



Respecting Your Access and Privacy Rights

A Citizen's Guide for Nova Scotians

Access to information and protection of personal privacy

Do you know you have

- the right to access information?
- the right to privacy?
- the right to receive assistance from government in access and privacy matters?

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Respecting Your Access and Privacy Rights

A Citizen's Guide for Nova Scotians

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ABOUT YOUR RIGHTS

What is the purpose of this Guide?

The Freedom of Information and Protection of Privacy Review Office (Review Office) has prepared this Guide to help you learn about your rights under the Freedom of Information and Protection of Privacy Act, (the FOIPOP Act for short) and Part XX of the Municipal Government Act, (the MGA for short). This Guide will refer to these together as the Acts. To get a copy of the Acts, you may contact the Review Office directly or look at our website, which contains links to the Acts. Please see the “Contact Us” section (page 21).

This Guide explains how to access Public Body records. These records might be about you or about how the Public Body is operating. You have the right to see, or get a copy of, both. It also explains how a Public Body must protect your personal information and what you can do if you think that they are not.

If you need more detailed information about one of the sections, please go to the section in this Guide called “Section Reference Table” (page 22). Look for the subject that you are wondering about and it will tell you which section of the Acts you should look at.

What are my information and privacy rights?

Under the Acts, you have the right to

- request access to records held by Public Bodies, including your personal information;
- request the correction of your personal information in records held by Public Bodies;
- ensure proper collection, use, disclosure and secure storage of your personal information by Public Bodies, according to specific standards that protect the privacy of your personal information; and
- ask the Review Officer to review or investigate decisions by Public Bodies about access to records or privacy and file a complaint about a Public Body's personal information practices.

About Your Rights

This Guide summarizes the laws and processes. It is for information only. It has no legal status. Please review the Acts if you need more detail.

About Your Rights

What is “personal information”?

“Personal information” is any recorded information that uniquely identifies you, such as your name, address, telephone number, age, weight, height, hair colour, sex, race, religion, marital status, sexual orientation, disability, fingerprints or blood type. It includes information about your health care, educational, financial, criminal and employment history. It also includes anyone else’s opinions about you and your own views or opinions. These are not the only things that could be considered personal information. As long as a person could be identified by it, on its own or with other pieces of information, it is personal information.

“An Act Respecting the Right of Access to Documents of Public Bodies in Nova Scotia and a Right of Privacy with Respect to Personal Information Held by Public Bodies in Nova Scotia”

This Act may be cited as the
Freedom of Information and Protection of Privacy Act.
1993, c. 5, s. 1 .

Who is covered by the Acts?

The Acts apply to “Public Bodies” in the Province of Nova Scotia. Public Bodies include:

- provincial government departments;
- provincial agencies, boards and commissions, and provincial Crown corporations;
- local Public Bodies, such as municipalities, towns, villages, universities, colleges, school boards, municipal police forces, fire departments, and district health authorities.

In this Guide, all of the above will be called “Public Body”.

The FOIPOP Act applies to the provincial government and agencies, universities, colleges, and school boards. The MGA applies to municipalities, villages, fire departments and police. If you are not sure which applies, ask them. It is common to call both of them FOIPOP.

The Acts do not apply to federal government departments or private businesses. There are federal Acts that cover these. For matters that may be federal, please see the “Contact Them” section (page 21) for contact information. If you are not sure if a Public Body is covered by the Acts, you can call the Review Office and they will try to help you. Please see the “Contact Us” section (page 21).

1 ACCESS

RECORDS AND REQUESTING ACCESS

Records and
Requesting Access

What records are covered by the Acts?

The Acts cover records “in the custody or under the control” of a Public Body. Basically, this means all the records the Public Body has in its possession.

Some specific types of records are not included. Some examples are: published material or material that is available for purchase, information that is already public, most court files, the files of “oversight bodies” (e.g. the Ombudsman), test questions and answers, and records at the Public Archives.

What is a “record”?

Under the Acts, a “record” includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means. Records also include e-mail and information stored on tapes, such as video or cassette tapes. It does not include a computer program or any other mechanism that produces records.

In short, a record is any information that is recorded. A Public Body does not have to give you access to information that is not already recorded in some way. A Public Body does not have to make a record for you but may be required to in some circumstances.

