal documents.
6. Manages litigation, inclusive of the investigation, pleadings, discovery, pre-trial, trial, settlement, and appeal processes. This may include coordinating with outside legal counsel retained for the purposes of litigation.
7. Ensures the Ombudsman/Commissioner is always legally compliant and maintains the credibility of the roles of the Ombudsman/Commissioner.
8. Represents and liaises with legal counsel and senior officials within the Ombudsman/Commissioner offices of other jurisdictions.
9. Supervises the legal work performed by investigators who also provide legal advice or produce legal product as part of their job function, ensuring that the work is timely, accurate and supportive.
10. Monitors, or instructs and monitors, the performance of outside legal counsel retained on behalf of the Ombudsman /Commissioner.
11. Supervises articling students and student interns, providing direction, guidance, and legal mentorship.

## **Section 4 – Contacts**

### **Investigations Manager**

- Works with the public, complainants, applicants, disclosure advice-seekers, disclosers, and witnesses to help them navigate the Acts in settling complaints, reviewing requests or disclosures, or understanding the results of an investigation.
- Provides guidance and advice on specific case-related details at the request of an Investigator.
- Develops and maintains effective working relationships with staff and officials at all levels of public and private sector Entities, in aid of achieving the objectives of the Acts.
- Works with other Ombudsman/Commissioner officials/staff, nationally and internationally, to acquire knowledge about performing responsibilities more efficiently and effectively.
- Interacts with other governments, agencies, boards, commissions, businesses, legal counsel, non-governmental organizations, and the public as needed.

## **General Legal Counsel**

- Works with the Ombudsman/Commissioner and Deputy in aid of producing sound and consistent legal analysis in a given file.
- Works with Ombudsman/Commissioner staff to help them navigate the legal complexities and parameters of the Acts in settling complaints, reviewing requests or disclosures, or understanding the results of an investigation.
- Develops and maintains effective working relationships with legal counsel and senior officials within the other Ombudsman/Commissioner officials/staff to share information, discuss common issues, and apply possible solutions in a local context.
- Liaises, as applicable, with outside legal counsel retained by the Ombudsman/Commissioner to provide legal advice, or represent the Ombudsman/Commissioner in any legal action.
- Liaises, as applicable, with legal counsel representing Entities, third parties, and witnesses.

## **Section 5 – Specific Accountabilities**

1. The interpretation of the Acts, other laws, policies, and decisions are based on sound legal interpretation methods and consistency in application.
2. The conduct of investigations and compliance review activities are thorough, administratively fair, and legal.
3. Legally sound findings, with supported reasons.
4. Carefully crafted recommendations (where made) to resolve the complaint, review, or wrongdoing are specific, measurable, achievable, relevant, and time-based.
5. Findings and recommendations are communicated in a clear and understandable manner, whether in writing or verbally.
6. Parties are guided through the ICR or investigation processes, and any resulting conflict is effectively managed.
7. Relationships are established with the public and Entities that promote timely complaint resolution and investigation completion, such relationships to achieve performance objectives.
8. Complaint investigations are completed within statutory and/or target timelines.
9. Matters are elevated to the Ombudsman/Commissioner for involvement where warranted.
10. Functions are performed in a quality manner with sufficient skill, insight, and diligence.

## **Section 6 – Budget – n/a**

## **Section 7 – Working Environment**

Generally, the individual works in an office environment with some travel required within and outside Yukon. Must be able to manage competing priorities, be extremely well organized, pay close attention to detail, and manage challenging individuals who may be emotional or dissatisfied. May occasionally

work alone in the Office. May be required to work occasionally from home and have a space that is suitable for conducting confidential work activities.

**Section 8 – Signatures**

I approve this job description as being representative of the work required to be performed and confirm that the necessary authorities have been delegated to the position.

Signature: 

Date: April 15, 2025

**Ombudsman, Information and Privacy Commissioner,  
and Public Interest Disclosure Commissioner**

Director of Human Resources  
Signature: 

Date: APRIL 16, 2025

## Section 9 – Reporting Relationships

