

Filing a Request for Review

You may make a request by filing a Form 7 with this office. Include a copy of your request (Form 1) and the public body's decision with your request for review.

The Information and Privacy Commissioner has extensive powers to investigate and can require that any record be produced for her examination.

The Information and Privacy Commissioner may attempt an informal resolution, mediation or publish a formal review report containing findings and recommendations. The Information and Privacy Commissioner cannot release the record, or order the public body to do so. The Information and Privacy Commissioner can only make recommendations.

If the public body refuses to follow the recommendations, you may appeal the decision to the Supreme Court of Nova Scotia.

You must request a review within 60 days of the refusal. There are no fees or costs charged by the Office of the Information and Privacy Commissioner.

Appeals to the Supreme Court of Nova Scotia

If you wish to appeal the public body's decision you can file an appeal directly to the Nova Scotia Supreme Court without going to the Information and Privacy Commissioner. You only have **30 days** after the decision by the public body to file your appeal.

What about my personal information in the possession of a public body?

Provincial and municipal public bodies can only collect, use and disclose your personal information for reasonable and legitimate purposes. It is your right to see your personal information and to ask that any errors be corrected.

If you believe that a public body has not met its legal obligations, or that it has breached your privacy, you have the right to make a request for review by the Information and Privacy Commissioner. For more information about privacy, please see our **Mini Guide to Privacy**.

Where can I get more information?

For more information please visit our website:
www.foipop.ns.ca

To speak to somebody at the Office of the Information and Privacy Commissioner for Nova Scotia:

Phone 902-424-4684
Toll Free 1-866-243-1564
TDD/TTY 1-800-855-0511
(Deaf or Hearing Impaired)

Email: oipecns@novascotia.ca

Requests for review may be sent by mail to:

**Information and Privacy
Commissioner for Nova Scotia**
PO Box 181
Halifax, NS B3J 2M4

or by fax to:
902-424-8303



Office of the Information
& Privacy Commissioner
Nova Scotia

Access

Mini Guide to Access

What are your rights?

The *Freedom of Information and Protection of Privacy Act (FOIPOP)* and Part XX of the *Municipal Government Act (MGA)* give individuals the right to access information that is collected or controlled by provincial and municipal public bodies in Nova Scotia, respectively.

These laws also protect the privacy of personal information that is maintained in a public body's records. For more information about your privacy rights, please check out the **Mini Guide to Privacy**.

You have the right to challenge access decisions made by public bodies, who do not appear to be complying with their legal obligations, by making a request for review to the Information and Privacy Commissioner for Nova Scotia.

What are public bodies?

The *FOIPOP Act* applies to all provincial government departments, community colleges, universities, school boards health authorities, and provincial agencies, boards and commissions.

Part XX of the *MGA* applies to all local governments and organizations, such as regional and district municipalities, towns, villages and service commissions. Municipal fire departments and police forces are also subject to the *MGA*.

What kind of information is available?

The purpose of these laws is to make government open and accountable. One of the ways to achieve this is by guaranteeing that people can request access to a record held by a provincial or municipal public body. Access to records will be given unless the legislation specifically allows the information to be withheld. For example, personal information about others may not be released to you.

The right to access is balanced by the need to protect personal privacy.

You have the right to any information, including information about yourself, as long as it does not fall under a statutory exemption.

What types of information will not be released?

The legislation requires certain information to be withheld for specific and limited reasons. These mandatory exemptions are:

- Confidential business information; and
- Personal Information.

Certain types of information may be withheld at the discretion of the public body. These discretionary exemptions may apply to a record if it is related to:

- Intergovernmental affairs;
- Executive Council (Cabinet) deliberations;
- Advice given to a public body or Minister;
- Certain law enforcement matters;
- Solicitor-client privilege;
- Financial or economic interests of Nova Scotians and their government;
- Health and safety of others, if harm results from disclosure;
- Conservation issues;
- Closed meetings of public bodies;
- Certain academic and medical research; and
- Labor conciliation records.

How do I request information?

You may obtain access to information simply by calling the public body with your request. Many departments have Routine Access Policies that allow you access to certain types of information without a formal application under the *FOIPOP Act* or the *MGA*.

If the information you are seeking is not subject to routine access, you will need to make an application under the *FOIPOP Act* or the *MGA*. To do this, you must submit your access request directly to the public body that you believe has custody or control of the record.

A directory of public bodies can be found on our website at www.foipop.ns.ca.

Before you file an access request, consider contacting the FOIPOP Administrator for that public body. They are familiar with the information held by their organization and may suggest an alternate information source. The public body is required to assist you with your application.

Your access request must be in writing. It must also provide sufficient detail to permit the identification of the desired record. (Form 1 is available on our website.)

You should be as specific and detailed as possible when making your request. This will speed up the processing and increase the likelihood that the information you receive will be the information you are looking for. Being specific may also reduce the fees charged by the public body.

How much does it cost?

There is no fee for requesting your own personal information. All other requests are subject to a flat fee of \$5.00. Processing and copying costs may also be charged at the discretion of the public body. The public body must provide you with a fee estimate. Fee waivers may be available upon request.

If you disagree with the fee estimate, or the fees that are charged by a public body, you may request a review by the Information and Privacy Commissioner.

When can I expect a response?

A public body has 30 days to respond to your access request. Extensions of another 30 days or more may be permissible under the legislation if:

- your request is not detailed enough to identify the requested information;
- the record is very large or complex; or
- third party consultation is required, e.g. the record contains somebody's confidential business or personal information.

You may seek a review if the public body does not respond to your access request with a decision or a time extension within 30 days.

What decisions can be reviewed?

If your request is: refused, partially refused, not answered within the time allowed by the *Act* (deemed refusal) you may request a review with this office or file an appeal before the Supreme Court of Nova Scotia.

You may also ask the Information and Privacy Commissioner to examine the record and determine if the public body complied with the legislation and gave you what you were entitled to.