If you have general questions for a Public Body, try contacting the communications or public relations staff, they may be able to provide verbal responses to some of your general questions or refer you to related resources. You might not have to go through the freedom of information process for the type of information or answer that you are

Records and Requesting Access

looking for. If you are looking for an answer to a question the FOIPOP process is not for you, it is for records.

Do I always need to go through a formal process?

No. You may be able to get the information that you want through “routine access” or another method. You should contact the Public Body first to see if a formal process is needed. Routine access mean, “the routine or automatic release, in full or in part, of certain types of administrative or operational records” that can be released without going through FOIPOP. Some of these types of records might even be found on the Public Body’s website.

How do I request records from a Public Body?

If you want to request access to records you must make a written request to the Public Body saying what records you want. Of course, if you cannot write or need assistance the Public Body will make arrangements for accepting your request.

Make sure to describe the records as carefully and specifically as possible. You may find it helpful to first contact the person responsible for handling freedom of information requests for the Public Body about making a request. This person is called the FOIPOP Administrator and he or she may be able to help you word your request in the clearest way. Under the Acts, the Public Body has a duty to assist you with your access request. This may help to speed up the processing of your request and can help to make sure you get what you are looking for.

If you are not sure if who the FOIPOP

Administrator is for the Public Body, you can call the Review Office and they will try to help you. Please see the “Contact Us” section (page 21).

Do I need to fill out a special form to request records from a Public Body?

No, but there are forms available if you think it will make it easier for you, you can use a Form 1. If you would rather write a letter, make sure to write that you are requesting the records under one of the Acts and include the same details that would be included on the Form 1. A sample Form 1 is found on page 24 of this Guide, which can be photocopied. You can also get a Form 1 by contacting the Review Office or downloading from the Review Office website. Please see the “Contact Us” section (page 21).

Make sure you keep a copy of your request (letter or Form 1) because you might need it later.

How long until I get a response to my request?

Under the Acts, Public Bodies have 30 days to respond to your request for records. Sometimes, the Public Body may take a 30 day time extension. They might do this if:

- you have not given the Public Body enough detail to figure out what you are requesting, they will need to get more details from you;
- there are a lot of records and they need more time to work on your request;
- the Public Body needs more time to consult with a Third Party or another Public Body.

If the Public Body needs even longer (more than 60 days) to respond to your request based on the reasons above, it must request permission for more time from the Review

Officer. If you do not agree with the Public Body taking extra time, you can file a complaint with the Review Officer. Please see the "Access Related Complaints to the Review Officer" section (page 13) for more details.

What is a "Third Party"?

A "Third Party" is anybody that is not you or the Public Body from whom you are requesting records. A Third Party is someone referred to in the records or who may have an interest in them.

Are there any exceptions to my information and rights under the Act?

Yes. If you are requesting records from a Public Body, you will not get access to someone else's personal information or information that could harm another person's business interests. You likely will not get access to records that could harm law enforcement, the economic or financial interests of a Public Body, other individuals, such as Third Parties, or the public. These are called "exemptions." For all the possible exemptions, please see the Acts. To get a copy of the Acts, you may contact the Review Office directly to get a copy or by looking at our website, which contains links to the Acts. Please see the "Contact Us" section (page 21).

Can I get records faster if I make my request directly to the Review Office?

No. You cannot get Public Body records directly from the Review Office. You must request the records directly from the Public Body that has them. The Review Office does not have access to records in the custody or under the control of Public Bodies, for the purpose of releasing to a person seeking

access. Even when the Review Office gets a copy of the records during the Review process, records will never be released to you by the Review Office, they will always come from a Public Body.

Will I be charged a fee for requesting records?

You cannot be charged any fees for requesting your own personal information, but you will be charged a mandatory \$25 application fee and other fees for processing your request, if you are requesting other types of records. In addition to the application fee, a Public Body can charge you for:

- locating, retrieving and producing the records after the first two hours of the search;
- preparing the records for release;
- making a copy of the records;
- the cost of paper for photocopies; and
- shipping and handling of the records.

The Public Body will give you an estimate of how much it will cost before they begin. This is called a "fee estimate." Sometimes they may ask you to pay before they start looking for the requested information. You may choose to reduce how much information you want so that the fee will be lower. You can talk to the FOIPOP Administrator about doing this. Your file will be on hold until you pay the fee; this means that the Public Body will not be working on your file and it will extend the time for providing your response.

How much can a Public Body charge?

Public Bodies may charge \$30 an hour and 20¢ for each photocopy. You pay the actual cost of the shipping.

What can I do if I don't think that it should cost that much?

If you are not happy with the fee estimate that the Public Body has given you, you may request a Review by the Review Officer. Please see the "Access Related Complaints to the Review Officer" section (page 13) for more details.

What if I cannot afford to pay a fee or I think that my request is in the public interest?

If you are unable to pay the fee charged for requesting records, you may ask the Public Body for a fee waiver. This means that you may ask to be excused from paying all or some of the fees. To request a fee waiver on grounds of financial hardship, you must write to the Public Body and provide your reasons.

If you believe that you should not pay fees because you are making a request for records that are in the public interest, you may also request a fee waiver. You must explain in detail to the Public Body why releasing the records would be in the public interest.

You cannot request a fee waiver of the application fee because it is mandatory under the Acts.

If the Public Body does not grant you a fee waiver or fee reduction, you may request a Review by the Review Officer. Please see the "Access Related Complaints to the Review Officer" section (page 13) for more details.

What kind of response can I expect?

There are three types of responses that you might get from the Public Body once they have made their decision about giving you the records. These are referred to as the Public Body's "decision." They are:

- **Access in full.** This means that you are getting everything that you have asked for.
- **Access in part.** This means that you are getting some of what you asked for. The Public Body will let you know that they are not providing all the information and will give you the reasons why. When you look at the records, you will see blank spots where the information was removed, or withheld. There will be numbers on the record where the blanks are and these are the exemptions that are being claimed – the reasons for not providing that portion of the record. The exemption numbers refer to the section(s) in the Acts. The decision letter will explain these exemptions.
- **Withheld in full.** This means that you are not getting any of the record that you asked for. The Public Body will let you know that they are not providing any information and will give you the reasons why. The decision letter will explain the exemptions on which the Public Body is relying.

What if no records are found?

You will get a response from the Public Body telling you that no records were found.

It could be because they don't exist. Just because you think that there should be a record about a subject, doesn't mean that there is. Or it could have been destroyed. Not all records are kept forever. If you are sure there should be a record, you should call the Public Body and let them know and explain why, if you have helpful information, they may look again and find the record.

If you still think that a record or more records exist, you may request a Review by the Review Officer. Please see the "Access Related Complaints to the Review Officer" section (page 13) for more details.

Are there any other responses that I might get from the Public Body?

Yes. For example, you may be told that your request was transferred to another Public Body. This may happen if a different Public Body has control of the record. The Public Body who receives your transferred request will let you know that they have received it. The process starts at this point; they will be following the process outlined above. If you think that the first Public Body should have the record(s), you may request a Review by the Review Officer. Please see the "Requesting a Review" section (page 10) for more details.

What if I don't get any response from the Public Body in the first 30 days?

This is called a "deemed refusal". The Public Body must respond within 30 days even if it is to tell you that they are extending the time. But if you do not get any response, you should first contact the Public Body because there may be a good reason for the delay, like it is in the mail. If you are not satisfied with their response, you may request a Review by the Review Officer. Please see the "Access Related Complaints to the Review Officer" section (page 13) for more details.

Do I have to go to the Review Office to get answers about the decision?

No. You should first call the Public Body's FOIPOP Administrator to ask any questions that you have about the information that you did or didn't get and the Public Body's decision. Their explanation might help you to better understand the reasons and if you are happy with what they tell you, you do not have to go to the Review Office. If you are not happy, you can request a Review from the Review Office.

What if I am dissatisfied with a Public Body's decision about my request for records?

The Acts give you the right to request a Review of a Public Body's decision about records. You have two ways to choose from. You can go to the Review Office or proceed directly to the Supreme Court of Nova Scotia.

REQUESTING A REVIEW OF A PUBLIC BODY'S DECISION ABOUT ACCESS TO INFORMATION FROM THE REVIEW OFFICER

What do I do to get a Public Body's decision reviewed?

To do this, you must write a letter to the Review Officer within 60 days of the Public Body's decision. You may also use a Form 7 (see below). Of course, if you cannot write or need assistance the Review Office will make arrangements for accepting your request.

Your Request for Review should include:

- a copy of your initial request to the Public Body (Form 1 or a letter);
- a copy of the Public Body's decision or response to your request, if you have one; and
- Be as specific as you can in telling the Review Officer what action or inaction, decision or part of the decision you want reviewed.

Only the records that were originally requested on your Form 1 can be reviewed. If you want different or more records, you will need to fill out a new Form 1 and start the process again for that information.

Do I need to fill out a form?

No, but there are forms available if you think it will make it easier for you, you can use a Form 7. If you would rather write a letter, make sure to write that you are requesting a Review of the Public Body's decision and include the same details that would be included on the Form 7. A sample Form 7 is found on page 27 of this Guide, which can be photocopied. You can also get a copy of Form 7 by contacting the Review Office or downloading from the Review Office website. Please see the "Contact Us" section (page 21).

What does the Review Officer do?

The Review Officer oversees the application and enforcement of Nova Scotia's information and privacy laws, which involve two main functions:

- ensuring that people have access to information in records held by government; and
- ensuring that government protects the privacy of the personal information contained in those records.

The Review Officer promotes and protects open government and privacy protection by:

- informing members of the public about their legal rights;
- informing Public Bodies and organizations about their responsibilities respecting access and privacy;
- investigating and mediating access to information and privacy disputes;
- where necessary, issuing public and private Reports, with findings and recommendations, about access and privacy disputes.

What gives the Review Officer legal authority?

The legal authority comes from the Acts. The Acts set out specific information and privacy rights for people and give the Review Officer the authority to protect, promote and have independent oversight over these rights.

What happens during the Request for Review process?

There are four main stages at the Review Office. Once you have requested a Review by the Review Officer, the Review Office will open a Review file, send you letter acknowledging your request, get the details of the access request and the records from the Public Body.

After that, the facts will be analyzed and the records will be reviewed. The Review Office will work with you and the Public Body and may try to informally resolve the issue if possible. This may be done through finding out what you are really looking for, researching whether that type of information has been released in the past and even bringing the two sides together to explain why the information was not provided.

If the file is not resolved informally, it moves to the Investigation stage. More research is done and all the facts of the case are brought together in an Investigative Findings, which is given to everyone involved so that everyone has the same information about the research. Then the mediation process begins. The Review Office will work with you and the Public Body to see if issues can be resolved. This requires communication and compromise between you and the Public Body.

If mediation is unsuccessful, the Review will go on to a formal Review with the Review Officer.

The Review Officer is never involved in mediation and, in fact, is kept completely isolated from the mediation process so that the formal Review starts with “fresh eyes.” During this stage, you will be asked to provide representations. This is your chance to give your side of things including back-

ground information and evidence. The Review Officer reviews the entire file, but not the sealed mediation section, and decides if the Public Body's decision was right or wrong or a bit of both.

For more information about the Review process, please contact the Review Office. Please see the “Contact Us” section (page 21) for the Review Office information.

What is a “formal Review”?

A “formal Review” is a little bit like a court case, except there is no trial and most of it is done in writing. The Review Officer conducts it. You and the Public Body will have the chance to give your arguments. The Review Officer will consider all the letters and will examine a complete copy of the records. At the end of the formal Review, the Review Officer will issue a written decision called a “Review Report.” This Review Report is made public and will make findings and have recommendations for the Public Body.

What kind of remedies can I get from the Review Officer?

A Review Report is a non-binding decision on you and the Public Body. The Review Officer may, for example, recommend the Public Body withhold or release parts or all of the requested records, reconsider its decision to withhold records or correct personal information in records.

Once the Review Report is issued, it is up to the Public Body to accept or reject the recommendations. If the Public Body rejects some or all of the recommendations, you can take the Public Body to the Supreme Court of Nova Scotia. Please see the next section (page 15) for details.

Requesting a Review
from the Review Officer

Requesting a Review
from the Review Officer

Will I be charged a fee for requesting a Review?

No. There is no fee for requesting a Review of a Public Body's decision about records.

How long does the Review process take?

There is no time frame. It can be a very long process. Generally, requests are processed in the order that they are received. You and the Public Body will need time to prepare your submissions to the Review Office. Sometimes when there are Third Parties who have a stake in the records, they will be involved in the Review process.

Purpose of the Act, FOIPOP

The purpose of Freedom of Information and Protection of Privacy Act is

- (a) to ensure that public bodies are fully accountable to the public by
 - (i) giving the public a right of access to records,
 - (ii) giving individuals a right of access to, and a right to correction of, personal information about themselves,
 - (iii) specifying limited exceptions to the rights of access,
 - (iv) preventing the unauthorized collection, use or disclosure of personal information by public bodies, and
 - (v) providing for an independent review of decisions made pursuant to this Act; and
- (b) to provide for the disclosure of all government information with necessary exemptions, that are limited and specific, in order to
 - (i) facilitate informed public participation in policy formulation,
 - (ii) ensure fairness in government decision-making, and
 - (iii) permit the airing and reconciliation of divergent views; and
- (c) to protect the privacy of individuals with respect to personal information about themselves held by public bodies and to provide individuals with a right of access to that information.

ACCESS-RELATED COMPLAINTS TO THE REVIEW OFFICER

Access-related Complaints
to the Review Officer

Time Extensions, Deemed Refusals, Fee Estimates and Fee Waivers

Because complaints about these are time sensitive, they will not be treated exactly as the other access Reviews, and will likely be “fast tracked”. Your Request for Review should include:

- a copy of your initial request to the Public Body;
- a copy of any response or decision from the Public Body about your request; and
- Be as specific as you can in telling the Review Officer what your complaint is about.

Purpose of the Act, MGA

The purpose of the Municipal Government Act is to

- (a) ensure that municipalities are accountable to the public by
 - i. giving the public a right of access to records,
 - ii. giving individuals a right of access to, and a right to correction of, personal information about themselves,
 - iii. specifying limited exceptions to the rights of access,
 - iv. preventing the unauthorized collection, use or disclosure of personal information by municipalities, and
 - v. providing for independent review to decisions made pursuant to this Part; and
- (b) provide for the disclosure of all municipal information with necessary exemptions, that are limited and specific, in order to
 - i. facilitate informed public participation in policy formulation,
 - ii. ensure fairness in government decision-making, and
 - iii. permit the airing and reconciliation of divergent views; and
- (c) protect the privacy of individuals with respect personal information about themselves held by municipalities and to provide individuals with right of access to that information.

CORRECTION OF PERSONAL INFORMATION

How do I request a correction of my personal information?

If you think there is a mistake or omission in the personal information the Public Body has about you, you can ask the Public Body to correct it. Make your request for correction by writing a letter or by filling out a Form 2. Please specify the information you believe is missing or incorrect. State that you are asking for the correction as is your right under the Acts. Include what you believe to be the correct information. Provide copies of any documents that support your correction request.

A Public Body can respond to your correction request either by correcting the information or making an “annotation.” An annotation means that the Public Body will not actually change or correct your information but may attach a copy of your request for correction directly to the personal information you asked to have corrected, noting that you have asked for a correction.

A Public Body normally only corrects factual information, such as names and birth-dates, as long as you provide proof to support your correction request. In the case of other types of personal information, such as opinions about you, the Public Body will usually annotate the record.

If the Public Body has provided a copy of your personal information to another body within the last year, it must send a copy of the correction or annotation to that other body.

A sample Form 2 is on page 26 of this Guide, which can be photocopied. You can also get a Form 2 by contacting the Review Office or downloading from the Review Office website. Please see the “Contact Us” section (page 21).

Can I complain to the Review Officer about a Public Body's decision about my correction request?

Yes. Make your Request for Review in writing. Make sure to include a copy of your initial correction request to the Public Body and a copy of the Public Body's response to your request.

REQUESTING A REVIEW OF A PUBLIC BODY'S DECISION ABOUT ACCESS TO INFORMATION FROM THE SUPREME COURT OF NOVA SCOTIA

Requesting a Review from
the Supreme Court of
Nova Scotia

You have the legal right to go directly to the Supreme Court of Nova Scotia to appeal the Public Body's decision not to give you the requested information, if they haven't responded to you within 30 days (deemed refusal) or if they decide not to follow the Review Officer's recommendations. You have 30 days from the time the Public Body makes its decision to start your appeal. The Review Officer is not a party to the court process. This process costs money. You will pay court fees and possibly legal fees. Please see the Acts for more information. The Review Office cannot provide you with advice on this process.

Public Bodies include:

- *municipal police*
- *district health authorities*
- *school boards*
- *crown corporations*
- *villages, towns, municipalities*
- *provincial government departments*
- *universities*

Collection, Use and
Disclosure of
Personal Information

2 PRIVACY

COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

When can a Public Body collect my personal information?

Under the Acts, a Public Body can collect personal information if:

- the collection of that information is allowed by or under any law, statute or regulation;
- the information is collected for law enforcement purposes; or
- the information relates directly to and is necessary for the operation of a program or activity of the Public Body.

How long can a Public Body keep my personal information?

If a Public Body uses your personal information to make a decision that directly affects you, it must keep that information for at least one year after last using it. This is so that you have a chance to access the information to ensure it is accurate. Public Bodies may keep personal information longer, if they have what is called a “records retention schedule”. There are no set rules for all purposes on how long this can be.

What are my privacy rights under the Acts?

The Acts contain rules that a Public Body must follow when it wants to collect, use or disclose your personal information. These rules are your privacy rights under the Acts. They are often called “fair information practices.”

- A Public Body may only collect your personal information if it has legal authority to collect it, if the information is for law enforcement purposes or if it is necessary for one of the Public Body's operating programs.
- A Public Body may generally only use your personal information for the purpose it was collected or for a similar purpose or, with your consent, for another purpose.
- A Public Body must make reasonable efforts to ensure that your personal information in its records is accurate and complete.
- A Public Body must make reasonable security arrangements to protect your personal information from unauthorized access, use or disclosure.

Are there any exceptions to my privacy rights under the Act?

Yes. Although you can expect a Public Body to protect the privacy of your personal information, it has the authority to release your information to others in certain circumstances, such as where required by law, where necessary to comply with a court order, for law enforcement or to protect someone else's health or safety.

When can a Public Body disclose my personal information?

The Acts describe when and how a Public Body can share your personal information with another Public Body or Third Party. The circumstances are limited. Some examples of when a Public Body may disclose your personal information are:

- to you or to someone else if you consent in writing;
- if a law or treaty allows it;
- if it is for the reason they collected it in the first place or has a connection to that reason;
- to cooperate with a subpoena, warrant or court order or a law enforcement agency;
- if it is needed because of health and safety and if notice of the disclosure is mailed to your last known address;
- so that your next of kin or a friend may be contacted if you are injured, ill or deceased;
- for research or statistical purposes, but only in very limited circumstances;
- to the Public Archives of Nova Scotia.

You should look at the Acts for a full listing of circumstances where your personal information can be disclosed by a Public Body.

Who should I talk to if I think that my privacy rights are not being respected?

You should first try to settle the matter directly with the person who is collecting, using or disclosing your personal information. You can ask them why. Their explanation might make sense to you and satisfy you. If it does not, you can contact the FOIPOP Administrator for the Public Body and let them know that you think your privacy rights have been violated. The Public Body should investigate your complaint and respond to you.

For the contact information of the FOIPOP Administrator, you can call the Review Office who may have the phone number. Please see the “Contact Us” section (page 21).

What if I still think my privacy rights have been violated?

If you are not satisfied with the Public Body's response or actions, you may then file your complaint with the Review Office. Please see the “Contact Us” section (page 21).

What is the role of the Review Officer?

The Review Officer is an independent ombudsman who attempts to resolve your issue informally.

The Review Officer has the power to investigate your complaint.

The Review Officer may recommend to Public Bodies that they change their personal information handling practices.

The Review Officer will report the findings of the investigation to you and the Public Body. The Privacy Report may be made public if the issue is in the public interest. You will not be named in any Privacy Report, only the Public Body will be named.

How is a privacy complaint resolved?

Someone from the Review Office will contact you to discuss your complaint. Review Office staff have authority from the Review Officer to investigate complaints and to make a Report to the Review Officer. If the Review Officer finds that a Public Body has violated your privacy rights, the Review Officer may recommend that the Public Body change the way it collects, uses, discloses or secures your personal information. If your complaint raises issues affecting the privacy rights of a significant number of people, the Review Officer may issue a public Report describing the Public Body's responsibilities under the Acts. If the findings of the investigation do not support your complaint, the Review Officer will review the file and will dismiss it.

Is there any compensation for a violation of my privacy rights under the Acts?

No. You may receive an apology from a Public Body, but the Review Officer cannot get you money or penalize Public Bodies in other ways.

Will I be charged a fee to make a privacy complaint?

There is no fee for filing a privacy complaint with the Review Officer.

How long does the Review Office have to investigate complaints?

There is no time limit under the Acts.

OTHER IMPORTANT INFORMATION

Is the freedom of information process faster or better than using the courts?

If you are already involved in a legal action, you may be able to get the information you are seeking more quickly through the court discovery process than through an access request. Court discovery and other processes for accessing information, such as arbitration, might also give you access to more information and records (such as personal information about other people) than you would be able to get through the freedom of information process.

Can I request another person's personal information?

You can request access to records that contain another person's personal information, but the Acts contain strong privacy restrictions on the release of someone else's personal information.

If you have a person's written consent to get his or her personal information, then you may be able to get access to it. You may also be able to obtain access to certain types of personal information where the disclosure is not considered an unreasonable invasion of another person's privacy. For example, you will normally be able to get access to information about the duties and salaries of employees of Public Bodies.

Do I need a lawyer to help me to request records or for the Review process?

No. You do not need a lawyer, but you can use one if you like. You have the same rights under the Acts on your own as you do when using a lawyer.

Can I request access to information in police records?

Yes. Municipal police are one of the Public Bodies covered under the MGA. If you are looking for RCMP records, that is under the federal legislation and you must contact them directly. Check out the "Contact Them" section (page 21) for the contact information for RCMP records.

Can I get access to my medical records?

Yes. If the records are at one of the provincial hospitals, they are covered. You can call the Review Office and they will try to help you figure out who you should call. Please see the "Contact Us" section (page 21) for the Review Office number.

If the records are not at a hospital, you need to ask the doctor directly. If you are not satisfied with their response, you need to contact the Privacy Commissioner of Canada. Check out the "Contact Them" section (page 21) for the contact information for the Privacy Commissioner of Canada.

Other Important
Information

Other Important
Information**When can someone legitimately collect my social insurance number?**

Under Canadian federal law, you are required to give your social insurance number (SIN) to a person or organization only for specific reasons, all related to financial matters.

Other organizations (such as retail companies, schools or clubs) may ask you for your SIN as a form of personal or unique identification, but you do not have to give it to them. You may find, though, that, if you refuse, you may be denied services.

If you want more information about the use of your SIN by federal bodies or by companies, you can contact the Privacy Commissioner of Canada. Please see the "Contact Them" section (page 21) for the contact information for the Privacy Commissioner of Canada.

Where can I learn more about the Review Office and the Acts?

You may contact the Review Office directly or by looking at our website, which contains links to the Acts and other helpful information. Please see the "Contact Us" section (page 21).

CONTACT US

If you have any further questions or concerns, contact the **Nova Scotia Freedom of Information and Protection of Privacy Review Office** in the following ways:

Mail Box 181
 Halifax, NS B3J 2M4

Telephone 902-424-4684
Toll-free 1-866-243-1564
Fax 902-424-8303
TTY 1-800-855-0511

Website www.foipop.ns.ca

CONTACT THEM

Privacy Commissioner of Canada

Toll-free 1-800-282-1376
Fax 613-947-6850
TTY 613-992-9190

Information Commissioner of Canada

Toll-free 1-800-267-0441
General Enquiries
E-mail general@infocom.gc.ca

RCMP Access and Privacy Branch

Telephone 613-993-5162

Contacts

We would like to acknowledge, with appreciation, the resources available to us from the offices of the Privacy Commissioner of Canada and the Information and Privacy Commissioner for British Columbia, upon which we have relied in preparing this Guide.

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SAMPLE FORMS

Sample Forms

The following three forms may be photocopied from pages 24–28, if you wish to use the forms:

FORM 1

Application for Access to a Record

Province of Nova Scotia Freedom of Information and Protection of Privacy Act
Subsection 6(1)

FORM 2

Request for Correction of Personal Information

Province of Nova Scotia Freedom of Information and Protection of Privacy Act
Subsection 25(1)

FORM 7

Request for Review

Province of Nova Scotia Freedom of Information and Protection of Privacy Act
Subsection 32(1)

Form 1
Application for Access to a Record
Province of Nova Scotia
Freedom of Information and Protection of Privacy Act
Subsection 6(1)

TO: _____ *(Address to the Deputy Minister or*
_____ *senior administrative officer of the*
_____ *public body where the record is filed*
_____ *or deposited.)*

1. This is an application pursuant to the Freedom of Information and Protection of Privacy Act for access to (check one):

- _____ (a) applicant's own personal information; or
_____ (b) other information; or
_____ (c) both applicant's own personal information and other information.

2. I am applying for access to the following record:

(Below, identify the material applied for precisely by including such particulars as the specific event or action to which it refers, the date of the record or the date or period to which it relates, the type of record (document, report, letter et cetera), names of department personnel who prepared or may have knowledge of the information, or citations to newspapers or publications which are known to have referred to the record.)

3. I wish to (check one):

- _____ (a) examine the record; or
_____ (b) receive a copy of the record.

4. I understand that I may be required to pay a fee before obtaining access to the record.

Date: _____

Signature of Applicant: _____

Print Full Name of Applicant: _____

Mailing Address of Applicant: _____

(Street/Apartment No./R.R. No.)

(Community/County)

Telephone Numbers of Applicant:

(Postal Code)

(Residence) / (Business)

Fax Number of Applicant:

Request to Waive Fees

I hereby request to be excused from paying fees related to the above application because:

(a) I cannot afford to pay fees; or

(b) *(specify any other reason)* _____

For office use only

Date Received _____

Application No. _____

Form 2
Request for Correction of Personal Information
Province of Nova Scotia
Freedom of Information and Protection of Privacy Act
Subsection 25(1)

TO: _____ *(Address to the Deputy Minister or*
_____ *senior administrative officer of the*
_____ *public body where the information is*
_____ *filed or deposited.)*

1. This is a request pursuant to the Freedom of Information and Protection of Privacy Act for correction of personal information.

2. The details of the personal information requested to be corrected are as follows:

(a) last name appearing on personal information to be corrected: _____;

(b) department or institution maintaining personal information: _____;

(c) name of personal information bank or record: _____;

(d) description of personal information to be corrected: _____

_____.

3. The correction requested is as follows: _____

_____.

Date: _____

Signature of Requester: _____

Print Full Name of Requester: _____

Mailing Address of Requester: _____

(Street/Apartment No./R.R. No.)

(Community/County)

(Postal Code)

Telephone Numbers of Requester: _____

(Residence) / (Business)

Fax Number of Requester: _____

For office use only

Date Received _____

Request No. _____

Form 7
Request for Review
Province of Nova Scotia
Freedom of Information and Protection of Privacy Act
Subsection 32(1)
(Applicant)

TO: Review Officer
P.O. Box 181
Halifax, NS
B3J 2M4

1. This Request for Review arises out of an Application for Access to a Record or Request for Correction of Personal Information submitted to _____ (*specify public body*) on the ____ day of _____, 20____, a copy of

which Application or Request is attached to this Request for Review.

2. The applicant requests that the review officer review the following decision, act or failure to act of the head of the public body;

Check where applicable

_____ (a) decision dated or made on the ____ day of _____, 20____, a copy of which is attached to this Request for Review;

_____ (b) (*specify act or failure to act*) _____

_____.

3. The applicant requests that the review officer recommend that

Check where applicable

_____ (a) the head of the public body give access to the record as requested in the Application for Access to a Record;

_____ (b) the head of the public body correct the personal information as requested in the Request for Correction of Personal Information;

_____ (b) (*specify other recommendation or recommendations, if any, you consider appropriate*)

_____.

[Note: lettering as in original.]

Date: _____

Signature of Applicant:

Print Full Name of Applicant:

Mailing Address of Applicant:

(Street/Apartment No./R.R. No.)

(Community/County)

(Postal Code)

Telephone Numbers of Applicant:

(Residence) / (Business)

Fax Number of Applicant:
